

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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 Robert M. Roller &/or Ann A. Roller
(name of claimant)
of Rt. #2, Box 383, Preston, ID 83263, 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) unnamed spring
_____, tributary to, _____ sinks _____
- (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>0.04</u> | Use | <u>domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| 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: 0.04 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) June, 1884

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 NW ¼, Sec. 6 Twp. 15S Rge. 40E B. M. County of Franklin
 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. 6' x 6' concrete box caps the spring with separate pipes conveying water to four homes, one of which is presently owned by the applicant. The pipe to the applicants house (see remarks)

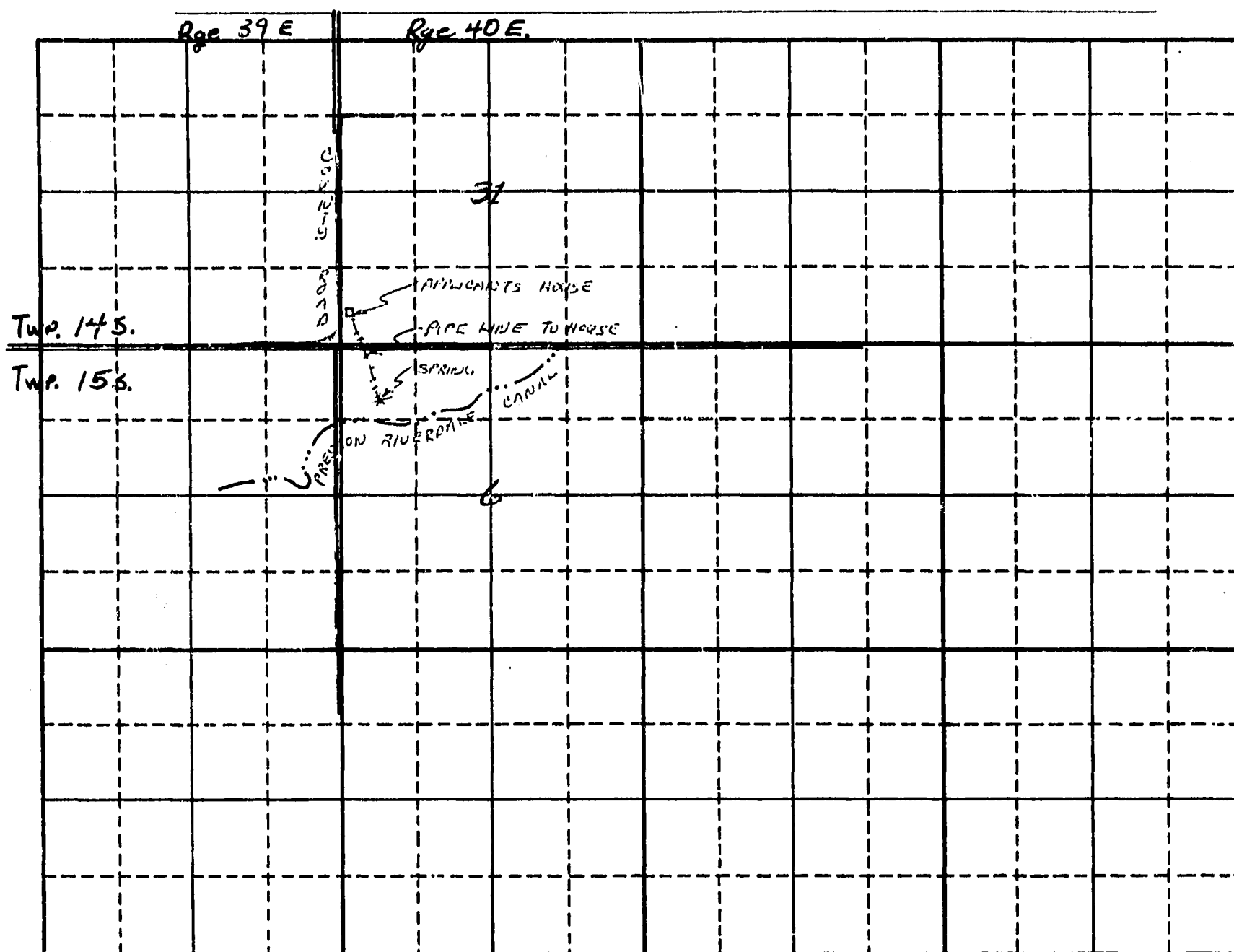
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Spring water is used for culinary purposes, irrigation of lawn and garden and to supply water for an adjacent barn and domestic animals.
- (7) If you are claiming water as a member of an organization, list name of organization: N/A

- (8) Remarks is buried at a depth of 3' and is approximately 2" in diameter and 2,000 feet in length.



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 affiants knowledge.

Sworn to before me this 25th day of 1977

Robert D. Haller
(Claimant)

Ronald D. Carter
Notary Public
Residing at IDAHO FALLS, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>AW</u>	Date <u>2-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>2/25/77</u>		claimant by:	
\$10.00 fee received by <u>AW</u>	Date <u>2-25-77</u>			
Approved for publication by <u>me, 3-13-77 #4575</u>				
Published in <u>(Sageston) Citizen</u>				
Dates <u>March 31 10, 1977</u>				

This agreement, made in triplicate this 2nd day of August, A. D., 1976, by and between Terrel J. and Kay Arlene Porter hereinafter designated as the Seller, and Robert M. and Ann A. Roller hereinafter designated as the Buyer of the real property consisting of a house and fifteen acres located in the county of Franklin, State of Idaho described as follows:

Commencing at a point 10 rods north from the southwest corner of section 31, township 14 south, range 40 east of the Boise Meridian; then east 80 rods, thence north 30 rods, thence west 80 rods, thence south 30 rods to point of beginning.

The Sellers do hereby transfer and consign to the Buyers of said property all their culinary water rights to the spring as now exists, furnishing culinary water to said house. The Sellers also grant access to the Buyers across the real property described as follows:

Commencing at a point 5 rods north of the southwest corner of Section 31, Township 14 south, range 40 east of the Boise Meridian; then east 80 rods, thence north 10 rods, thence west 80 rods, thence south 10 rods to the point of beginning.

Terrel J. Porter
Terrel J. Porter (Seller)

Kay Arlene Porter
Kay Arlene Porter (Seller)

Robert M. Roller
Robert M. Roller (Buyer)

Ann A. Roller
Ann A. Roller (Buyer)

STATE OF IDAHO)
 : ss
County of Franklin)

On this 12th day of August, 1976 before me, a notary public in and for said State, personally appeared Terrel J. Porter and Kay Arlene Porter, husband and wife and Robert M. Roller and Ann A. Roller, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Karel L. Anderson
Notary Public

Residing at Preston, Idaho
Comm. Expires: Lifetime.

No 302

RECEIVED

MAR 23 1977

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager 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 2 consecutive weeks in the regular and entire issue of said paper during the period of 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

March 3rd, 1977, and ending

with the issue of March 10th, 1977.

Richard D. Stockdale

Fee \$12.95

Subscribed and sworn to before me this 21st day

of March, 1977.

Robert M. Roller

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4042

Notice is hereby given that Robert M. Roller and/or Ann A. Roller, Preston, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an unnamed spring tributary to sinks with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 15S, R. 40E, E.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and animals associated with the household with a priority of June, 1884; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 14S, R. 40E, 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 March 3 and March 10, 1977.

Legal No. 302 - Pub
March 3 and 10, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4042

Notice is hereby given that Robert M. Roller &/or Ann A. Roller,
Preston, Idaho

have ~~XXX~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from an unnamed spring tributary to sinks
with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 15S, R. 40E, B.M.,
Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family and animals associated with the household
with a priority of June, 1884;
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 14S, R. 40E, 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 March 3 and March 10, 1977

*me - J.
me - B.*

February 25, 1977

RE: Application for Permit No. 13-7148 BERGESON
Claim to a Water Right No. 13-4042 ROLLER

Preston Citizen
Box 472
Preston, Idaho 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
Supervisor,
Eastern Region

Bill submitted 3-23-77 by CW

RDC:CW

Enc: Legal Notice (2)

March 21, 1977

RE: Claim to a Water Right No. 13-4042 ROLLER
Application for Permit No. 13-7148 BERGESON

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on March 3 and 10, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

March 25, 1977

RE: Claim to a Water Right No. 13-4042

Mr. Robert M. Roller
Rt. #2, Box 383
Preston, Idaho 83263

Dear Mr. Roller:

The Department of Water Resources 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
Supervisor,
Eastern Region

RDC:CM

Enc: Copy of Claim