

September 15, 1980

RECEIVED

SEP 20 1980

Director of the Idaho Department of Water Resources
District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

RE: Notice of Claim to water rights, No. 13-4131 - Verlyn J. Reay

Gentlemen:

That the within protestant, namely the Strongarm Reservoir Irrigation District makes the following exceptions and alleges as follows:

I.

That the old reservoir storage was about 40 acre feet, or less, which came from winter and early spring storage before irrigation season, to-wit: before April 1st each year.

II.

They have forfeited any and all rights to use any or all ditch rights as they have violated all agreements for using some ditch rights by failing to pay for or do any of the labor and ditch maintenance.

III.

That Spring Creek is not a tributary to any sinks, but is a tributary to Battlecreek on which the protestant has prior rights. There are no sinks.

IV.

That claimant does not have any rights to the springs, or the flow of Spring Creek below their reservoir.

V.

That the protestant has certain prior rights in all ditches, and that certain springs below the reservoir are used for culinary use by the Springhollow Water Association.

VI.

That the claimant is attempting to enlarge and to change the long established use and ownership of said water and the amount of reservoir rights in the area.

Respectfully submitted,

Joseph C. Hedin

JOSEPH C. HEDIN, PRESIDENT
STRONGARM RESERVOIR IRRIGATION DISTRICT
Route #3
Preston, Idaho 83263

Subscribed to and Sworn Before me on this 24th day of September 1980.

Notary Public, State of Idaho
Residing at Preston, Idaho
My commission expires Continuously.

RECEIVED

SEP 16 1980

Department of Water Resources
Eastern District Office

N^o 1191

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 4, 1980, and ending
with the issue of Sept 11, 1980.

Fee \$ 23.01

Subscribed and sworn to before me this 30th day
of Sept., 1980.

Kevin D. Allen

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:

13-4130

GOLIGHTLY, MARVIN CHADWICK
OWENS, RICHARD N.
RFD 2 BOX 105, PRESTON, ID 83263
Source: UNNAMED DRAIN
tributary to CUB RIVER CANAL
Priority Date: 04/01/1910
Amount: 0.03 CFS
Diversion Point: SESE SWSE Sec 34
T 15S R 39E, FRANKLIN Co.
Use: STOCKWATER (0.03 CFS)
from 04/15 to 12/31
Place of Use: SWSE SESE Sec 34 T
15S R 39E
Diversion Means: DITCH.

13-4131

REAY, VERLYN J.
RT. 3, PRESTON, ID 83263
Source: SPRING CREEK tributary
to SINKS
Priority Date: 05/03/1946
Amount: 120.0 AC-FT
Diversion Point: SWSE Sec 34 T 13S
R 39E, FRANKLIN Co.
Use: IRRIGATION STORAGE (60.0
AC-FT) from 03/01 to 11/01
IRRIGATION FROM STORAGE
(120.0 AC-FT) from 04/01 to 11/01
Place of Use: NWNE NENW SENW
Sec 12 T 14S R 38E FOR 73 ACRES
Diversion Means: CASPERSON
DAM, DITCHES, PUMP AND
SPRINKLER SYSTEM.

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. 1191 - 46L - Pub. Sept. 4
and 11, 1980.

RECEIVED

OCT 3 1980

Department of Water Resources
Eastern District Office

No 1224

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

Oct 16, 1980, and ending

with the issue of Oct 23, 1980.

Fee \$ 951

Subscribed and sworn to before me this 31st day

of Oct, 1980.

Kim D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4131 in the name of Verlyn J. Reay was advertised incorrectly on September 4 and 11, 1980. The point of diversion was advertised as being within the SWSE, Sec. 34, T. 13S, R. 39E, Franklin County.

WHEREAS, the actual point of diversion is located within the SESW, Sec. 34, T. 13S, R. 39E, Franklin County.

Any exception to any 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

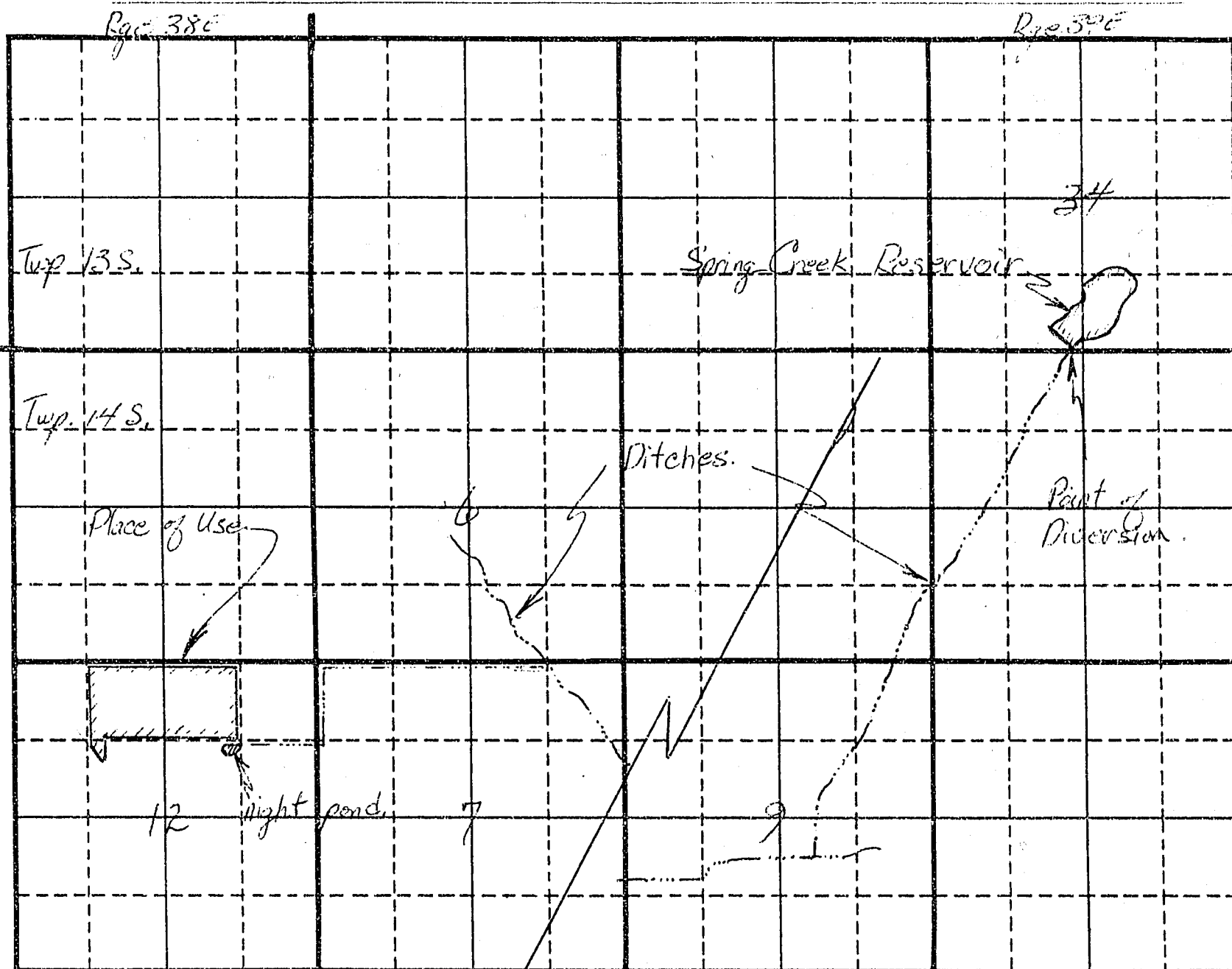
Legal No. 1224 - 19L - Pub. Oct. 16 and 23, 1980.

RECEIVED

NOV 12 1980

Department of Water Resources
Eastern District Office

(8) Remarks This claim is for the storage of water in "Spring Creek Reservoir".



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 Bonneville) 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 27 day of August, 1980.

Herby S. Reay
(Claimant)

Ruthelyn C. Walker
Notary Public
Residing at Idaho Falls

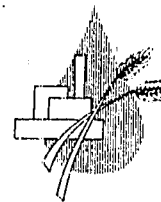
My commission expires 2/15/83

FOR DEPARTMENT USE ONLY

Drafted by <u>EMC</u>	Date <u>8-27-1980</u>	Exception filed by:	Forwarded to	Date
Received by <u>JWK</u>	Date <u>8-27-1980</u>		claimant by:	
\$30.00 fee received by <u>KW</u>	Date <u>8/27/80</u>	<u>#14984</u>		
Published in <u>Preston Citizen</u>		<u>Joseph C. Hedin</u>	<u>cw</u>	<u>9/25/80</u>
Dates <u>9/4 & 9/11/80</u>				

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 Verlyn J. Reay

(Name of Claimant)

Route #3, Preston, ID 83263

(Mailing Address)

Telephone No. 852-2353

(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) May 3, 1946

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 Creek 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:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>60 AFA</u>	Use <u>storage for irrigation</u>	Period of Use From <u>March 1</u>	To <u>Nov. 1</u>
Quantity <u>120 AFA</u>	Use <u>irrigation from stor.</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 120 AFA TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SE ¼ SW ¼, Sec. 34 Twp. 13S 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. Casperson Dam - earth fill - 400 ft. long 18 ft. high - gravity flow ditches carry water to night pond and water is pumped from this pond into sprinkler system Land was flood irrigated until 1980 when sprinkler system was installed.

- (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	
14S	38E	12		38			33			2									73

No. of acres 73

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:

13-4131-

REAY, VERLYN J.

RT. 3, PRESTON, ID 83263

Source: SPRING CREEK tributary to SINKS

Priority Date: 05/03/1946

Amount: 120.0 AC-FT

Diversion Point: SESW Sec 34 T 13S R 39E, FRANKLIN Co.

Use: IRRIGATION STORAGE (60.0 AC-FT) from 03/01 to 11/01
IRRIGATION FROM STORAGE (120.0 AC-FT) from 04/01 to 11/01

Place of Use: NWNE NENW SENW Sec 12 T 14S R 38E FOR 73 ACRES

Diversion Means: CASPERSON DAM, DTICHES, PUMP & SPRINKLER SYSTEM.

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:

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 9/04 & 9/11/80.



DEPARTMENT OF
EASTERN REGION

WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

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

September 22, 1980

RE: Claim to a Water Right No. 13-4031 - Verlyn J. Reay

Joseph C. Hedin, President
Strongarm Reservoir Irrigation District
Route #3
Preston, ID 83263

Dear Mr. Hedin:

We are returning your letter of exception concerning the above referenced claim to a water right.

An exception must be in affidavit form. If you still wish to file the exception please have your signature notarized and then return it to this office for processing.

If you have any questions, feel free to contact our office.

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure



DEPARTMENT OF
EASTERN REGION

WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

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

September 22, 1980

RE: Claim to a Water Right No. 13-4131-Verlyn J. Reay

Ben B. Johnson
Attorney at Law
First Security Bank Building
Preston, ID 83263

Dear Mr. Johnson:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

September 25, 1980

RE: Claim to a Water Right No. 13-4131 REAY

Joseph C. Hedin, President
Strongarm Reservoir Irrigation District
Rt. #3
Preston, Idaho 83263

Dear Mr. Hedin:

We have received the exception dated September 24, 1980, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

September 25, 1980

RE: Claim to a Water Right No. 13-4131 REAY
No. 13-4130 COLIGHTLY & OWENS

Preston Citizen
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 September 4 and 11, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

September 25, 1980

RE: Claim to a Water Right No. 13-4131 REAY

Joseph C. Hedin, President
Strongarm Reservoir Irrigation District
Rt. #3
Preston, Idaho 83263

Dear Mr. Hedin:

We have received the exception dated September 24, 1980, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

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Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

September 25, 1980

RE: Claim to a Water Right No. 13-4131

Verlyn J. Reay
Rt. #3
Preston, Idaho 83263

Dear Mr. Reay:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure



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

September 29, 1980

RE: Claim to a Water Right No. 13-4131

Heber & Geneal Swainston
Route #3, Box 203
Preston, ID 83263

Dear Mr. and Mrs. Swainston:

I have reviewed your letter of September 23, 1980, concerning objections to Verlyn J. Reay's Claim to a Water Right numbered 13-4131 on Casperson Reservoir and find it necessary to return your letter since it is not in proper form. If you are of the opinion Mr. Reay's Claim is in error you should submit an exception to the Claim. The exception as discussed in Section 42-225b of the Idaho Code, must specify why the Claim is incorrect and should be in affidavit form, i.e. signed in the presence of a notary public. An exception to a Claim can be submitted to the Department at any time. A blank affidavit form is enclosed for your convenience.

Also enclosed is a copy of Claim number 13-4002 in the name of Spring Hollow Water Association, Inc. which records the use of water for domestic purpose in the rural community near Banida. The system for delivering this water is described as a pipeline and is possibly the same pipeline you make reference to in your letter. This claim indicates the pipeline has been in use since January 1914, it was not necessary at that time to make application with the Department for appropriating water. If the system has been expanded in recent years, it was not by approval of the Department. However, if changes to the system adversely effected your culinary water right you can initiate legal action through the courts in effort to seek relief.

Respectfully submitted,

Ernest Carlson

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4131 in the name of Verlyn J. Reay was advertised incorrectly on September 4 and 11, 1980. The point of diversion was advertised as being within the SWSE, Sec. 34, T. 13S, R. 39E, Franklin County.

WHEREAS, the actual point of diversion is located within the SESW, Sec. 34, T. 13S, R. 39E, Franklin County.

Any exception to any 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 10/16 and 10/23/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 22, 1980

VERLYN J. REAY
RT. 3
PRESTON

ID 83263

RE: Claim No. 13-4131

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

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: John K

Right Number 13 4131 Applicant _____

NOTE: 13-4131
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 Johnson Date 11-17-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. Munn Date 11/26/80

9/22 proofed tele-con
9/2/80
OK KWO
11/2 Re-Ad our
cost