

CLAIM TO A WATER RIGHT

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

(Name of Claimant)

(Zip Code)

Telephone No. 852-1938

(1) Date of priority: (When was the water first applied to a beneficial use) April 1 1890

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(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water.)

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water.)
Station 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:

		(Both dates inclusive)	
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>0.96 cfs.</u>	Use <u>Irrigation.</u>	Period of Use From <u>April 1</u>	To <u>Nov. 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) 0.96 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27 Twp. 14S Rge. 40E B.M., County of Fran Klin.
 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. Describe any changes in the system and give the date of the change. Parshall flume in Station Creek prior to emptying into Preston Riverdale, Mink Creek Canal. (See agreement of contract recorded May 20, 1911).

- (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]

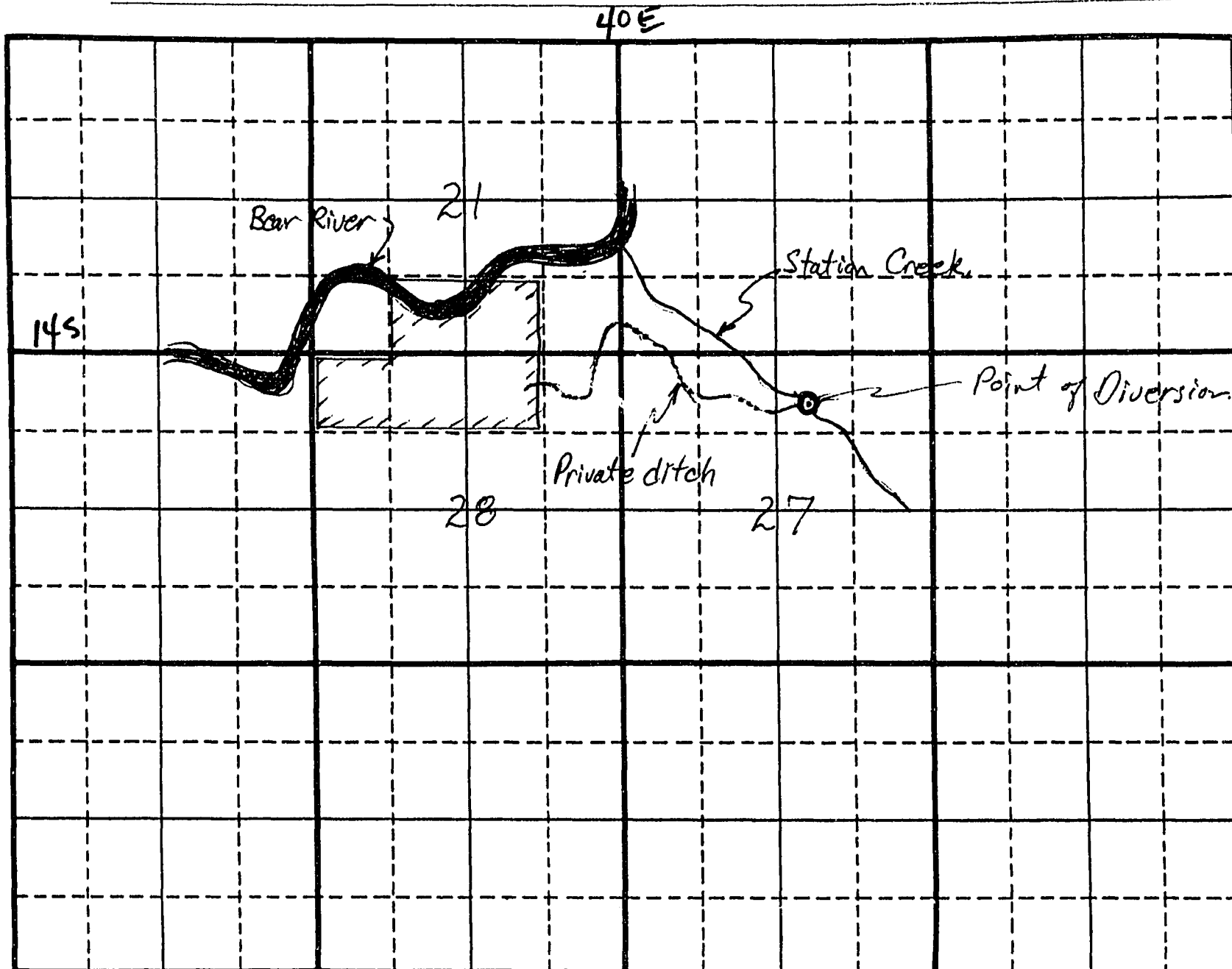
No. of acres

- 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 _____



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 affiant's knowledge.

Sworn to before me this 9th day of February, 19 79.

Alfred L. Smith
(Claimant)

La Rae E. Johnson
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>2-20-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>2-21-79</u>	#12891		
Published in <u>Preston Citizen</u>				
Dates <u>March 1 & 8, 1979</u>				

April 12 & 19, Notice of Correction

February 14, 1979

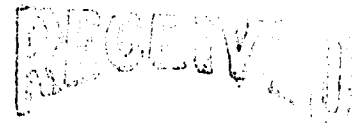
TO WHOM IT MAY CONCERN:

I was born and raised in the Station Creek Area. I was personally acquainted with Alfred Westerberg, D. P. Evans and Gustave Olsen. I was employed on the Gustave Olsen ranch in my youth. I have been on their ranches and am very familiar with them and have been throughout my lifetime. I am 93 years of age. D. P. Evans was the first settler of those three and had a ditch from Station Creek with which he irrigated his ranch. The Olsen ranch was never irrigated, to my knowledge. My twin sister was Olsens nearest neighbor.

Signed: Clara A. Keller
Clara A. Keller

La Rae E. Johnson, Notary Public

Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 15th day of Feb. 1979



FEB 20 1979

Department of Water Resources
Eastern District Office

My commission expires Lifetime

Date 2-8-79

TO WHOM IT MAY CONCERN:

I am 74 years of age. I own the property where Station Creek joins the Preston, Riverdale & Mink Creek Canal which is located at the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 27 Twp 14S Range 40 East of the Boise Meridian, County of Franklin. I have lived here my entire life. It has been my understanding that the Evans Ranch, owned by Theo L. Smith since 1947 has had the use of so many inches of water as flowed into the Preston, Riverdale & Mink Creek Canal throughout the entire irrigation season from Station Creek.

SIGNED

Samuel A. Westenberg

Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 8th. day of Feb. 1979

John L. Brown
Notary

My Commission expires 3/4/82

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

DATE 2-12-79

TO WHOM IT MAY CONCERN:

I am 58 years of age. I have been familiar with the operation of Preston, Riverdale & Mink Creek Canal Company most of my life. I am Water Master of Twin Lakes Canal Co. which divides water from the same source as Preston, Riverdale & Mink Creek Canal Co. It has always been my understanding that the Evans Ranch now owed by Theo L. Smith has had the use of so many inches of water as flowed into Preston, Riverdale & Mink Creek Canal from Station Creek.

SIGNED LaRae E. Johnson
LaRae E. Johnson, Notary Public
Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 15th day of Feb. 1979

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

My Commission expires Lifetime

DEPARTMENT OF RECLAMATION

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,

Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge

Filed July 14, 1920.

W. D. McREYNOLDS,

Clerk

DEAN ZANGER,

Clerk

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SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

481. *Elmer Larsen and Janeus Keller:*
1882—May 1

0.3 c.f.s.

For the irrigation of 5 and 10 acres re-
spectively in Section 8, Township 14 South,
Range 41 East.

STATION CREEK AND SPRINGS.

482. *Alfred Westberg:*

1884—May 1:

Apr. 20 to July 25

0.62 c.f.s.

July 25 to Sept. 1

0.41 c.f.s.

Sept. 1 to Sept. 30

0.31 c.f.s.

To be diverted from said creek and springs
through a ditch diverting therefrom in
Section 36, Township 14 South, Range 40
East, for the irrigation of 31 acres in said
Section 36.

483. *D. P. Evans:*

1882—May 1

0.4 c.f.s.

To be diverted from said creek and springs
in Section 36, Township 14 South, Range
40 East, for the irrigation of 20 acres in
the Southeast quarter of said Section 21.

484. *Gustave Olsen:*

1898—May 1

0.06 c.f.s.

To be diverted from said springs in Sec-
tion 35, Township 14 South, Range 40
East, for the irrigation of 33 acres in the
Northeast quarter of said Section 36.

BEAR CREEK SPRINGS.

485. *Nevada A. Larson and Martin
Christensen:*

1888—May 1:

Apr. 20 to July 25

0.5 c.f.s.

July 25 to Sept. 1

0.33 c.f.s.

Sept. 1 to Sept. 30

0.25 c.f.s.

To be diverted from said springs in Sec-
tion 24, Township 14 South, Range 40
East, B.M. For the irrigation of 25 acres
(two-thirds thereof to said Nevada A. Larson
and one-third thereof to said Martin Christensen), in the Northwest quarter
of the Northeast quarter, the South half
of the Northeast quarter and the North-
west quarter of the Southeast quarter of
Section 23, said Township and Range.

486. *Steffen C. Christensen and An-
drew Jepson:*

1887—May 1

0.28 c.f.s.

To be diverted from said Bear Creek
Springs in Section 24, Township 14 South,
Range 40 East, for the irrigation of 14
acres (7 acres to each defendant) in the
said Section 24.

SPRING IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 14 SOUTH, RANGE 40 EAST.

487. *Charles Berquist and Edward
Berquist:*

1890—May 1

0.04 c.f.s.

To be diverted at the said spring for the
irrigation of 2 acres in Section 26, Town-
ship 14 South, Range 40 East.

Agreement And Contract

This agreement, made the 25 day of June in the year of our lord 1896: Preston Riverdale & Mainland

Between The ~~Mink Creek Riverdale And Preston~~ Canal Company, whose place of business is at Preston, Ariz. Co. State of Idaho, the party of the first part. And David P. Evans of Mink Creek Precinct, County of Ariz. and State of Idaho, the party of the second part:—witnesseth: That the said party of the first part, in consideration of the covenants and agreements, on the part of the said party of the second part, herein after contained hereby covenants with the said party of the second part, that the said party of the first part, will deliver to the said party of the second part so many inches of water as shall flow into said Canal from Station Creek through out the entire irrigating season, in each and every year that said Canal is in working order, and has a legal existence At his Ranch (the same being situated and lying at the foot of what is known as Davis dugway) And the said party of the second part, in consideration of the said covenants, on the part of the said party of the first part, herein before contained, agrees to, and with the said party of the first part, that the said party of the second part, will give and bequeath to the said party of the first part his right of way, and private ditch (the same having been constructed to carry water from Station Creek to his Ranch, the same being situated and lying at the foot of what is known as Davis Dugway.)

In witness whereof, the said parties of the first part
Directors of said Canal have hereunto set their hands
and seals, the day and year first above written

x John L. Sisson
x Thos Greaves
x Joseph Davis
x C. C. Corcoran
x

In witness whereof the said party of the second part
has hereunto set his hand and seal, the day and year
first above written

+ E. O. Evans

Signed, sealed and delivered in the
presence of John A. Wolf
David C. Barnes

COMPARED

INDEXED

Filed

By _____

of Office _____

page 419

In Book 7

At 2 o'clock

May 30 1862

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Public Notice

Notice is hereby given that George Davis of Franklin Precinct, Oneida County, Idaho Territory, have on this ~~the~~ 10th day of March AD 1882, appropriated all the waters of Station Creek which is situated in the County of Oneida Territory of Idaho to be taken out of said Station Creek about one half mile from where said Creek empties into Bear River and at the point and monument where this notice is posted said water is to be used for agricultural and irrigating purposes and is conducted by means of a ditch which is three feet wide on the bottom five feet wide on the top and about two feet deep (said ditch being about one and one ~~four~~ miles long) to and on the S²⁰/₄ of the S^E/₄ and S^E/₄ of S²⁰/₄ of Sec 21st, N^E/₄ of N²⁰/₄ and N²⁰/₄ of N^E/₄ of Section No 28 in Township 14 South of Range 40 East Dated this 10th day of } Geo. Davis
March AD 1882

RECEIVED

FEB 20 1919

Department of Water Resources
Eastern District Office

Recorded at the
Register's Office
Davis this 16th
day of March
AD 1882 in Book
"A" of Miscellaneous
page 162
J. M. Shew
Co. Recorder
by H. R. Evans
S. E. 1/4

No 839

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

MARCH 1, 1979, and ending with the issue of MARCH 8, 1979.

Fee \$ 16.28

Subscribed and sworn to before me this 30th day of MARCH, 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:

13-4069

SMITH, THEO L.
ROUTE 2, PRESTON, ID 83283
Source: STATION CREEK tributary to BEAR RIVER
Priority Date: 04-01-1890
Amount: 0.96 CFS
Diversion Point: NWNE Sec 27 T 145 R 40E, FRANKLIN Co.
Use: Irrigation (0.96 CFS) from 04-01 to 11-01
Place of Use: NWNE NENW NWNW Sec 28 T 145 R 40E
SESW SWSE Sec 21 T 145 R 40E FOR 58 ACRES
Diversion Means: PARSHALL FLUME

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

Legal No. 339-22L - Pub. March 1 and March 8, 1979.

RECEIVED
APR 4 1979

Department of Water Resources
Eastern District Office

No 866

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

April 12, 1979, and ending
with the issue of April 19, 1979.

Fee \$ 12.00

Subscribed and sworn to before me this 26th day
of April, 1979.
Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 13-4099 in the name of Theo L. Smith was advertised incorrectly on March 1 and 8, 1979. The diversion point was advertised as being within the NWNE Sec 27 T 145 R 40E, Franklin Co. and the place of use was advertised as being within the NWNE NENW NWNW Sec 28 T 145 R 40E SESW SWSE Sec 21 T 145 R 40E.

WHEREAS, the actual point of diversion is within the NWNE Sec 27 T 145 R 40E, Franklin Co. and the actual place of use is located within the NWNE NENW NWNW Sec 23 T 145 R 40E SESW SWSE Sec 21 T 145 R 40E.

Any exception to this claim 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 on April 12 and 19.

Legal No. 866-25L -- Pub. April 12 and 19, 1979.

RECEIVED

MAY 2 1979

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number _____ Applicant Theo L. Smith

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 Ernest Carlson Date 5/15/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 5/31/79

February 21, 1979

Mr. Theo L. Smith
Route #2
Preston, Idaho 83263

Dear Mr. Smith:

Re: Claim to a Water Right

Attached herewith is Departmental receipt No. 12891 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.

13-4099-

SMITH, THEO L.

ROUTE 2, PRESTON, ID 83263

Source: STATION CREEK tributary to BEAR RIVER

Priority Date: 04/01/1890

Amount: 0.96 CFS

Diversion Point: NWNE Sec 27 T 14S R 40E, FRANKLIN Co.

Use: IRRIGATION (0.96 CFS) from 04/01 to 11/01

Place of Use: NWNE NENW NWNW Sec 28 T 14S R 40E SESW SWSE Sec 21 T 14S R 40E
FOR 58 ACRES

Diversion Means: PARSHALL FLUME

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 3/1 & 3/8/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 23, 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 galley 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 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

March 20, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Re: Claim to Water Right No. 13-4099 - Smith

Please send an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published on March 1 and 8, 1979. Your cooperation in this matter is appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Called 4-2-79

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 13-4099 in the name of Theo L. Smith was advertised incorrectly on March 1 and 8, 1979. The diversion point was advertised as being within the NWNE Sec 27 T 145 R 40E, Franklin Co. and the place of use was advertised as being within the NWNE NENW NWNW Sec 28 T 145 R 40E SESW SWSE Sec 21 T 145 R 40E.

WHEREAS, the actual point of diversion is within the NWNE Sec 27 T 14S R 40E, Franklin Co. and the actual place of use is located within the NWNE NENW NWNW Sec 28 T 14S R 40E SESW SWSE Sec 21 T 14S R 40E.

Any exception to this claim may be filed with the Idaho Department of Water Resources 1515 Lincoln Road, Idaho Falls, Idaho 8341.

C. STEPHEN ALLRED
Director

Published in the Preston Citizen on April 12 & 19.



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

April 5, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Re: Claim No. 13-4099 - Smith (Notice of Correction)
App. No. 13-7250 - J C H Inc. Notice of Correction
We are resubmitting a legal notice to be published on April 12 and 19, 1979. This notice was originally published in your newspaper on March 1 and 8, 1979. Unfortunately, it was advertised incorrectly. As we did not receive a galley proof, we had no way of checking the accuracy of this legal notice before it went to print. Therefore, we request that this be advertised again at your expense. Please submit a galley proof before the first date of publication for our review.

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 date of publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this Department by April 30, 1979. Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 21, 1979

Theo L. Smith
Route 2
Preston, Idaho 83263

Re: Claim No. 13-4099

Dear Mr. Smith:

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 can be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Regional Supervisor

Enclosure