

Claim No. 13 4062

## 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 Lewiston City  
(name of claimant)  
of Lewiston, Utah  
(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) Flat Canyon Spring  
\_\_\_\_\_, tributary to, Spring 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:

|        |                      |     |                               |                |      |                   |    |                        |
|--------|----------------------|-----|-------------------------------|----------------|------|-------------------|----|------------------------|
| Amount | <u>1.0</u>           | Use | <u>Municipal</u>              | Period of Use: | From | <u>1/1</u>        | To | <u>12/31</u>           |
| Amount | <u>          </u>    | Use | <u>          </u>             | Period of Use: | From | <u>          </u> | To | <u>          </u>      |
| Amount | <u>          </u>    | Use | <u>          </u>             | Period of Use: | From | <u>          </u> | To | <u>          </u>      |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |                   |    | (both dates inclusive) |

- (3) Total quantity of water claimed: 1.0 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) May 1915

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)  
SE ¼ SE ¼, Sec. 24 Twp. 16S 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. Collection box  $\neq$  6" pipeline  
to a regulating reservoir and then to a larger reservoir and on  
to Lewiston.

- (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.

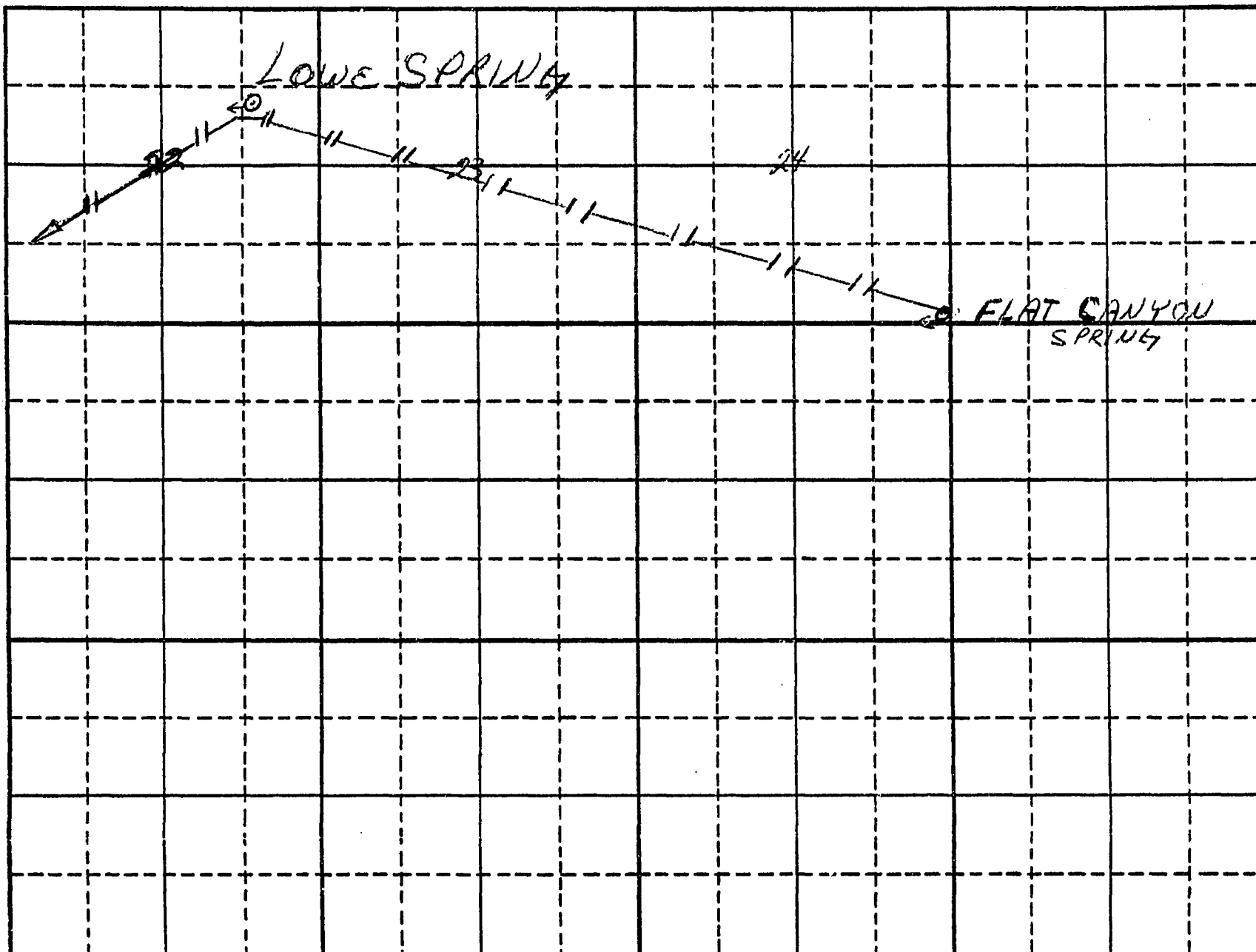
[illegible]

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:** Municipal

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

(8) Remarks \_\_\_\_\_



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 ~~Kan~~ Utah )  
County of Cache ) 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.

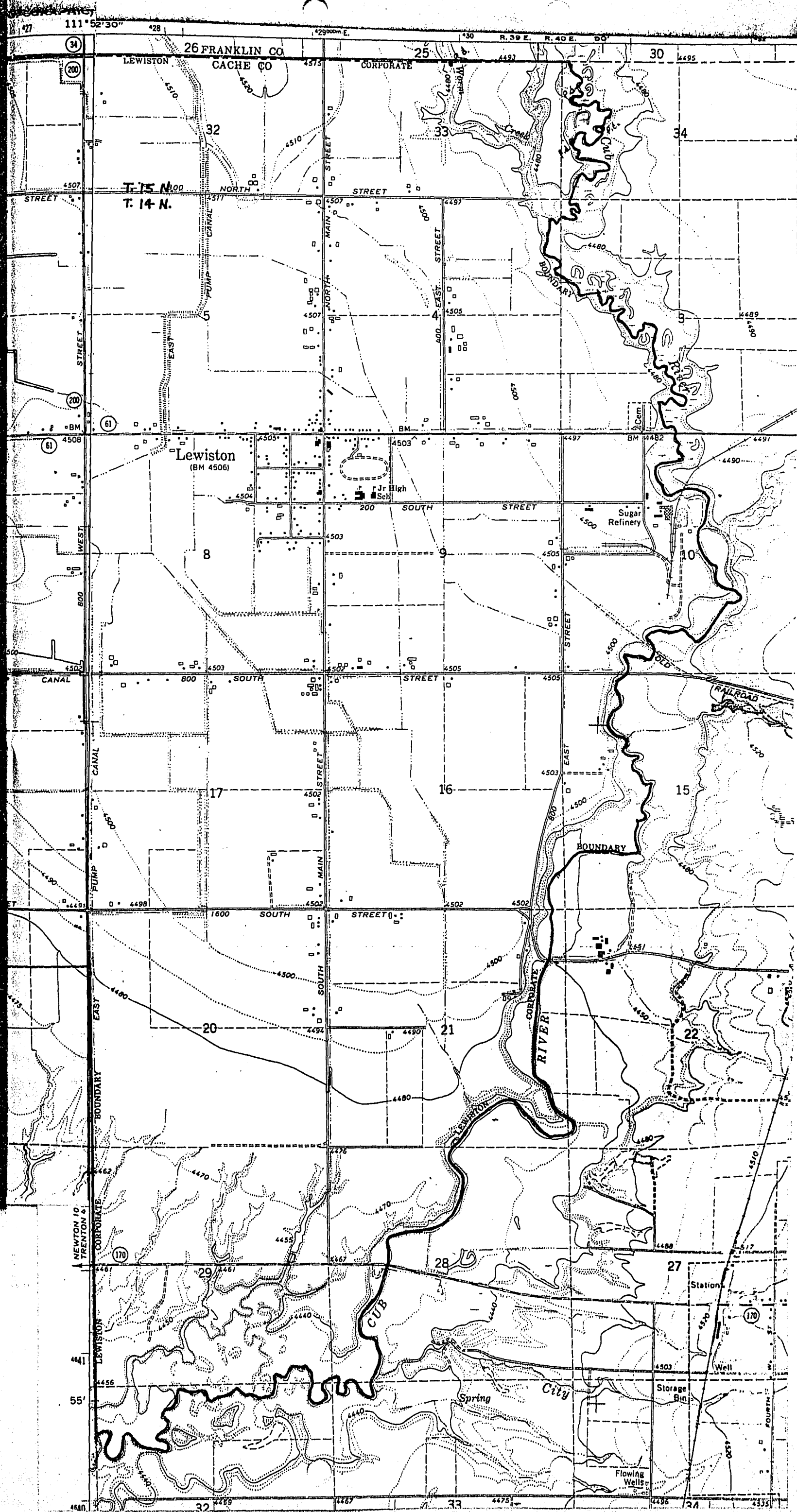
Lewiston City  
BY: Herbert B. Harrison MAYOR  
(Claimant)

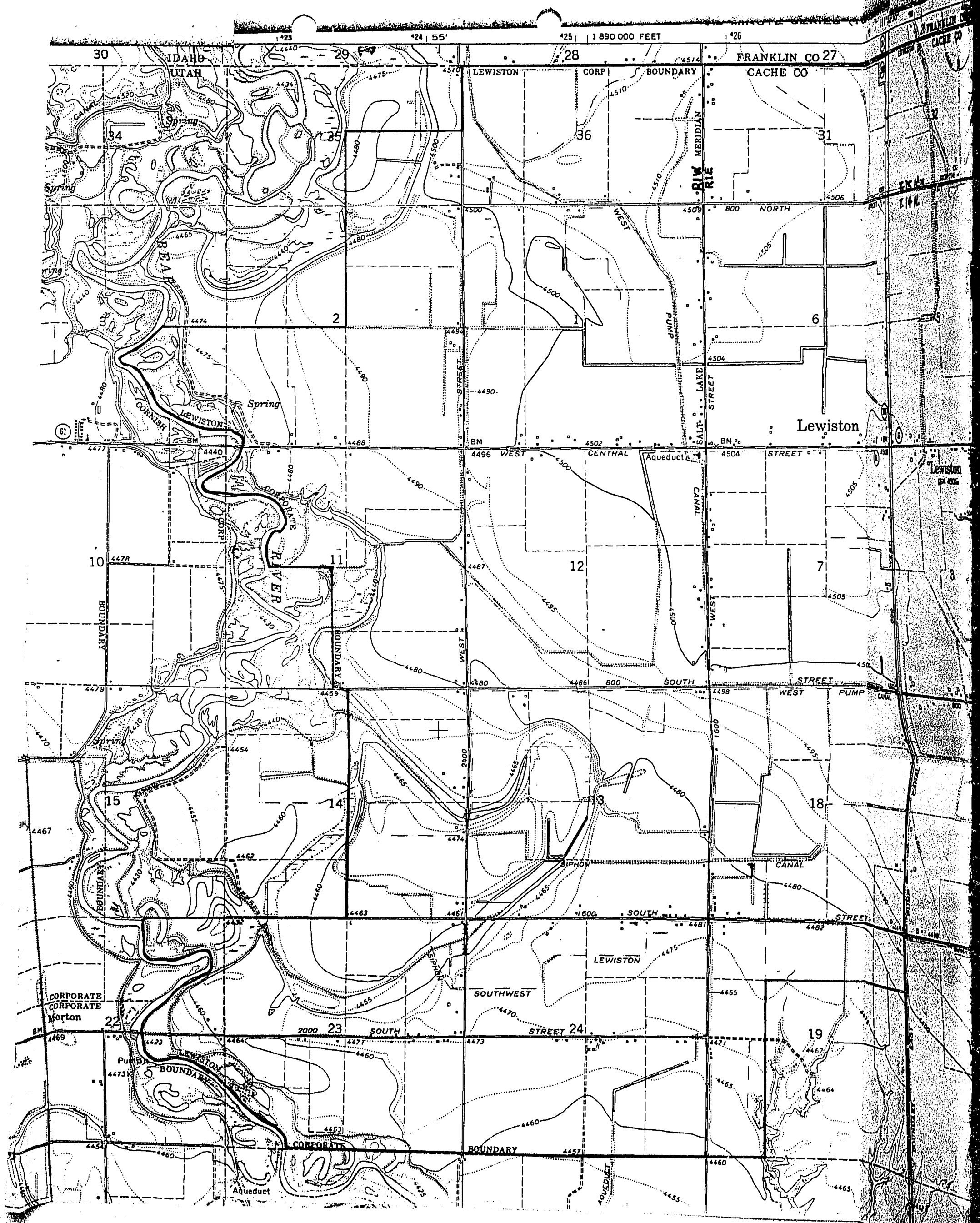
Sworn to before me this 20<sup>th</sup> day of December, 1977.

John H. L. L. L.  
Notary Public  
Residing at Paradise, Utah

My commission expires 4-22-80

103-78  
12-22-77  
For Department Use Only  
Received by MR Date 12-22-77 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by EMC Date 1-04-78 claimant by: \_\_\_\_\_  
\$10.00 fee received by OW Date 1-04-78 #9156  
Approved for publication by OW 2-01-78  
Published in Orion (City) \_\_\_\_\_  
Dates Jan 12 + 19-1978 \_\_\_\_\_





No 552

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

*Yvonne Ross*

being duly sworn,

deposes and says:

That he is the *Bookkeeper* 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

*January 12*, 19*78*, and ending

with the issue of *January 19*, 19*78*.

*Yvonne Ross*

Fee \$ *16.28*

Subscribed and sworn to before me this *30* day of *January*, 19*78*.

*Notary W. Casperson*

Notary Public, Residing at Preston, Idaho

My Commission Expires *August 11*, 19*81*.

RECEIVED

FEB 1 1978

Department of Water Resources  
Eastern District Office

## LEGAL NOTICES

### NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4062

Notice is hereby given that Lewiston City, Utah has filed a claim to a water right established by diversion and application to beneficial use of 1.00 cubic feet per second of water from Flat Canyon Spring tributary to Spring Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 24, T. 16S, R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes with a priority of May, 1915; the place of use is within Lewiston City.

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 January 12 and January 19, 1978.

Legal No. 552 — Pub: Jan. 12 and 19, 1978.

**HILLYARD, GUNNELL & LOW**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

175 EAST FIRST NORTH

LOGAN, UTAH 84321

RECEIVED

DEC 22 1977

Department of Water Resources

Department of Water Resources

DATE: December 20, 1977

RE: Water Right

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Dear Sir:

Enclosed please find two original Claims To A Water Right  
and a check in the amount of \$20.00 to cover filing fees.

HILLYARD, GUNNELL & LOW

Signed F.L. Gunnell / *FL*

MEMO LETTER

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January 5, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY  
13-4063

F. L. Gunnell, P. H.  
Attorney at Law  
Hillyard, Gunnell & Low  
175 East First Street North  
Logan, Utah 84321

Dear Mr. Gunnell:

Attached herewith is Departmental receipt No. 9156 in the amount of \$20.00  
for the above referenced claims.

Very truly yours,

COLLEEN WRAY  
Secretary

CW:CD

Attachment

January 5, 1978

C RE: Claim to a Water Right No. 13-4062 LEWISTON CITY  
13-4063

Mr. Mike Turnipseed  
Area Engineer  
Division of Water Rights  
Northern District Office  
P.O. Box 381  
55 East 1st North  
Logan, Utah 84321

D Dear Mr. Turnipseed:

For your information, enclosed please find copies of two Claims to a Water Right filed by Lewiston City as referenced above.

Very truly yours,

Y COLLEEN WRAY  
Secretary

CW:CD

Enclosures

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4062

Notice is hereby given that Lewiston City,

Utah

has filed a claim to a water right established by diversion and application  
to beneficial use of 1.00 cubic feet per second ~~xxxxxx feet per second~~

of water from Flat Canyon Spring tributary to Spring Creek

with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 24, T. 16S, R. 40E, B.M.,

Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31

for municipal purposes

with a priority of May, 1915;

the place of use is within ~~the~~ Lewiston City.

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  
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Preston Citizen, Preston, Idaho

on January 12 and January 19, 1978

cal-A  
cal-L.

January 6, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY  
13-4063 " "

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 2-01-78 by Cal

RDC:CW

Enc: Legal Notice (2)

January 30, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY  
13-4063

Preston Citizen  
Box 472  
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on January 12 and January 19, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:CD



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

February 1, 1978

RE: Claim to a Water Right No. 13-4062 LEWISTON CITY  
13-4063

Lewiston City  
Lewiston,  
Utah 84320

Gentlemen:

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 file, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy 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  
Supervisor  
Eastern Region

RDC:CD

Enclosures