

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that C. Wallace Chatterton

(Name of Claimant)

Route #1, Franklin, Idaho 83237

(Mailing Address)

Telephone No. 646-2480

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June, 1880

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Flat Canyon Creek tributary to Bear River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>4.50 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 23 Twp. 16S Rge. 40E B.M., County of Franklin
Additional points of diversion: SE 1/4 SW 1/4, Sec. 24, T. 16S, R. 40E, B.M.

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. Describe any changes in the system and give the date of the change. Ditches and small dams (Main ditch 3' wide, 1 1/2' deep)

- (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	40E	23	24	23	13	13	17	1	1	8									100
		22					4		1	26	26			15	15	36	10	2	135

No. of acres 235

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____

			22	4		22	23 1	17	23	24	23	24	
			1	26			1	8	13	13			
T. 16S				26	36	15				P.D.			
			22	15	10	2	22	23		23	24	P.D.	

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 _____) 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 affiant's knowledge.

Sworn to before me this 6 day of February, 1979.

W. Wallace Chatterton
(Claimant)
[Signature]
Notary Public
Residing at Presto

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by dh Date 2-8-79 Exception filed by: _____ Date _____
Prelim. check by EMC Date 2-8-79 Fowarded to claimant by: _____
\$20.00 fee received by dh Date 2-8-79
Published in Preston Citizen
Dates February 15 & 22, 1979

K
21.5

C
13.0

B 1.7

E
2.3

D
15.4

10.8

4.2

8.2

40

24

F-340

125P

C. Wallace Chatterton

15 14
22 23

M
58.3

Pitch

15 14
22 23

F-355
126 F
Dalmain
Earley

F-340
234 FAS
Wallace

G
3.3

H
1.3

I
21.4

F-321
230 F
Howard
Skabelund

A
4.3

out

out

B
12.2

21 22
28 27

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross
being duly sworn,

deposes and says:

That he is the Co-Publisher 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

Feb. 15, 1979, and ending with the issue of Feb. 22, 1979.

Fee \$ 18.50

Subscribed and sworn to before me this 28th day of Feb, 1979.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4002

CHATTERTON, C. WALLACE

ROUTE 1, FRANKLIN, ID 83237

Source: FLAT CANYON CREEK tributary to BEAR RIVER

Priority Date: 06/01/1890

Amount: 4.50 CFS

Diversion Point: SENE Sec 23 T 16S R 40E SENE Sec 24 T 16S R 40E, FRANKLIN CO

Use: IRRIGATION (4.50 CFS) from 04/01 to 11/31

Place of Use: NENE NWNE SWNE SENE NWNE NWNW

SWNW Sec 23 T 16S R 40E SENE Sec 24 T 16S R 40E NENE

SWNW SENW NESW SESW NESE NWSE Sec 24 T 16S R

40E SWSE SESE Sec 22 T 16S R 40E FOR 250 ACRES

Diversion Means: DITCHES & SMALL DAMS

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 2/15 & 2/22/79.

Legal No. 822-25L - Pub. Feb. 15 and 22, 1979.

RECEIVED

MAR 2 1979

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: John C

Right Number 13-4092 Applicant C Wallace Chatterton

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.S. Date 3/12/79

Pinned BB

February 1, 1979

Mr. C. Wallace Chatterton
Route #1
Franklin, Idaho 83237

Dear Mr. Chatterton:

In review of your claim to a water right, it was noticed that the land list in Item 6 was not consistent with those lands outlined on the aerial photograph. We are, therefore, returning your claim to a water right, personal check No. 3249 in the amount of \$20.00, and a typed claim to a water right which, for your convenience, was completed in our office and reflects the necessary corrections in the land list. Please review the typed claim to insure it is correct. Provided there are no changes, sign the form in the presence of a notary and submit it to our office, accompanied by the statutory filing fee of \$20.00. Should you have any questions concerning this matter, please feel free to call this office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

Enc.

February 8, 1979

Mr. C. Wallace Chatterton
Route #1
Franklin, Idaho 83237

Dear Sir:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 12874 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4092-

CHATTERTON, C. WALLACE

ROUTE 1, FRANKLIN, ID 83237

Source: FLAT CANYON CREEK tributary to BEAR RIVER

Priority Date: 06/01/1880

Amount: 4.50 CFS

**Diversion Point: SENE Sec 23 T 16S R 40E SESW Sec 24 T 16S R 40E.
FRANKLIN Co.**

Use: IRRIGATION (4.50 CFS) from 04/01 to 11/01

**Place of Use: NENE NWNE SWNE SENE NENW NWNW SWNW Sec 23 T 16S R 40E SENW
Sec 23 T 16S R 40E NENW SWNW SENW NESH SESW NESE NWSE
Sec 22 T 16S R 40E SWSE SESE Sec 22 T 16S R 40E
FOR 235 ACRES**

Diversion Means: DITCHES & SMALL DAMS

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 2/15 & 2/22/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 9, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 5, 1979

C. WALLACE CHATTERTON
ROUTE 1
FRANKLIN ID 83237

RE: Claim No. 13-4092

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure