

Claim No. 13 4020

## 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 Melvin W. McKay  
(name of claimant)  
of Weston, Idaho, claims a right to the diversion and beneficial use of  
(mailing address)  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Weston Creek  
Bear River, tributary to,

- (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 | 2.3                  | Use | Irrigation                    | Period of Use: | From | Apr. 1 | To | Nov. 1                 |
| Amount |                      | Use |                               | Period of Use: | From |        | To |                        |
| Amount |                      | Use |                               | Period of Use: | From |        | To |                        |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |        |    | (both dates inclusive) |

- (3) Total quantity of water claimed: 2.3 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) July 10, 1900

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 NE ¼, Sec. 19 Twp. 16S Rge. 39E B.M. County of Franklin  
 Additional points of diversion: NW¼NW¼, Sec. 20, T. 16S, R. 39E,

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. Concrete headgate and ditches  
Ditch #1 - 3 ft x 15 ft. 3/4 mile long

Ditch #2 - 3 ft x 15 ft. 1/4 mile long

- (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.

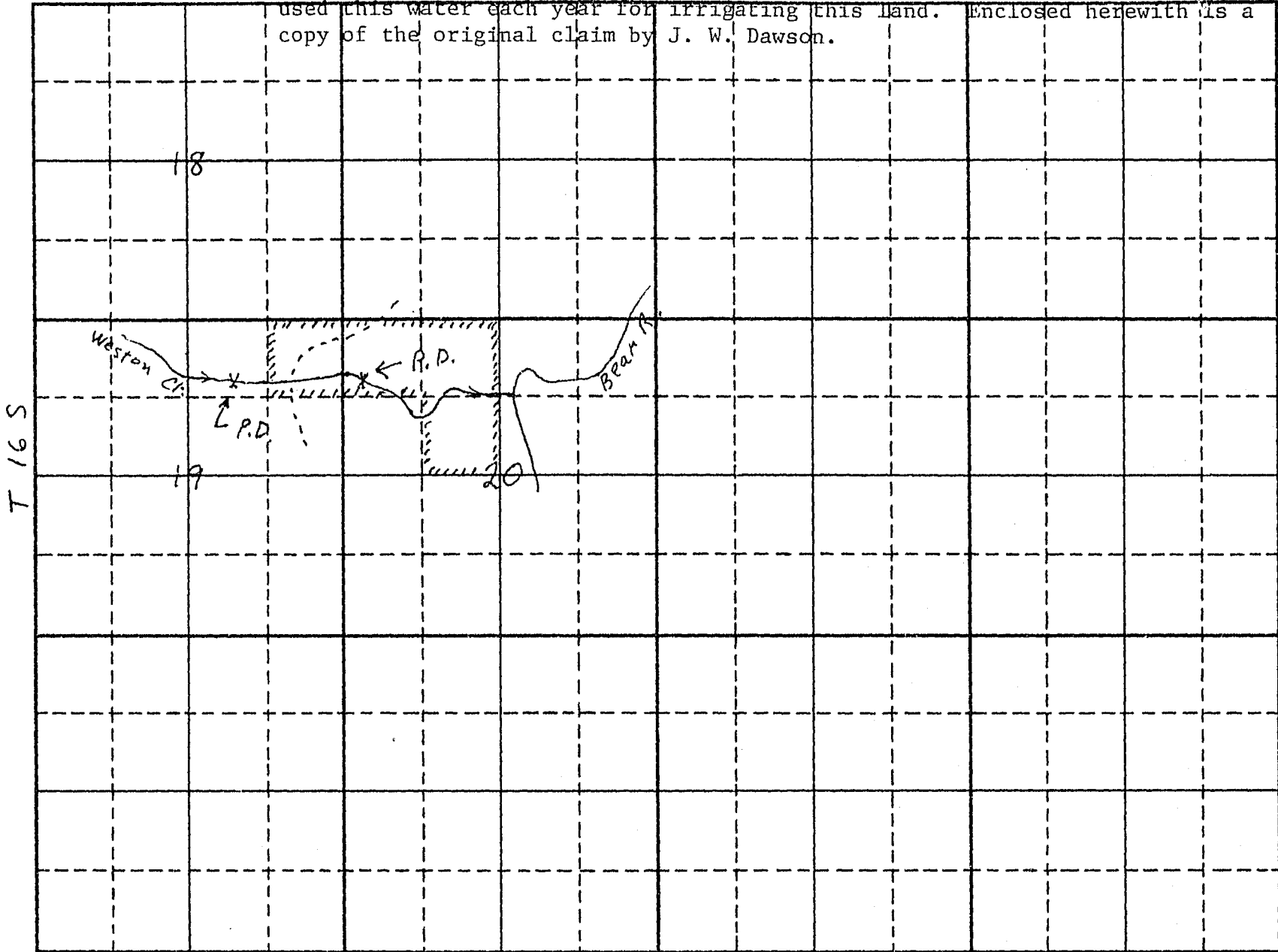
[illegible]

Total No. of acres 115

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: \_\_\_\_\_

This water was originally claimed by J. W. Dawson, said claim was recorded 7-8-1900 by J. Renolds, Clerk of the District Court, Oneida County, Idaho and water was diverted by means of storage reservoir and ditch in Sec. 19, T. 16S, R. 39E, B.M.; and ditch in Sec. 20, T. 16S, R. 39E, B.M., and was used for irrigation and domestic purposes. Shortly after completion, the dam failed, since then the water has been diverted by headgate at the two locations described and used on an annual flow basis by him and his successors to the present time. I have owned the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, T. 16S, R. 39E, the N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 16S, R. 39E, since April, 1938; and have used this water each year for irrigating this land. Enclosed herewith is a copy of the original claim by J. W. Dawson.



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 BORNEVILLE )

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.

William H. McKinney  
(Claimant)

Sworn to before me this 10<sup>th</sup> day of DECEMBER, 19 77.

Ronald D. Carlson  
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/19/78

#### For Department Use Only

|                                       |                      |                     |              |      |
|---------------------------------------|----------------------|---------------------|--------------|------|
| Received by <u>MB</u>                 | Date <u>12-10-77</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>MB</u>            | Date <u>12-10-77</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>MB</u>     | Date <u>12-10-77</u> |                     |              |      |
| Approved for publication by <u>MB</u> |                      |                     |              |      |
| Published in <u>Idaho Statesman</u>   |                      |                     |              |      |
| Dates <u>December 10-26 1977</u>      |                      |                     |              |      |

RECEIVED

DEC 10 1974

Department of Water Resources  
Eastern District Office

RECEIVED

JUL 19 1974

Department of Water Resources  
Eastern District Office

Notice of water location of J.W.Dawson;

Notice is hereby given to whom it may concern;

That I claim all waste water and natural flow in Weston Creek in Oneida County Idaho below the dam of the South Field Ditch in said Creek; empties into Bear River for irrigation purposes and domestic use. Description of my Reservoir 3/4 miles long running South-east by NW and avering 20 rods wide more or less Ditch number 1; 3/4 miles long more or less 3 feet wide and 1 1/2 feet deep Ditch 2- 1/4 mile long more or less Ditch number 3 1/4 mile long more or less; 3 feet wide and 1 1/2 feet deep situated in section 19 and 20 Tp 16 S.R.39. Oneida County Idaho

J.W.Dawson

Weston Oneida County Idaho.

State of Idaho  
County of Oneida; ss

J.W.Dawson, being first duly sworn on oath says; he is a person making the above water location; that on the 10 th day of July 1900 he posted on site of Reservoir above described in Oneida County Idaho notice of which the above is a true copy.

J.W.Dawson

Subscribed and sworn to before me this the 10 th day of July, 1900

D.J.Reynolds;

Clerk Dist Court Oneida County Idaho.

Seal.

Recorded at request of J.W.Dawson July 10th 1900 an 2-10 P.M. in Book B Water Location page 31.



1-53

NO 2787

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

SS.

*Wayne D. Bell*

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

*December 19*, 19 *74*, and ending

with the issue of *December 26*, 19 *74*.

Fees, \$ *13.32*

Subscribed and sworn to before me this *10* day  
of *January*, 19 *75*.

*William D. Giddens*

Notary Public, Residing at Preston, Idaho

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

RECEIVED  
JAN 13 1974

Department of Water Resources  
Eastern District Office

### NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4020

Notice is hereby given that Melvin W. McKay, Weston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.3 cubic feet per second of water from Weston Creek tributary to Bear River with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 16S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 115 acres with a priority of July 10, 1900; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 16S, R. 39E, B.M.

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

R. KEITH HIGGINSON  
Director

Published in the Preston Citizen, Preston, Idaho on December 19 and December 26, 1974.

Legal No. *2787* — Pub.  
Dec. 19, 26, 1974.

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NO. 13-4020

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Weston, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 2.3 cubic feet per second ~~XXXXXX per annum~~  
of water from Weston Creek tributary to Bear River  
with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20, T. 16S,  
R. 39E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation  
of 115 acres

with a priority of July 10, 1900;  
the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20,  
T. 16S, R. 39E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on December 19 and December 26, 1974

*W. P. A.*

December 13, 1974

RE: Claim to a Water Right No. 13-4019 McKay  
Claim to a Water Right No. 13-4020 "

The Preston Citizen  
Box 472  
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,

RONALD D. CARLSON  
Acting District Engineer

RDC:MB

Bill submitted 1-13-74 by Cal

Enc: Legal Notices (2)

January 6, 1975

RE: Claim to a Water Right No. 13-4019 McKay  
" " " " " No. 13-4020 "

The Preston Citizen  
Box 472  
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with each of the above referenced claims. The legal notices were to have been published in your paper on December 19 and December 26, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON  
Acting District Engineer

RDC:MB

January 13, 1975

RE: Claim to a Water Right No. 13-4019 & 13-4020

Mr. Melvin W. McKay  
Weston,  
Idaho 83286

Dear Mr. McKay:

The Department of Water Resources has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claims by number when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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  
Acting District Engineer

RDC:CW

Enclosures

