

RECEIVED

JUN 13 1983

Department of Water Resources
Eastern District OfficeSTATE 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 MERVIN E. OR MERLIN M. WHITNEY
(Name of Claimant)

Box 253, RR #1, Weston, Idaho 83286
(Mailing Address)

Telephone No. 208-747-3478
(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, 1966

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)

BEAR RIVER tributary to GREAT SALT LAKE

- (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, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>400 AFA</u>		Use <u>IRRIGATION</u>		Period of Use From <u>MAY 15</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 _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 400 AFA TOTAL QUANTITY USED.
(cfs, af)

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

SW 1/4 NE 1/4, Sec. 29 Twp. 16S 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. AN EARTHEN DAM WITH CULVERT AND "FLAPPER VALVE" AT THE SOUTH END

OF THE SLOUGH ALLOWS THE SLOUGH TO FILL WHEN THE WATER LEVEL IS HIGH IN BEAR RIVER. THE WATER IS PUMPED TO THE FIELDS TO BE IRRIGATED VIA 50 H.P. ELECTRIC PUMP AND 8 INCH PIPELINE IN THE NORTH END OF THE SLOUGH.

- (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	
16S	39E	20										25	37						62
16S	39E	30	35																35
16S	39E	29					8	21											29

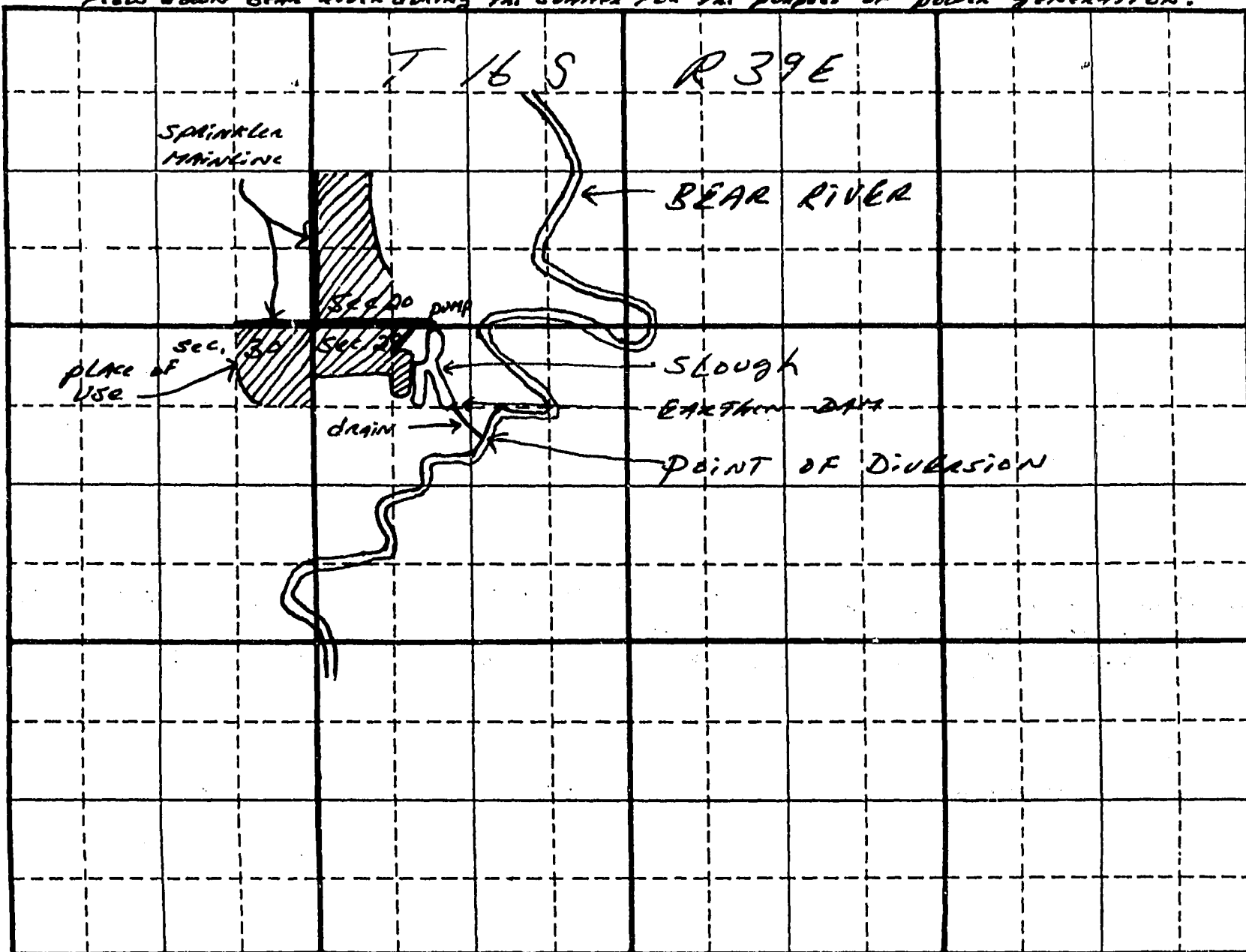
No. of acres 126

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 Slough Fills in the Spring from Bear River while it is at high water stage. Closed "flapper valve" in the culvert in the dam at the south end of the slough holds the slough at full of water condition when the river water level drops. After water is pumped out of the slough for irrigation it can be refilled as Utah power & light releases heavy stream flow down Bear River during the summer for the purpose of power generation.



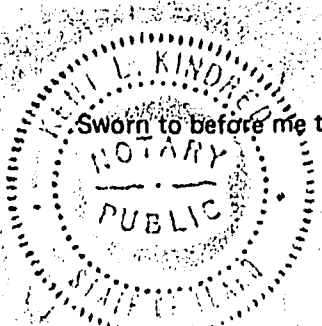
Scale: 2 inches equal 1 mile.

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.



Sworn to before me this 8th day of June

Mervin E. Whitney
(Claimant)

Notary Public
Residing at Preston, Id.

My commission expires 11/24/84

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-13-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>6-14-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-16-83</u>	<u>#30889</u>		
Published in <u>Preston Citizen</u>				
Dates <u>6/30 - 7/7/83</u>				

#875

No 1879

JUL 28 1983

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

6-30, 1983, and ending

with the issue of 7-7, 1983.

Fee \$ 15.63

Subscribed and sworn to before me this 31st day

of July, 1983.

K. O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

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AUG 3 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO
WATER RIGHTS

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

13-4234

WHITNEY, MERVIN E. &/or
MERLIN M.

BOX 253, RR 1, WESTON, ID 83286

Source: BEAR RIVER trib. to GREAT
SALT LAKE

Priority Date: 07/01/1966

Diversion Pt: SWNE Sec 29 T 16S R
39E

Use: IRRIGATION (400.0 AF)

In: NWSW SWSW Sec 20 T 16S R 39E

NENE Sec 30 T 16S R 39E NENW

NWNW Sec 29 T 16S R 39E FOR 126
ACRES

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

KEN DUNN, Dir.

Published 6/30 & 7/7/83.

Legal No. 1879 -25L- Published
June 30, July 7, 1983.

13-4234-

WHITNEY, MERVIN E. &/or MERLIN M.

BOX 253, RR 1, WESTON, ID 83286

Source: BEAR RIVER trib. to GREAT SALT LAKE

Priority Date: 07/01/1966

Diversion Pt: SWNE Sec 29 T 16S R 39E

Use: IRRIGATION (400.0 AF)

In: NW/4 SW/4 Sec 20 T 16S R 39E NENE Sec 30 T 16S R 39E NENE NW/4
Sec 29 T 16S R 39E FOR 126 ACRES

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith Culver

Right Number 13 4234

Applicant Mervin E or Melvin M. Whitney

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.
WD #11

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Aug 16, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/30/83

July 18, 1983

aw

July 6, 1983

RE: Claim to a Water Right No. 13-4239 HALL
13-4238 "
13-4237 SHITNEY
13-4236 "
13-4235 "
13-4234

Mr. Russell Stoker, Watermaster
Water District No. 11
270 East 3rd North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above
referenced claims to water rights filed within your district.
If you have any questions concerning this matter, please
feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dizin
Director

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

July 20, 1983

RE: Application for Permit No. 13-7394 BECKSTEAD
Claim to a Water Right No. 13-4233 RUSHTON IRRIGATION CO.
13-4234 WHITNEY
13-4235 "
13-4236 "
13-4237 "
13-4238 HALL
13-4239 "

Preston Citizen
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 June 30 and July 7, 1983.

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

JULY 18, 1983

MERVIN E. WHITNEY
MERLIN M. WHITNEY
BOX 253, RR 1
WESTON

ID 83286

RE: Claim No. 13-4234

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

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AUG 26 1983
Department of Water Resources

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ATTACHMENT # 1

STATE OF IDAHO

MAY 10 1999

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

*** SEE FILE 13-62194 FOR SUPPORT DOCUMENTATION

1. Water Right Number(s) 13-4234, 13-4235, 13-4236, 13-4237, 13-2194

Adjudication Claim Number(s) _____

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MAY 05 1999

2. The following REQUIRED information must be submitted with this form.

Department of Water Resources
Eastern Region

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Mervin E. or Merlin Whitney

Box 253, RR#1, Weston, Idaho 83286

4. New Owner/Claimant(s) Carroll E. Whitney or Whitney Gift Trusts

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/ORNew Mailing Address P.O. Box 151City, State and ZIP Code Weston, Idaho 83286New Telephone Number (435) 753 - 4598 or 281-292-3691

5. Date you acquired the property 8/24/93, 10/15/90, 12/30/92, 2/2/93, 10/23/98

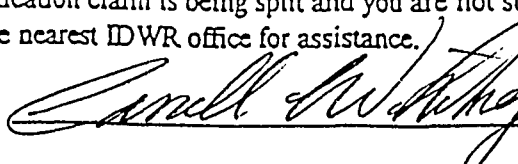
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Date 4/30/99

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARROLL E WHITNEY
WHITNEY GIFT TRUSTS
PO BOX 151
WESTON ID 83286

RE: Water Right 13-02194 & Claims 13-04234/04235/04236/04237

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right and claims to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

LGS L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Western Region