

Claim No. 13 4049

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 Myron Day
(name of claimant)
of RFD Box 49, Preston, Idaho
(mailing address), claims a right to the diversion and beneficial use of
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: _____
- (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) August 29, 1937

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. 16 Twp. 15S Rge. 39E 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. pump and pipeline; one-inch line for 25 feet, operating pressure is 80 psi

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	39E	16						X											

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for one family within the NWNW Sec. 16, T. 15S, R. 39E

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

[illegible]

A hand-drawn map on a grid. The map shows a road labeled "Hwy 10" and "Hwy 100". A creek is labeled "Creek". A point is marked with a star and labeled "Point of Dimension". The map is titled "Township 15S".

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.

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.

Myron Lay
(Claimant)

Residing at Hickman, Idaho

For Department Use Only

Exception filed by:	Forwarded to claimant by:	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

No 419

AFFIDAVIT OF PUBLICATION

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

June 30th, 1977, and ending
with the issue of July 7th, 1977.

Richard D. Stockdale

Fee \$ 12.58

Subscribed and sworn to before me this 13th day
of July, 1977.

Dottie W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

JUL 14 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4049

Notice is hereby given that Myron Day, Preston, Idaho has 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 with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, R. 39E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family with a priority of Aug. 29, 1937; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, 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.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen, Preston, Idaho on June 30 and July 7, 1977.

Legal No. 419 — Pub. June 30 and July 7, 1977.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 11, 1977

Mr. Myron Day
RFD Box 49
Preston, Idaho 83263

Dear Mr. Day:

Thank you for your claim to a water right. However, we are returning it because it is not in complete form for advertising.

We have taken the liberty of partially completing a claim form for your use. The following items need to be completed by you:

Item 1: the name of the stream which the spring is tributary to, if any. If the spring is not tributary and is completely contained on your property, it is private water and no claim needs to be filed.

Items 5 and 6B: the 40-acre tracts containing the point of diversion and place of use must be shown. If you mark the approximate locations of the spring and your house on the enclosed topographic map, we can complete these items.

Please note the quantity of water shown in Item 2. This is equal to a continuous flow of 18 gallons per minute and is the amount normally filed on for a single-family dwelling.

When you have completed the necessary items on the claim, please return it to this office with the filing fee and we will be happy to process it.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:cw

Attachment: Check No. 92-171 (\$10.00)

Enclosures

June 24, 1977

RE: Claim to a Water Right No. 13-4049

Mr. Myron Day
RFD Box 49
Preston, Idaho 83263

Dear Mr. Day:

Attached herewith is departmental receipt No. 8209 in the amount of \$10.00 for the above referenced claim.

Also, please find enclosed the additional claim you submitted on April 8, 1977, from which we obtained the information to retype your claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

Enclosure

NOTICE OF CLAIM TO A WATER RIGHT

NO. 73-4049

Notice is hereby given that Myron Day,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXfeetXXXXXX~~
of water from an unnamed spring
with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, R. 39E, B.M.,
Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for one family
with a priority of Aug. 29, 1937;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, 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.

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Director

Published in the Preston Citizen, Preston, Idaho
on June 30 and July 7, 1977

The -
the -
a,

June 24, 1977

RE: Applications for Permit Nos. 13-7197 NASH
13-7199 BUTTARS
Claim to a Water Right No. 13-4049 DAY

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
Supervisor,
Eastern Region

Bill submitted 7-14-77 by CW

RDC:ME

Enclosures

July 18, 1977

RE: Claim to water right No. 13-4049

Myron Day
RFD Box 49
Preston, ID

Dear Mr. Day:

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,

R. NALD D. CARLSON
Supervisor
Eastern Region

RDC: CD

Enc: Copy of claim