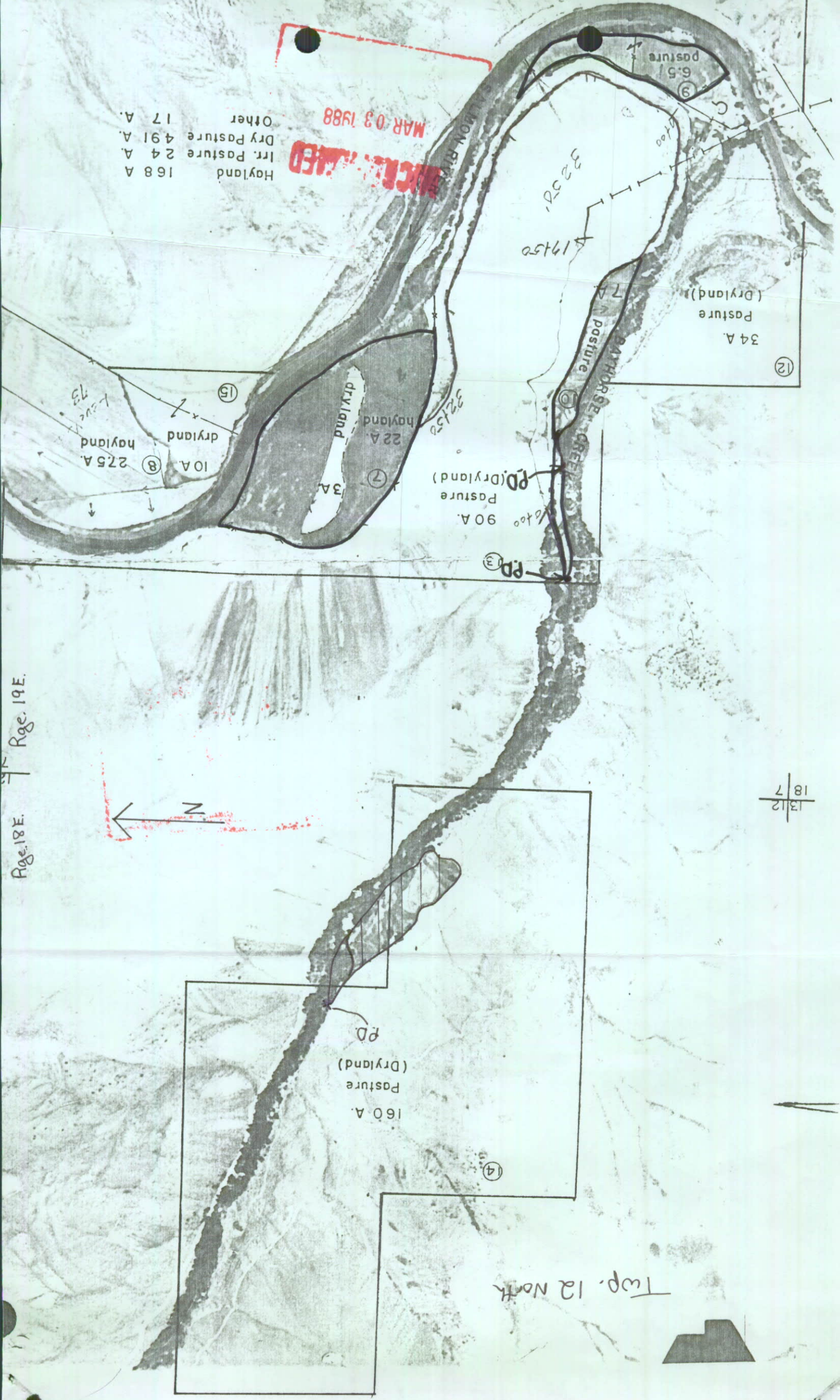



$$\begin{array}{r} 187 \\ 13 \overline{) 1812} \end{array}$$

④

A hand-drawn diagram of a vector labeled 'z'. It consists of a horizontal line with an arrowhead pointing to the left. The letter 'z' is written above the line, to the right of the arrowhead.

Age 18 E. 7 Rge. 19 E.



72-4077  
RECEIVED

JUL 31 1981

Department of Water Resources

AFFIDAVIT

*Fred Leuzinger*  
*Frank Maraffio*  
*Louie Thompson*

I, Louie Thompson, am familiar with  
the use of 4.5 cfs of water from the Bayhorse Creek  
2 pts in NESW Sec 7 Twp 12 N Rge 18E  
Lot diverted in SW/4NE/4 Sec 12 Twp 12 N Rge 18E used upon  
4 19acs NESW 4 acs, Lot 7 7 acs Lot 10 6 acs Sec 7 Twp 12N Rge 19E  
SENE 2 acs NESE 3 acs Sec 12, Twp 12N Rge 18E since 1932

DATED: July 23, 1981

*Louie Thompson*  
*Frank Maraffio*  
*Fred Leuzinger*

STATE OF IDAHO )  
                  : ss.  
County of        )

On this 23rd day of July, 1981, before  
me, the undersigned, a Notary Public, in and for said State  
personally appeared Louie Thompson Frank Maraffio Fred Leuzinger  
known to me to be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that he executed the  
same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year in this ceretificate first  
above written.

*Margaret Brown*  
Notary Public for Idaho  
Residing at Clayton  
My Commission Expires Nov. 24, 1982

MAILED

MAR 03 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

MAY 11, 1981

WESTERNER'S INC.  
C/O CLARENCE E. PETERSEN  
585 W. 33RD SOUTH  
SALT LAKE CITY UT 84115

RE: Claim No. 72-4077

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

  
LOREN O. HOLMES  
Southern Region Supervisor

Enclosure

**MICROFILMED**

MAR 03 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

72-4077  
Claim No. **RECEIVED**  
MAR 11 1981  
Department of Water Resources  
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Westerner's Inc. c/o Clarence E. Petersen  
(Name of Claimant)

585 West 33rd South St., Salt Lake City, Utah 84115 Telephone No. 801-262-4615  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1922

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Bayhorse Creek tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity            | (cfs, gpd, AFA) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)          |                 |
|---------------------|-----------------|-----------------------|-------------------------------------|---------------------------------|-----------------|
|                     |                 |                       |                                     | (Mo., Day)                      | (Mo., Day)      |
| Quantity <u>4.5</u> |                 | Use <u>irrigation</u> |                                     | Period of Use From <u>Apr 1</u> | To <u>Nov 1</u> |
| Quantity _____      |                 | Use _____             |                                     | Period of Use From _____        | To _____        |
| Quantity _____      |                 | Use _____             |                                     | Period of Use From _____        | To _____        |
| Quantity _____      |                 | Use _____             |                                     | Period of Use From _____        | To _____        |
| Quantity _____      |                 | Use _____             |                                     | Period of Use From _____        | To _____        |

(4) 4.5 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SW ¼ NE ¼, Sec. 12 Twp. 12N Rge. 18E B.M., County of Custer  
Additional points of diversion: 2 pts - NE ¼ SW ¼, Sec. 7 T12N, R19E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Wing dam in stream ditch to place of use

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 12N | 19E | 7    |     |     |     |     |     |     |     |     | 18  | 4   |     |     |     | 7   | 6   | 10  | 36    |
| 12N | 18E | 12   |     |     |     | 2   |     |     |     |     |     |     |     |     | 3   |     |     |     | 5     |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 41

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

**RECORDED**

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: MAR 03 1988

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of )  
ss. )  
(  
*Greene*

Sworn to before me this 9<sup>th</sup> day of March, 1981 (Claimant)

Clarence Coleman  
 (Claimant)  
 19 81  
 Christine Hughes  
 Notary Public  
 Residing at  
 SLC

**DECLASSIFIED**

22/08/2022

8861 60 MAR 03 1988

Forwarded to  
claimant by:

Exception filed by:

Date 3-12-81

Date 3-23-81

Date \_\_\_\_\_

Wetzel Co.

ates

~~30~~ Dates

Prelim. check by

১৩১

Date \_\_\_\_\_

18-11-1-1

279-10

29 Co

Page. 19E.

Ag. 18 E.

|    |    |
|----|----|
| 13 | 18 |
| 12 | 7  |

Twp. 12 North

160-A.  
Posture  
(Dryland)  
PD

4

| Hayland | lrr. Pasture | Dry Pasture | Other |
|---------|--------------|-------------|-------|
| 168 A   | 24 A         | 491 A       | 17 A  |

REC'D - 130

MAR 03 1988

UNISD

6

34 A.  
Pasture  
Dryland

12

90 A.  
Pasture  
PD (Dryland)

③

719150  
3250

3228

Long

34

10A-5 (8) 225A  
dryland  
hayland

5

—

4

# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. MARGARET PARKS.....

Publisher of the Challis Messenger,  
a weekly newspaper, published at  
Challis, Idaho, do solemnly swear  
that the notice hereto attached and  
made a part hereof, was published  
in the regular and entire issue of  
the Challis Messenger for .....

consecutive weeks, commencing with  
the issue dated APR 30.....  
1981 and ending with the issued  
dated MAY 7..... 1981.....

Margaret Parks.....  
Subscribed and sworn to before  
me this 11 day of May.....  
1981.

Ganda M. James.....

Notary Public, residing at Challis,  
Idaho. My commission expires on

4-30-83.....



## NOTICE OF APPLICATION FOR WATER RIGHT WATER RIGHT

Notice is hereby given that the  
following application(s) have  
been submitted for permit to  
appropriate the public waters of  
the State of Idaho:

72-4077:

WESTERNER'S INC.  
C/O CLARENCE E.  
PETERSEN, 585 W. 33RD  
SOUTH, SALT LAKE CITY,  
UT 84115

Source: BAYHORSE CREEK  
tributary to SALMON RIVER  
Priority Date: 04/01/1922

Amount: 4.50 CFS  
Diversion Point: SWNE Sec 12  
T 12N R 18E NESW Sec 07 T  
12N R 19E, CUSTER Co.

Use: IRRIGATION (4.50  
CFS) from 04/01 to 11/01  
Place of Use: LOT 04 (SENW)  
NESW LOT 07 (NWSE) LOT 10  
(SWSE) Sec 07 T 12N R 19E  
SENE NESE Sec 12 T 12N R 18E  
FOR 41 ACRES

Diversion Means: DAM &  
DITCH

If issued, the permit(s) will be  
subject to all prior water rights.  
Protests against the granting of  
any permit must be filed with the  
Director of the Idaho Depart-  
ment of Water Resources, 1041  
Blue Lakes Blvd. North, Twin  
Falls, Idaho 83301 and received  
on or before MAY 18, 1981.

A. KENNETH DUNN  
Director  
Pub. 4/30 & 5/7/81

RECEIVED

MAY 18 1981

Department of Water Resources  
Southern District Office

FILED  
MAR 03 1988  
at may

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

---

72-4077

WESTERNER'S INC.

C/O CLARENCE E. PETERSEN, 585 W. 33RD SOUTH, SALT LAKE CITY, UT 84115

Source: BAYHORSE CREEK tributary to SALMON RIVER

Priority Date: 04/01/1922

Amount: 4.50 CFS

Diversion Point: SWNE Sec 12 T 12N R 18E NESW Sec 07 T 12N R 19E.  
CUSTER Co.

Use: IRRIGATION (4.50 CFS) from 04/01 to 11/01

Place of Use: LOT 04 (SENN) NESW LOT 07 (NWSE) LOT 10 (SWSE)  
Sec 07 T 12N R 19E SENE NESE Sec 12 T 12N R 18E  
FOR 41 ACRES

Diversion Means: DAM & DITCH

---

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 18, 1981.

A. KENNETH DUNN

Director

Published 4/30 & 5/7/81.

**MICROFILMED**

MAR 03 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

APRIL 14, 1981

Custer Publishing Company  
P. O. Box 405  
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 18, 1981.

Yours truly,

Mary A. Hill  
Secretary

Encl.

RECEIVED

MAR 03 1988

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Thornton

Right Number 72-4077 Applicant WESTERNER'S INC.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADM Date 5-21-81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Manson Date 5/27/81