

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 Cliff D. Johnson, Charles L. Johnson
(Name of Claimant) 852-1664
Star Rt. Box 22; Preston, Idaho 83263 Telephone No. 852-1997
(Mailing Address) (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) 1 July 1908

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) Run off water stored in Stock Valley Reservoir tributary to Cottonwood 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>100 a/f</u>	Use <u>storage</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>1 cfs</u>	Use <u>irrigation from storage</u>	Period of Use From <u>4/1</u>	To <u>11/01</u>
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.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 36 Twp. 12S Rge. 39E 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. Dam, 13' high, 680' long. Diesel pump and pipe line, ¼ mile of main line pipe with ½ mile of lateral sprinkler.

- (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	
12S	39E	36		18	25	12									30	15			100

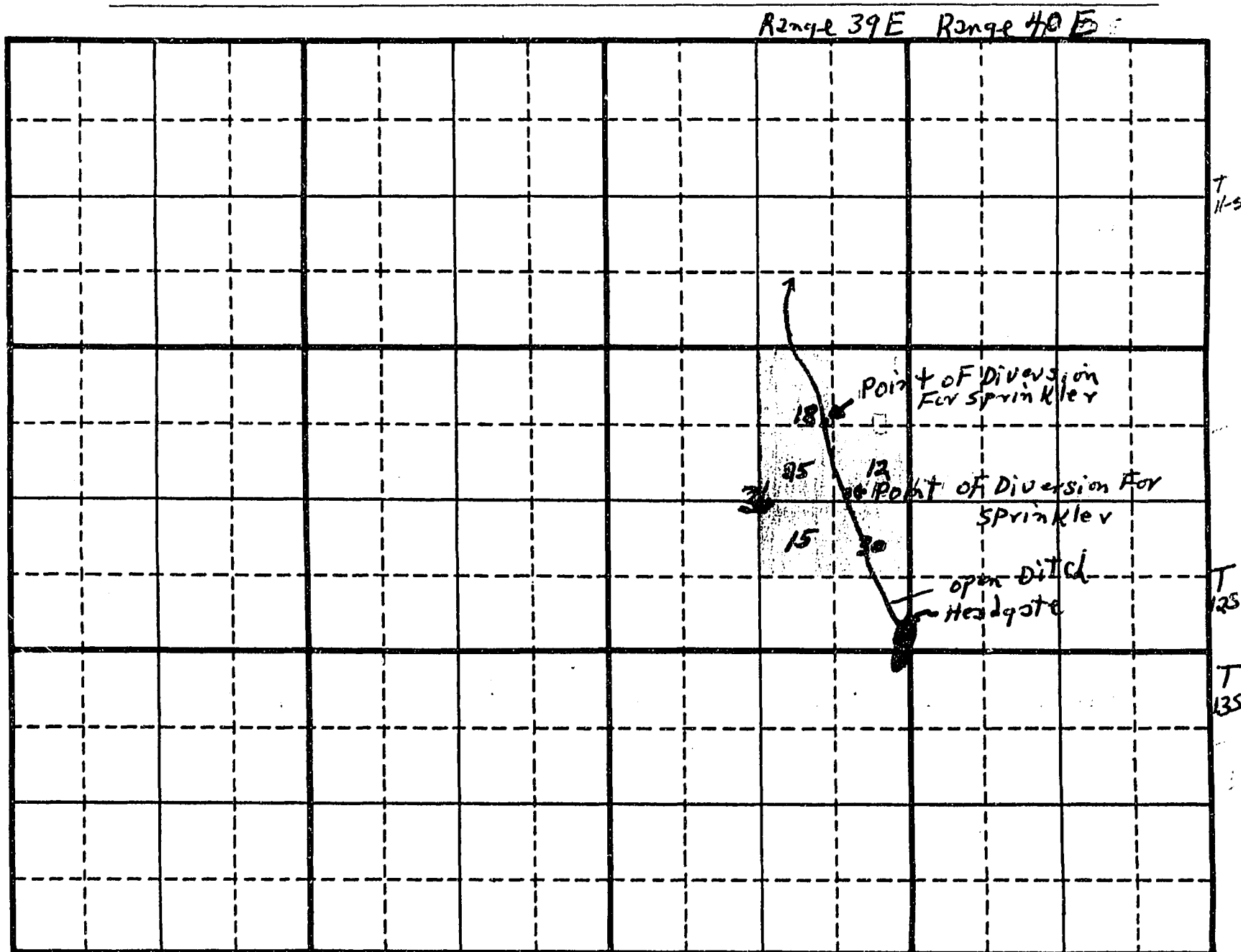
No. of acres 100

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

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 Water is released from Stock Valley Reservoir through a head-gate and runs down a natural open ditch to the pump holes and is picked up with a pump, powered with a diesel engine and delivered to the marked areas.



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 5 day of March, 1979.

Cliff D. Johnson
(Claimant)
Stephen A. Niek
Notary Public
Residing at Preston

My commission expires

FOR DEPARTMENT USE ONLY

Received by dh Date 3-12-79 Exception filed by: Forwarded to Date
Prelim. check by ARK Date 3-12-79 claimant by:
\$20.00 fee received by dh Date 3-12-79 #12953
Published in Preston Citizen
Dates March 22 & 29, 1979

RECEIVED

APR 6 1979

AFFIDAVIT Department of Water Resources
Eastern District Office

IN THE MATTER OF:

Stock Valley Reservoir

State of Idaho

County of Franklin

Charles Russell Johnson

being first duly sworn,

deposes and says: I know of a personal knowledge that the Stock Valley

Reservoir was built about 1908. As a child I helped the surveyor hold

his stakes when he was laying out the dam.

I know of a personal knowledge that the water from the reservoir has

been used each year since the dam was built to irrigate the ground

below it in the east half of Sec. 36.

I have lived as a neighbor all my life and could see how the water was

used.

Charles Russell Johnson
(signature)

Subscribed and sworn to before me this 30 day of March 19 79.

Stephen A. Smith
(notary public)

Residing at Franklin, Idaho

My commission expires 7/1/80

No 854

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

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 \$ 1160

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 NO. 13-4165

Notice is hereby given that Cliff D. Johnson and Charles L. Johnson of Preston, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 100 acre feet per annum of water from Stock Valley Reservoir tributary to Cottonwood Creek with point of diversion in the SE 1/4 Sec 36 T. 12S R. 39E B.M. Franklin County.

The water is claimed to be used from 1/1 to 12/31 for storage for irrigation and from 4/1 to 11/1 for the irrigation of 100 acres with a priority of July 1, 1978. The place of use is within the W 1/2 NE 1/4 SE 1/4 N 1/2 SE 1/4 Sec 36 T. 12S R. 39E B.M. Franklin County.

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 ALFRED
Director

Published in the Preston Citizen on March 22 and 29, 1979.

Legal No. 854-252 - Pub. March 22 and 29, 1979.

RECEIVED

APR 4 1979

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: PRK

Right Number _____

Applicant

Cliff D. Johnson
Charles L. Johnson

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. NONE

By EMC

Date 7/10/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By S.S.

Date 4/16/79

February 12, 1979

Mr. Cliff D. Johnson
Star Route, Box 22
Preston, Idaho 83263

Dear Mr. Johnson:

During the Department's recent visit to Preston, you requested that we research water rights associated with Stock Valley Reservoir. We were unable to locate any water right filings for Stock Valley Reservoir. Therefore, this office has partially completed a claim to a water right for you. Please complete the following items:

Item 1. Indicate a month, day, and year for the date water was first applied to a beneficial use.

Item 3. It is only necessary to state the quantity in cubic feet per second that is diverted from the reservoir for irrigation. The other information already listed in item 3 came from the Dam Safety file.

Item 5. B. Please describe the irrigation system, i.e., sprinkler system, ditches, etc.

Item 6. It will be necessary to indicate by 40-acre subdivisions the lands that are irrigated from Stock Valley Reservoir. Please complete the map on the reverse side.

Sign the document before a notary public and return the claim to this office, accompanied by the \$20.00 statutory claim fee.

It has been a pleasure serving you.

BILL RHOADS
Sr. Water Resource Analyst

BR:dh
Enclosure

FIRST SECURITY BANK OF IDAHO
NATIONAL ASSOCIATION
PRESTON, IDAHO

92-273
1241

DATE Feb. 27 1979 NO. 13-4105

PAY TO THE
ORDER OF

Department of Water Resources \$20.00
Twenty and no/100 DOLLARS

CLIFF D. OR CHARLES JOHNSON

Cliff D. Johnson

RESOURCES

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

⑆⑆24⑆⑆0273⑆⑆ ⑆⑆ ⑆00⑆0 29⑆⑆

March 1, 1979

RE: Claim to a Water Right

Mr. Cliff D. Johnson
Star Route, Box 22
Preston, Idaho 83263

Dear Mr. Johnson:

I recently received your claim to a water right. Unfortunately, I can not begin processing it at this time as there are several changes that need to be made. As the claim will stand as your only evidence of a water right, I want to be sure it is done correctly for you.

- 1) The source under Item 2 should be indicated as Cottonwood Creek and the body of water that it is tributary to should be indicated.
- 2) The description of the location of the place of use under Item 6 does not correspond with the location of the place of use indicated on the map.
- 3) The map has been drawn to the wrong scale and should be reduced in size (2" = 1 mile). The map should also show a labeled point of diversion.

I am returning to you your check No. 92-273 for the statutory filing fee of \$20.00 together with the claim you have submitted and a new claim form. Please complete the new form making the necessary changes. You should also indicate the name of the reservoir under remarks. Then resubmit the revised claim together with the appropriate filing fee.

If I can be of any further assistance, please feel free to phone me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw
Attachment: Check No. 92-273
Enclosures

Star Rt. Box 22
Preston, Idaho 83263
March 7, 1979

Dear Mr. Kozlowski:

I wish to thank you for your patience and help in regard to our water claim. I am hoping that we have taken more care on this form and that it has no errors.

I wanted to ask a question. I have an 83-year-old neighbor who remembers when the Stock Valley Reservoir was built and has a personal knowledge of how the water has been used over the years. Would a statement from him be of any value on the water claim? If so please let me know and I will get it. If I don't hear from you I will just assume that his statement is not needed.

Very Truly yours

Cliff D. Johnson

Cliff D. Johnson

RECEIVED

MAR 12 1979

Department of Water Resources
Eastern District Office

March 13, 1979

Mr. Cliff D. Johnson
Star Route, Box 22
Preston, Idaho 83263

Dear Cliff:

I recently received your claim and it appears to be in good order. In your cover letter you inquired about the necessity of obtaining a personal statement from an eighty-three year old man who is your neighbor. Although this type of statement is not necessary, it would be valuable evidence and would serve to strengthen the credibility and legitimacy of your claim.

I would strongly advise you to secure such a statement. Be sure to submit the statement on a legal affidavit form. Enclosed you will find several affidavit forms explicitly for this purpose. If you have any further questions, please feel free to contact me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Sr. Water Resource Agent

ARK:dh

Enclosures

March 13, 1979

Cliff D. Johnson
Charles L. Johnson
Star Route, Box 22
Preston, Idaho 83263

Dear Sirs:

Re: Claim to a Water Right

Attached herewith is Departmental receipt No. 12953 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 CLAIM TO A WATER RIGHT

NO. 13-4105

Notice is hereby given that Cliff D. Johnson and Charles L. Johnson of
Preston, Idaho
have ~~xxx~~ has filed a claim to a water right established by diversion and application
to beneficial use of 100 ~~xxx~~ cubic feet per second acre feet per annum
of water from Stock Valley Reservoir tributary to Cottonwood Creek
with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 12S, R. 39E, B.M.,
Franklin County

The water is claimed to be used from 1/1 to 12/31 for storage for
irrigation and from 4/1 to 11/1 for the irrigation of 100 acres
with a priority of July 1, 1908 ;
the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, T. 12S, R. 39E. 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
on March 22 and 29, 1979. ~~xxx~~

aw-h.

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 dk

RDC:GW

Enc: Legal Notice (5)

RECEIVED

APR 6 1979

Department of Water Resources
Eastern District Office

Star Rt. Box 22
Preston, Idaho 83263
March 3, 1979

Anthony R. Kozlowski
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

Enclosed is the statement I got our 83-year-old neighbor to make.
I would appreciate it very much if you would put it with our water claim
to as you say, "strengthen the credibility and legitimacy of our claim."
Thank you for your help in this matter.

Very truly yours,

Cliff D. Johnson

Cliff D. Johnson



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

Cliff D. Johnson
Charles L. Johnson
Star Route, Box 22
Preston, Idaho 83263

Dear Sirs:

Re: Claim to Water Right No. 13-4105

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