

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 Morgan Buttars
Weston, Idaho 83286 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 747-3248

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) April, 1965

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)
Pest House Creek tributary to Weston Creek

- (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>6 AF</u>	Use	<u>Storage for irrig.</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>168 AF</u>	Use	<u>Irrig. from Storage</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
Quantity	<u>6 AF</u>	Use	<u>Storage for fish</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	<u>propagation</u>	Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	<u>168 AF</u>	TOTAL QUANTITY USED.			

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 30 Twp. 15S Rge. 38E 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. Describe any changes in the system and give the date of the change. small earth fill dam forming a reservoir with a capacity of 6AF. Diversion from reservoir is regulated by a metal screw gate.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	38E	30					10			38	20			35					103
		31														20	20	30	70

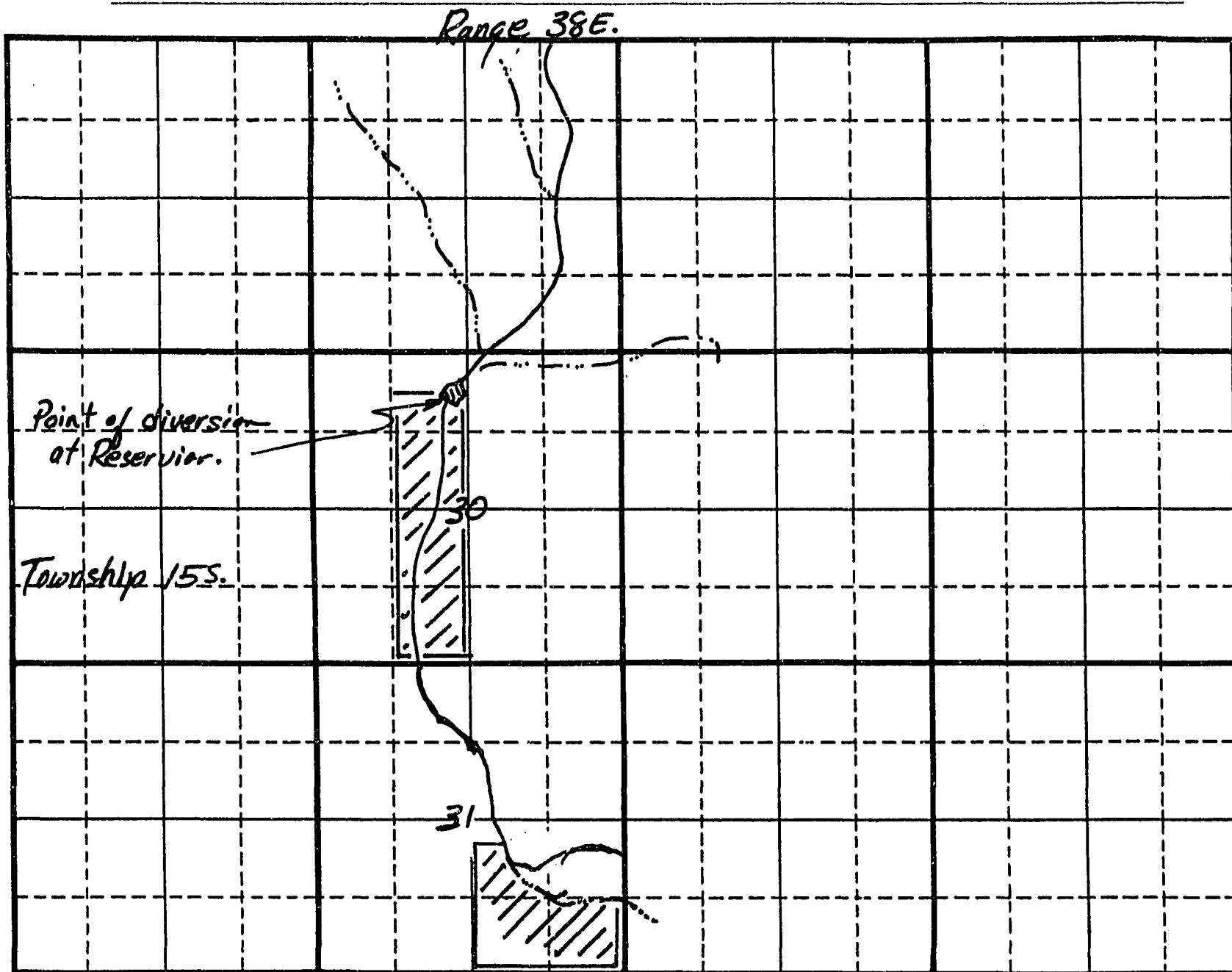
No. of acres 173

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
The on-stream reservoir is stocked with fish for private use.

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 Bonneville) 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 28th day of February

Morgan Butters
(Claimant)

19 79

Calleen Gray
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>2-28-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>emc</u>	Date <u>2-28-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>2-28-79</u>	#12927		
Published in <u>Preston Citizen</u>				
Dates <u>March 8 & 15, 1979</u>				

My name is George Fredrickson. I have lived in the Weston,
Idaho area all my life, and have farmed here for fifty
years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

Harold B. F. Rubin
State of Idaho
2-27-1979
Lifetime

Geo. Fredrickson
Feb 27 - 1979

My name is Boyd Phillips. I have lived in the Weston,
Idaho area all my life, and have farmed here for twenty-
five years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Butters
of Weston, Idaho, at the present time.

Date--February 23, 1979

David B. F. F. F.
Ste 6 of 2000
2-27-1979
Sifted

Boyd Phillips
Weston, Idaho

My name is Bob White. I have lived in the Weston,
Idaho area all my life, and have farmed here for thirty
years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

*Harold B. Fritzen
Sta 6 of Idaho
2-27-79
Lipetino*

Bob White
2-27-79

My name is Kenton Fredrickson. I have lived in the Weston,
Idaho area all my life, and have farmed here for forty
years. All the waters from the Pest House Creek and
all contributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

David B. Fry
State of Idaho
2-27-1979
Lifetime

Kenton Fredrickson
Weston Idaho 83286

My name is Dick Lemmon. I have lived in the Weston,
Idaho area all my life, and have farmed here for fifty
years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Butters
of Weston, Idaho, at the present time.

Date--February 23, 1979

Rickard Lemmon

2-27-1979

*David B. Fisher
State of Idaho
2-27-1979
Lefelium*

My name is Sterling Bingham. I have lived in the
Weston, Idaho area all my life, and have farmed here
for forty years. All the waters from the Pest House
Creek and all tributaries has always been used on
the old William Coburn farm, which belongs to Morgan
Buttars of Weston, Idaho at the present time.

Date-- February 23, 1979

Sarald B. Fisher
State of Idaho
2-27-79
Sifitums

Sterling A Bingham
2-27-1979

— Please send
\$2.00 for Recording Copies

Oneida County Recorder
P.O. Box 190
Malad, Idaho
83252

Territory of Idaho } In the District Court of the
County of Oneida This Judicial District.

October term Therefor 1883.

Anchor Kofford, Rasmus Neilson O. Jensen
E. E. Schoanerveldt N. Jensen Neils Gevinger
J. Smith William Dees Hans Larsen Nels Jensen
H. Hansen Noah Linsday John Colum
J. Clark John Maughan Sen. Henry Brennan
Adam Sanberg C. Christensen T. Nelson
Wich Soosley W. Andersen Henry Jensen J. Michelson
Allen Nels Christensen C. Goodwin Elizabeth Bell
James W. Leonard, Luridensen J. Kofford, J. Sanberg
J. L. Harmon, Loren Sandtson L. Petersen,
A. Simonds Charles Goodwin and William
Goodwin under firm name of Goodwin Bros.
J. L. Jorgensen Peter Michelson Henry Rose
W. Allen James Harrison Sen. Warren Gifford
Neils Neilson Mrs. J. Jensen Thomas Hull
John Evans Frederick Coburn W. Robins
John A. Campbell Tary Kofford Theodore
Singerist James Hase Joseph Coburn Hannah
Benson John Nees M. H. Field and C. B. Field
Plaintiffs against Warner Kapps, David
Lapray W. Coburn Henry McCalloch, John
Palmer Joseph Knudsen Charles Norton
Wm. Paul Ferdinand Fredrickson Samuel
Norton and Richard Campbell

Defendants

And now his cause coming on to
be heard in vacation, it having been
agreed by and between the attorneys for
the respective parties that the same
should be decided in vacation as of
the last term of ^{the said} Court and the Court
having fully considered the evidence in
said cause, the law pertaining thereto and
the agreement of Counsel and being fully
advised in the premises, it is ordered

adjudged and decreed that the following named persons are entitled under the law and the facts in this case to the amount of the water of Weston Creek aforesaid as are set opposite their names respectively, and estimated according to the custom in force in the community, and that the said water by the number of acres which each of said persons is entitled to irrigate with one or two exceptions therein named, to wit:

A. Rose	Twenty nine acres
A. Lindsey	Seventeen "
J. Larson	Twenty four "
J. Mickelson	Twenty seven "
C. Christensen	Sixteen "
A. Bassman	Twenty seven "
J. Lemmon	Thirty one "
L. Peterson	Thirty Eight "
J. B. Anderson	Twenty two "
A. Sandberg	Thirty six $\frac{2}{3}$ "
A. Simmons	Twenty five $\frac{3}{4}$ "
H. Jensen	Twenty six "
J. Sandberg	Five $\frac{1}{4}$ "
James S. Anderson	Five $\frac{1}{4}$ "
J. Harrison	Four $\frac{1}{2}$ "
C. C. Goodwin	Six $\frac{1}{2}$ "
M. Christensen	Forty three "
H. C. Hansen	Forty four $\frac{1}{2}$ "
E. C. Schwanewaldt	Thirty seven "
Wm. Dees	Twenty two "
J. Kofford	Nine $\frac{3}{4}$ "
A. Larsen	Seventeen "
T. L. Nelson	Twenty six $\frac{1}{2}$ "
A. McCallach	Thirty one $\frac{1}{2}$ "
T. Kofford	Thirty six "
M. Goorby	Sixty two "
H. Jensen	Fifteen "
C. B. Jensen	Twenty seven "

Edgill	Twenty seven Acres
Collson	Thirty three "
Goodwin Bros	Thirty 1/2 "
M. Jorgensen	One hundred & twenty seven "
J. Coburn	Twenty three "
R. Nelson	Thirty seven "
L. Lauritsen	Twenty "
John Maughan	Fifty Eight & 2/3 "
Peter Michelson	Eleven 2/3 "
M. N. Field	Forty & 1/2 "
J. W. Clark	Seventeen "
A. Koford	Six & 2/3 "
J. Smith	Six & 2/3 "
C. B. Field	Fifteen "
F. Campbell	Nine & 2/3 "
M. Christensen	Five & 1/2 "
S. Preston	Ten "
Warner Hoopes	Forty five "
William Coburn	Fifteen acres & the waters of ^{But Shum Creek.}
C. Norton	Twenty two Acres
David Lapray	Fifteen "
R. Campbell	Thirty three "
J. Knudsen	Thirty two 1/2 "
F. Frederickson	Fifty five "

It is further ordered adjudged and decreed that the town of Weston is entitled to one irrigating stream for irrigating and domestic purposes

That R. Michelson & J. Michelson are entitled to the waters of Black Canon Creek

That if at any time the waters of Weston Creek are not sufficient to properly irrigate the above amt of land the said waters are to be divided pro rata as above set forth, under the direction of the water master according to the respective rights of the parties as above set forth as to

quantity.

It is further ordered, adjudged and decreed that the distribution of the said waters of Weston Creek shall be under the direction and control of a water master, to be allotted in accordance with the Act regulating the distribution of water & ~~the~~ approved Feb'y 1881, with such assistants as may be necessary for each of the respective ditches the whole distribution to be under the control and direction of such water master for Weston Creek as aforesaid.

It is further ordered and decreed that the injunction heretofore ordered and issued in this cause be and the same is hereby dissolved.

It is further ordered adjudged and decreed that the costs in this action taxed at one hundred and seventy four & $\frac{50}{100}$ dollars together with the sum of forty eight dollars due J. O. Caldwell Special Commissioner be equally divided as near as may be between the parties Plaintiff and Defendants and that unless said costs are paid in full within the next sixty days that executors shall issue therefor as in other cases.

John T. Morgan
Judge 3rd Dis Court
J. T.

Recorded at the request of Joseph Cahoon
July 18th 1892.

C. T. Woods
Clerk x

No 841

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

Mar. 8, 1979, and ending

with the issue of

Fee \$ 31.05

Subscribed and sworn to before me this

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:

13-4100

BUTTARS, MORGAN
WESTON, ID 83286
Source: PEST HOUSE CREEK tributary to WESTON CREEK
Priority Date: 04/01/1965
Amount: 168.0 AC-FT
Diversion Point: NENW Sec 30 T 15S R 38E,

FRANKLIN CO.
Use: IRRIGATION STORAGE (6.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE (168.0 AC-FT) from 04/01 to 11/01

FISH PROP. STORAGE (6.0 AC-FT) from 01/01 to 12/31

Place of Use: NENW SENW NESW SESW Sec 30 T 15S R 38E NWSE SWSE SESE Sec 31 T 15S R 38E FOR 173 ACRES

Diversion Means: EARTH FILL DAM WITH METAL SCREW GATE

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 3/8 & 3/15/79.

Legal No. 841-31L - Pub. March 8 and 15, 1979.

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:

13-4103

SHARP, CALVIN L.
SINK ROUTE, PRESTON, ID 83286
Source: FORSGREN SPRING tributary to SINKS
Priority Date: 06/10/1959
Amount: 0.06 CFS
Diversion Point: NESW Sec 31 T 14S R 40E,

FRANKLIN CO.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 31 T 14S R 40E

Diversion Means: PIPE & STORAGE TANK

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 3/8 & 3/15/79.

Legal No. 841-28L - Pub. March 8 and 15, 1979.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

Right Number _____ Applicant BUTTERS

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 4/25/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 5/31/79

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.

13-4100-

BUTTARS, MORGAN

WESTON, ID 83286

Source: PEST HOUSE CREEK tributary to WESTON CREEK

Priority Date: 04/01/1965

Amount: 168.0 AC-FT

Diversion Point: NENW Sec 30 T 15S R 38E, FRANKLIN Co.

Use: IRRIGATION STORAGE	(6.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE	(168.0 AC-FT) from 04/01 to 11/01
FISH PROP. STORAGE	(6.0 AC-FT) from 01/01 to 12/31

Place of Use: NENW SENW NESW SESW Sec 30 T 15S R 38E NWSE SWSE SESE
Sec 31 T 15S R 38E FOR 173 ACRES

Diversion Means: EARTH FILL DAM WITH METAL SCREW GATE

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.

D. STEPHEN ALLRED

Director

Published 3/8 & 3/15/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 2, 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 billings to this office before MARCH 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

April 2, 1979

The Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Re: Application for Permit No. 13-7249 - Checketts
Claim @o Water Right No. 13-4100 - Buttars
" " " " No. 13-4013 - Sharp

Please send affidavits of publication and certified bills in connection with the above referenced application and claims. The legal notices were to have been published March 8 and 15, 1979. Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 26, 1979

MORGAN BUTTARS
WESTON

ID 83286

RE: Claim No. 13-4100

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