

Claim No. 13 4053

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 Fairview Water District
(name of claimant)
of Route # 2, Box 140, 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) spring
_____, tributary to, Foster Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: 1.78 cfs
Amount 800 gpm Use domestic Period of Use: From Jan 1 To Dec 31
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: _____ cubic feet per second, or _____ acre feet per annum, and/or 800 1.78 cfs gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) May 5, 1952

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 SE ¼, Sec. 20 Twp. 15S Rge. 41E B. M. County of Franklin
Additional points of diversion: N/A

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. 10 inch inlet, 10 inch outlet, 90° V-notch weir in 900 gallon receiving box. Overflow to transmission line to 50,000 gallon concrete reservoir.

- (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.

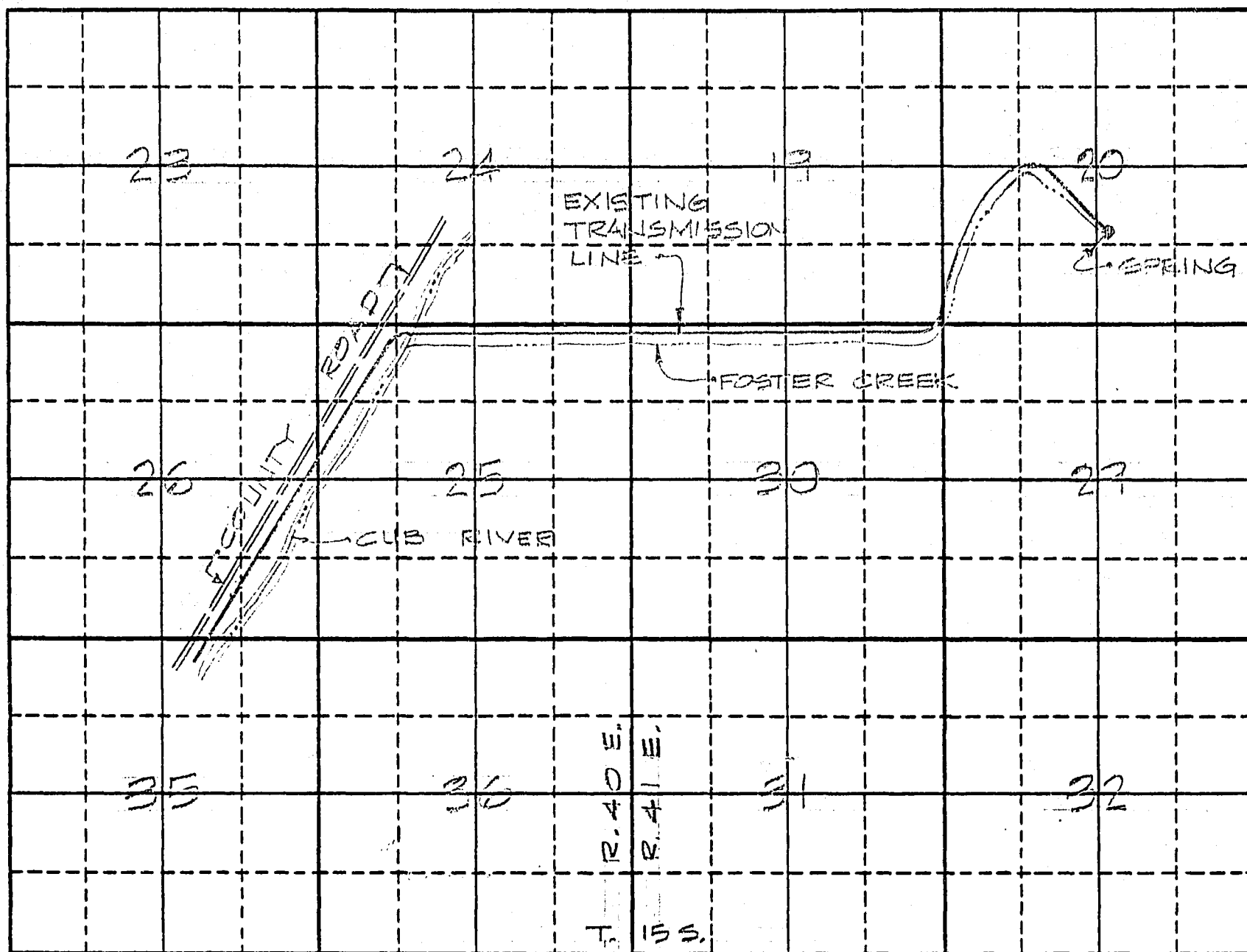
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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 supplying water to approximately 155 users including several small family dairy operations.

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

(8) Remarks See attached boundary map for District boundaries.



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 9th day of August, 19 77.

Dennis B. Hall
(Claimant)
Sally Hansen
Notary Public
Residing at Butte, Idaho

My commission expires March 1, 1980

For Department Use Only

Received by EW Date 8-22-77 Exception filed by: Forwarded to Date
Prelim. check by EW Date 8/10/77 claimant by:
\$10.00 fee received by EW Date 8-22-77
Approved for publication by Mr. G-16-77 #253
Published in Great Falls
Dates Sept. 1-8-1977 TO THE WORLD

Township	Range	Section	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
15S	41E	19											X					
15S	40E	24												X				
		25						X										
		26				X									X	X	X	
		34															X	
		35	X	X			X		X			X						
16S	40E	3										X						
		4													X			X
		7								X								
		8				X			X						X			
		9		X					X			X						
		18	X															
16S	39E	2											X					
		9				X												X
		10	X			X			X				X	X	X			
		11							X			X						
		12											X					
		13		X			X	X									X	
		14	X						X			X						
		15	X		X		X	X				X	X		X	X	X	
		16	X			X									X			
		21	X	X		X								X	X		X	
		22						X	X			X	X	X			X	
		23											X					
		24						X										
		25							X								X	
		26		X	X		X	X				X	X		X			
		27	X	X			X	X					X		X		X	
		28	X	X				X	X				X	X			X	X
		29													X			X

Map in folder too
big to microfilm -
see folder for map.

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

September 1st, 1977, and ending

with the issue of September 8th, 1977.

Richard D. Stockdale

Fee \$ 11.84

Subscribed and sworn to before me this 14th day

of September, 1977.

Notary W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

SEP 16 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4053

Notice is hereby given that Fairview Water District, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.78 cubic feet per second of water from a spring tributary to Foster Creek with point of diversion in the NW 1/4 SE 1/4, Sec. 20, T. 15S, R. 41E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 5, 1952; the place of use is within the Fairview Water District.

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 September 1 and September 8, 1977.

Legal No. 476— Pub. Sept. 1 and 8, 1977.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 15, 1977

Mr. Dennis B. Hall
Fairview Water District
Route 2, Box 140
Preston, Idaho 83263

Dear Mr. Hall:

Enclosed please find two claims to a water right, one map, and your check No. 92-273 in the amount of \$20.00.

In reviewing your claims, the Department finds it necessary to return them because no description of the place of use was given in Item 6. For domestic use please place an "x" in each 40-acre subdivision where the water is used from the pipeline being sure to indicate the township, range and section.

Should you have any questions concerning the completion of this task, please feel free to contact this office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:CW

Enclosure

Attachment: Check No. 92-273

August 22, 1977

RE: Claim to a Water Right No. 13-4053 and No. 13-4054

Fairview Water District
Route #2, Box 140
Preston, ID 83263

Gentlemen:

Attached herewith is Departmental receipt No. 8353 in the amount of \$20.00 for the above referenced claims.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4053

Notice is hereby given that Fairview Water District,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.78 cubic feet per second ~~acres feet per annum~~
of water from a spring tributary to Foster Creek
with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 15S, R. 41E, B.M.,
Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of May 5, 1952;
the place of use is within the Fairview Water District

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
~~XXXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on September 1 and September 8, 1977

*me
C.
P.*

August 26, 1977

RE: Application for Permit No. 13-7216 SMART
Claim to a Water right No. 13-4053 FAIRVIEW WATER DIST.
13-4054 "

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

9-16-77 by Cal

RDC:CW

Enc: Legal Notice (3)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 19, 1977

RE: Claim to a Water Right No. 13-4053 and 13-4054

Fairview Water District
Rt. #2, Box 140
Preston, ID 83263

Gentlemen:

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:CD

Enc: Copy of claim

Idaho Dept of Water resources
Idaho falls, Idaho

Sept 15, 1977

RECEIVED

SEP 19 1977

Department of Water Resources
Eastern District Office

Dear Sir

I would like at this time to register an official protest. Pending further investigation into the claim to water rights by the Fairview Water District, on Two Springs on Foster Creek. Near Preston, Idaho.

Claim #1. No. 13-4053 - Legal No # 476.

Claim #2. No. 13-4054 Legal No # 477.

I am in the process at this time of locating dates on Decrees.

Two of your people have first hand knowledge of the situation. I understand that one member works out of your office. And the other is on the committee assigned to this type of investigation by the Governor. (I cant remember their names)

Thank you Very much.

Blaine H. Paylor
168 West 1st North
Preston, Idaho 83263

September 20, 1977

RE: Claim to a Water Right No. 13-4053 and 13-4054

Mr. Blaine H. Taylor
168 West 1st North
Preston, Idaho 83263

Dear Mr. Taylor:

I am in receipt of your letter of September 15, 1977, indicating your desire to protest water right claims No. 13-4053 and 13-4054 in the name of Fairview Water District.

As I indicated to you in our conversation on September 14, 1977, a claim to a water right is filed for information purposes and, therefore, a protest is not appropriate. If you wish to file an exception to these claims pointing out errors that you feel exist in the claims as submitted, you may point out these errors in an affidavit. The Department will take no action on an exception other than to retain a copy as part of the appropriate file and to supply a copy to the claimant.

We are attempting to determine the recorded rights we have on file on Foster Creek and will notify you when our review is completed.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure: 2 affidavit forms