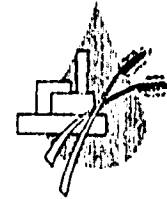


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 22 1983

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 69 Farms, Inc.

(Name of Claimant)

%Heber C. Swainston, Rt #3 Box 203, Preston, Id 83263Telephone No. 208-852-1554

(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) Mar. 15, 1935

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 None

- (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>.02</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		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .02 TOTAL QUANTITY USED.

(cfs, af)

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

NE 1/4 NW 1/4, Sec. 26 Twp. 13 So 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. Dig the water holes out.

- (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	
113S	39E	26					X	X											

No. of acres

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

Stock + Wildlife
Culinary for men

NOTE: Include here the type and number of stock watered: 50 head Cattle- Wildlife

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

(8) Remarks _____

		21			22			23			24
		28			27			26			25
		33			34			35			36

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 20 day of June, 1983.

NOTARY
PUBLIC

My commission expires 11/24/84

Heber C. Swainston
(Claimant)

Kent J. Hinford
Notary Public
Residing at Preston, Id.

Received by CW Date 6-21-83 Exception filed by: _____ Date _____
Prelim. check by JRM Date 6-22-83
\$30.00 fee received by CW Date 6-21-83
Published in Preston Citizen # 30616
Dates 9/8 - 9/15/83

#825
SEP 15 1983

No 1940

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Warren 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 8, 1983, and ending
with the issue of Sept 15, 1983.

Fee \$ 13.75

Subscribed and sworn to before me this 30th day
of Sept, 1983.

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:

13-4254

69 FARMS, INC.
RT. 3, BOX 203, PRESTON, ID 83263
Source: SPRING
Priority Date: 03/15/1935
Diversion Pt: NENW Sec 26 T 13S R
39E

Use: STOCKWATER (0.02 CFS)
In: NENW NWNW Sec 26 T 13S R
39E

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 9/8 & 9/15/83.

Legal No. 1940 -22L- Published
September 8, 15, 1983.

RECEIVED

OCT 5 1983

Department of Water Resources
Eastern District Office

13-4254

69 FARMS, INC.

RT. 3, BOX 203, PRESTON, ID 83263

Source: SPRING

Priority Date: 03/15/1935

Diversion Pt: NENW Sec 26 T 135 R 39E

Use: STOCKWATER (0.02 CFS)

In: NENW NWNW Sec 26 T 135 R 39E

*Prooted
9/6/83
BP*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup - Suite 15
Idaho Falls, Idaho 83401
(208) 525-7161

June 23, 1983

69 Farms Inc.
c/o Heber C. Swainston
Rt. 3, Box 203
Preston, ID 83263

Dear Claimant:

This office is in receipt of a Claim to a Water Right filed in your name. Please be advised that the claim cannot be formally receipted until the following information is provided:

- _____ Complete name.
- _____ Complete mailing address.
- ☒ Date of priority (month, day, and year).
- _____ Source of water.
- _____ Quantity claimed to have been used.
- _____ Nature of use and period of use.
- _____ Location of point(s) of diversion.
- ☒ Location of place of use (~~acres irrigated if water is claimed for irrigation~~). Star Water
- _____ Filing Fee (Amount \$ _____).
- _____ Signature.
- _____ Notarization of signature.
- _____ Other: map needs completing
- Item 5B- Description of diverting works
- Item 6B- No. & type of Stock.

Please note that your claim has been stamped and initialed as received. If you amend this claim by adding the needed information and return the claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Sincerely,

John E. Mitchell

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13 4254 Applicant 69 Farms MC

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.

Sept 26, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Sept Oct 14, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Rdh Date 11-1-83

RECEIVED
OCT 14 1983
Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

September 27, 1983

RE: Claim to a Water Right No. 13-4254 69 FARMS, INC.
13-4255 "
13-4256 "
13-4257 COX

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 September 8 and 15, 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 26, 1983

69 FARMS, INC.
RT. 3, BOX 203
PRESTON

ID 83263

RE: Claim No. 13-4254

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