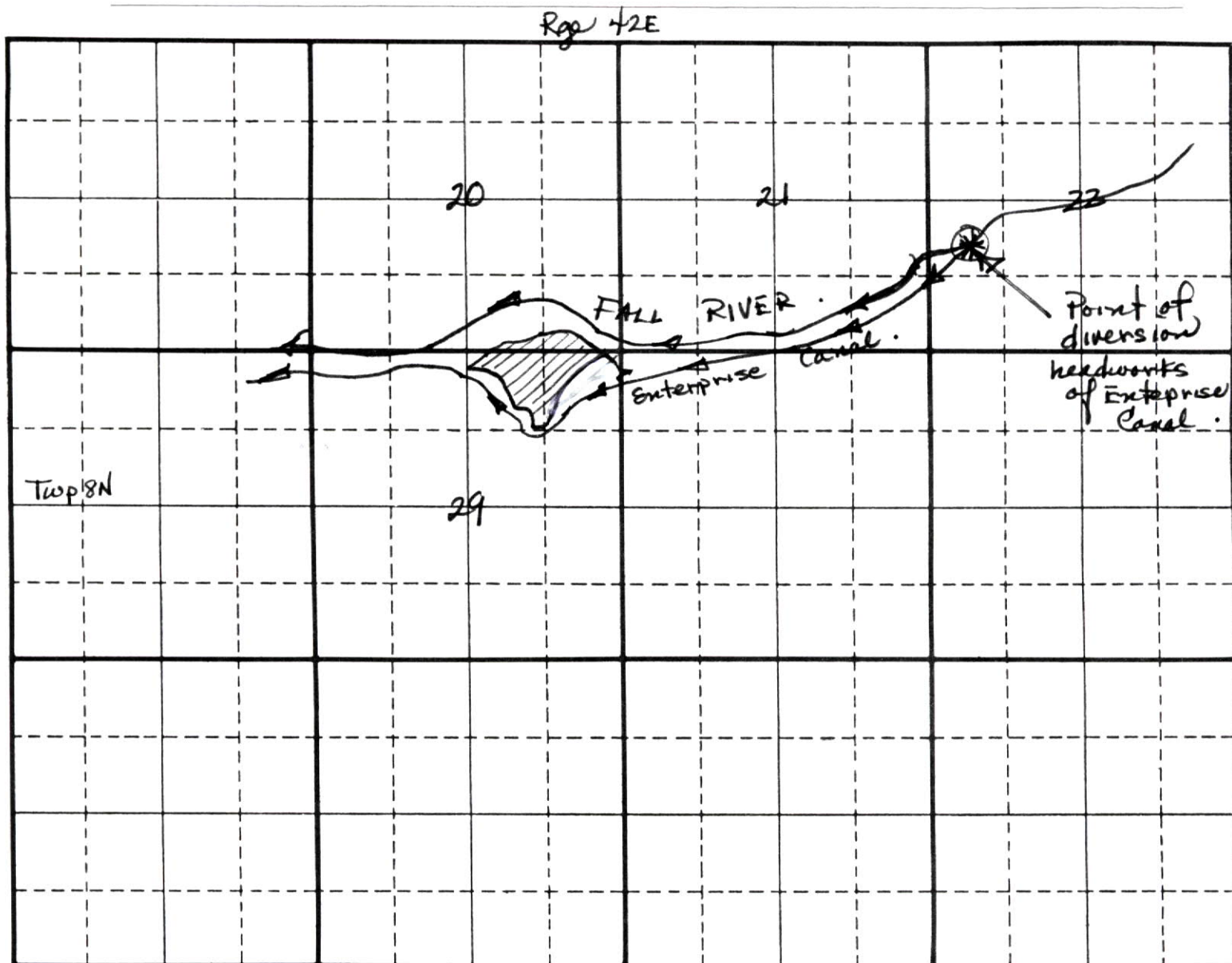


(8) Remarks Water was historically diverted into the Burgess ditch
until it was filled in & replaced by the Enterprise Canal.



Scale: 2 inches equal 1 mile.

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 Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Donald J. Potter
(Claimant)

Sworn to before me this 6h day of February, 19 79.

Calvin Wray
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>PA</u>	Date <u>3-06-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>3/6/1979</u>		claimant by:	
\$20.00 fee received by <u>PA</u>	Date <u>3-06-79</u>			
Published in <u>Ashton Herald</u>	<u>#1293/</u>			
Dates <u>March 15 & 22, 1979</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Donald J. Potter

(Name of Claimant)

Chester, Idaho

(Mailing Address)

(Zip Code)

Telephone No. 624-3615

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) May, 1908

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)

Fall River

tributary to Henry's Fork Snake 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>2.0</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 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) 2.0 cfs. TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 Sec. 22 Twp. 8N Rge. 42E B.M., County of Fremont

Additional points of diversion:

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. Water is diverted from the Fall River into the Enterprise Canal and redistributed from the Enterprise Canal for the gravity flood irrigation of the lands described below.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8N	42E	20															1	2	3
		29	8	20															28

No. of acres 31

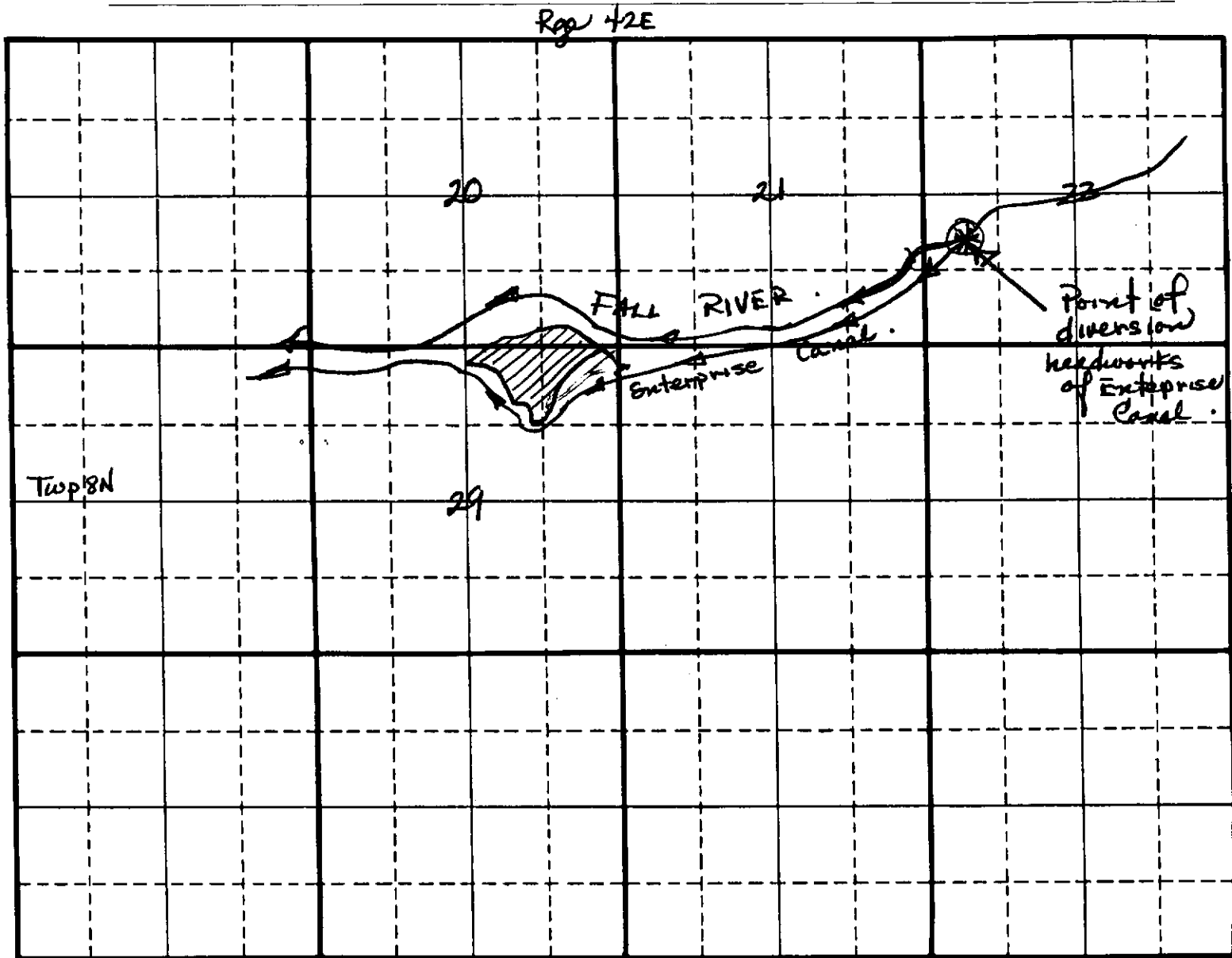
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: n/a

NOTE: Include here the type and number of stock watered: n/a

- (7) If you are claiming water as a member of an organization, list name of organization: n/a

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(8) Remarks Water was historically diverted into the Burgess ditch
until it was filled in & replaced by the Enterprise Canal.



Scale: 2 inches equal 1 mile.

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 Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Donald J. Potter
(Claimant)

Sworn to before me this 6h day of February, 19 79.

Charles Wray
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>PA</u>	Date <u>3-06-79</u>	Exception filed by:	Forwarded to	Date
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Dates <u>March 15 & 22, 1979</u>				

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessing

being first duly sworn, upon his
oath, deposes and says:

That he is the editor
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Claims to claim
Water Rights
#21-4037

And affiant further says that said
notice, advertisement of publica-
tion, 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 15

day of March, 1979,

and the last publication on the

22 day of March

1979.

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

Carol Bessing
Subscribed in my presence and

sworn to before me this 27

day of March

1979

William K. Kerner

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following
claim(s) to water right(s) have been
established by diversion and application to
beneficial use:

Application No: 21-4037
Applicant: POTTER, DONALD J.;
CHESTER, ID 83421

Source: FALL RIVER tributary to SNAKE
RIVER, HENRY'S FORK

Priority Date: 05/01/1908

Amount: 2.00 CFS

Diversion Point: NWSW Sec 22 T 08N R
42E, FREMONT Co.

Use: IRRIGATION (2.00 CFS) from 04/01
to 11/01

Place of Use: SWSE SESE SEC 20 T 08N
R 42E NENE NWNE Sec 29 T 08N R 22E for
31 ACRES

Diversion Means: HEADGATE & DIT-
CHES

Any exception to any claim of water right
may be filed with the Director of the Idaho
Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Publ. March 15, 22, 1979AH

RECEIVED
MAR 28 1979

Department of Water Resources
Eastern District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

APRIL 2, 1979

DONALD J. POTTER
CHESTER

ID 83421

RE: Claim No. 21-4037

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,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

mailed to claimant 4/3/79

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 9, 1979

Ashton Herald
Box 258
Ashton, Idaho 83420

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 APRIL 2, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

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**NOTICE OF CLAIMS
TO WATER RIGHTS**

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Place of Use: SWSE SESE SEC 20 T 08N
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may be filed with the Director of the Idaho
Department of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Publ. March 15, 22, 1979AH

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FOR 31 ACRES

Diversion Means: HEADGATE & DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 3/15 & 3/22/79.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

Right Number _____

Applicant Potter, D.J.

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. - *Application No. instead of Claim No.*
- ☒ Exceptions processed. *NONE*

By EMC

Date 4/3/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By D.J.

Date 9/16/79

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