

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 John Warburton or Arlene Warburton

Rt. #2, Box 503, Preston, ID 83263 (Name of Claimant) Telephone No. 852-2783
(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) April 1, 1916

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 Mink Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

				(Both dates inclusive)	
	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Mo., Day)
Quantity	0.13 cfs	Use stockwater	Period of Use From 1/1	To	12/31
Quantity	0.60 cfs	Use irrigation	Period of Use From 4/1	To	11/1
Quantity	0.04 cfs	Use domestic	Period of Use From 1/1	To	12/31
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

(4)	0.77 cfs	TOTAL QUANTITY USED.
	(cfs, af)	

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13 Twp. 14S 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.

Springbox, 4" diameter pipe, holding tank

(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]

30

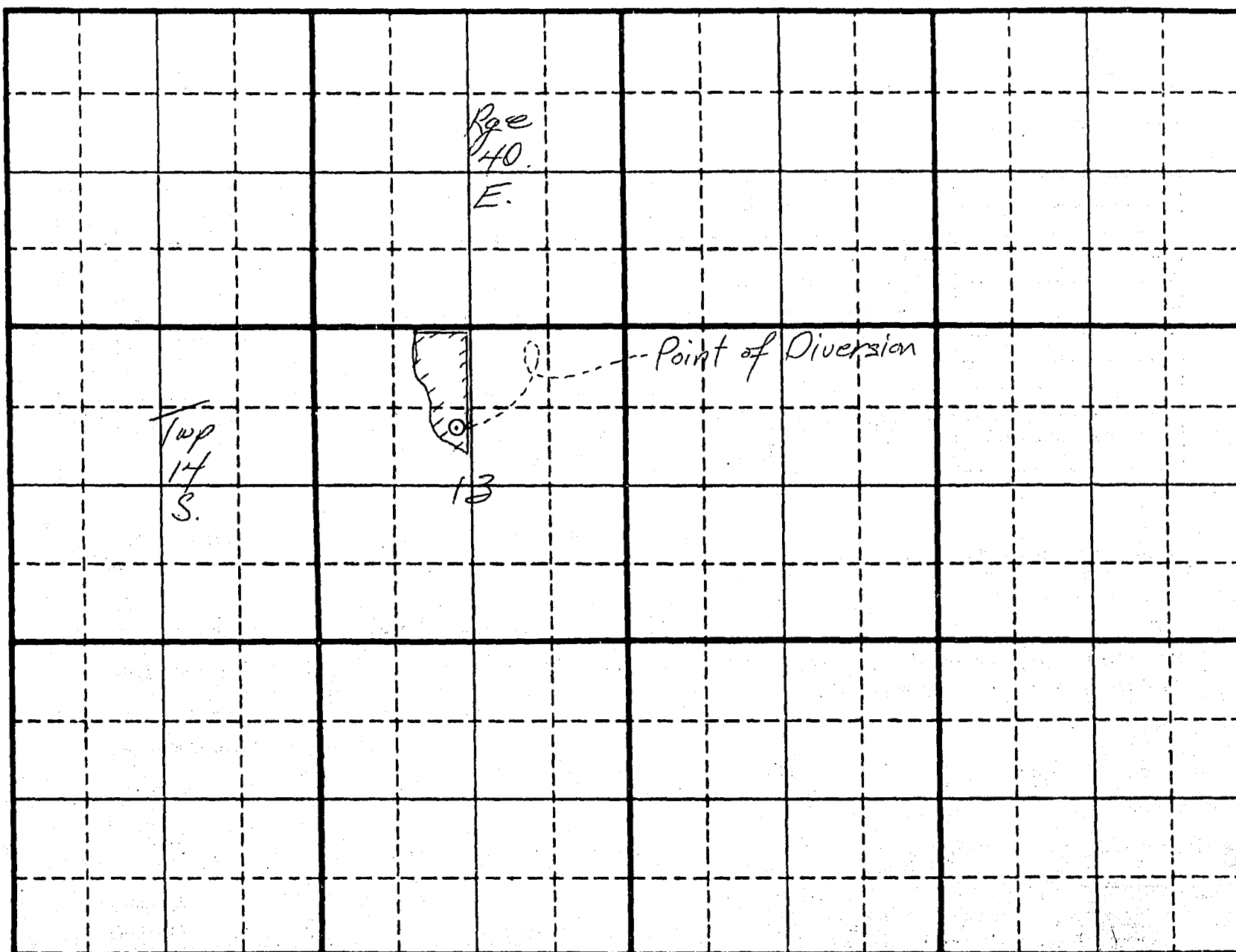
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Drinking water in a single home and stockwater for a variety of
farm animals

NOTE: Include here the type and number of stock watered: 600 chickens, 250 head variety

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

(8) Remarks Stock includes the types and amounts:
10 horses, 200 cattle, 10 hogs, 30 sheep, 600 chickens



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 27th day of June

Catherine J. Hesterton
(Claimant)
1983
Calvin Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by Emm Date 6-27-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SM Date 9/28/83 claimant by: _____
\$30.00 fee received by (C.W.) Date 6-27-83 _____
Published in Preston Citizen # 30769 _____
Dates 10/6 - 10/13/83 _____

#875
OCT 25 1983

No 1965

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

Oct 6, 1983, and ending

with the issue of Oct 13, 1983

Fee \$ 15.00

Subscribed and sworn to before me this 31st day

of Oct, 1983.

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1984

NOTICE OF CLAIMS TO WATER RIGHTS

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

13-4260

WARBURTON, JOHN &/or ARLENE
RT 2, BOX 503, PRESTON, ID 83263

Source: SPRING trib. to MINK CREEK

Priority Date: 04/01/1916

Diversion Pt: SENW Sec 13 T 14S R 40E

Use: IRRIGATION (0.60 CFS)

Use: STOCKWATER (0.13 CFS)

Use: DOMESTIC (0.04 CFS)

In: NENW SENW Sec 13 T 14S R 40E
FOR 30 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 10/6 & 10/13/83.

Legal No. 1965 -241- Published October 6, 13, 1983.

RECEIVED

NOV 4 1983

Department of Water Resources
Eastern District Office

IN THE MATTER OF:

AFFIDAVIT

State of ~~XXXXXX~~ Utah

County of Weber

Herman W. Jepsen

being first duly sworn,

deposes and says:

I am the oldest child of Herman W. Jepsen and Agnes Jepsen born August 4, 1918 in Frank Creek, Tropic, County, Idaho. The property presently owned by my sister Arlene Jepsen Warburton and husband John Warburton was owned and operated by my father and mother Herman W. Jepsen and Agnes Jepsen, which was purchased on December 15, 1916 from Hans Peter Hansen and wife Sene August Hansen which was previously owned by his father.

This affidavit is prepared to certify legal ownership and use of a spring of water on said deeded property, of John & Arlene Warburton, located from a west boundary between the Warburton and Burnell Ranch property previously owned by the brother of Hans Peter Hansen (John W. Hansen deceased, and Hansson Christensen Hansen still living).

The spring is located from a west boundary of the main drainage some 400 yards south and east.

Its use and development was first recognized in the early 1920 by myself. From this spring we received the water for culinary, domestic use, watering of stock and irrigating of the pasture plots which was first employed then piped to the setting house and watering station for livestock and domestic use and to irrigate the pasture plots.

The said use has continued to this day. From late spring until winter any surplus water flowing beyond the said west boundary has been lost.

Since the purchase January 23, 1976 the said spring and the deeded property has been remodeled by the Warburtons to increase its use and to insure its purity.

The said spring has never been used by the present neighbor or previous owners for culinary, domestic, livestock watering or irrigation.

My father Herman W. Jepsen filed on for ownership and use of this spring in 1920.

Herman W. Jepsen
(signature) Herman W. Jepsen

Subscribed and sworn to before me this 4th day of March 1979.

Mabel Melton
(notary public) Mabel Melton

Residing at 530 Second Street - Ogden, UT 84404

My commission expires March 5, 1981.

13-4260

WARBURTON, JOHN &/or ARLENE

RT. 2, BOX 503, PRESTON, ID 83263

Source: SPRING trib. to MINK CREEK

Priority Date: 04/01/1916

Diversion Pt: SENW Sec 13 T 14S R 40E

Use. IRRIGATION	(0.60 CFS)
STOCKWATER	(0.13 CFS)
DOMESTIC	(0.04 CFS)

In. NENW SENW Sec 13 T 14S R 40E FOR 30 ACRES

*Proofed 10-04-83
cw*

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 10/6 & 10/13/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 28, 1983

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 billing to this office before OCTOBER 24, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 13 4260 Applicant John Warburton

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. *CORRECTED TO CORRESPOND WITH ENCLOSED ROUGH DRAFT.*
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Nov. 8, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 11-16-83

RECEIVED
NOV 16 1983

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 24, 1983

JOHN WARBURTON
ARLENE WARBURTON
RT. 2, BOX 503
PRESTON

ID 83263

RE: Claim No. 13-4260

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

NOV 18 2002

13 4260

Form No. 243
9/81

*updated
addition
ADDED*

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(4) 0.77 cfs TOTAL QUANTITY USED.
(cfs. af)

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(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]

30

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Drinking water in a single home and stockwater for a variety of
farm animals

NOTE: Include here the type and number of stock watered: 600 chickens, 250 head variety

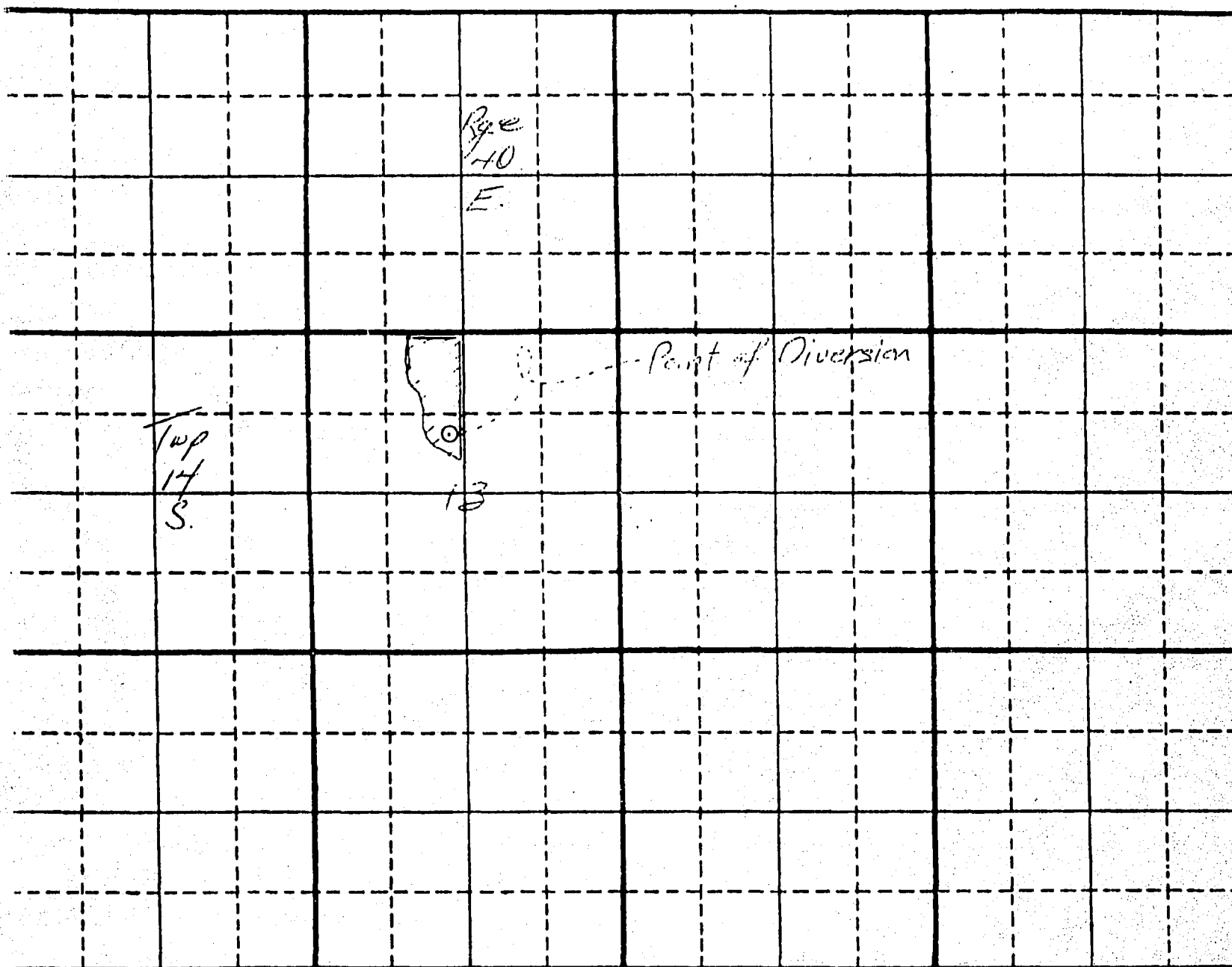
(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

Stock includes the types and amounts:

10 horses, 200 cattle, 10 hogs, 30 sheep, 600 chickens

Spring also known as Hyrum's Spring (Waburton)



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) ss.

Bannock

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 27th day of June

Arthur J. Waburton
(Claimant)

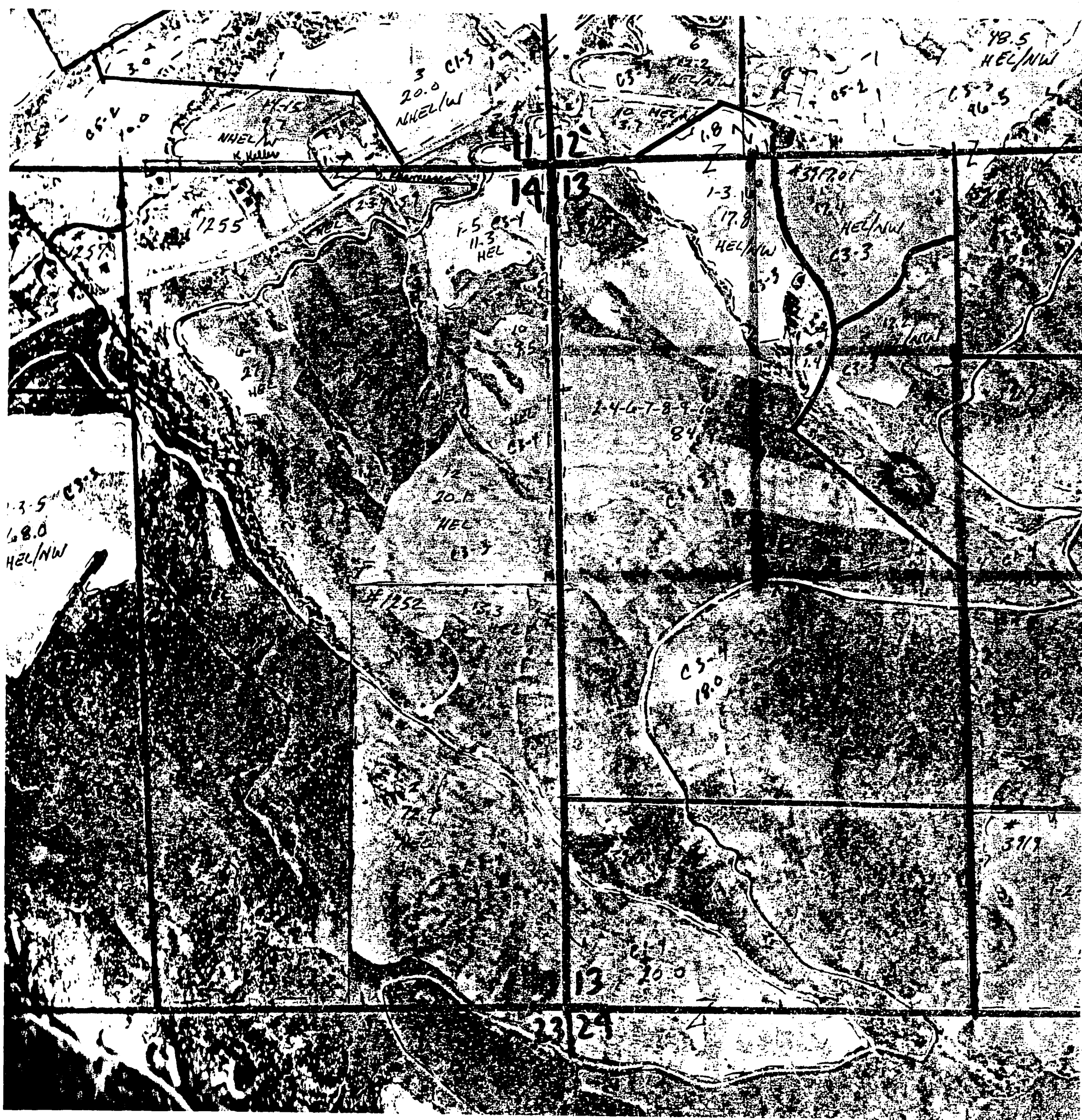
1983

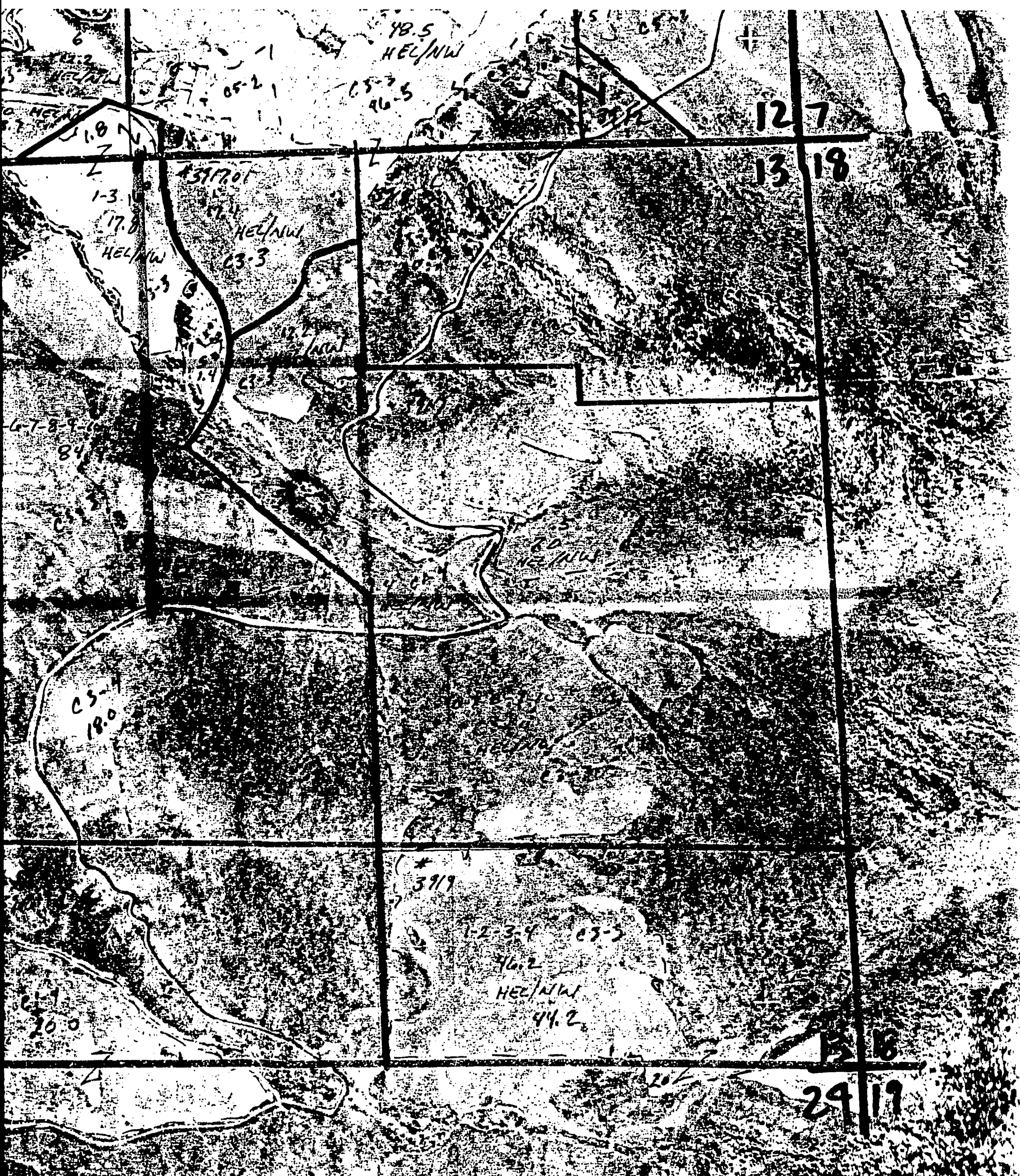
William Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>E. J. ...</u>	Date <u>6-27-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SM</u>	Date <u>9/28/83</u>		claimant by:	
\$30.00 fee received by <u>(initials)</u>	Date <u>6-27-83</u>			
Published in <u>Haston Citizen</u>	<u>#30709</u>			
Dates <u>10/6 - 10/13/83</u>				





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Completed
Eastern
11/7/2002

[] Water Right Number(s): 13 - 4260

[] Name(s):

John & Arlene Warburton

[] Old Mailing Address:

Rt. 2 Box 503
Preston Idaho

[] New Mailing Address:

6122 North 5600 East
Preston.
Idaho 83263

Telephone Number:

(208) 852 - 3754
Cell 208 852 - 6842

[] Signature(s) of Owner(s)

John Warburton
Arlene Warburton

(Include your title if on behalf of company or organization)

Date:

Nov 7 - 2002