

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 DALMAIN C. EARLEY
(Name of Claimant)
Franklin, Idaho 83237 Telephone No. (208) 646-2405
(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) 06-01-1880
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)
Flat Canyon 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:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>1.50 c.f.s.</u>	Use <u>Irrigation</u>	Period of Use From <u>5 May</u>	To <u>15 June</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) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 23 Twp. 16 S Rge. 40 E 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. Ditches and small dams
- (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	
16S	40E	22	16	24	14	16													70

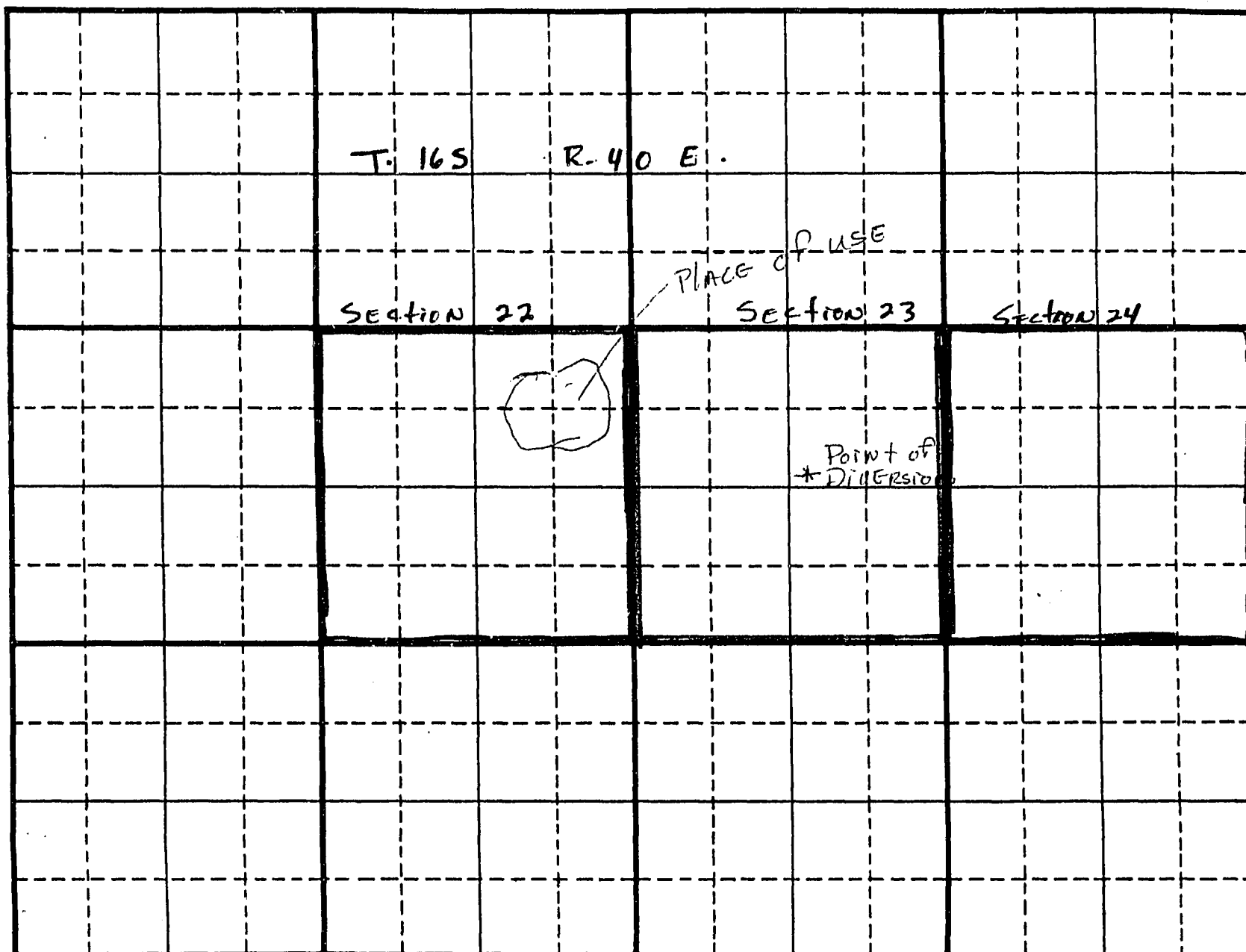
No. of acres 70

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.

Walter C. Early
(Claimant)

Sworn to before me this 10th day of August, 19 79.

Carol Hutchinson
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

dh 9-06-79 FOR DEPARTMENT USE ONLY
Received by dh Date 8-15-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RP Date _____
\$20.00 fee received by dh Date 9-06-79 #13696
Published in Preston Citizen
Dates 9/20 & 9/27/79

Water Res.

No 944

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

Sept 20, 1979 and ending

with the issue of Sept 27, 1979.

Fee \$ 972

Subscribed and sworn to before me this 2nd day
of Oct, 1979.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4112

Notice is hereby given that Dalmain C. Earley, Franklin, Idaho 83237 has filed a claim to a water right established by diversion and application to beneficial use of 1.50 cubic feet per second of water from Flat Canyon Creek tributary to Bear River with point of diversion in the SW 1/4 NE 1/4, Sec. 23, T. 16S, R. 40E, B.M., Franklin County.

The water is claimed to be used from May 5 to June 15 for the irrigation of 70 acres with a priority of June 1, 1880; the place of use is within the NE 1/4, Sec. 22, T. 16S, 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 9/13 and 9/20/79.

Legal No. 944-271 - Pub. Sept. 20
and 27, 1979.

RECEIVED

OCT 5 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: DP

Right Number

13 4112

Applicant

FARLEY, D.C.

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

10/12/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Juni

Date

10/29/79

July 27, 1979

William s and Castleton
P. O. Box 191
Preston, Idaho 83263

Derr Sir:

Re: Claim to Water Right - Earley

Enclosed please find the claim to a water right recently submitted to our office in behalf of Dalmain C. Earley and your firm's check No. 1727 in the amount of \$20.00. We have reviewed the claim and find it necessary to return it for some corrections.

Specifically, it is necessary for the points of diversion in Item 5 and the place of use in Item 6 to be consistent with the plat map on the back of the claim. This map shows one point of diversion which, under Item 5, you have indicated there are two points. Furthermore, it is necessary for you to indicate the number of acres being irrigated within each 40-acre tract under Item 6.

To assist you in refiling your client's claim, we are also enclosing a blank claim form on which you can make these corrections. Should you have any questions, feel free to contact us at our eastern region office.

Respectfully submitted,

ERNEST M. CARLSON
Water Resource Analyst

EMC:db

Enclosures
Attachment: check 92-171/\$20.00

LIAMS & CASTLETON
LAW OFFICES
CLIENT DISBURSEMENT ACCOUNT
P. O. BOX 191, 241 H STATE
PRESTON, IDAHO 83263

INZ 1121

FIRST BANK AND TRUST
OF IDAHO
PRESTON, IDAHO 83263
92-171/1241

-----Twenty and no/100-----Dollars

DATE

AMOUNT

July 25, 1979

\$ 20.00

ORDER
OF

STATE OF IDAHO
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Beverly W. Mortensen

124100171 92 00259 611

CV Rocky Mountain Bank Note

P. O. Box 191
Preston, Idaho 83263

Dear Sir:

Re: Claim to Water Right - Earley

Enclosed please find the claim to a water right recently submitted to our office in behalf of Dalmain C. Earley and your firm's check No. 1727 in the amount of \$20.00. We have reviewed the claim and find it necessary to return it for some corrections.

Specifically, it is necessary for the points of diversion in Item 5 and the place of use in Item 6 to be consistent with the plat map on the back of the claim. This map shows one point of diversion while, under Item 5, you have indicated there are two points. Furthermore, it is necessary for you to indicate the number of acres being irrigated within each 40-acre tract under Item 6.

To assist you in refiling your client's claim, we are also enclosing a blank claim form on which you can make these corrections. Should you have any questions, feel free to contact me at our eastern region office.

Respectfully submitted,

Ernest Carlson

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

Enclosures
Attachment: check 92-171/\$20.00

STATION: IDHPC
P. O. Box 191
Williams & Earl Earley
Aug 15 1979



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

August 15, 1979

Williams and Castleton
P. O. Box 191
Preston, Idaho 83263

Dear Sir:

Re: Claim to Water Right - Earley

I recently received the claim to a water right you recently submitted in behalf of your client, Dalmain C. Earley. Unfortunately, I cannot begin processing of the claim at this time as the description of the location of the point of diversion under Item #5 does not correspond with the location of the point of diversion you have drawn on the map.

I am returning your client's claim and your firm's check No. 1727 in the amount of \$20.00. Please make the necessary correction and return the claim to this office together with the appropriate fee. 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
Attachment: check 92-171/\$20.00

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

TELEPHONE:
(208) 852-2680

September 4, 1979

RECEIVED

SEP 4 1979

Department of Water Resources
Eastern District Office

Mr. Anthony R. Kozlowski
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Claim to Water Right - Dalmain Earley
Our File No. 1419.1

Dear Mr. Kozlowski:

Enclosed you will find a corrected Water Claim for Dalmain Earley, along with a check drawn on our Client Disbursement Account for \$20.00.

We appreciate your patience in handling this matter, and will appreciate your processing this corrected filing.

Yours very truly,

WILLIAMS & CASTLETON


LOWELL D. CASTLETON
Attorney at Law

LDC/ch

Enclosures

September 6, 1979

Lowell D. Castleton, Attorney
Williams and Castleton
P. O. Box 191
Preston, Idaho 83263

Dear Sir:

Re: Claim to Water Right - Earley
Your File No. 1419.1

Attached herewith is Departmental receipt No. 13696 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. 13-4112

Notice is hereby given that Dalmain G. Earley, Franklin, Idaho 83237

has filed a claim to a water right established by diversion and application
to beneficial use of 1.50 cubic feet per second ~~acre foot per annum~~
of water from Flat Canyon Creek tributary to Bear River
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 16S, R. 40E, B.M.,
Franklin County

The water is claimed to be used from May 5 to June 15 for the
irrigation of 70 acres
with a priority of June 1, 1880;
the place of use is within the NE $\frac{1}{4}$, Sec. 22, T. 16S, 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.


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

Published in the Preston Citizen, Preston, Idaho
on 9/13 and 9/20/79

cu

September 7, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Re: Claim to Water Right No. 13-4112 EARLEY

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,

DONNA HENRIQUES
Secretary

Bill submitted _____ by _____

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 1, 1979

DALMAIN C. EARLEY
FRANKLIN

ID 83237

RE: Claim No. 13-4112

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