

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 Gerald D. Cole

(Name of Claimant)

Route #3, Preston, Idaho 83263

(Mailing Address)

Telephone No. 852-2969

(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) September 24, 1892

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)

unnamed spring tributary to Sheep 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>0.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>0.42 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

- (4) 0.46 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 14 Twp. 15S Rge. 40E 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. Spring box with pipe to homes and overflow is used for irrigation.

- (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	40E	14															4		4
		23	3																3

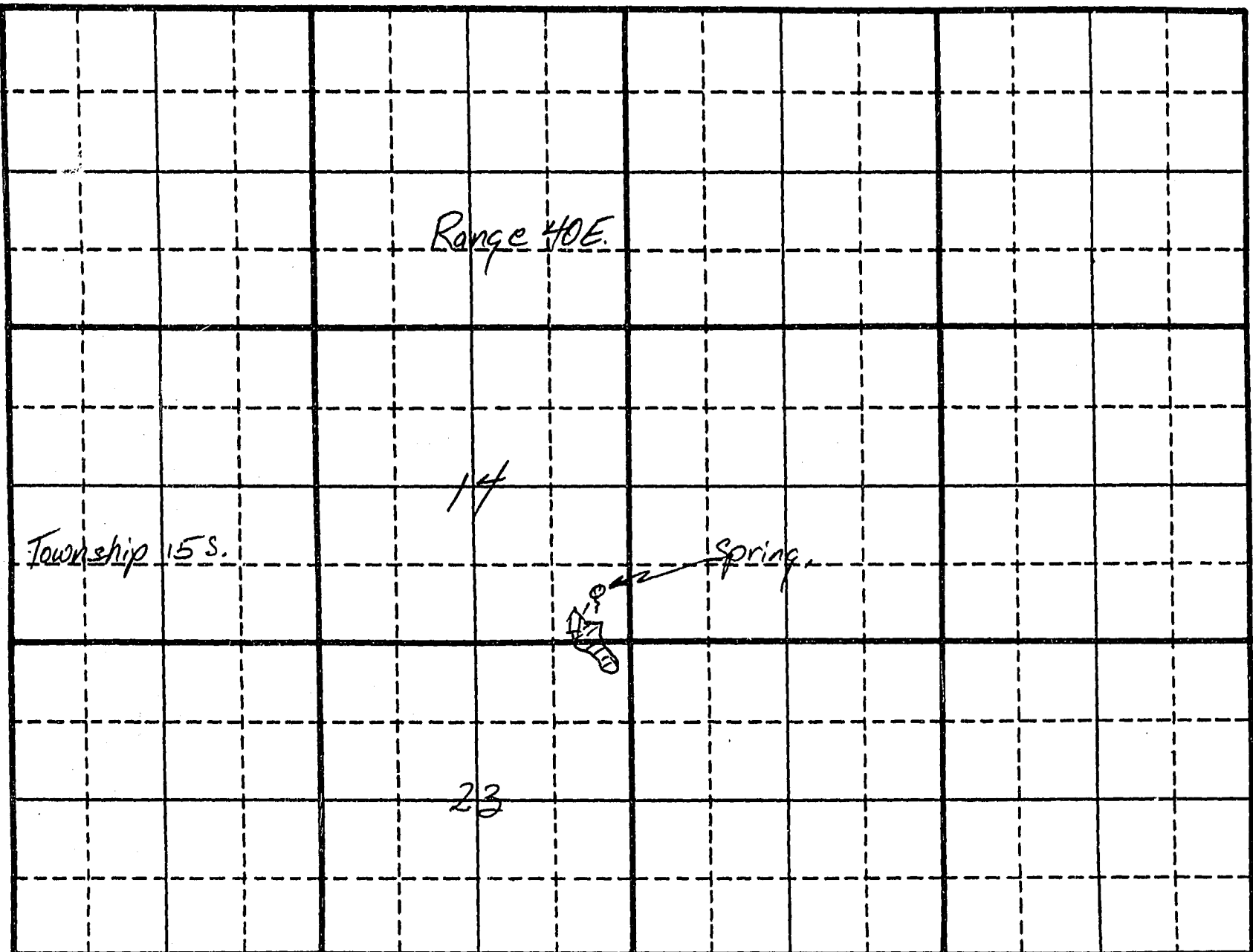
No. of acres 7

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Culinary water for two homes, yards, and gardens.

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.

Samuel C. Cole
(Claimant)

Sworn to before me this 9th day of MARCH, 1979.

Sally Hansen
Notary Public
Residing at Preston, Idaho

My commission expires March 1, 1980

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>EMC</u>	Date <u>3/12/79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>3-12-79</u>	#12950		
Published in <u>Preston Citizen</u>				
Dates <u>March 22 & 29, 1979</u>				

No 853

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 \$ 11.60

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 Gerald D. Cole of Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.46 cubic feet per second of water from an unnamed spring tributary to Sheep Creek with point of diversion in the SE 1/4 SE 1/4, Sec. 14, T. 15S, R. 40E, B.M., Franklin County.

The water is claimed to be used from 1/1 to 12/31 for domestic purposes for 2 single-family residences and from 4/1 to 11/1 for the irrigation of 7 acres with a priority of Sept. 24, 1892; the place of use is within the SE 1/4 SE 1/4, Sec. 14, NE 1/4 NE 1/4, Sec. 23, T. 15S, R. 40E, 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. 853-29L - 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: J.C.

Right Number _____

Applicant Gerald D. Cole

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

Gerald D. Cole
Route #3
Preston, Idaho 83263

Dear Sir:

Re: Claim to a Water Right

Attached herewith is Departmental receipt No. 12950 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. 13-4106

Notice is hereby given that Gerald D. Cole of Preston, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.46 cubic feet per second ~~acre feet per annum~~ of water from an unnamed spring tributary to Sheep Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 15S, R. 40E, B.M., Franklin County.

The water is claimed to be used from 1/1 to 12/31 for domestic purposes for 2 single-family residences and from 4/1 to 11/1 for the irrigation of 7 acres with a priority of Sept. 24, 1892; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 15S, R. 40E, 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
R. KEITH HIGGINSON
~~XXXXXXXXXXXXXXXXXXXX~~

Director

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

100-1

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 DN

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 11, 1979

Gerald D. Cole
Route #3
Preston, Idaho 83263

Dear Mr. Cole:

Re: Claim to Water Right No. 13-4106

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