

Claim No. 13 4011

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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 Carl Crew (name of claimant)
of Box 41 Preston, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or ~~surface water~~ tributary to West Cache Canal and Bear River.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed drain
-
- (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>1.5 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>April 1</u> | To | <u>May 30</u> |
| Amount | <u>1.5 cfs</u> | Use | <u>stock</u> | Period of Use: | From | <u>Oct. 1</u> | To | <u>May 30</u> |
| Amount | | Use | | Period of Use: | From | | To | |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 1.5 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) April 1, 1924

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)
 NW ¼ SW ¼, Sec. 29 Twp. 15S Rge. 39E B. M. County of Franklin
 Additional points of diversion: NE ¼ SE ¼ Sec. 29 Twp. 15S Rge. 39E B. M.
 County of Franklin

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. *diversion dam and ditch.*

Pipeline

- (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 100

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: used
for watering stock 250 head - 1.5 cfs
being the amount of water diverted - not consumed.
- (7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks

The irrigated land is meadowland.

Section 29 Twp 15S Rge 39E BM County of Franklin

N.E. $\frac{1}{4}$	N.W. $\frac{1}{4}$																		
40 acres																			
S.W. $\frac{1}{4}$	S.E. $\frac{1}{4}$	S.W. $\frac{1}{4}$																	
N.W. $\frac{1}{4}$	N.W. $\frac{1}{4}$	N.E. $\frac{1}{4}$																	
20 acres	15 acres	20 acres																	
N.W. $\frac{1}{4}$		N.E. $\frac{1}{4}$																	
S.W. $\frac{1}{4}$		S.E. $\frac{1}{4}$																	
Point of Diversion		Point of Diversion																	

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 Franklin 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 affiants knowledge.

Sworn to before me this 5th day of AprilCarl Frew
(Claimant)1974.

Notary Public

Residing at

PrestonMy commission expires 12-22-77

For Department Use Only

Received by

MB

Date

4/19/74

Exception filed by:

Forwarded to

Date

Prelim. check by

RDC

Date

4/19/74

claimant by:

\$10.00 fee received by

MB

Date

4-19-74

Approved for publication by

CB

Date

5/29/74#12851

Published in

The Oregon Citizen

Dates

April 25 - May 2, 1974

No 2624

RECEIVED

MAY 3 1974

Department of Water Administration
Eastern District Office

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, \$ 13.30

Subscribed and sworn to before me this 6 day

of May, 19 74.

R. Ann D. Geddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

NOTICE OF CLAIM
TO A WATER RIGHT
#13-4011
Notice is hereby given that Carl Frew, Box 41, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second of water from an unnamed drain tributary of West Cache Canal and Bear River, with point of diversion in the NW¹, SW¹, NE¹, SE¹, Sec. 29, T. 15S, R. 39E, B.M., Franklin County. The water is claimed to be used from Oct. 1 to May 30 for stockwatering purposes for 250 cattle and from Apr. 1 to May 30 for the irrigation of 100 acres, with a priority of April 1, 1924; all uses within the SW¹, NE¹, E¹, NW¹, SW¹, NW¹, NE¹, SE¹, Sec. 29, T. 15S, 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. 2624 — Pub. April 25, May 2, 1974. *CB*

13 4011

April 10, 1974

Mr. Carl Frew
Box 41
Preston, Idaho 83263

Dear Mr. Frew:

Please find enclosed your Claim to a Water Right. The Department cannot accept a claim without the statutory filing fee of \$10.00.

As you probably aware, a claim does not establish a water right, but rather records the evidence of a right. Therefore, it is important that the person filing a claim include all supporting evidence he has to substantiate his claim.

You indicate you divert 1.5 c.f.s. from October 1 to May 30 for stockwatering purposes, but you fail to list the type or number of livestock. The Department considers 0.23 c.f.s. to be an adequate diversion rate to water 1000 head of beef cattle. Therefore, it would be appropriate for you to include in the file justification for the 1.5 c.f.s. you have claimed unless you are watering around 6,500 head of cattle.

Please re-submit your claim with the appropriate filing fee and any additional information you wish to include in the file and we will commence processing. If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:mb

Enclosure

13 4011

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

April 19, 1974

C Re: Claim to a Water Right No. 13-4011

Mr. Carl Frew
Box 41
Preston, ID 83263

Dear Mr. Frew:

P Attached herewith is departmental receipt No. 12851 in the amount of \$10.00 for the above referenced claim.

If we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

Y
RONALD D. CARLSON
Asst. to the District Engineer

RDC:mb

Attachment

13 4011

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4011

Notice is hereby given that Carl Frew,

Box 41, Preston, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second ~~none feet per second~~ of water from an unnamed drain tributary of West Cache Canal and Bear River. with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Oct. 1 to May 30 for stockwatering purposes for 250 cattle and from Apr. 1 to May 30 for the irrigation of 100 acres, with a priority of April 1, 1924; ~~the purpose of this claim is to obtain the~~ all uses within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 15S, 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.

CB-L
CB-A

13 4011

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 4011

May 14, 1974

Re: Claim to a Water Right No. 13-4011

Mr. Carl Frew
Box 41
Preston, ID 83263

Dear Mr. Frew:

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 or 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.

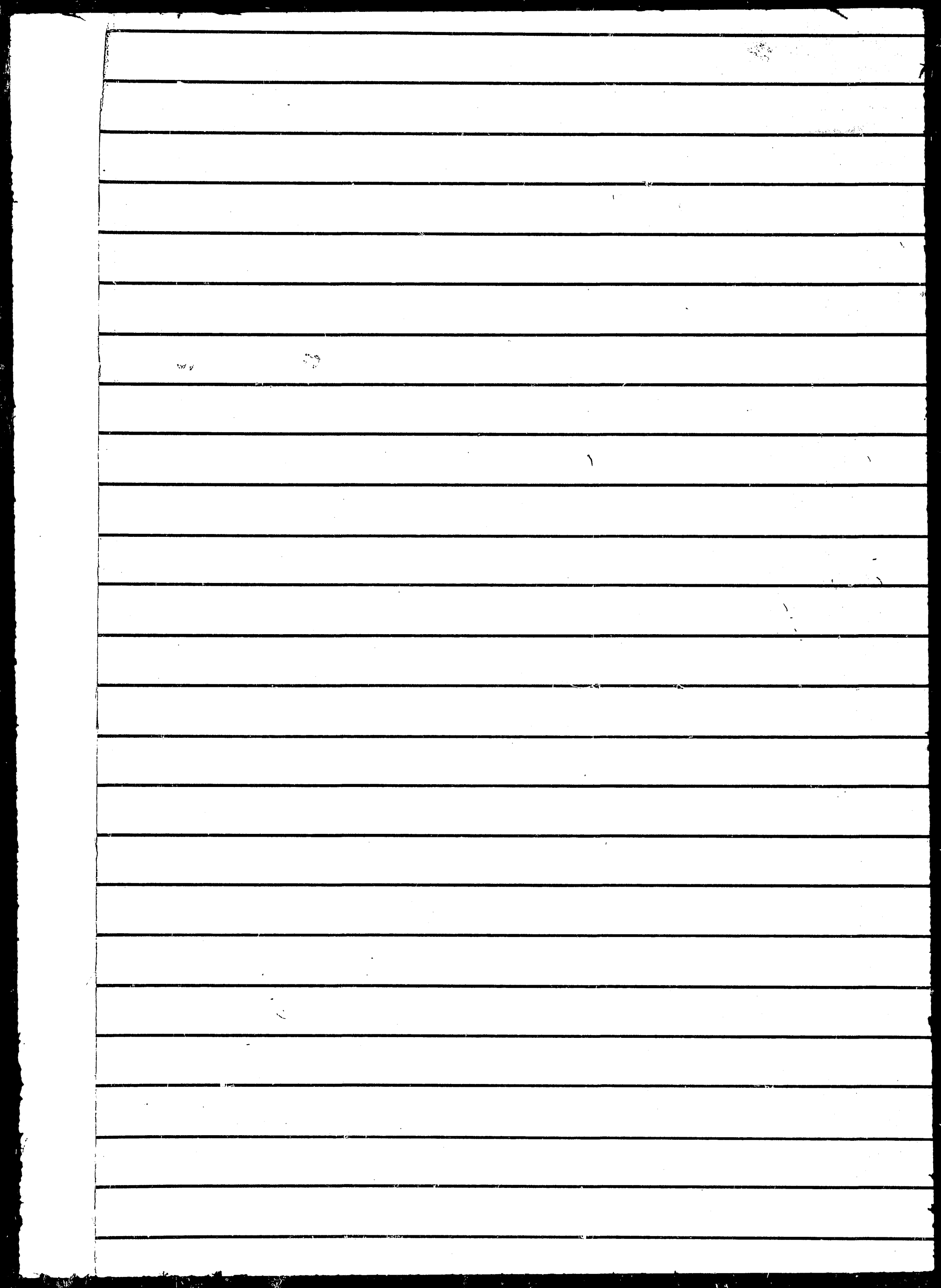
Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enc: Copy of Claim

13 4011



Robert C. Huntley, Jr.
RACINE, HUNTLEY OLSON
P. O. Box 1391 - Center Plaza
Pocatello, Idaho 83201
Telephone: (208) 232-6101

RECEIVED

JUN 12 1974

Department of Water Administration
Eastern District Office

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

In the Matter of the Claim of)
Carl Frew) OBJECTION TO CLAIM OF
WATER RIGHT

TO: THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO)
: ss.
County of BANNOCK)

ROLAND HOBBS and RAYMOND HOBBS, being first duly sworn
depose and state:

You will please take notice that Roland Hobbs and Raymond
Hobbs and their respective wives do hereby take exception to the
claim of water right filed by Carl Frew, a copy of the publication
of which claim is set forth below.

NOTICE OF CLAIM
TO A WATER RIGHT

Notice is hereby given that
Carl Frew, Box 41, Preston,
Idaho has filed a claim to a
water right established by
diversion and application to
beneficial use of 1.5 cubic
feet per second of water
from an unnamed drain tri-
butary of West Cache Canal
and Bear River, with point of
diversion in the NW 1/4, SW 1/4,
NE 1/4, SE 1/4, Sec. 29, T. 15S, R.
39E, B.M., Franklin County.

The water is claimed to be
used from Oct. 1 to May 30
for stockwatering purposes
for 250 cattle and from Apr. 1
to May 30 for the irrigation of
100 acres with a priority of
April 1, 1924; all uses within
the SW 1/4, NE 1/4, E 1/2 NW 1/4,
SW 1/4 NW 1/4, NE 1/4, SE 1/4, Sec.
29, T. 15S, 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. 2624 - Pub.
April 25, May 2, 1974.

MICROFILMED

13-4011

This exception is based upon the fact that your Affiants have a prior claim for the use of said waters on their lands located in the Northeast Quarter and the Northwest Quarter of Section 31, Township 15 South, Range 39 E.B.M.

DATED this 7 day of June, 1974.

Roland W. Hobbs
ROLAND HOBBS

Raymond Hobbs
RAYMOND HOBBS

SUBSCRIBED AND SWORN to before me this 11 day of June, 1974.

Robert C. Hualley
NOTARY PUBLIC FOR IDAHO
Residing at

(SEAL)

MICROFILMED

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
WILLIAM D. OLSON
—
D. JAMES MANNING, JR.

LAW OFFICES OF
RACINE, HUNTLEY & OLSON
CENTER PLAZA - CORNER FIRST STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83201
TELEPHONE (208) 232-6101

June 11, 1974

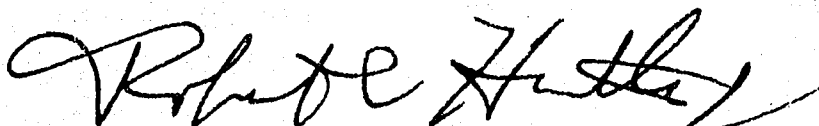
Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Objection to Frew Water Claim

Dear Mr. Higginson:

Enclosed is an objection to the claim of water right of Carl Frew,
for filing.

Very truly yours,


ROBERT C. HUNTLEY, JR.

RCH:js
Enc.
cc: Roland Hobbs

RECEIVED

JUN 12 1974

Department of Water Administration
Eastern District Office

MICROFILMED

June 14, 1974

Re: Claim to a Water Right No. 13-4011 Carl Frew

Mr. Robert C. Huntley, Jr.
Attorney at Law
P.O. Box 1391
Pocatello, Idaho 83201

Dear Mr. Huntley:

We have received the exception dated June 7, 1974, filed in behalf of Roland and Raymond Hobbs against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time 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 (renamed department of water administration, July 1, 1970) 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 water administration. 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 you have any questions regarding this matter, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB
cc: Roland & Raymond Hobbs

MICROFILMED

BDF

June 14, 1974

Re: Claim to a Water Right No. 13-4011

Mr. Carl Frew
Box 41
Preston, ID 83263

Dear Mr. Frew:

Enclosed please find a copy of the exception filed by Robert C. Huntley, Jr, in behalf of Roland and Raymond Hobbs in connection with your Claim No. 13-4011. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time 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 (renamed department of water administration, July 1, 1970) 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 water administration. 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 you have any questions regarding this matter, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copy of exception

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