

Claim No. 13 4070

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

1000 FEE

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 The City of Weston, Idaho
(name of claimant)
of Weston, 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) Spring
Weston Creek, 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:

1.75 Amount 1 3/4 cfs 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: 1 3/4 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) 19-Mar 1912 A.D.

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 1/4 NE 1/4, Sec. 16 Twp. 16 S Rge. 38 E 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. Water is diverted into an intake structure from where it enters a 12 inch concrete pipe and flow approximately 6800 ft. to a storage 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.

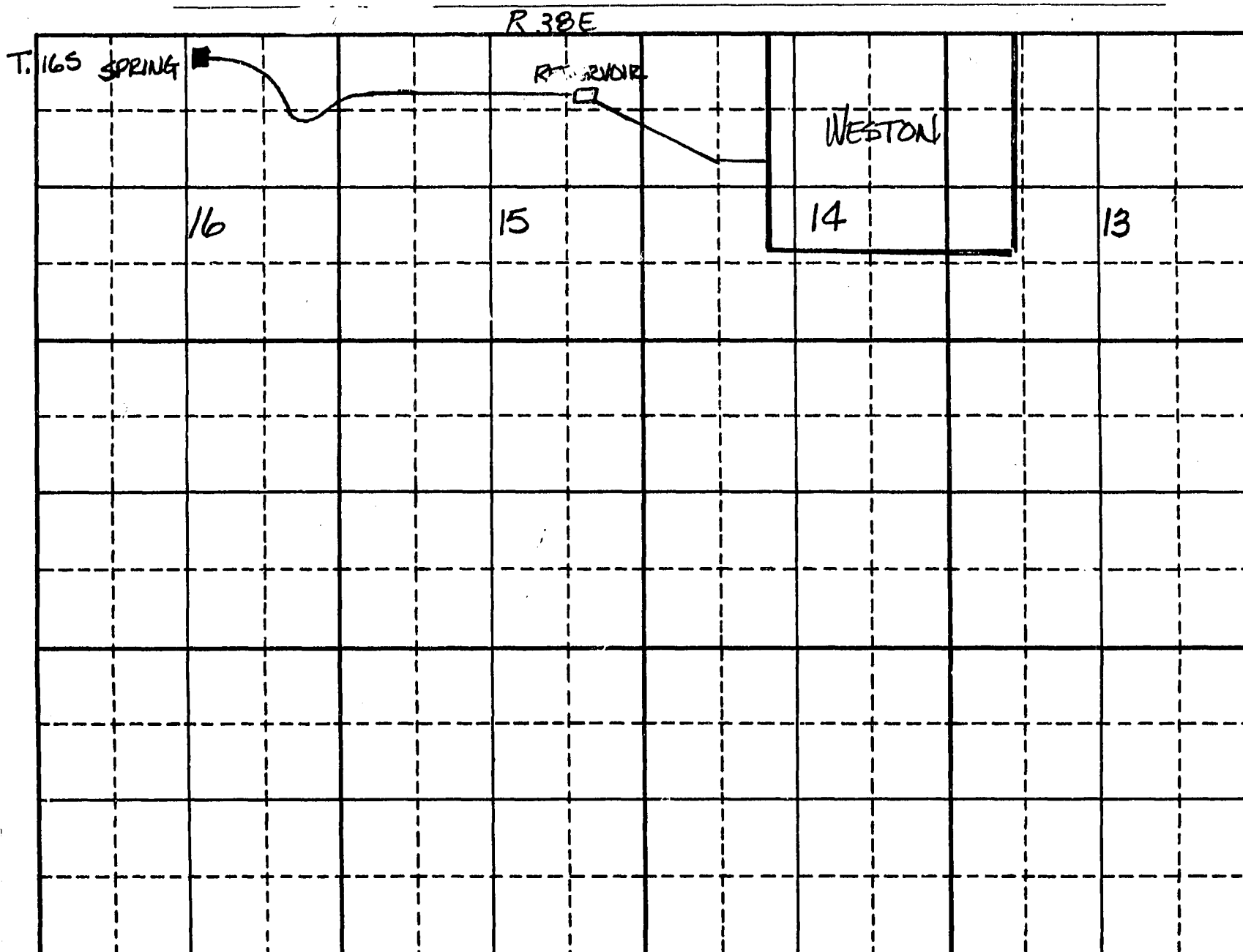
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	38E	14	X	X	X	X	X			X					X	X			
16S	38E	13						X	X			X							
16S	38E	11										X	X	X					

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic culinary purposes.

(7) If you are claiming water as a member of an organization, list name of organization: _____
City of Weston, Idaho.

(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 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 15th day of February

Houston City
H. Maurice Inggy Mayor
(Claimant)

Connie Westover
Notary Public
Residing at Preston, Idaho

My ^{Bond} commission expires 7/25/78

For Department Use Only

Received by <u>aw</u>	Date <u>2-27-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>2-27-78</u>		claimant by:	
\$10.00 fee received by <u>aw</u>	Date <u>2-27-78</u>			
Approved for publication by <u>MC</u>	<u>3-27-78</u>			
Published in <u>Preston Citizen</u>				
Dates <u>Mar. 9 & 16-1978</u>				

RECEIVED

FEB 21 1978

Department of Water Resources
Eastern District Office

RECEIVED

Weston Idaho
6 Feb 1978

FEB 27 1978

Department of Water Resources
Eastern District Office

To whom it may concern:

My name is Ethel Bastian, I have lived in Weston since 1918. At that time the City of Weston was getting their water from the same spring that they are to day.

Sincerely

Ethel Bastian

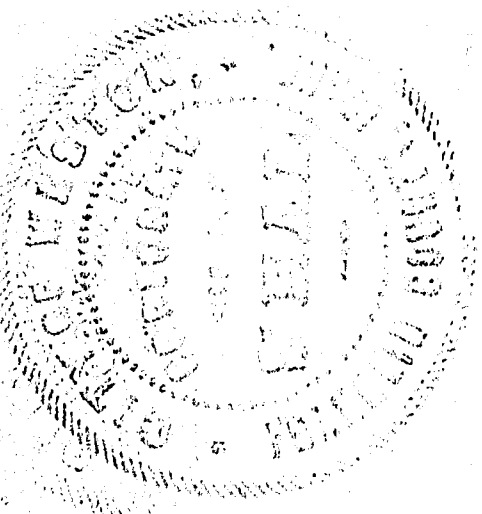
STATE OF IDAHO
COUNTY OF FRANKLIN SS

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF FEBRUARY, 1978.

Connie Westover

Notary Public, Preston, Idaho

My Bond Expires 7/25/78



RECEIVED

Weston Idaho
Feb 6 1978

FEB 21 1978

RECEIVED

FEB 27 1978

Department of Water Resources
Eastern District Office

To Whom it may concern:

Department of Water Resources
Eastern District Office

My name is Frank Olsen, I am 78 years old. I moved to Weston in 1910. Weston put in their water system in 1912, I remember it so well because I was the water boy for the work gang. The water the City uses come from the same spring today that it did then.

Sincerely

Frank L. Olsen

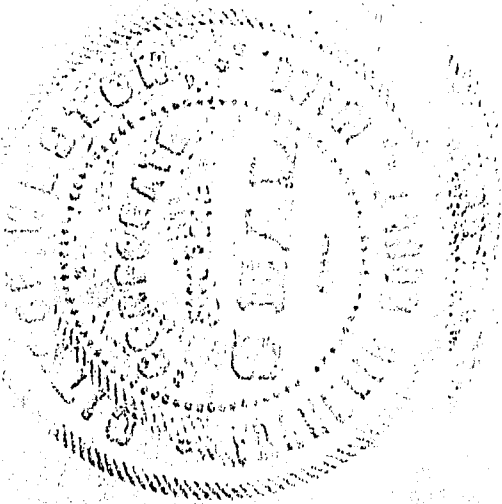
STATE OF IDAHO
COUNTY OF FRANKLIN SS

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF FEBRUARY, 1978.

Connie Westover

Notary Public, Preston, Idaho

My Bond Expires 7/25/78



RECEIVED

FEB 21 1978

Department of Water Resources
Eastern District Office

Weston Idaho
Feb 6 1978

RECEIVED

FEB 27 1978

Department of Water Resources
Eastern District Office

To whom it may concern:

My name is Oscar Campbell, I have lived in Weston all my life. 70 years, as long back as I can remember the City of Weston has been getting their water from the same source. They have gone from the old wood water pipes to the steel pipes and now to the cement pipes in their main water line.

Yours Very Truly

Oscar Campbell

STATE OF IDAHO
COUNTY OF FRANKLIN SS

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF FEBRUARY, 1978.

Donnie Westover
Notary Public, Preston, Idaho

My Bond Expires 7/25/78



Inst No 22667

Deed.

RECEIVED

FEB 27 1978

Department of Water Resources

This Indenture, made this 19th day of November A.D. 1912, between
Weston Creek Irrigation Company, a corporation, duly organized and existing under
laws of the State of Idaho, of Weston, Oneida County, State of Idaho, the party of
first part, and the village of Weston, a municipal corporation of the State of Idaho

RECEIVED

FEB 21 1978

Department of Water Resources
Eastern District Office

Weston, Oneida county, Idaho, party of the second part,

Witnesseth: That, Whereas, the following notice was duly sent out to the stockholders of the Weston Creek Irrigation Company, to wit: "Weston, Idaho, February 23, 1912.

Notice of special stockholders meeting of the Weston Creek Irrigation Company. Pursuant to a call of the President of the Weston Creek Irrigation company, on the 19th day of February, 1912, a stockholders meeting of the said company will be held at the Opera House, Weston, Idaho, in the 14th day of March, 1912, at the hour of 11 o'clock A.M. of said day for the purpose of settling by vote of said stockholders whether or not said company will sell to the village of Weston a certain spring of water situated in said irrigation company, for a consideration to be agreed upon by said stockholders and in case of said sale authorize the president and secretary to make the necessary transfer, and for such other business that may come before the meeting.

Jno. P. Nielsen, Sec".,

And, whereas, in pursuance to the above recited notice on the 14th day of March, 1912, at a stockholders meeting the following resolution was passed by said stockholders, to wit; "Resolved:- That, Whereas, the Weston Village is desirous of purchasing a certain spring at the N. W. corner of the N.E. $\frac{1}{4}$ of section 16, township 16 S.R. 38 East B. M.

And, whereas, said spring is a tributary of the Weston Creek and therefore belongs to the Weston Creek Irrigation Company, now, therefore, we the stock owners in the Weston Creek Irrigation Company do hereby authorize our president and secretary to give a deed for said spring to the village of Weston, as soon as the trustees of said village present a certificate or certificates to said president and secretary showing that they are the owners of stock in the Weston Creek Irrigation Company to the amount of sixty seven (67) shares".

And whereas, the Board of directors of this corporation has heretofore passed a resolution authorizing and directing the president and secretary to execute deed, conveying the water rights hereinafter mentioned to Weston Village.

Now therefore, the said party of the first part, for and in consideration of the premises and the sum of one (\$1.00) dollar, lawful money of the United States of America, to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold, quit claimed, released and by these presents does grant, bargain, sell, convey, quit claim, release and confirm unto the said party of the second part, and to its heirs and assigns forever, all the right, title, interest and estate in and to the waters arising from, arising upon or issuing from, the following described real estate, in Oneida County, State of Idaho, to-wit:

Beginning at a point north 15 degrees 07' west fifty three (53) feet of a point three hundred sixty five (365) feet south of a point twenty five hundred thirty five (2535) feet west of the north east corner of section sixteen (16) township sixteen (16) south of range thirty eight (38) east of the Boise Meridian, and running thence north fourteen (14) feet; thence south 81 degrees 18' west twenty five (25) feet; thence north 36 degrees 45' west seventeen (17) feet; thence south 52 degrees 47' west seven (7) feet; thence north 36 degrees 45' west thirty four (34) feet; thence south 52 degrees 47' west twenty three (23) feet; thence south 36 degrees 45' east sixty eight (68) feet; thence north 81 degrees 18' east thirty seven (37) feet, thence north sixteen (16) feet to the place of beginning.

Provided that the said Weston Village shall have the right at its option to construct a retaining wall from the mouth of the intake pipe, in the trench as now located, for a distance of fifty seven (57) feet, the bottom of such retaining wall

FEB 27 1978

Department of Resources
Bureau of Land Management

not to be more than eighteen (18) inches below the bottom of said intake pipe as now located, and provided, further that the said grantee shall have the right to lay tiling upon the premises above described, on such part of said premises as lie east of a point fifty seven (57) feet west of said intake pipe, and said village may lay tiling in the trench, as now located, to a point not exceeding ninety one (91) feet west of the mouth of said intake pipe, such tiling not to be laid any lower than the bottom of said intake pipe as now located.

To have and to hold, all and singular the above described water water rights and privileges, unto the party of the second part, and to its assigns forever.

In witness whereof, the party of the first part has caused this instrument to be executed, signed, sealed and delivered by its President and Secretary.

(Corporate Seal)

Weston Creek Irrigation Company,

By Henry McCulloch, President,

John P. Nielsen, Secretary.

State of Idaho

County of Oneida ss. On this 19th day of November, in the year 1912, before me, Otto Gassman, a Notary Public, in and for the said county, personally appeared Henry McCulloch, and John P. Nielsen, known to me to be the president and secretary, respectively, of the corporation that executed the instrument, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Seal)

Otto Gassman, Notary Public

My commission expires: June 27, 1916

Recorded at the request of Thomas Preston on November 21st, 1912 at 9-20 A.M.

John J. Evans, recorder By Letitia Jones, Assistant.

Reference: Book "11" of deeds at page 233 Original Oneida county records.

No 575

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Kevin D. Allen
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 9, 1978, and ending
with the issue of MARCH 16, 1978

Kevin D. Allen

Fee \$ 14.80

Subscribed and sworn to before me this 23 day
of March, 1978.

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

MAR 27 1978

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4070

Notice is hereby given that the City of Weston, Weston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.75 cubic feet per second of water from a spring tributary to Weston Creek with point of diversion in the NW 1/4 NE 1/4, Sec. 16, T. 16S, R. 38E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of Nov. 19, 1912; the place of use is within the NE 1/4, E 1/2 NW 1/4, N 1/2 SE 1/4, Sec. 14, W 1/2 NW 1/4, NW 1/4 SW 1/4, Sec. 13, S 1/2 SW 1/4, Sec. 11, T. 16S, R. 38E, 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 March 9 and March 16, 1978.
Legal No. 575-20L - Pub. March 9, 16, 1978

CITY OF WESTON
BOND, INTEREST AND WATER SYS. FUND
WESTON, IDAHO 83286

241
2-17-1978
92-273
1241

PAY TO THE ORDER OF State of Idaho State Revenue
Dept of Revenue DOLLARS

FIRST SECURITY BANK OF IDAHO
NATIONAL ASSOCIATION
PRESTON, IDAHO 83263

FOR Water permit Russell B. Johnson

⑆1241⑆0273⑆ 16 08016 27⑈

RESOURCES

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

February 21, 1978

Mr. James P. Gass
Project Engineer
Forsgren & Perkins
233 North State
Preston, Idaho 83263

Dear Mr. Gass:

Enclosed please find check No. 92-273 for \$10.00, the claim to a water right, a deed to the spring in Weston and three affidavits you recently submitted to our office for the City of Weston.

We are returning these documents as the claim requires some additional information and corrections before it can be receipted. For Item 6, the place of use should be identified by placing an "x" in the appropriate boxes for each 40-acre subdivision in which the water is utilized. The ranges listed in Item 5 and on the plat map are those used by Utah; this should be changed to Idaho's range numbers which I believe is 38E. Once these items have been completed, please return the claim with the statutory fee and the other documents for processing.

Feel free to contact this office if you have any questions.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Attachment

Enclosures

cc: City of Weston



Forsgren, Perkins and Associates, P.A.
Consulting Engineers

350 North 2nd East, Rexburg, Idaho 83440
755 North Main, Suite 4, Pocatello, Idaho 83201
233 North State, Preston, Idaho 83263
2880 South Main, Suite 206, Salt Lake City, Utah 84115

LETTER OF TRANSMITTAL

PLEASE REPLY TO

DATE: 2-17-78

☐ REXBURG OFFICE

☐ POCATELLO OFFICE

☒ PRESTON OFFICE

☐ SALT LAKE CITY OFFICE

PROJECT: 77943

Idaho Dept. of Water Resources

1515 Lincoln Ave.

Idaho Falls, ID. 83401

RECEIVED

FEB 21 1978

Department of Water Resources
Eastern District Office

ATTENTION:

REFERENCE:

WE ARE ENCLOSING:

COPIES	DESCRIPTION
1	Claim to water right
1	Deed to the Spring in Weston
3	Affidavits

REMARKS:

For your information and approval.

FORSGREN, PERKINS AND ASSOCIATES, P.A.

James P. Gass
Project Engineer

If enclosures are not as noted, please notify us at once.

February 27, 1978

RE: Claim to a Water Right No. 13-4070

The City of Weston, Idaho
Weston,
Idaho 83286

Gentlemen:

Attached herewith is Departmental receipt No. 9851 in the amount of \$10.00 for the above referenced claim to a water right.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Attachment

cc: James P. Gass

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4070

Notice is hereby given that the City of Weston,
Weston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.75 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a spring tributary to Weston Creek
with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 16S, R. 38E,
B.M., Franklin County

The water is claimed to be used from Jan. 1 to Dec. 31
for domestic purposes
with a priority of Nov. 19, 1912;
the place of use is within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 13, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 11, T. 16S, R. 38E, 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
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on March 9 and March 16, 1978

*me. J.
me. Q.*

March 1, 1978

RE: Claim to a Water Right No. 13-4070 CITY OF WESTON

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 3-27-78 by CD

RDC:CD

Enclosure: Legal Notice

March 22, 1978

RE: Claim to a Water Right No. 13-4070 CITY OF WESTON

Lyle P. Porter, Secretary
Board of Directors
Weston Creek Irrigation Co.
Weston, Idaho 83286

Dear Mr. Porter:

We are returning your letter of exception concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we are enclosing an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure



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

March 28, 1978

RE: Claim to a Water Right No. 13-4070

City of Weston
Weston,
Idaho 83286

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:CW

Enc: Copy of Claim