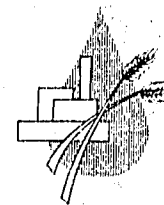


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 GEORGE BYINGTON

(Name of Claimant)

Route 3, Preston, Idaho 83263

(Mailing Address)

Telephone No. 852-1503

(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) July 1, 1944

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)

Spring tributary to sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.04</u> cfs		Use <u>Domestic</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</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.

(cfs, gpd, AFA)

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

NW 1/4 NE 1/4, Sec. 8 Twp. 15 S Rge. 39 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. Cement catch basin at Spring and about 600 ft of 3 inch pipe to residence and garden area

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	39	8		X															

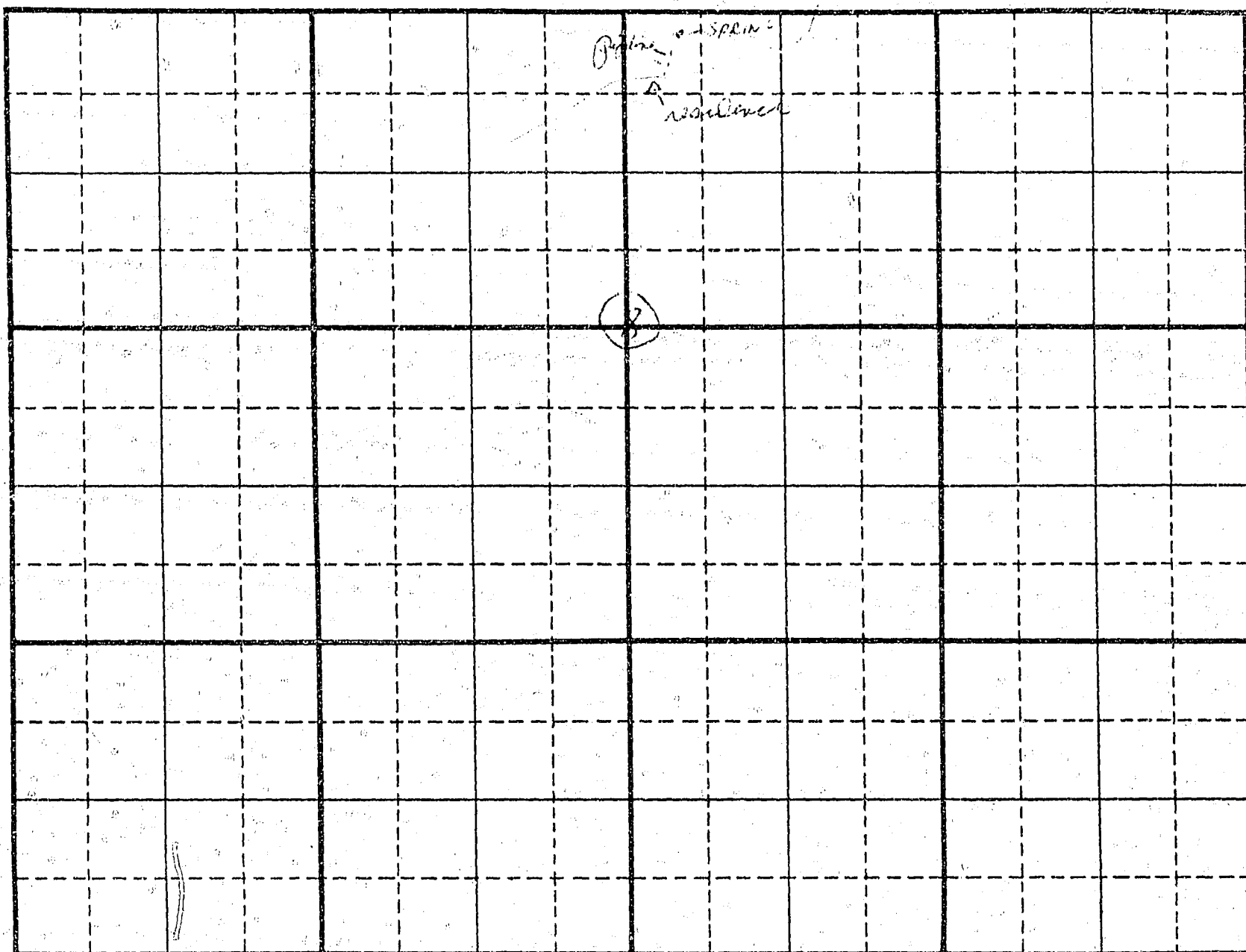
No. of acres _____

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: $\frac{1}{4}$ 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 18th day of April, 19 80.

George Byington
(Claimant)

Beverly W. Mortensen
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>KW</u>	Date <u>4/21/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>gc</u>	Date		claimant by:	
\$20.00 fee received by <u>KW</u>	Date <u>4/25/80</u>	#13957		
Published in <u>Preston Citizen</u>				
Dates <u>5/8 & 5/15/80</u>				

No 1111

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

May 8, 1980, and ending
with the issue of May 15, 1980

Fee \$ 972

Subscribed and sworn to before me this 30th day
of May, 1980.
Ken O. Cae

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:

13-4127

BYINGTON, GEORGE
RT. 3, PRESTON, ID 83263
Source: SPRING tributary to SINKS
Priority Date: 07-01-1944
Amount: 0.04 CFS
Diversion Point: NWNE Sec 08 T 15S R 39E, FRANKLIN Co.
Use: DOMESTIC (0.04 CFS) from 01-01 to 12-31
Place of Use: NWNE Sec 08 T 15S R 39E
Diversion Means: CATCH BASIN AND PIPELINE.

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

Legal No. 1111 - 27L - Pub. May 8 and 15, 1980.

RECEIVED

JUN 11 1980

Department of Water Resources
Eastern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(203) 523-7186

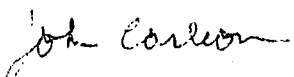
April 21, 1980

George Byington
Route #3
Preston, ID 83263

Dear Mr. Byington:

I am returning your claim to a water right as #5 (the point of diversion) was left blank. I am also enclosing your personal money order No. 16-45224 in the amount of \$20.00. Please put the legal for the point of diversion on the claim form and initial the change, then return it to this office along with the filing fee.

Sincerely,


JOHN CARLSON
Water Resource Agent

JC:kw
Enclosures
Money Order #16-45224

13-4127

BYINGTON, GEORGE

RT. 3, PRESTON, ID 83263

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Priority Date: 07/01/1944

Amount: 0.04 CFS

Diversion Point: NWNE Sec 08 T 15S R 39E, FRANKLIN Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 08 T 15S R 39E

Diversion Means: CATCH BASIN & PIPELINE.

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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 5/08 & 5/15/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 1, 1980

The Preston Citizen
P. O. 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 sales 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 billing to this office before MAY 26, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 28, 1980

GEORGE BYINGTON
RT. 3
PRESTON

ID 83263

RE: Claim No. 13-4127

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

May 14, 1980

RE: Claim to a Water Right No. 13-4127

George F. Byington
Route #3
Preston, ID 83263

Dear Mr. Byington:

Attached herewith is Departmental Receipt No. 13957 in the amount of \$20.00 for the above referenced claim to a water right.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

June 2, 1980

RE: Claim to a Water Right No. 13-4127 BYINGTON

Preston Citizen
P.O. Box 472
Preston, Idaho 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on May 8 and 15, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: _____

Right Number 13 4127 Applicant Bjington

NOTE: 13-4127
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.
- 5/26

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carter Date 7-14-80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 7/17/80