

JUN 27 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

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 Cleveland Hot Springs, Inc., an Idaho corporation,
(Name of Claimant)

Star Route, Box 102, Preston, Idaho 83263 Telephone No. (208) 424-1040
(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) March 29, 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)

Natural warm springs tributary to a cold spring which flows into 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:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.30 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/15</u>	To <u>10/15</u>
Quantity <u>.01 cfs</u>	Use <u>Stock Water</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) .31 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

SW 1/4 NE 1/4, Sec. 36 Twp. 12 S., Rge. 40 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. Warm water from hot pots flows naturally across part of the land, and may by spread further for irrigation, by use of small ditches.

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	40 E	36			15														15
12S	40 E	36			X														

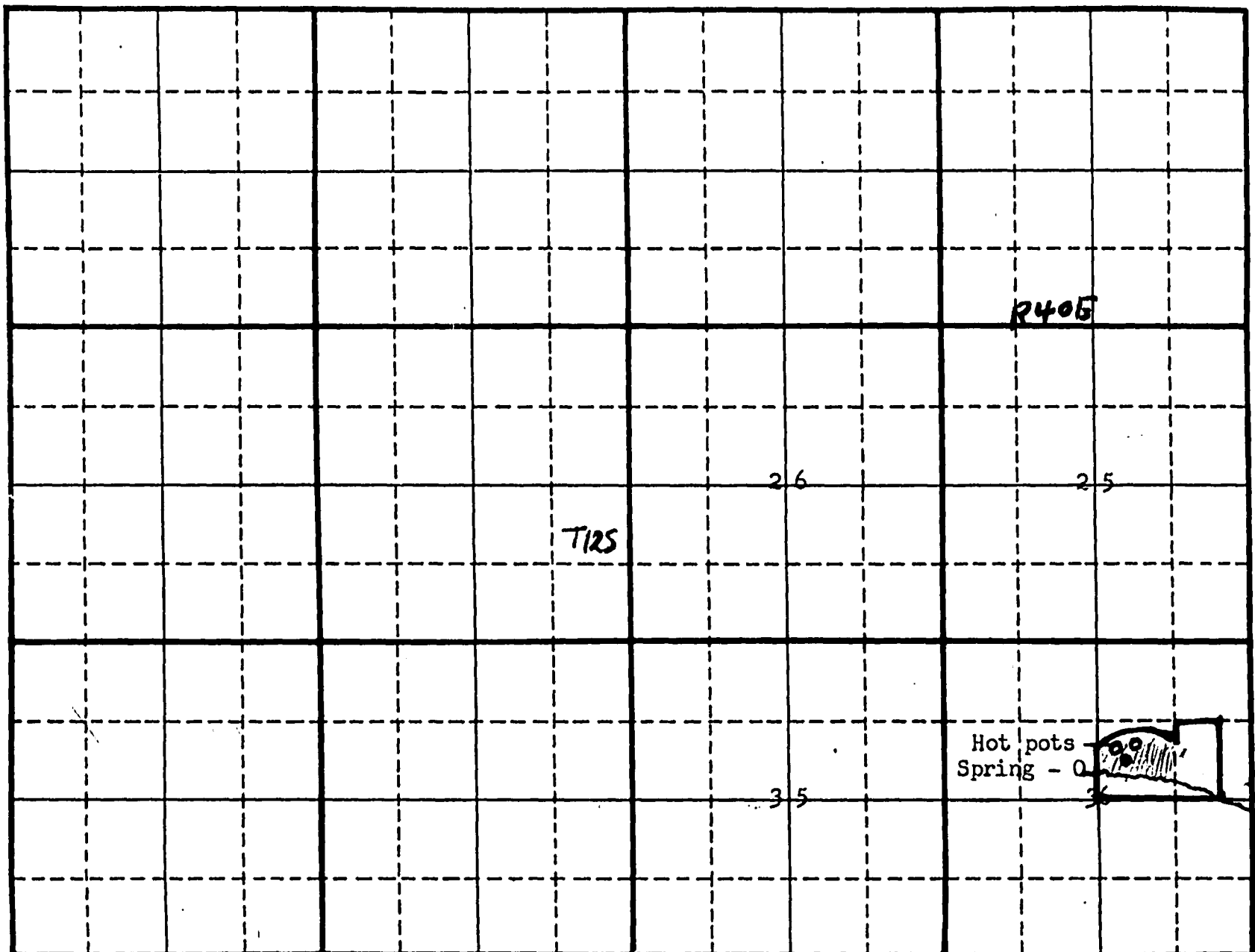
No. of acres 15

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

NOTE: Include here the type and number of stock watered: 3 horses, 27 cattle, 30 sheep.

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

(8) Remarks Livestock may also drink from a cold stream which crosses the Southern
part of the Claimant's land.



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 Caribou) 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.

CLEVELAND HOT SPRINGS, INC.

By: Shirley M. Shrews Pres.
(Claimant)

Sworn to before me this 20th day of June, 1983.

Leonard A. Kingsford
Notary Public
Residing at Soda Springs, Idaho

My commission expires Lifetime.

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-27-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HGS</u>	Date <u>8-15-83</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>6-27-83</u>			
Published in <u>Preston Citizen</u>	<u>#3071</u>			
Dates <u>9/1 & 9/8/83</u>				

10 4500

#875
SEP 15 1983

No 1930

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. 1, 1983, and ending

with the issue of Sept. 8, 1983

Fee \$ 15.00

Subscribed and sworn to before me this 30th day

of Sept, 1983.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 2, 1984.

NOTICE OF CLAIMS TO WATER RIGHTS

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

13-4253

CLEVELAND HOT SPRINGS, INC.
STAR RT., BOX 102, PRESTON, ID
83263

Source: SPRINGS trib. to BEAR RIVER

Priority Date: 03/29/1966

Diversion Pt: SWNE Sec 36 T 12S R 40E

Use: IRRIGATION (0.30 CFS)

STOCKWATER (0.01 CFS)

In: SWNE Sec 36 T 12S R 40E FOR 15 ACRES

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 9/1 & 9/8/83.

Legal No. 1930 -24L- Published September 1, 8, 1983.

RECEIVED

OCT 5 1983

Department of Water Resources
Eastern District Office

13-4253

CLEVELAND HOT SPRINGS, INC.

STAR RT., BOX 102, PRESTON, ID 83263

Source: SPRINGS trib. to BEAR RIVER

Priority Date: 03/29/1966

Diversion Pt: SWNE Sec 36 T 125 R 40E

Use: IRRIGATION	(0.30 CFS)
STOCKWATER	(0.01 CFS)

In: SWNE Sec 36 T 125 R 40E FOR 15 ACRES

Proofed
by phone
BP 8/30/83

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13 4253

Applicant Cloudcroft Hot Springs

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.
- ☒ WP #11

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Oct 11, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Rch Date 11-1-83

RECEIVED
OCT 14 1983
Department of Water Resources



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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

August 26, 1983

RE: Claim to a Water Right No. 13-4250 WILKER, HARRIS, HANSEN
13-4252 CLEVELAND HOT SPRINGS
13-4253 "
13-4251 HARRIS
11-4265 NELL

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right 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



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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

September 20, 1983

RE: Claim to a Water Right No. 13-4247 WHITNEY
13-4248 MATTHEWS
13-4249 FELLOWS
13-4252 CLEVELAND HOT SPRINGS
13-4253 "

Application for Permit No. 13-7403 JONES
13-7404 "

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 September 1 and 8, 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

SEPTEMBER 19, 1983

CLEVELAND HOT SPRINGS, INC.
STAR RT., BOX 102
PRESTON ID 83263

RE: Claim No. 13-4253

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 17, 1984

RE: Claims to Water Rights Nos. 13-4252 & 13-4253

Cleveland Hot Springs, Inc.
Star Route, Box 102
Preston, ID, 83263

Gentlemen:

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

cc: DEWR - State Office

May 17, 1984

DEPARTMENT OF WATER RESOURCES

EASTERN REGIONAL OFFICE

RE: Claim to a Water Right Nos. 13-4252 & 13-4253 CLEVELAND HOT SPRINGS, INC.
TO A WATER RIGHT
CLEVELAND HOT SPRINGS, INC. INTEREST OF CLAIMS
DATED JUNE 10, 1983.

Jay Nelson, President
J.C.H., Inc. 13-4252 and 13-4253
RFD 1, Box 106A
Logan, Utah 84321

Dear Mr. Nelson: COMES NOW J. C. H., Inc., an Idaho corporation with its

principal place of business at Cleveland, Idaho, hereinafter
We have received the exception dated December 12, 1983, 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

cc: IDWR - State Office

2000 1st Floor, Room 100, The Southwest Quarter

RECEIVED

MAY 4 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

EASTERN DISTRICT OFFICE

IN THE MATTER OF THE CLAIMS)
TO A WATER RIGHT FILED BY)
CLEVELAND HOT SPRINGS, INC.,) PROTEST OF CLAIMS
DATED JUNE 20, 1983,)
Claim #13-4252 and #13-4253)

COMES NOW J. C. H., Inc., an Idaho corporation with its principal place of business at Cleveland, Idaho (hereinafter referred to as "Protestant"), and protests the above named claims of Cleveland Hot Springs, Inc. (hereinafter referred to as "Claimant"), as follows:

1. That the waters of the Bear River and all of its tributaries were fully adjudicated in the matter of Utah Power & Light Company vs. Last Chance Canal Company, Ltd., et al., In Equity #203 dated July 14, 1920, more commonly known as the "Dietrich Decree".

2. The water arising and flowing from the springs which are the subject matter of claim #13-4151 and #13-4253 were tributary to the Bear River and fully adjudicated and decreed in the Dietrich Decree as right #458(a) to Edwin Bennion in the amount of 1.5 cfs with a priority date of June 1, 1870. Said water rights have been continuously used on an annual basis during the Summer irrigation season, together with other water rights decreed to said Edwin Bennion under right #458 in Cotton Wood Creek for the irrigation of 624 acres in Section 36, Township 12 South, Range 40 East and Lots 3 and 4 and the East half of the Southwest Quarter of Section 31, Township 12 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, all pursuant to the Dietrich Decree.

3. J. C. H., Inc., is an Idaho corporation with its principal place of business at Cleveland, Idaho, and currently owns Dietrich Decree right #458(a) which pertains to the

springs which are the subject matter of these claims as the successor in interest to the original decreed owner, Edwin Bennion.

4. Curtis Hislop who currently resides at 522 Harrison Boulevard, Ogden, Utah, was the President and sole stockhold of J. C. H., Inc., from 1977 until 1980. Jay Nelson of RFD1, Box 106A, Logan, Utah, acquired the stock of Curtis Hislop in approximately January, 1980, from which date he has been the President and sole stockholder of J. C. H., Inc.

5. From 1977 to date, J. C. H., Inc., has owned and fully utilized all of the water arising from the subject springs for irrigation purposes during the summer months on approximately 250 acres of real property located within Section 31, Township 12 South, Range 41 East and Section 36, Township 12 South, Range 40 East of the Boise Meridian, Franklin County, Idaho, and also for stock watering purposes on a year round basis.

6. Protestant claims additional rights to use the waters arising from said springs evidenced by Claim #13-4116 and #13-4117 each dated November 6, 1979, and filed with the State of Idaho, Department of Water Resources, copies of which are attached hereto as Exhibits "A" and "B" and incorporated by reference.

7. Protestant denies that the Claimant, Cleveland Hot Springs, Inc., has used any of the waters from the subject springs as set forth in their claims since March 29, 1966, the claimed priority date, and further denies that the Claimant has any right whatsoever to use any of the spring waters arising from the springs, except for occasional stock watering purposes. Protestant does not protest or object to Claimants continued use of the springs for limited stock watering purposes as in the past in those areas where the spring waters arise upon or flow through property owned by Claimant.

8. Protestant does object to and protest any use by Claimant of the subject spring waters for irrigation purposes by reason of the fact that the subject spring waters are fully consumed by Protestant for irrigation purposes during the Summer months pursuant to its Dietrich decreed rights and other claimed water rights which are prior in time and right, and for the further reason that there is no excess water available for appropriation.

9. By reason of the foregoing, Claimant holds no valid claim or right to the ownership or use of waters flowing from the subject springs. If Claimant previously had any right to use the subject spring waters, which Protestant denies, such right has been forfeited under Idaho law due to continuous nonuse since 1977 or has otherwise been abandoned.

DATED this 19 day of December, 1983.

J. C. H., INC.

By: J. C. H. Nelson
JAY NELSON, President

ATTESTED:

By: W. E. Nelson
Secretary

1/20/84

STATE OF UTAH)
County of CACHE) : ss

JAY NELSON, being sworn, states that he is the President and sole stockholder of J. C. H., INC., and has read the foregoing objection and verifies the same to be true and correct to the best of his knowledge, information and belief.

Jay Nelson
JAY NELSON, President
RFD1 Box 106A
Logan, Utah 84321
(801) 752-2752

SUBSCRIBED AND SWORN to before me this 12th day of
Dec., 1983.

(SEAL)

[Signature]
NOTARY PUBLIC FOR: _____
Residing at: Logan, UT
My Commission Expires: 12/84

STATE OF UTAH)
County of CACHE) : ss

CURTIS HISLOP, being sworn, states that he was formerly the President and controlling stockholder of J. C. H., INC., and has also read the above objection and verifies the same to be true and correct to the best of his knowledge, information and belief.

Curtis Hislop
CURTIS HISLOP
522 Harrison Boulevard
Ogden, Utah 84401

SUBSCRIBED AND SWORN to before me this 12th day of
Dec, 1983.

(SEAL)

[Signature]
NOTARY PUBLIC FOR: _____
Residing at: Logan, UT
My Commission Expires: 12/84

Claim No. 13 4116STATE 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 J.C.H. Inc.

RFD 1 Box 106 Logan UT 84321 (Name of Claimant) 752-275
522 Harrison Blvd. Ogden, UT 84404 (Mailing Address) (Zip Code) Telephone No. (801) 392-6597

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) Jan 4, 1963

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)

Unnamed Spring 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:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>1.0 CFS</u>	Use <u>Irrigation</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 _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 1.0 CFS TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SE 1/4 NE 1/4, Sec. 36 Twp. 12S Rge. 40E 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. 3-15 H.P. pumps, 700' 8" mainline, 1000' 6" mainline and 1200' 6" 2-900' wheel main and hand lines

- (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.

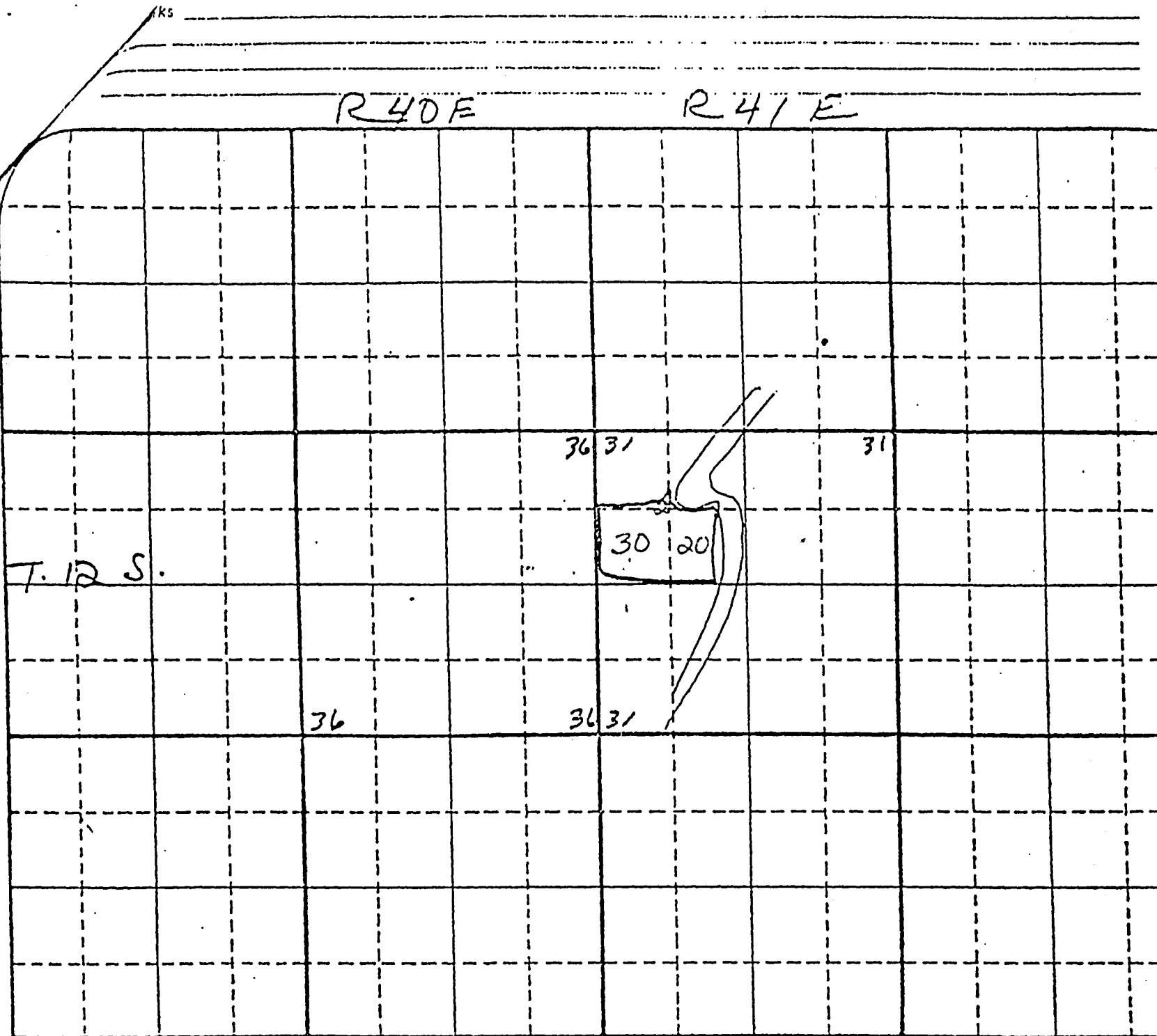
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	41E	31						2	30	20									52

No. of acres 52

- 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: _____



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 6th day of November, 19 79.

Clifford McKay
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81.

FOR DEPARTMENT USE ONLY

Received by <u>cw</u>	Date <u>11-06-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RD</u>	Date <u>11-06-79</u>		claimant by:	
\$20.00 fee received by <u>cw</u>	Date <u>11-06-79</u>			
Published in <u>Preston Citizen</u>	# <u>13785</u>			
Dates <u>11/15 & 11/22/79</u>				

Claim No. 13-411STATE 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.

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Notice is hereby given that J.C.H. Inc.

RFD 1 Box 106 Logan UT 84321 (Name of Claimant)
522 Harrison Blvd. Ogden, Utah 84404 (Mailing Address)

752-2752
Telephone No. (801) 392-6597 (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) 1929 June 1

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)

Unnamed spring 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:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	<u>2.95</u>	Use <u>Irrigation</u>	Period of Use From <u>April 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>.04</u>	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
(4)	<u>3.04</u>	TOTAL QUANTITY USED.		

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

SE 1/4 NE 1/4, Sec. 36 Twp. 12S Rge. 40E B.M., County of Franklin
Additional points of diversion: SWNE, Sec. 36, T. 12S, R. 40E (Domestic)

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. (a) Irrigation - water is collected in a series of 3 ponds and pumped by 3-15 H.P. pumps into a 8" chempyc mainline and acreage is sprinkler irrigated. (b) Stock - drink directly from ponds and creek formed by the spring. (c) Domestic - 2

- (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.

to one single family domestic unit
one born

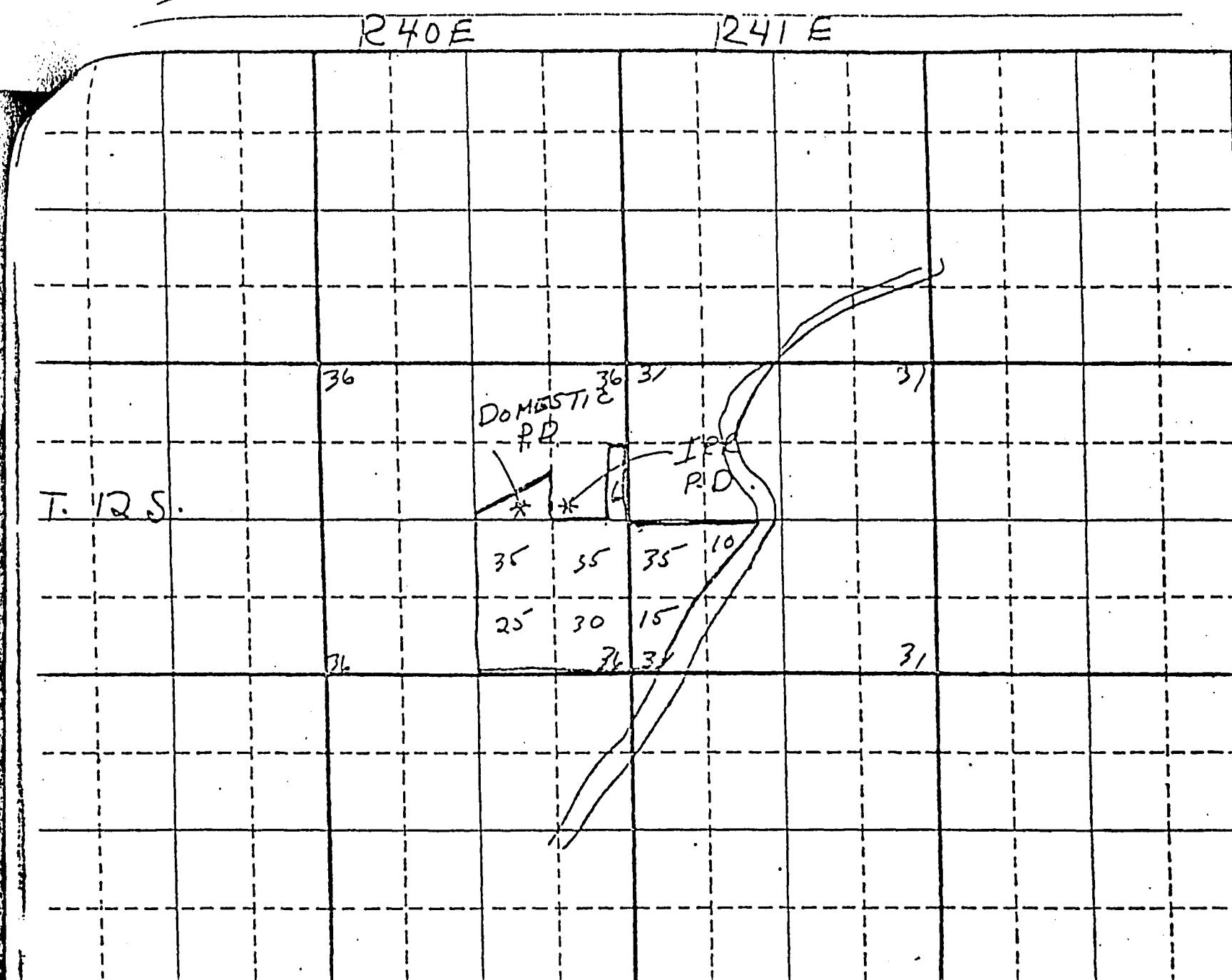
T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	40E	36			10	6									35	35	25	30	141
12S	41E	31									10	35	15						60

No. of acres 201

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock divert wa
from 3 ponds located in the SE1/4 and SW1/4, Sec. 36, T. 12S, R. 40E from
time to time they also divert water directly from the creek at various points locat
on the creek. As it passes through the Claimant's property. The domestic use is
15 acres located in the SW1/4, Sec. 36, T. 12S, R. 40E.

NOTE: Include here the type and number of stock watered: 150 head of range cattle

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



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 6th day of November, 1979
[Signature]
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY
Received by cw Date 11-06-79 Exception filed by: _____ Date _____
Prelim. check by ALC Date 11-06-79
\$20.00 fee received by cw Date 11-06-79
Published in Preston Citizen #13786
Dates 11/15 & 11/22/79