

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 Edward P. Duren

(Name of Claimant)

P.O. Box 29, Soda Springs, Idaho
(Mailing Address)

83276

(Zip Code)

Telephone No. 547-3044

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 1921

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) Farmers Land and Livestock 90% Creek and unnamed springs tributary to Canal and Alexander Reservoir
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.005 cfs</u>	Use <u>stockwatering</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>4.2 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Sept. 1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 4.205 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NE 1/4 NW 1/4, Sec. 2 Twp. 9 S. Rge. 41 E. B.M., County of Caribou

Additional points of diversion: SW 1/4 NW 1/4 and also the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 of Section 2, Township 9 South, Range 41 East, B.M., County of Caribou

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. Portable diversion dams and headgates

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	41E	2		10	10		20	20	20	20	10	20	20	10		10			170
9S	41E	3	10			10									10			10	40

No. of acres 210

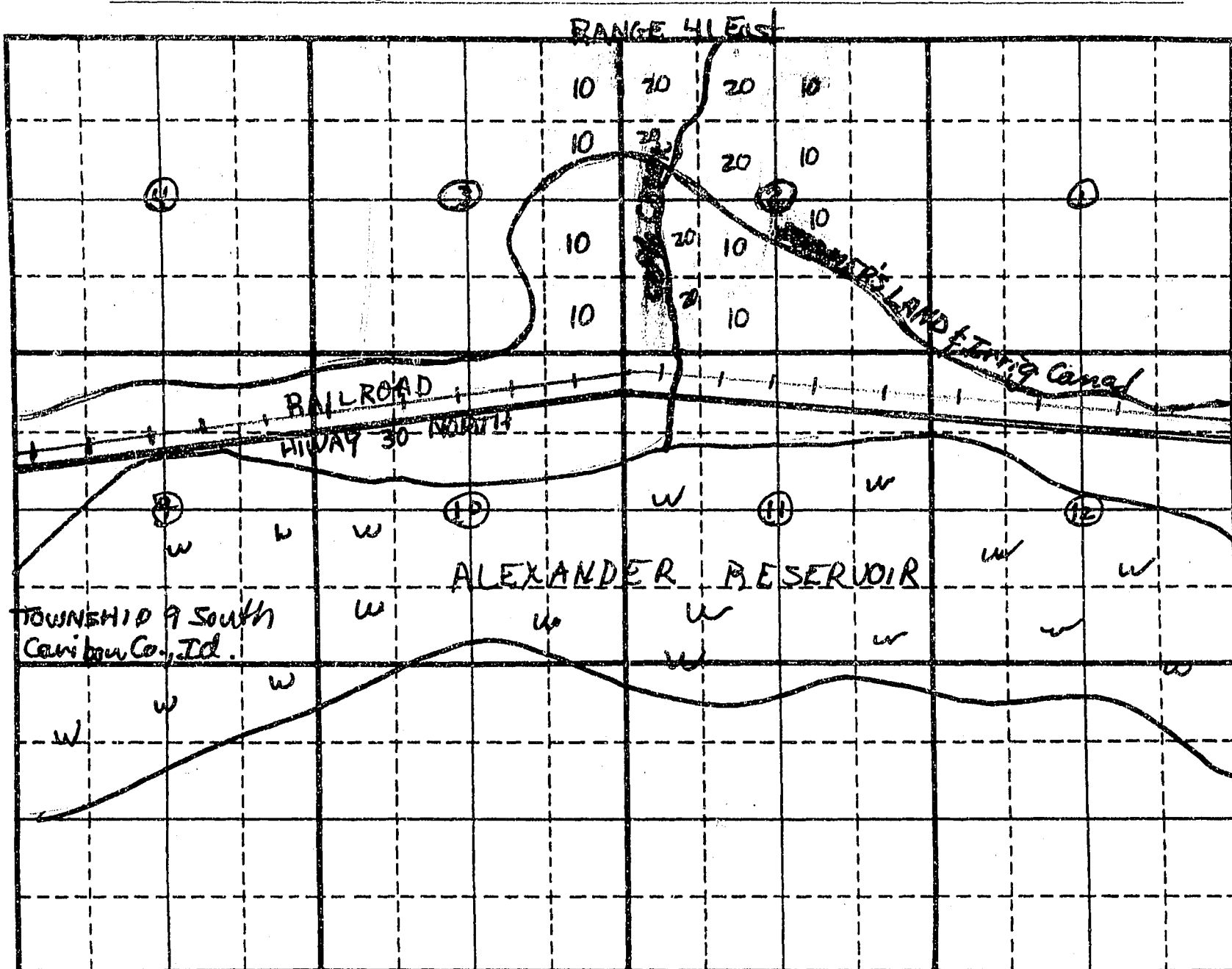
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

For stockwatering up to 200 head of beef cattle, 10 horses and 40 sheep.

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: N/A

- The waters arise from numerous unnamed springs, sloughs and bogs as well as subterranean waters which generally recede during the summer months in a southerly direction by what is commonly known as 90% Creek. The waters arising and lying north of the Farmers Land and Livestock Irrigation Canal set forth on the map below drain primarily into the irrigation canal, with the waters arising south of the canal draining to some extent into the Alexander Reservoir.
- (8) Remarks



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 CARIBOU) 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.

Sworn to before me this 21st day of MARCH

Edward R. Duren
(Claimant)

Faustall C. Budge
Notary Public
Residing at Soda Springs, Id.

My commission expires 10-15-80

FOR DEPARTMENT USE ONLY

Received by FW Date 3/24/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by FW Date 3/24/80 # 13879
Published in Caribou County Sun
Dates 4/03 & 4/10/1980

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

3rd day of
April, 19 80

The date of the last publication

being the 10th day of
April, 19 80

Subscribed and sworn to be-

fore me this 28th day
of April, 19 80

Clayton J. Smith
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 84

PUBLIC NOTICE

First Time
Published

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 bene-
ficial use:

11-4089

DUREN, EDWARD P.
P.O. BOX 29, SODA
SPRINGS, ID 83276

Source: 90 Percent CREEK
tributary to FARMERS LAND &
LIVESTOCK CANAL 90 Per-
cent CREEK tributary to
ALEXANDER RESERVOIR

Priority Date: 05-01-1921

Amount: 4.2050 CFS

Diversion Point: NENW
SWNW NWSW SWSW Sec 02 T
09S R 41E, CARIBOU Co.

Use: IRRIGATION (4.20
CFS) from 04-01 to 09-01
STOCKWATER (0.0050 CFS)
from 01-01 to 12-31

Place of Use: NWNE SWNE
NENW NWNW SWNW SENW
NESW NWSW SWSW SESW
NWSE Sec 02 T 09S R 41E
NENE SENE NESE SESE Sec
03 T 09S R 41E FOR 210
ACRES

Diversion Means: DIVER-
SION DAMS & HEADGATES.

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 April 3 and 10, 1980
in the Caribou County Sun.

RECEIVED

APR 30 1980

Department of Water Resources
Eastern District Office

TRANSTRUM, BUDGE & LARSON

CHARTERED

ATTORNEYS AT LAW

240 South Main - P.O. Box 608
SODA SPRINGS, IDAHO 83276

Wallace M. Transtrum
Randall C. Budge
A. Bruce Larson

Soda Springs - (208) 547-2186
Montpelier - (208) 847-1876

March 21, 1980

State of Idaho
Department of Water Resources
Eastern Division
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: CLAIM TO A WATER RIGHT - EDWARD P. DUREN

Enclosed please find a Claim to a Water Right which we are submitting on behalf of Edward P. Duren, together with our check in the amount of \$20.00 for filing fees.

Kindly process the claim and direct any inquiries or correspondence you may have regarding the same to this office in care of the undersigned.

Very truly yours,

TRANSTRUM, BUDGE & LARSON, CHARTERED

Randy Budge
Randall C. Budge

RCB:cls

cc: Edward P. Duren

RECEIVED

MAR 24 1980

Department of Water Resources
Eastern District Office

11-4089

DUREN, EDWARD P.

P.O. BOX 29, SODA SPRINGS, ID 83276

Source: 90% CREEK tributary to FARMERS LAND & LIVESTOCK CANAL
90% CREEK tributary to ALEXANDER RESERVOIR

Priority Date: 05/01/1921

Amount: 4.2050 CFS

Diversion Point: NENW SWNW NWSW SWSW Sec 02 T 09S R 41E, CARIBOU Co.

Use: IRRIGATION (4.20 CFS) from 04/01 to 09/01
STOCKWATER (0.0050 CFS) from 01/01 to 12/31

Place of Use: NWNE SWNE NENW NNW SWNW SENW NESW NWSW SWSW SESW NWSE
Sec 02 T 09S R 41E NENE SENE NESE SESE Sec 03 T 09S R 41E
FOR 210 ACRES

Diversion Means: DIVERSION DAMS & HEADGATES.

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:

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 4/03 & 4/10/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 27, 1980

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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 billings to this office before APRIL 21, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

April 1, 1980

RE: Claim to a Water Right No. 11-4089

Randall C. Budge
Attorney at Law
240 South Main
Soda Springs, ID 83276

Dear Mr. Budge:

Attached herewith is Departmental Receipt No. 13879 in the amount of \$20.00 for the above referenced claim in the name of Edward P. Duren.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

cc: Edward P. Duren
P. O. Box 29
Soda Springs, ID 83276

April 23, 1980

RE: Claim to a Water Right No. 11-4089 DUREN

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 3 and 10, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 24, 1980

EDWARD P. DUREN
P.O. BOX 29
SODA SPRINGS

ID 83276

RE: Claim No. 11-4089

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

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JC

Right Number 11 4089 Applicant Purem

NOTE: 11-4089
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. 1/21
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date May 8, 1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jm Date 5/14/80