

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
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 Burt J. Redington  
(name of claimant)  
of 109 Taft, Pocatello, Idaho 83201, 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) unnamed springs  
tributary to, Barzee 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>0.06 cfs</u>   | Use | <u>Irrigation</u>          | Period of Use: From | <u>4/1</u> | To | <u>11/1</u>            |
| 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: 0.06 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) April 1, 1904

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 ¼ SE ¼, Sec. 28 Twp. 13S 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. Four trenches dug into side of galley collect water into open ditch which conveys water into claimant's property

- (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.

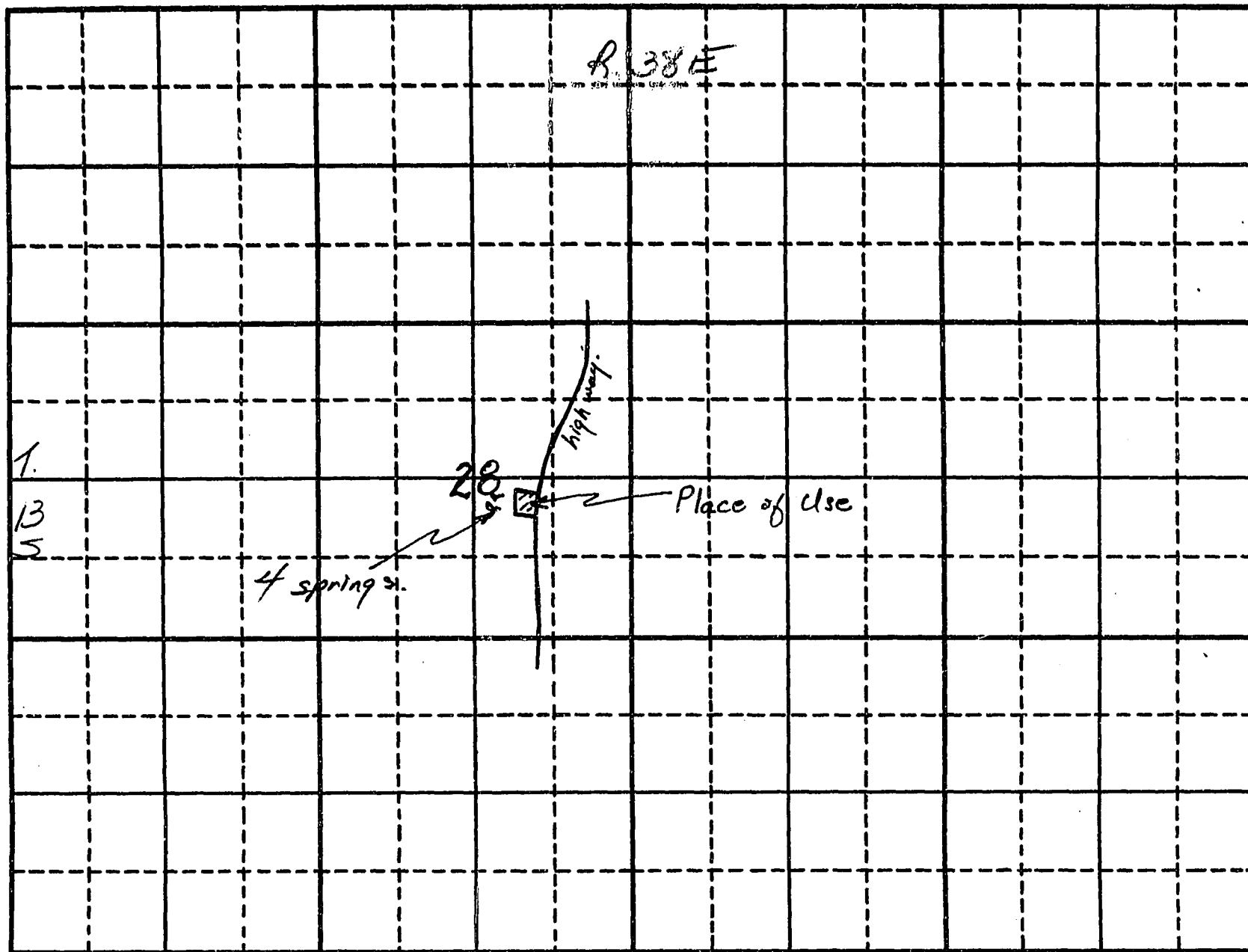
| T   | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 13S | 38E | 28   |     |     |     |     |     |     |     |     |     |     |     |     |     | 4   |     |     | 4     |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

Total No. of acres 4

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

- (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 Bannock ) 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 9<sup>th</sup> day of March, 1979.

Burt J. Redington  
(Claimant)

Ruby K. Lisenauer  
Notary Public

Residing at Pocatello

My commission expires non-expiring

For Department Use Only

|                                        |                     |                     |              |      |
|----------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>dh</u>                  | Date <u>3-12-79</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>PMC</u>            | Date <u>3-9-79</u>  |                     | claimant by: |      |
| <u>28.00</u> fee received by <u>dh</u> | Date <u>3-12-79</u> | #12951              |              |      |
| Approved for publication by _____      |                     |                     |              |      |
| Published in <u>Preston Citizen</u>    |                     |                     |              |      |
| Dates <u>March 22 &amp; 29, 1979</u>   |                     |                     |              |      |

# 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 22, 1979, and ending with the issue of March 29, 1979.

Fee \$10.40

Subscribed and sworn to before me this 30th day

of March, 1979

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

## NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Burt J. Redington, Pocatello, Idaho has filed a claim to a water right established by

diversion and application to beneficial use of 0.06 cubic feet per second of water from unnamed springs tributary to Barzee Creek with point of diversion in the NWSE Sec. 28, T. 13S, R. 38E, B.M., Franklin County.

The water is claimed to be used from 4/1 to 11/1 for the irrigation of 4 acres with a priority of April 1, 1904; the place of use is within the NWSE Sec. 28, T. 13S, 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 22 and 29, 1979.

Legal No. 855-26L -- Pub. March 22 and 29, 1979.

RECEIVED

APR 4 1979

Department of Water Resources  
Eastern District Office

Form 243a  
11/78

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

Right Number \_\_\_\_\_

Applicant Redington

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. *claim # not adv.*
- ☒ Exceptions processed. *NONE*

By EMC

Date 4/10/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By S.S.

Date 4/16/79

March 13, 1979

Burt J. Redington  
109 Taft  
Pocatello, Idaho 83201

Dear Sir:

Re: Claim to a Water Right

Attached herewith is Departmental receipt No. 12951 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Attachment

Pocatello 3-9-79  
109 Sept

Mr Carlson;

Returning water claim  
with check for 2.00 Handling fee.  
This per our conversation, your office  
this am.

Thanks for your help.

Burt J. Redington

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4104

Notice is hereby given that Burt J. Radington, Pocatello, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.06 cubic feet per second ~~acre feet per annum~~  
of water from unnamed springs tributary to Barzee Creek  
with point of diversion in the NWSE Sec. 28, T. 13S, R. 38E, B.M.,  
Franklin County;

The water is claimed to be used from 4/1 to 11/1  
for the irrigation of 4 acres  
with a priority of April 1, 1904;  
the place of use is within the NWSE Sec. 28, T. 13S, 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.

~~G. STEPHEN ALLRED~~  
~~R. KEITH HIGGINSON~~  
Director

Published in the Preston-Citiawn, Preston, Idaho  
on March 22 and 29, 1979

eme

March 16, 1979

RE: Application for Permit No. 13-7251 BLM  
Claim to a Water Right No. 13-4104 REDINGTON  
13-4105 JOHNSON  
13-4106 COLE  
Correction Notice No. 13-7248 NORTH CACHE WATER DEVELOPMENT

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

4-4-79

by DH

RDC:CW

Enc: Legal Notice (5)



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

April 12, 1979

Burt J. Redington  
109 Taft  
Pocatello, Idaho 83201

Dear Mr. Redington:

Re: Claim No. 13-4104

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