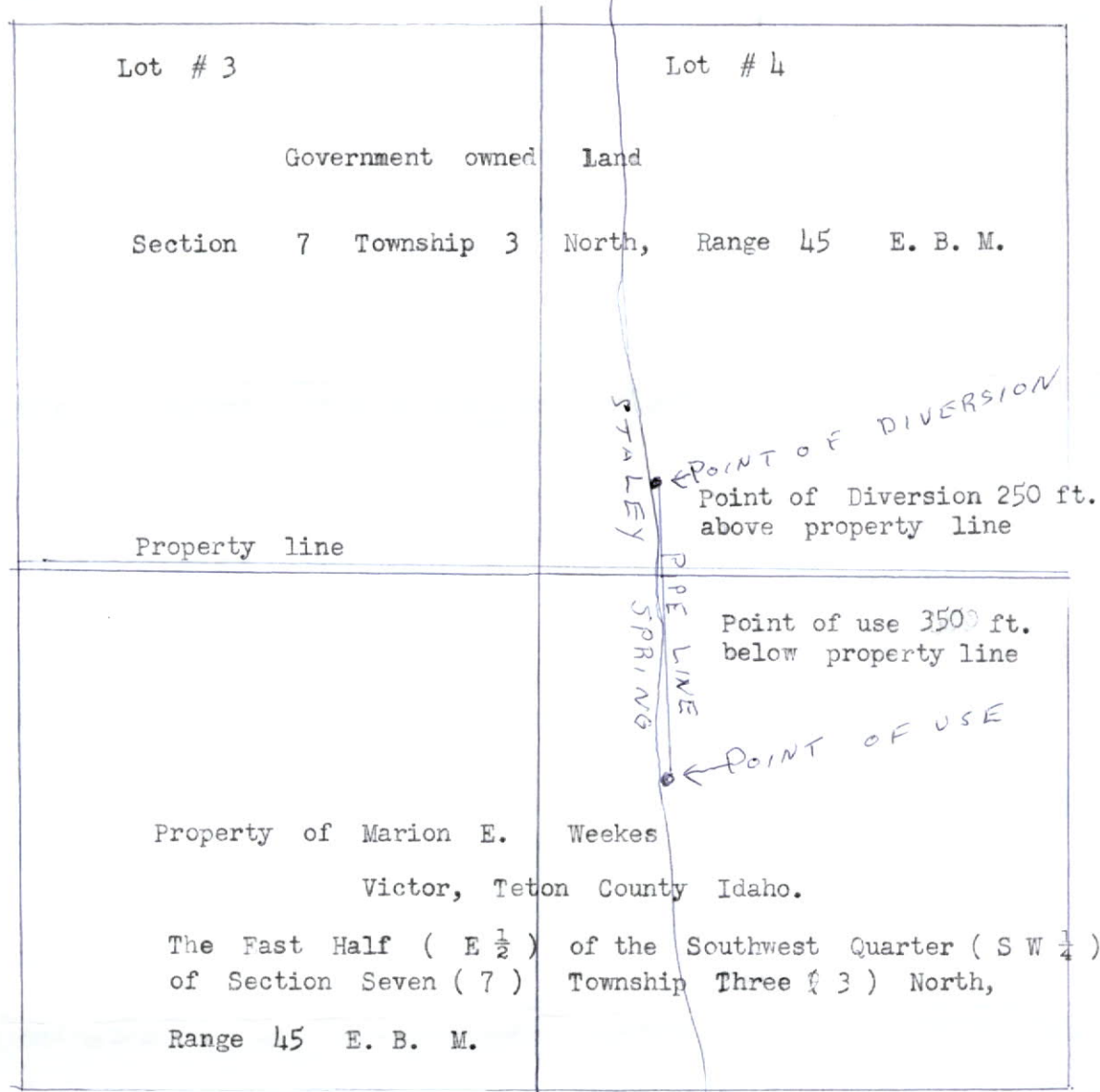


Forest Reserve



DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 11, 1968

Re: Water District ³⁶48

Mr. Lee B. Boyle
Box 157
Rexburg, Idaho 83340

Dear Mr. Boyle:

In response to your letter dated September 10, 1968, we have checked our records and find that the waters of John or Drake Creek were decreed to F. J. Drake in the amount of 3.0 c.f.s., with a priority date of June 1, 1889. This water is for use in irrigating the E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8; Twp. 3 N, Rge. 45 E. I was unable to locate any other decreed water from this stream or its tributary. Since this right is decreed, there would be no further action necessary to protect your mother's interest, unless some other user interfered with her use of water, in which event this office through the Watermaster, Water District 36, would intercede in her behalf.

If we can be of any further assistance, please advise.

Very truly yours,

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

R. KEITH HIGGINSON
State Reclamation Engineer

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT No. 22-4000

Notice is hereby given that Marion E. Weekes, 3400 South 3200 West, Salt Lake City, Utah has filed a claim to a water right established by diversion and application to beneficial use of .015 cubic feet per second of water from Staley Spring tributary of Drake Creek with point of diversion in Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M., Teton County; the water is claimed to be used from May 1 to December 1 for domestic purposes with a priority of September 19, 1961; the place of use is Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Teton Valley
News, Driggs, Idaho on January
2, and January 9, 1969.

22-4000

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Chann Hermes
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes Anno-
tated, Section 58-106, as amended, and
that said newspaper is a weekly news-
paper printed and published at Driggs,
in Teton County, Idaho, having a gen-
eral circulation in said county, and that
said newspaper has been printed in
said county for more than 78 consecu-
tive weeks prior to the first publication
of the attached notice, advertisement
or publication of

Notice Claim

And affiant further says that said
attached notice, advertisement or pub-
lication, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on

the 2 day of January
19 69

and last publication on the 9
day of January, 19 69

And affiant further says that at the
times herein mentioned said newspaper
was made up of at least four pages
of at least five columns each, printed
from type matter, of at least seven-
teen and three-fourths inches deep.

Chann Hermes

Subscribed in my presence and sworn

to, before me this 7 day of
Jan, 19 69

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

Earl G. Sewell, Notary Public
My Commission Expires May 1, 1968

Chann Hermes

NOTICE OF CLAIM TO A WATER RIGHT

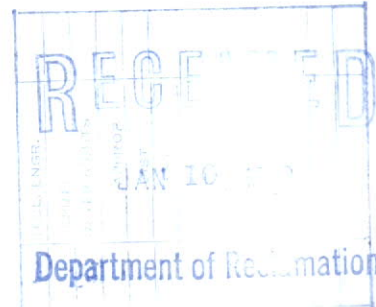
No. 22-4000

Notice is hereby given that
Marion E. Weekes, 3400 South 3200
West, Salt Lake City, Utah has
filed a claim to a water right
established by diversion and ap-
plication to beneficial use of .015
cubic feet per second of water
from Staley Spring tributary of
Drake Creek with point of diver-
sion in Lot 4, Sec. 7, T. 3 N., R.
45 E., B. M., Teton County; the
water is claimed to be used from
May 1 to December 1 for domestic
purposes with a priority of Sep-
tember 19, 1961; the place of use
is Lot 4, Sec. 7, T. 3 N., R. 45
E., B. M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Teton Valley
News, Driggs, Idaho on January
2, and January 9, 1969.



22-4000

Identification No. _____
Claim No. 22-4000 P
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Marion E. Weekes
post office address 3400 South 3200 West, Salt Lake City, Utah
2. The point of diversion is in Lot # 4 $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section 7 Township 3 North
Range 45 East B.M. located on Staley Spring
(name of source)
tributary to Drake Creek in Teton County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
Sept. 19 1961 amount: .015 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .015 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Domestic period of use from May 1 to Dec. 1 / each year (both dates inclusive)
use Since Sept. 19, 1961 period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of A Box Constructed of pine plank which is 3 feet wide; length is 3 feet feet; height is 2 $\frac{1}{2}$ feet feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Also a Galvanized metal tank of about 300 Gallon Capacity, is installed to help serve as a settling tank.
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

22-4000

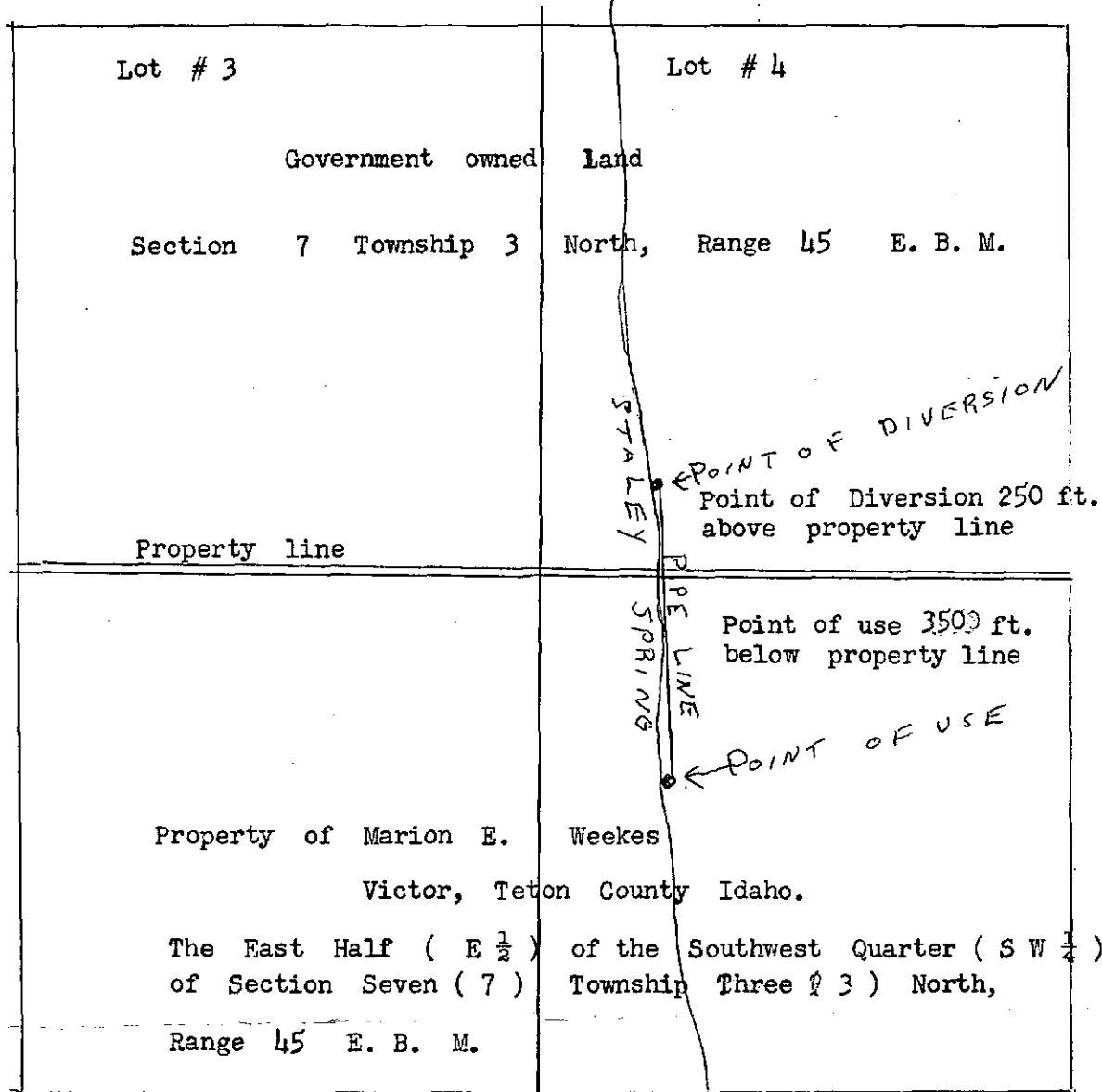
-
-
-
-
-
-

- if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

- [illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

Forest Reserve



b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served One Family
name of town supplied None

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,

Remarks: ~~giving dates and quantities~~ This pipeline was installed in the summer of 1963. Point of Diversion on the stream is located 250 feet above our property line on lot # 4 of Section 7 Township 3 North Range 45 E. B. M. This is Government owned land, which we have leased since Sept. 1961 when we purchased the property thus described; The E $\frac{1}{2}$ of the Southwest Quarter (SW $\frac{1}{4}$) of Sec. 7 Township 3 North, Range 45 E. B. M. ;;; Adjoining the Govt. owned land.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation This small stream, known to us as, Staley Spring, originates on the Forest and flows through the above mentioned Government property and also through our own place. And we have always used the water for domestic use. Late in the summer the water in this stream diminishes to the extent that it does not reach the main stream (Drake Creek) at all, but sinks in the ground. However, at the point where the pipeline begins there has always been ample water, for our needs.

Construction of the pipeline system is as follows;; A small settling system at the head with 20 feet of galvanized pipe 2 in. diam. A galvanized tank 300 Gal. capacity connected to plastic pipe 1 $\frac{1}{4}$ in. Diam. 180 feet in length, reduced to 1 in. pipe 400 feet in length terminating at our point of use. Total length of pipeline 600 ft. The Government land, described above, is now being sold at public auction and our lease will no longer be in effect. Therefore we desire to establish a permanent right to use this water and the pipeline which we have installed.
Please see map enclosed.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

Nov. 9, 1968
(Date)

Marion E. Weekes
(Signature of Claimant)

State of Idaho

County of Teton } ss.

On this 9 day of November 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lynn S. Kearsley
Notary Public residing at Victor, Idaho 83455

My commission expires Feb 21, 1971

For Department Use Only

Received by ej Date 11-19-68

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by OKW Date 11-19-68

Lee B. Boyle

lg

5-27-69

Fee received by ej Date 11-20-68 Fee \$ 10.00

Approved for publication by HS Date 12-23-68

Published in Teton Valley News Date 1-20-69

32-4000

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 11, 1968

Re: Water District ³⁶~~48~~

Mr. Lee B. Boyle
Box 157
Rexburg, Idaho 83340

Dear Mr. Boyle:

In response to your letter dated September 10, 1968, we have checked our records and find that the waters of John or Drake Creek were decreed to F. J. Drake in the amount of 3.0 c.f.s., with a priority date of June 1, 1889. This water is for use in irrigating the E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8; Twp. 3 N, Rge. 45 E. I was unable to locate any other decreed water from this stream or its tributary. Since this right is decreed, there would be no further action necessary to protect your mother's interest, unless some other user interfered with her use of water, in which event this office through the Watermaster, Water District 36, would intercede in her behalf.

If we can be of any further assistance, please advise.

Very truly yours,

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

R. KEITH HIGGINSON
State Reclamation Engineer

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

No. 22-4000

Notice is hereby given that Marion E. Weekes, 3400 South 3200 West, Salt Lake City, Utah has filed a claim to a water right established by diversion and application to beneficial use of .015 cubic feet per second of water from Staley Spring tributary of Drake Creek with point of diversion in Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M., Teton County; the water is claimed to be used from May 1 to December 1 for domestic purposes with a priority of September 19, 1961; the place of use is Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Teton Valley
News, Driggs, Idaho on January
2, and January 9, 1969.

22-4000

Rexburg, Idaho
September 10, 1968

Mr. Keith Higginson,
State of Idaho
Department of Reclamation
Boise, Idaho

Dear Mr. Higginson:

Attached is a plat of a creek that is part of the following decree dated June 1, 1889, name of Creek John or Drake Creek (original Decree to F. J. Drake). The description of the land is E $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, Twp. 3 North, Rng. 45 EBM and the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, Twp. 3 North, Rng. 45 EBM.

*Wecker calls it
Staley Spring*

The creek in question has no name on the State Metsker Map but is known locally as Drinking Creek. This creek flows through the SW $\frac{1}{4}$ Sec. 7, Twp. 3 North, Rng. 45 EBM and into Drake Creek in the SE $\frac{1}{4}$ Sec. 7, Twp. 3 North, Rng. 45 EBM. This creek has been used as part of Drake Creek since the original filing in 1889.

Please verify that this is correct as soon as possible and let me know of any further action that will be necessary on my part to protect my Mother's interests.

Yours very truly,

Lee B. Boyle
Lee B. Boyle
Box 157
Rexburg, Idaho 83440

22-4000

Rexburg, Idaho 83440
September 10, 1968

To Whom It May Concern:

This letter is to verify that the following Decree
On John or Drake Creek includes all tributaries
of Drake Creek south of the east-west center line of
Section 7, Twp. 3 North, Range 45 EBM, or all tributaries
that have always been utilized for irrigation purposes above
or within the boundaries of the following legal description
and decree:

Decree: 3.0 CFS June 1, 1889 John or Drake Creek
Original Decree: F. J. Drake
Legal Description: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7,
Twp. 3 North, Rng. 45 EBM
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, Twp. 3 North,
Range 45 EBM

Art Wilson
Art Wilson - Watermaster for Teton Basin
Water District #36

22-4000

AFFIDAVIT EXCEPTING TO CLAIM OF WATER RIGHT

STATE OF IDAHO,)
 SS.
COUNTY OF MADISON.)

/ and Don L. Boyle & Barry D. Boyle

PEARL BOYLE and LEE B. BOYLE, her sons, each being first
duly sworn, depose and say:

1. That Marion E. Weekes of 3400 South 3200 West, Salt Lake City, Utah, has filed a Claim (No. 22-4000), Idaho State Department of Reclamation, to a water right established by diversion and application to beneficial use of .015 cubic feet per second of water from Staley Spring tributary of Drake Creek, with point of diversion in Lot 4, Sec. 7, Twp. 3 N., R. 45, E.B.M., Teton County; the water is claimed to be used from May 1 to December 1 for domestic purposes, with a priority of September 19, 1961; the place of use is Lot 4, Sec. 7, Twp. 3 N., R. 45, E.B.M.

2. The waters of John or Drake Creek were decreed to F. J. Drake in the amount of 3.0 cfs, with a priority date of June 1, 1889, for use in irrigating the E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 8, all in Twp. 3 N., R. 45, E.B.M.

3. Your affiants are aware of a three-fourths inch steel pipe having been inserted into a stream early in the summer of 1967, which said pipeline was extended from the point of diversion to a house or cabin foundation in Lot 4, Sec. 7, Twp. 3 N., R. 45, E.B.M., for the domestic use of the occupants of said house or cabin; that your affiants are lifelong residents of the area and heirs at law and successors in interest of the said F. J. Drake, and allege that the name of the creek into which the said Marion E. Weekes, or his agents, inserted said steel pipeline, is known and called "Drinking Creek", which is a tributary of Drake Creek, and that if said Marion E. Weekes claims the Staley

22-4000

Spring waters, that said Staley Springs, as known to your affiants and the lifelong residents of the area, arise downstream from the said Marion Weekes' property on property owned by your affiant, Pearl Boyle, and as a tributary of Drake Creek, said waters are a part of the decree originally granted to the said F. J. Drake, and are used by your affiant, Pearl Boyle, and that the said Marion E. Weekes has no right, title or interest of any kind or nature in and to any of the water of Drake Creek or any of its tributaries by whatever name or designation, and has not acquired a right by prescriptive use or otherwise in any of the waters of Drake Creek or any of its tributaries, and your affiants allege that said claim of a water right asserted by the said Marion E. Weekes has no basis, either in law or in fact.

4. That your affiants attach to this affidavit a photocopy of an agreement entered into on the 23rd day of November, 1936, by and between Fred J. Drake and Viola Drake, as parties of the first part, and Francis E. Weeks and Jane Weeks, as parties of the second part, which said parties are ancestors of the said Marion E. Weekes and your affiants, and which said agreement resolved the priorities and rights of use of the waters of John Creek, a tributary of Drake Creek, but that the place of use claimed by the said Marion E. Weekes by virtue of his alleged Claim to Water Right (No. 22-4000), Idaho State Reclamation Department, does not refer to the same lands.

5. That the owners of the waters of John or Drake Creek, which were decreed to F. J. Drake in the amount of 3 cubic feet per second with a priority date of June 1, 1889, use said decreed water rights in full, except for some early flood water or run-off water which historically has gone through Drake Creek

into the Teton River, a tributary of the North Fork of Snake River.

6. That your affiants request the Idaho State Department of Reclamation, through the Water Master of Water District No. 36, to intercede in behalf of the said Pearl Boyle, to restrain the said Marion E. Weekes and his agents, or assigns, from retaining said steel pipe in Drinking Creek or Staley Spring tributary or by whatever name said creek in which the said Marion E. Weekes' domestic water pipe is installed is known, and to restore said decreed water right in full to the said affiant, Pearl Boyle.

Barry D. Boyle

Don L. Boyle

Paul D. Boyle

Lee B. Boyle

SUBSCRIBED AND SWORN To before me this 14th day of
January, 1969.

Christian J. Anderson
Notary Public for Idaho
Residing at Rexburg, Idaho

My commission expires:

5-16-71

AGREEMENT.

THIS AGREEMENT, made and entered into this 23rd day of November, 1936, by and between FRED J. DRAKE and VIOLA DRAKE, his wife, of Teton County, Idaho, hereinafter called the parties of the first part, and FRANCIS E. WEEKS and JANE WEEKS, his wife, hereinafter designated the parties of the second part, WITNESSETH:

WHEREAS, the parties of the first part are now, and have been for many years last past the owners of the following described land situate in Teton County, Idaho, to-wit:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township Three (3) North Range 45 E.B.M., containing 320 acres, more or less;

AND, WHEREAS, the parties of the second part are now, and have been for many years last past, the owners of the following described land situate in Teton County, Idaho, to-wit:

West Half of Northeast Quarter (NW $\frac{1}{2}$ NE $\frac{1}{4}$) Section 10, Township 3 North, Range 45 East Boise Meridian;

AND, WHEREAS, John Creek is a stream of water arising in Teton County, Idaho, flowing in a northeasterly direction toward Teton River, and is a tributary of said Teton River; and

WHEREAS, there is a great variation from year to year and at different times of the year in the amount of water flowing in said John Creek; and

WHEREAS, the said land owned by the parties of the first part has been irrigated for many years last past by the waters of John Creek and a small portion of the land owned by the parties of the second part has been irrigated for many years from the waters of said John Creek, and,

WHEREAS, a suit is now pending in the District Court of the Ninth Judicial District of the State of Idaho, ⁱⁿ and for the County of Teton, wherein said Fred J. Drake is plaintiff and said Francis E. Weeks is defendant, which suit is brought for the purpose of adjudicating the respective rights of said parties to the waters

22-4000

-2-

of John Creek, and

WHEREAS, the parties hereto, in order to avoid the expense, inconvenience and uncertainties of litigation, desire to effect a compromise and settlement of said action and agree between themselves as to the distribution of the waters of said John Creek;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

IT IS MUTUALLY AGREED between the parties hereto that when the flow of water in said John Creek at first parties' point of diversion amounts to more than 450 miner's inches that second parties may divert and use from said John Creek such excess over and above 450 inches, as and when they desire, without let or hindrance from first parties, for the purpose of irrigating the above described land owned by second parties;

That when the amount of water flowing in John Creek at said first parties' point of diversion is less than 450 miner's inches and more than 300 miner's inches, that second parties may divert and use on said second parties' land thirty (30) inches of water for 24 hours of each week, while said flow in said John Creek exceeds 300 inches;

That second parties shall not use any of the water flowing in John Creek when the amount flowing therein at said first parties' point of diversion is less than 300 miner's inches;

That, in order to ascertain the amount of water flowing in John Creek said water shall be measured at first parties' point of diversion in the usual and approved manner under a four inch pressure.

This Contract and the terms thereof shall inure to the benefit of, and be binding upon, the heirs, representatives, administrators, executors, successors and assigns of all the parties to this contract.

-2 Agreement.

22-4000

In Witness Whereof, the parties hereto have hereunto
set their hands and seal the day and year first above written.

Fred J. Drake (SEAL)

Viola J. Drake (SEAL)

PARTIES OF THE FIRST PART.

Francis E. Weeks (SEAL)

Jane Weeks (SEAL)

PARTIES OF THE SECOND PART.

State of Idaho)
County of Teton,) ss

I do hereby certify that on this 28th day of November,
in the year 1936, before me, the undersigned, a Notary Public in and
for said State of Idaho, personally appeared FRED J. DRAKE, VIOLA
DRAKE, his wife, FRANCIS E. WEEKS and JANE WEEKS, his wife, known to
me to be the persons whose names are subscribed to the within and
foregoing instrument, and acknowledged to me that they executed the
same.

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

Frederick A. Uhler
Notary Public. Residing at Driggs,
Idaho.

My commission expires Sept. 10, 1937

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Teton ss.

I, Cleann Hermes
being first duly sworn, depose and say

that I am the Publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes Anno-
tated, Section 58-106, as amended, and
that said newspaper is a weekly news-
paper printed and published at Driggs,
in Teton County, Idaho, having a gen-
eral circulation in said county, and that
said newspaper has been printed in
said county for more than 78 consecu-
tive weeks prior to the first publication
of the attached notice, advertisement
or publication of

Notice Claim

And affiant further says that said
attached notice, advertisement or pub-
lication, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on

the 2 day of January
19 69

and last publication on the 9
day of January, 19 69

And affiant further says that at the
times herein mentioned said newspaper
was made up of at least four pages
of at least five columns each, printed
from type matter, of at least seven-
teen and three-fourths inches deep.

Cleann Hermes
Subscribed in my presence and sworn

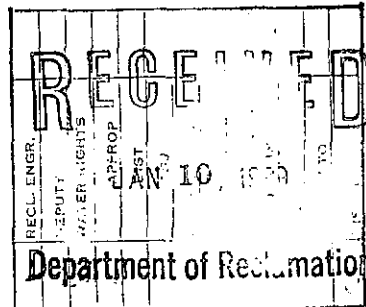
to, before me this 9 day of

Jan 19 69

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.
My Commission expires

Earl G. Sewell, Notary Public
My Commission Expires May 1, 1974

Earl G. Sewell



NOTICE OF CLAIM TO A WATER RIGHT

No. 22-4000

Notice is hereby given that
Mason E. Weekes, 3400 South 3200
West, Salt Lake City, Utah has
filed a claim to a water right
established by diversion and ap-
plication to beneficial use of .015
cubic feet per second of water
from Staley Spring tributary of
Drake Creek with point of diver-
sion in Lot 4, Sec. 7, T. 3-N., R.
45 E., B. M., Teton County; the
water is claimed to be used from
May 1 to December 1 for domestic
purposes with a priority of Sep-
tember 19, 1961; the place of use
is Lot 4, Sec. 7, T. 3-N., R. 45
E., B. M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Teton Valley
News, Driggs, Idaho on January
2, and January 9, 1969.

22-4000

May 27, 1969

Re: Claim to a Water Right No. 22-4000

Mr. Marion E. Weekes
3400 South 3200 West
Salt Lake City, Utah

Dear Mr. Weekes:

In reference to the above claim, the enclosed is a copy of an exception which has been filed in connection with this claim under the provisions of Chapter 2, Section 42-225 b of the Idaho Code which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be forwarded to the claimant by the Department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McKidowney
Appropriation Examiner

DWM:DRR:fg

Enc: copy of exception

22-4000

May 26, 1969

Re: Claim to A Water Right No. 22-4000-Marion E. Weekes

Mr. Lee B. Boyle
Federal Land Bank
Association of Rexburg
P. O. Box 157
133 East Main
Rexburg, Idaho 83440

Dear Mr. Boyle:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which the above referenced claim has been filed (Idaho Code, Section 42-225b):

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of reclamation and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

22-4000

FEDERAL LAND BANK ASSOCIATION OF REXBURG

P. O. BOX 157 133 EAST MAIN REXBURG, IDAHO 83440

TELEPHONE: 356-6721



RECEIVED

MAY 7 1969

LEE B. BOYLE, MANAGER

May 6, ~~Depart~~ment of Reclamation

Mr. Keith Higginson,
State of Idaho
Department of Reclamation
Boise, Idaho

Dear Mr. Higginson:

Please find attached an affidavit excepting to claim of water right of Marion E. Weekes, 3400 South 3200 West, Salt Lake City, Utah. Also correspondence with your office in 1968.

I hope you are able to resolve this matter once and for all. Mother, Pearl Boyle, wrote a letter to Mr. Weekes in January of 1969 offering him water for his cabin site, but denied him any water for other sites should he decide to sub-divide and sell summer homes. She received no reply.

I can get many affidavits saying that the pipe was not in the creek prior to June 20, 1966. In fact much of the gravity line is run through a garden hose.

Sincerely,

Lee B. Boyle
Lee B. Boyle



SERVING MADISON, FREMONT, AND TETON COUNTIES

22-4000

April 28, 1969

Re: Claim to a Water Right No. 22-4000

Marion E. Weekes
3400 South 3200 West
Salt Lake City, Utah

Dear Mr. Weekes:

We are in receipt of your letter of April 15, 1969.

The claim you have filed under Section 42-225a of the Idaho Code has been processed to its fullest extent under Idaho Statutes. This provision of Idaho law allows the filing of an individual's claim to a specific water right. The only thing contemplated in this section is the filing of data that would reference a particular claim. No evaluation of a water right can be made or established under existing statutes. The only action taken by the Department is to review the initial claim, cause a notice to be published advising the public that the claim has been filed, and after two weeks of publication, file the claim under a specific claim number. Therefore, we cannot supply any information confirming a water right as you have requested.

We will enclose a copy of your claim which has our number entered on it; however, this is not the standard practice for this claim procedure. Under the provisions of 42-225a of the Idaho Code, you may add additional information to your claim at anytime you so desire, bearing in mind that your claim will eventually be presented to a court in reference to the water indicated on the claim.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of claim No. 22-4000

22-4000

Department of Reclamation

6881

3400 South 3200 West
Salt Lake City, Utah
April 15, 1969

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
State of Idaho
Statehouse -- Annex 2
Boise, Idaho 83707

Dear Sir:

Re: Claim No. 22-4000

We are in receipt of your letter of January 21, 1969, in which you stated you had received and processed our claim for water right. Also enclosed was a receipt for the \$10.00 filing fee.

To date we have received no further word from you and are wondering if this letter constitutes your approval of our claim, or if we should receive some document from you granting the water right. If so we would appreciate receiving same for filing with the Teton County Recorder.

We would appreciate hearing from you at the earliest possible date in order that this matter can be settled.

Sincerely

Marion E. Weekes

Marion E. Weekes

MEW/cw

22-4000

January 21, 1969

Re: Claim No. 22-4000

Mr. Marion E. Weekes
2400 South 3200 West
Salt Lake City, Utah

Dear Mr. Weekes:

The department has received and processed your claim to a water right. The information in your claim is filed under Claim No. 22-4000. Please refer to this number when adding or changing the information in your claim.

Enclosed is receipt No. 2339 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Receipt

22-4000

NOTICE OF CLAIM
TO A WATER RIGHT

No. 22-4000

Notice is hereby given that ~~Marion E. Weekes, 3400 South 32nd~~ West, Salt Lake City, Utah has filed a claim to a water right established by diversion and application to beneficial use of .015 cubic feet per second of water from ~~Staley Spring~~ tributary of ~~Drake Creek~~ with point of diversion in Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M., Teton County; the water is claimed to be used from May 1 to December 1 for domestic purposes with a priority of September 19, 1961; the place of use is Lot 4, Sec. 7, T. 3 N., R. 45 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Teton Valley News, Driggs, Idaho on January 2, and January 9, 1969.

RECEIVED

DEC 30 1968

Department of Reclamation

TEAR SHEETS
From the
TETON VALLEY NEWS
Driggs, Idaho

22-4000

December 23, 1968

Re: Claim No. 22-4000- Marion E. Weekes

Teton Valley News
Driggs, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: legal notice

22-4000

NOTICE OF CLAIM TO A WATER RIGHT

No. 22-4000

Notice is hereby given that Marion E. Weekes, 3400 South 3200 West,
Salt Lake City, Utah has filed a claim to a water right
established by diversion and application to beneficial use of .015
cubic feet per second ~~acre feet~~ of water from Staley Creek
Spring tributary of Drake with point of diversion in Lot 4, Sec. 7,
T. 3 N., R. 45 E., B. M., Teton County; the water is
claimed to be used from May 1 to December 1 for domestic purposes
with a priority of September 16, 1961
; the place of use is Lot 4, Sec. 7, T. 3 N.,
R. 45 E., B. M.,

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Teton Valley News, Driggs, Idaho
on January 2, and January 9, 1969.

22-4000

DON SAMUELSON
GOVERNOR



RECEIVED

NOV 19 1968

R. KEITH HIGGINSON
State Reclamation Engineer

Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

November 13, 1968

Re: Claim to a Water Right

Mr. Marion E. Weekes
3400 South 3200 West,
Salt Lake City, Utah

Dear Mr. Weekes:

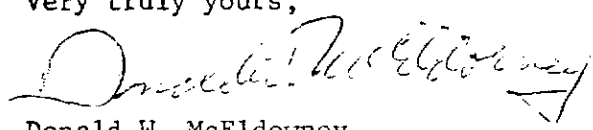
Returned herewith is your claim to a water right. Please be advised that we are unable to process the claim until we have some additional information under Item 3a and 3b of the claim.

Item 3a requires that you list the priority date of the right you are claiming or the first date of beneficial use. You have indicated under Item 3b that the water has been used since September 19, 1961. Therefore, we assume that this was the first date of beneficial use and have entered that date under Item 3a. We also require you to enter the amount of water that you are claiming for that priority. If this amount has changed considerably in the time since, please enter the different amounts with the dates they were used.

✓ Under Item 3b, you are required to enter the use for which you are claiming the water and the date each year that you begin using the water and the date that you terminate the use of the water. From the additional information you have supplied under the remarks section, we assume that this is for "domestic" use.

Please complete the claim by filling in the required information. If we may be of further assistance, please contact us.

Very truly yours,


Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Claim to a Water Right
Check for \$10.00

22-4000