

STATE OF IDAHO

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Ivan and Lavern Talbot
(name of claimant)
of Route #3, Preston, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Battle Creek.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) waste ditch (barrow pit)
-
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>2.32</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr 15</u>	To	<u>Oct. 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm, etc.)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.32 cubic feet per second, or ----- acre feet per annum, and/or ----- gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) May 31, 1929

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29 Twp. 14S Rge. 39E B. M. County of Franklin
 Additional points of diversion: NE¹ $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 14S, R. 39E, B.M.

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. Canvas dams in drain ditch.

- (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.

[illegible]

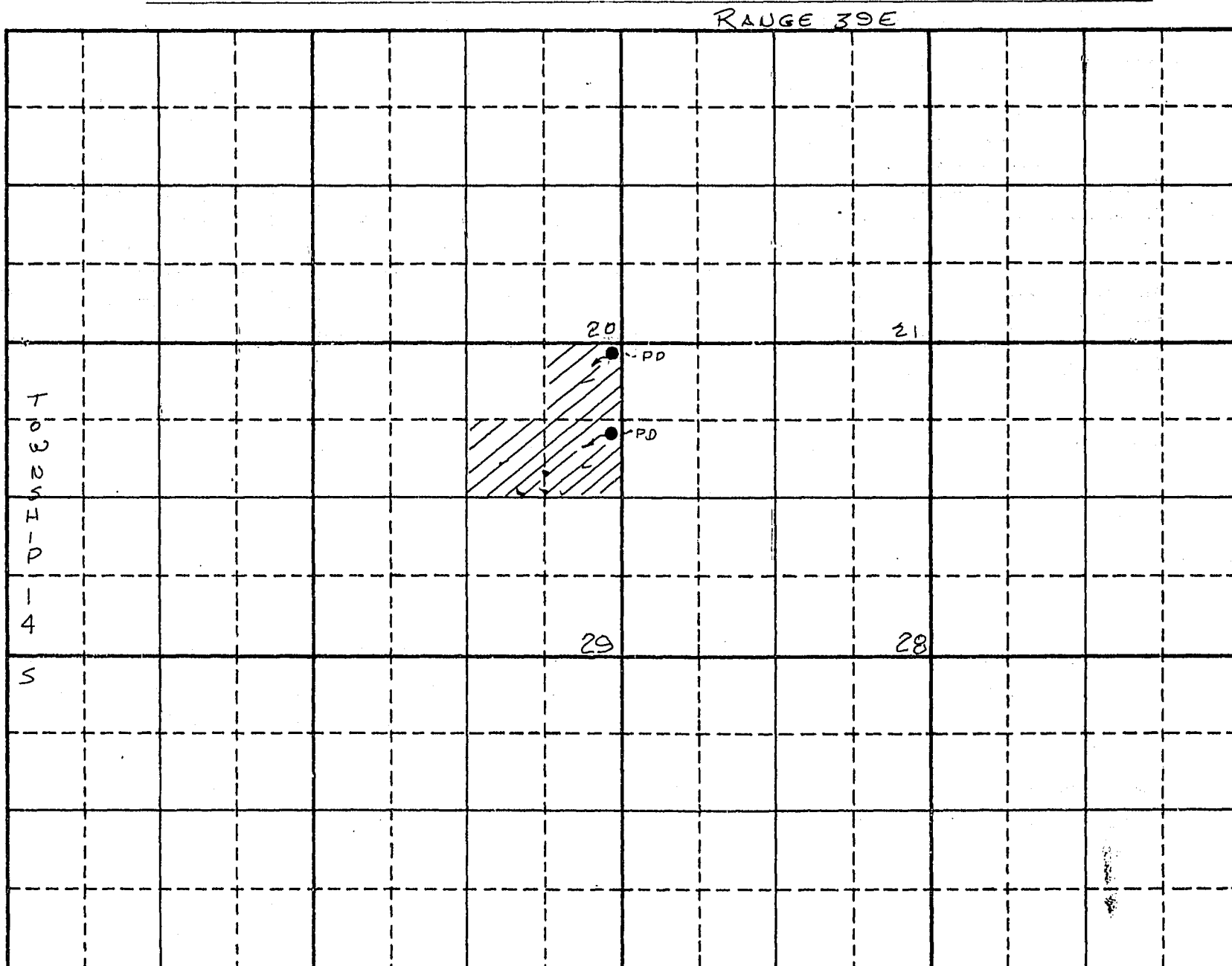
Total No. of acres 116

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

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

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(8) Remarks This claim is based on application #13-2119 issued to William Swainston on May 31, 1929. The field exam was done, but Mr. Swainston never submitted the requested proof of beneficial use. This water which is surface runoff from the S $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 14S, R. 39E, has been used since that date.



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

ss.

County of BONNEVILLE

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 affiants knowledge.

Sworn to before me this 19 day of APRIL, 1974.

Laverne Talbot Leon Talbot
(Claimant)

Ronald D. Corbin
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>4-19-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>9/19/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>4-19-74</u>			
Approved for publication by <u>CB 5/2/74 #12896</u>				
Published in <u>The Preston Citizen</u>				
Dates <u>April 25 + May 2, 1974</u>				

No 2623

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Franklin

SS.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 25, 19 *74*, and ending

with the issue of *May 2*, 19 *74*

Fees, \$ *12.75*

Subscribed and sworn to before me this *6* day

of *May*, 19 *74*.

Richard R. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires *March*, 19 *78*.

RECEIVED

MAY 8 1974

Department of Water Administration
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4010

Notice is hereby given that Ivan and Lavern Talbot, Rt. No. 3, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.32 cubic feet per second of water from a waste ditch tributary to Battle Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 14S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 15 to Oct. 1 for the irrigation of 116 acres with a priority of May 31, 1929; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 14S, R. 39E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on April 25 and May 2, 1974.

Legal No. 2623 — Pub.
April 25, May 2, 1974.

cb.

13 4010

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Rt. #3, Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.32 cubic feet per second ~~acres feet per second~~

of water from a waste ditch tributary to Battle Creek

with point of diversion in the SE¹/₄, NE¹/₄, Sec. 29, T. 14S, R. 39E, B.M.,
Franklin County.

The water is claimed to be used from Apr. 15 to Oct. 1 for the irrigation
of 116 acres

with a priority of May 31, 1929;

the place of use is within the E¹/₂NE¹/₄, SW¹/₄NE¹/₄, Sec. 29, T. 14S, R. 39E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on April 25 and May 2, 1974.

AB-L
AB-A

13 4010

April 19, 1974

Re: Claim to a Water Right No. 13-4010 TALBOT
" " " No. 13-4011 FREW

The Preston Citizen
Box 389
Preston, ID 83263

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 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. 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.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 5-13-74 by MB

NCY:MB
Enc: Legal Notices (2)

13 4010

May 14, 1974

Re: Claim to a Water Right No. 13-4010

Mr. Ivan Talbot
Mr. Lavern Talbot
Route #3
Preston, ID 83263

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you of the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enc: Copy of Claim

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