

Claim No.

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, 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) Lowe 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>2.0</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 or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.0 ^{*See} remarks 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) March 31, 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22 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 and drops
immediately into a reservoir and then continues to Lewiston City.

- (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.

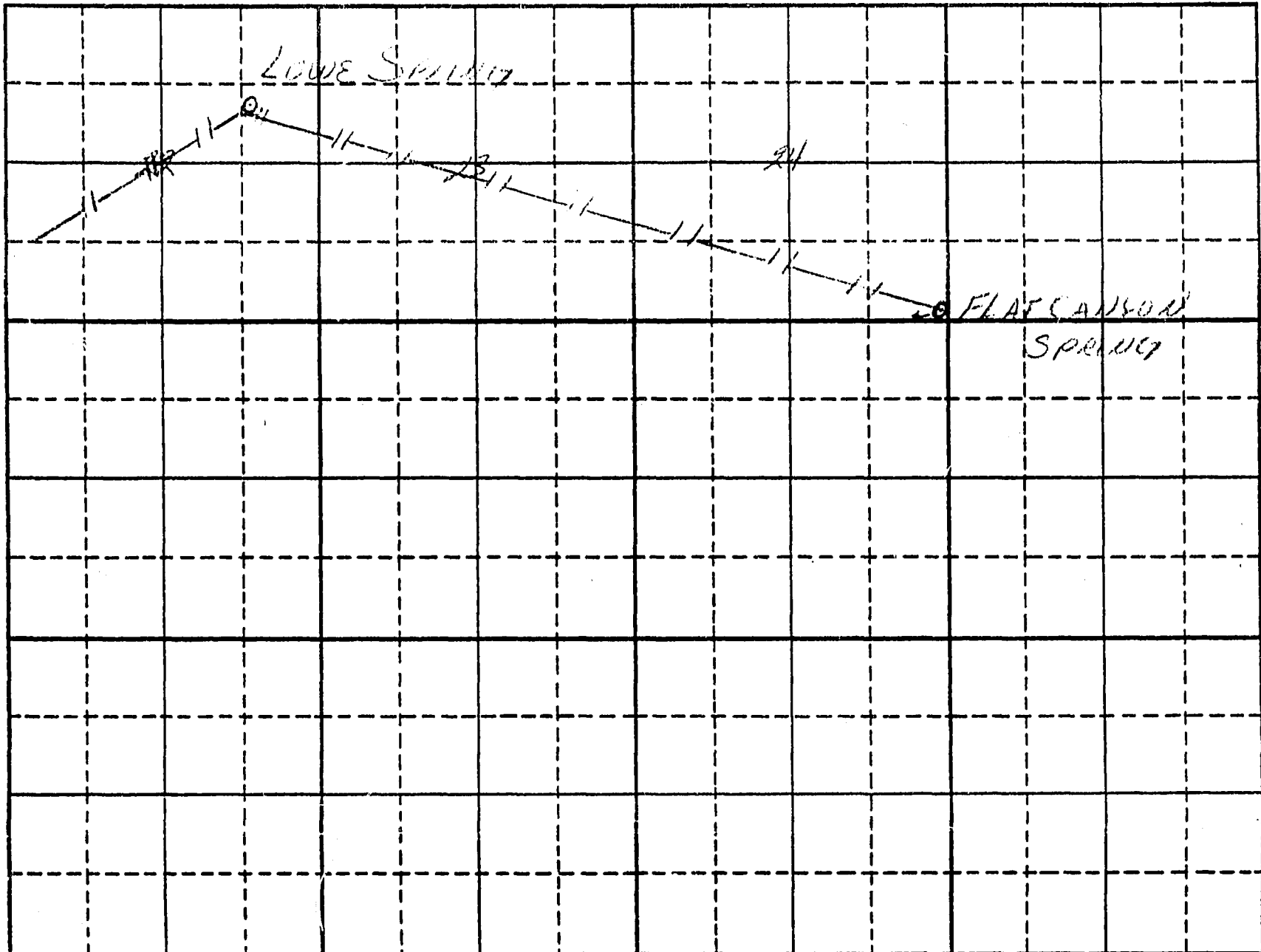
[illegible]

Total No. of acres

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

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

(8) Remarks This spring is shared with 1/3 of the flow going to
Franklin, Idaho.



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 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 20th day of December, 19 27

Leah Nell Linnell
Notary Public
Residing at Paradise, Utah

My commission expires 4-22-30

For Department Use Only			
Received by <u>W B Mann</u>	Date <u>1-03-28</u>	Exception filed by:	Forwarded to
Prelim. check by <u>W B Mann</u>	Date <u>12-27-27</u>		claimant by:
\$10.00 fee received by <u>W B Mann</u>	Date <u>1-04-28</u>		
Approved for publication by <u>W B Mann</u>	Date <u>2-01-28</u>		
Published in <u>Paradise (Utah)</u>			
Dates <u>Jan 12 & 19-1928</u>			

No 553

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*77*, 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*

Dottie W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires *August 11*, 19*80*

REGISTERED

FEB 1 1978

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4083

CW 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 2.00 cubic feet per second of water from Lowe Spring tributary to Spring Creek with point of diversion in the SE 1/4 NE 1/4, Sec. 22, 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 March 31, 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. 553 — Pub. Jan. 12 and 19, 1978.

HILLYARD, GUNNELL & LOW

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

175 EAST FIRST NORTH

LOGAN, UTAH 84321

Department of Water Resources

DATE: December 20, 1977

RE: Water Right

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 *F.L.*

MEMO LETTER

January 5, 1978

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

F. L. Gunnell, P. II.
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

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

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,

COLLEEN WRAY
Secretary

CW:CD

Enclosures

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4063

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 2.00 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Lowe Spring tributary to Spring Creek
with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, 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 March 31, 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~~
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on January 12 and January 19, 1978

aw-A-
aw-A

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 24, 1978

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

Mr. Floyd C. Robinson, Mayor
City of Franklin
Franklin, ID 83237

Dear Mayor Robinson:

We are in receipt of your letter of January 18, 1978, providing information concerning Claim to a Water Right No. 13-4063. As you are probably aware, a claim to a water right is filed to preserve a record of a right that has been established through diversion and beneficial use, but has never been confirmed by court action. The claim, therefore, may be considered the first preparation for preserving a record of the right for future court review.

If the claim is in error, then it is appropriate to submit an exception to correct the record. It is necessary for an exception to be filed in affidavit form and signed in the presence of a notary public. In this case, you may wish to also contact the officials of the City of Lewiston and perhaps have this claim amended to include both the cities of Lewiston and Franklin, and perhaps reduce the amount of water claimed to that which has been measured. For your information, I have included a copy of Claim to a Water Right No. 13-4063 and wish to draw to your attention Item 8 in which they indicate this spring is shared between the two cities. I have also included affidavit sheets if you should wish to use them.

If you have any additional questions in this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

Enclosures

CITY OF FRANKLIN

FRANKLIN, IDAHO 83237

FLOYD C. ROBINSON, Mayor
BETH COLE, Clerk
LORRAINE MORRISON, Treasurer

COUNCILMEN
JAMES KIRKBRIDE, Roads
VON ATKINSON, Water
WAYNE PRIESTLEY, Parks
BRENTON ATKINSON, Health

Jan. 18, 1978

RECEIVED
JAN 23 1977

Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

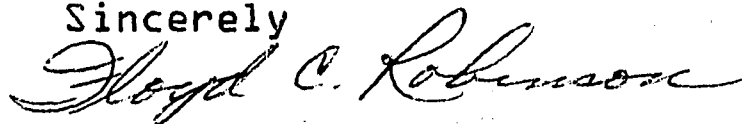
Gentlemen:

In response to the Notice of Claim to a Water Right No. 13-4063 published in the Preston Citizen on Jan. 12 and 19, 1978 referred to as the Lowe Spring located in the SE 1/4 of NE 1/4, Sec. 22, T. 16 S., R. 40E., B.M., Franklin County is jointly owned by Lewiston City and Franklin City. Two thirds of the water produced by the spring belong to Lewiston City and one third produced belong to Franklin City. This water is used for municipal purposes in both cities. However, this spring does not produce 2.00 cubic feet per second as stated in the notice.

This letter is to inform you that Franklin City has an interest in this spring and we would like to go on record as to our ownership in this spring for any action which might take place.

Mayor Smith and Councilman Dee Van Orden of the Lewiston City Council concur that this ownership is correct according to their records.

Sincerely



Floyd C. Robinson, Mayor
Franklin City

P.S. This is no a protest but a clarification on the above spring.

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