

9781

Claim No.

13 4255

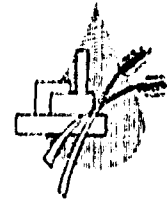
Form No. 243
9781 RECEIVED

JUN 22 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 **69 Farms Inc.**

Wheeler C. Swainston, Rt #3 Box 203, Preston, Id 83263 (Name of Claimant)

Telephone No. 203-852-1554

(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) May 15, 1917

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. a/)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	.03	Use Stockwater	Period of Use From 1-1	To 12-31
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) .03 TOTAL QUANTITY USED.

(cfs. af)

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

NE ¼ NE ¼, Sec. 2 Twp. 14 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. Sinks have been dug for culinary and stock water.

- (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.

[illegible]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Culinary for men. Stock and wildlife.

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

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

[illegible][illegible]

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.

County of

State of Idaho)
County of Franklin) ss.
)

Sworn to before me this
NOTARY
PUBLIC
STATE OF TEXAS

Sworn to before me this

20 day of June

19 83

Hubert C Swainston
(Claimant)

Notary Public
Residing at _____

Pressure is not

My commission expires

11/24/84

CW *SP-8* FOR DEPARTMENT USE ONLY

Received by CW Date 6-21-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by LEM Date 6-22-83 claimant by: _____
\$30.00 fee received by CW Date 6-21-83
Published in Preston Citizen # 20616 _____
Dates 9/8 - 9/15/83 _____

#875

SEP 15 1983

No 1941

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. 8, 1983, and ending

with the issue of Sept. 15, 1983.

Fee \$ 12.50

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 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:

13-4255

69 FARMS, INC.
RT. 3, BOX 203, PRESTON, ID 83263
Source: SPRING
Priority Date: 05/15/1917

Diversion Pt: NENE Sec 02 T 14S R 39E

Use: STOCKWATER (0.03 CFS)
In: NENE Sec 02 T 14S R 39E

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 9/8 & 9/15/83.

Legal No. 1941 -20L- Published September 8, 15, 1983.

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OCT 5 1983

Department of Water Resources
Eastern District Office

13-4255-

69 FARMS, INC.

RT. 3, BOX 203, PRESTON, ID 83263

Source: SPRING

Priority Date: 05/15/1917

Diversion Pt: NENE Sec 02 T 14S R 39E

Use: STOCKWATER (0.03 CFS)

In: NENE Sec 02 T 14S R 39E

*Proofed
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 Swainston
Rt. 3, Box 203
Preston, ID 8363

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). *Must have a month- and if possible a date.*
- _____ 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~~). *Stock Water*
- _____ Filing Fee (Amount \$_____).
- _____ Signature.
- _____ Notarization of signature.
- Other: *Map Needs Completing*
- Item 5B Description of diverting works*
- 6 B - Type and no. 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: HWS

Right Number 13 4255 Applicant 69 Farms

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 Oct 11, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Rbh Date 11-1-83

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OCT 14 1983

Department of Water Resources

CW



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. 13-4255

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