

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 NEWELL S. HART and RUTH C. HART

R.F.D. Preston, Idaho

(Name of Claimant)
83263

Telephone No. None

(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) May 1902

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)
springs; natural drainage 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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.02</u>	Use <u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>		
Quantity <u>.1</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>		
Quantity <u>.05</u>	Use <u>Stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>		
Quantity <u>.17</u>	TOTAL QUANTITY USED.				

(4) .17

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 1/4, Sec. 28 Twp. 15S 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. Pipelines of varying sizes (1" to 3") running from points of diversion to places of actual use.

(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	
15S	39E	28			5														5

No. of acres 5

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use in claimant's home; Stock watering for 5 to 20 calves.

NOTE: Include here the type and number of stock watered: 5-20 calves

(7) If you are claiming water as a member of an organization, list name of organization:

that of an adjoining landowner and is piped through natural flow to points of use.

[illegible]

SEE ATTACHED DRAWING.

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)
) ss.
County of Franklin)

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.

Luth C Hart
newspaper
(Claimant)

Sworn to before me this 3RD day of November, 1980 (Claim

Deborah M. Summers
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

11/24/80
FOR DEPARTMENT USE ONLY

Received by <u>KW</u>	Date <u>11/4/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWO</u>	Date <u>11/24/80</u>		claimant by:	
\$20.00 fee received by <u>KW</u>	Date <u>11/25/80</u>	# <u>16094</u>		
Published in <u>Preston Citizen</u>				
Dates <u>12/4 & 12/11/80</u>				

10 4295

Points of Diversion

Home Location

Points of Diversion

51.8

Flood Irrigation

Stock Watering

(28)

0.78

1344

51.8

231.5

220

320

320

1216

1216

X marks original corner 1st 200 acres

2008 X 12
10

No 1252

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

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

Fee \$ 17.01

Subscribed and sworn to before me this 31st day
of Dec., 1980.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

JAN 6 1981

Department of Water Resources
Eastern District Office

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:

13-4133

HART, NEWELL S. &/or RUTH C.
R.F.D., PRESTON, ID 83263

Source: SPRINGS tributary to
BEAR RIVER

Priority Date: 05/01/1902

Amount: 0.17 CFS

Diversion Point: SWNE Sec 28 T
15S R 39E, Franklin Co.

Use: IRRIGATION (0.10 CFS) from
04/01 to 11/01; STOCKWATER (0.05

CFS) from 01/01 to 12/31;
DOMESTIC (0.02 CFS) from 01/01 to
12/31

Place of Use: SWNE Sec 28 T 15S R
39E for 5 acres

Diversion Means: PIPELINES

Any exception to any claim of water
right may be filed with the Director
of the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, Idaho 83401.

C STEPHEN ALLRED
Director

Legal No. 1252 - 34L - Publish Dec.
4 and Dec. 11, 1980.

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

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

November 21, 1980

TELEPHONE:
(208) 852-2680

Mr. Ernest Carlsen
Sr. Resource Analyst
State of Idaho, Department of
Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Application - Water Matter
Our File No. 1553.2

Dear Mr. Carlsen:

Enclosed please find the corrected application submitted
on behalf of Newell S. and Ruth C. Hart. We are also
enclosing their original check of November 3, 1980, for
\$20.00 and a check drawn on our account for an additional
\$10.00.

Thank you for your assistance.

Yours very truly

WILLIAMS & CASTLETON


LOWELL D. CASTLETON
Attorney at Law

LDC/csp

Enclosures

13-4133-

HART, NEWELL S. &/or RUTH C.

R.F.D., PRESTON, ID 83263

Source: SPRINGS tributary to BEAR RIVER

Priority Date: 05/01/1902

Amount: 0.17 CFS

Diversion Point: SWNE Sec 28 T 15S R 39E, FRANKLIN Co.

Use: IRRIGATION	(0.10 CFS)	from 04/01 to 11/01
STOCKWATER	(0.05 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SWNE Sec 28 T 15S R 39E FOR 5 ACRES

Diversion Means: PIPELINES.

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, 150 Shoup Ave., Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 12/04 & 12/11/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

NOVEMBER 26, 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 galley 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 DECEMBER 22, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

November 28, 1980

RE: Claim to a Water Right No. 13-4133 - NEWELL S. HART and RUTH C. HART

Lowell D. Castleton
WILLIAMS & CASTLETON
Attorney at Law
P. O. Box 191
Preston, ID 83263

Dear Mr. Castleton:

Attached herewith is Departmental Receipt No. 16094 in the amount of \$30.00
for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

DECEMBER 22, 1980

NEWELL S. HART
RUTH C. HART
R.F.D.
PRESTON

ID 83263

RE: Claim No. 13-4133

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: SK

Right Number 13 4133 Applicant _____

NOTE: 13-4133 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 Crest Carlson Date 1-7-1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 1/9/81

12/22
galley
ok - over phone
pw 12/2