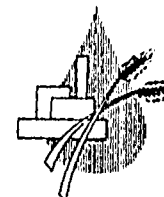


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Jess B. or Nancy Lee Elgan

(Name of Claimant)

Box 13, Clifton, Idaho 83228

(Mailing Address)

Telephone No. 747-3701

(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) June 18, 1913

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:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.02cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.02cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>0.02cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity <u>0.02cfs</u>	TOTAL QUANTITY USED.		

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

NE 1/4 SW 1/4, Sec. 34 Twp. 14S Rge. 38E 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. Headbox with ditch, later changed to distribution pipeline that was replaced in 1977.

- (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	
14S	38E	34													1				1

No. of acres 1

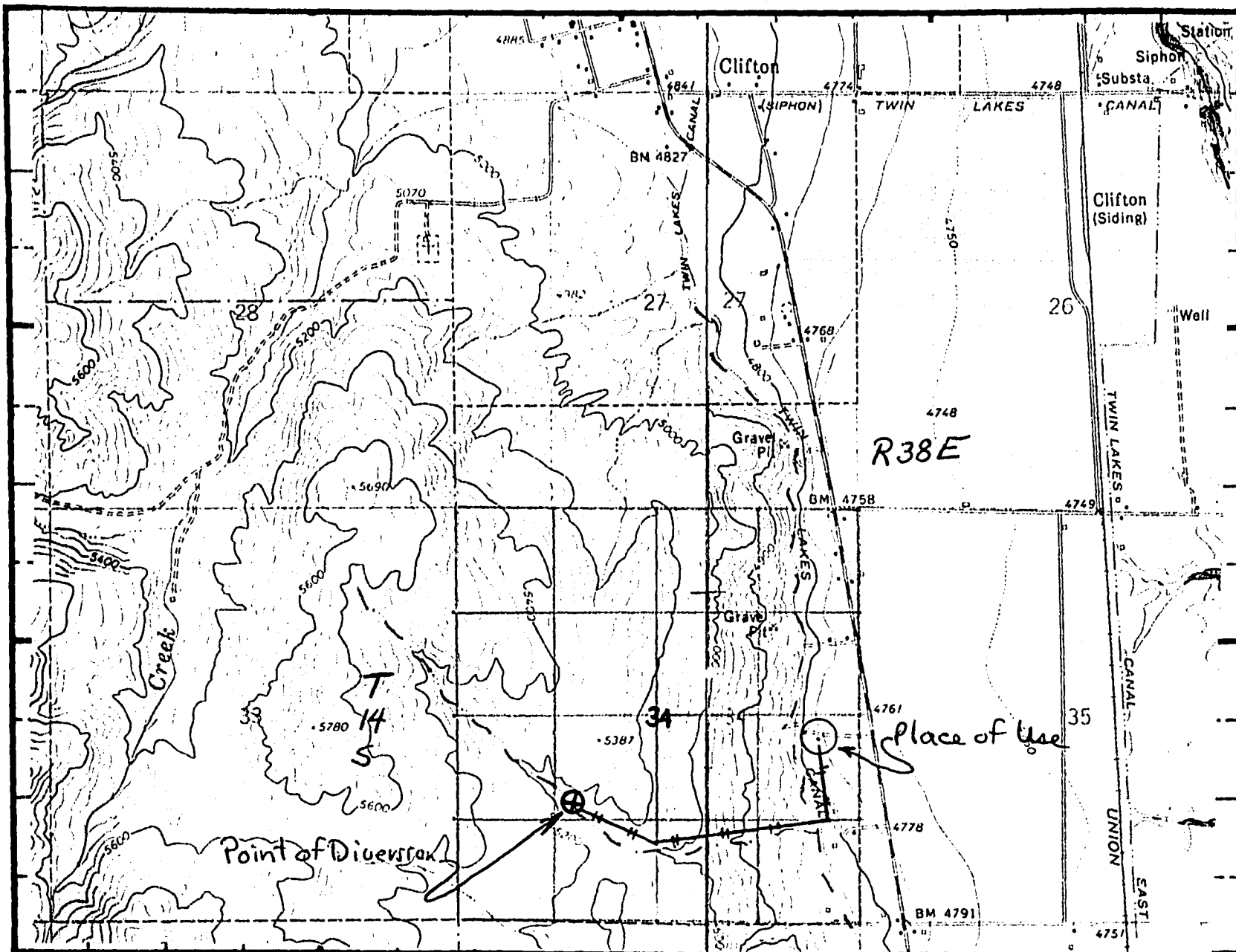
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Single domestic home

NOTE: Include here the type and number of stock watered: 50 head range cattle

- (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 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 1st day of November, 1982.
B. E. Logan (Claimant)

Callum Gray
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/85

assisted by KCW 11-1-82 FOR DEPARTMENT USE ONLY
Received by HWJ Date 11-1-82 Exception filed by: B. William Winward Forwarded to claimant by: CW Date 12/7/82
Prelim. check by BP Date 11-1-82 # 22559
Published in Preston Citizen
Dates 11/11 & 11/18/82

#875

No 1742

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Department of Water Resources
Eastern District Office

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

November 11, 1982, and ending

with the issue of November 18, 1982.

Fee \$ 18.75

Subscribed and sworn to before me this 30 day of November, 1982.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

13-4207

ELGAN, JESS B. &/or NANCY LEE
BOX 13, CLIFTON, ID 83228

Source: SPRING tributary to SINKS
Priority Date: 06/18/1913.

Amount: 0.02 CFS

Diversion Point: NESW Sec 34 T 14S R 38E, FRANKLIN Co.

Use: IRRIGATION (0.02 CFS) from 04/01 to 11/01.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31

Use: DOMESTIC (0.02 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 34 T 14S R 38E FOR 1 ACRES

Diversion Means: HEADBOX, DITCH & PIPELINE

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 11/11 & 11/18/82.

Legal No. 1742 -30L- Published November 11, 18, 1982.

Earsen,

Notary Public.

Record August 21st, 1913 at 2:20 P. M.

John A. Koford
Ex-Officio Recorder.

No. 587.

QUIT-CLAIM DEED.

Byrom E. Bybee and Lydia Bybee, his wife, GRANTORS,
of Clifton, County of Franklin, State of Idaho, hereby QUIT-CLAIM to Wilfred Hess,
GRANTEE,
of Farmington, County of Davis, State of Utah for the sum of Two Hundred (\$200.00) Dollars,
the following described Spring in Franklin County, State of Idaho, to-wit:-

A certain Spring of Water situated on certain government land about one mile, more or
less, from Residence, now or formerly, of said Byrom E. Bybee in an almost due Westerly
Direction and in Section 34, Township 14 South, Range 38 East, Boise Meridian and for many
years past used by party of the first part by whom it was developed.

WITNESS, the hands of said Grantors, this 18th day of June, A. D. One Thousand Nine
Hundred and Thirteen.

Signed in the presence of
John R. Gailey

Byrom E. Bybee
Lydia E. Bybee

STATE OF UTAH)
(SS.
COUNTY OF DAVIS)

On the 18th day of June, A. D. One Thousand Nine Hundred and Thirteen personally appear-
ed before me Byrom E. Bybee and Lydia Bybee, his wife, the signors of the above instrument,
who duly acknowledged to me that they executed the same.

John R. Gailey,
Notary Public.

My commission expires _____
My commission expires Nov. 13th, 1914.

(S E A L)

STATE OF UTAH,)
(SS.
COUNTY OF DAVIS.)

I, Hyrum O. Pack, Clerk of the District Court of the Second Judicial District, in and
for the County of Davis, State of Utah, do hereby certify that John R. Gailey, Esq., who has
signed his name to the foregoing document, was at the time of so doing a Notary Public in and
for Davis County, State of Utah, duly commissioned and sworn, that all his official acts are
entitled to full faith and credit and that his signature thereof is genuine.

WITNESS my hand and official seal this 18th, day of June, A. D. 1913.

Hyrum O. Pack,

(S E A L)

Clerk of the District Court,

By Ella Smith, Deputy Clerk.

County of Franklin, State of Idaho, hereby QUIT-CLAIM to Wilfred Hess,
GRANTEE,
at Farmington, County of Davis, State of Utah for the sum of Two Hundred (\$200.00) Dollars,
the following described Spring in Franklin County, State of Idaho, to-wit:-

A certain Spring of Water situated on certain government land about one mile, more or
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Signed in the presence of
John R. Gailey

Byren E. Bybee
Lydia E. Bybee

STATE OF UTAH)
(SS.
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John R. Gailey,
Notary Public.

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STATE OF UTAH,)
(SS.
COUNTY OF DAVIS.)

I, Hyrum O. Pack, Clerk of the District Court of the Second Judicial District, in and
for the County of Davis, State of Utah, do hereby certify that John R. Gailey, Esq., who has
signed his name to the foregoing document, was at the time of so doing a Notary Public in and
for Davis County, State of Utah, duly commissioned and sworn, that all his official acts are
entitled to full faith and credit and that his signature thereof is genuine.

WITNESS my hand and official seal this 18th, day of June, A. D. 1913.

Hyrum O. Pack,

(S E A L)

Clerk of the District Court,
By Ella Smith, Deputy Clerk.

Department of Water Resources
Eastern District Office

State of Idaho

County of Franklin

B. William Winward being first duly sworn,
deposes and says: I file ~~an~~ an exception

deposes and says: I file ~~an~~ an exception
to the claim by Jess & Nancy Elgan
(13-4212).

This looks like the same description
of my permitt - No. 13-7132.

I bought this property from my Father
and have lived here since 1934.

I am the only one that has ever put this spring to beneficial use and that has been about 12 years ago for stock water. (The Franklin County A.S.C. office helped with that) In 1976 I piped it down and now use it at my home & my parents home.

Jess Elgan has no spring on his property and when I noticed the publication in the paper I felt like I should protect my water rights.

B. William Woodard
(Signature)

Subscribed and sworn to before me this 29 day of November, 1982

Clifford Lerdall
(Notary Public)

Residing at

My Commission Expires

13-4207

ELGAN, JESS B. &/or NANCY LEE

BOX 13, CLIFTON, ID 83228

Source: SPRING tributary to SINKS

Priority Date: 06/18/1913

Amount: 0.02 CFS

Diversion Point: NESE Sec 34 T 14S R 38E, FRANKLIN Co.

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

Place of Use: NESE Sec 34 T 14S R 38E FOR 1 ACRES

Diversion Means: HEADBOX, DITCH & PIPELINE

No. changed on computer
to 13-4212 11/17/82 BP

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 11/11 & 11/18/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 3, 1982

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 billings to this office before NOVEMBER 29, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13 42117 4212 Applicant Elgan

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 Dec. 8, 1982

Nov 29, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 12/15/82

Suite 15

November 24, 1982

RE: Claim to a Water Right NO. 13-4212 ELGAN (number chg. from 13-4207)

B. William Winward
Clifton,
Idaho 83228

Dear Mr. Winward:

We are returning your letter which expresses opposition to claim to a water right No. 13-4212 in the name of Jess B. or Nancy Lee Elgan.

If you disagree with the information as set forth on the claim, then you need to file an exception which must be notarized. The exception can be submitted at any time and should clearly state the reason(s) why you feel the claim is incorrect. For your convenience, the enclosed affidavit form can be used for this purpose.

If you have any questions concerning the above matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

-Suite 15

December 1, 1982

RE: Claim to a Water Right No. 13-4212 ELGAN

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 November 11 and 18, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

December 7, 1982

-Suite 15

RE: Claim to a Water Right No. 13-4212 ELGAN

B. William Winward
Clifton,
Idaho 83228

Dear Mr. Winward:

We have received the exception dated November 29, 1982, 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

-Suite 15

December 7, 1982

RE: Claim to a Water Right No. 13-4212

Jess B. or Nancy Lee Elgan
Box 13
Clifton, Idaho 83228

Dear Mr. & Mrs. Elgan:

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

Enclosure

-Suite 15

December 7, 1982

RE: Claim to a Water Right No. 13-4207 ELGAN

Preston Citizen
P.O. Box 472
Preston, ID 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 November 11 and 18, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 29, 1982

JESS B. ELGAN
NANCY LEE ELGAN
BOX 13
CLIFTON

ID 83228

RE: Claim No. 13-4207

4212

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

RECEIVED

DEC 14 1982

Department of Water Resources