

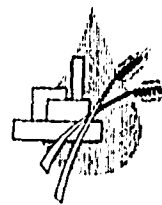


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 27 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 David Terry Westerberg

(Name of Claimant)

RFD #2 Preston, Idaho

(Mailing Address)

83263

(Zip Code)

Telephone No. 852-1663

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 1, 1911

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 Station 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:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
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

(4) .06 TOTAL QUANTITY USED.
(cfs, af)

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

SW 1/4 NW 1/4, Sec. 36 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. buried drain tile collects water and emptys into underground storage tank (600 gal.) Water is gravity fed through 3/4" plastic and steel pipes to point of use.

(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	
<u>14S</u>	<u>40E</u>	<u>35</u>				X													

No. of acres Less Than 1/2

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

water is being used for domestic purposes and for stock water

NOTE: Include here the type and number of stock watered: 30 head herford steers and 3 head horses

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

This is a topographic map of a mountainous region, likely in the Pacific Northwest given the 'T14S' grid reference. The map features contour lines indicating elevation, with peaks reaching over 6000 feet. A grid system is overlaid on the map, with horizontal coordinates labeled 'T14S' and 'T15S' on the right, and vertical coordinates '529740' and '5300' at the top. A north arrow is located in the upper left corner. Several geographical features are labeled, including 'Creek', 'Mink Creek', 'Station Creek Tunnel', and 'Worm Creek'. Handwritten annotations in black ink are present: 'ITEM 5' with an arrow pointing to a location near 'Point of Diversion'; 'ITEM 6' with an arrow pointing to a location near 'Place of W's'; and 'Station Creek Tunnel' written near a dashed line representing a tunnel. Other labels include '6102', '5610X', '5553', '5750', '5400', '5300', '5200', '5100', '5000', '4900', '4800', '4700', '4600', '4500', '4400', '4300', '4200', '4100', '4000', '3900', '3800', '3700', '3600', '3500', '3400', '3300', '3200', '3100', '3000', '2900', '2800', '2700', '2600', '2500', '2400', '2300', '2200', '2100', '2000', '1900', '1800', '1700', '1600', '1500', '1400', '1300', '1200', '1100', '1000', '900', '800', '700', '600', '500', '400', '300', '200', '100', '0'. The map is oriented with North at the top.

Received by BP Date 1/3/84 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by C. FR Date 1/3/84 claimant by: _____
\$30.00 fee received by W Date 6-27-83 _____
Published in Dayton Citizen # 30722 _____
Dates 1/12 - 1/19/84 _____

RECEIVED

JUN 27 1983

U.S. Department of Water Resources
Las Vegas District Office

STATEMENT

I, Elaine Westerberg Wallentine, make this statement concerning the history of the culinary spring serving the property now owned by David Terry and Wendy K Westerberg, based on my own personal knowledge and conversations with Russell Westerberg and his father, Alfred Westerberg.

The family home now owned by Terry Westerberg was built in 1911, on the property described in a warranty deed, file #135555. The house was exceptional for its day with many modern conveniences, including running water. The water was diverted from a spring located at SW 1/4 NW 1/4 of Sec. 36 T.14S.R.40E. The location of the diversion point is the same at the making of this statement. Alfred Westerberg sold the property with water right to Russell and Elaine Westerberg, Book 39, Page 491, #77122. The property and water rights were then sold to David Terry and Wendy K Westerberg (file #135555). The same culinary spring and diversion point have served the old Westerberg home from 1911 to the present date.

The above is a statement of my understanding of the history of the culinary water serving the property described in the warranty deed, file #135555.

WITNESS the hand of Grantor, this 16th day of May, 1983.

Elaine Westerberg Wallentine

STATE OF IDAHO
COUNTY OF FRANKLIN

On this 16th day of May, in the year 1983, before me, L. R. E. Johnson, a Notary Public in and for the State of Idaho, personally appeared Elaine Westerberg Wallentine, known to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

L. R. E. Johnson
Notary Public
Preston Idaho
Residing at

#875

JAN 19 1984

No 2037

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

JAN. 12, 1984, and ending

with the issue of JAN. 19, 1984.

Fee \$ 13.75

Subscribed and sworn to before me this 31 day
of Jan., 1984

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

FEB 6 1984

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:

13-4279

WESTERBERG, DAVID TERRY

RFD #2, PRESTON, ID 83263

SOURCE: SPRING trib. to STATION
CREEK

Priority Date: 05/01/1911

Diversion Pt: SWNW Sec 36 T 14S R
40E

Use: STOCKWATER (0.02 CFS)

Use: DOMESTIC (0.04 CFS)

In: SENE Sec 35 T 14S R 40E

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 1/12 & 1/19/84.

Legal No. 2037 -22L- Published
January 12, 19, 1984.

13-4279-

WESTERBERG, DAVID TERRY

RFD #2, PRESTON, ID 83263

Source: SPRING trib. to STATION CREEK

Priority Date: 05/01/1911

Diversion Pt: SWNW Sec 36 T 14S R 40E

Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)

In: SENE Sec 35 T 14S R 40E

Proofed over phone
1/19/84 JK

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 1/12 & 1/19/84.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 4, 1984

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 billings to this office before JANUARY 30, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

November 1, 1983

David Westerberg
Rt. 1
Preston, ID 83263

Dear Mr. Westerberg:

I am unable to complete action on your claim to a water right until you provide an adequate map for your claim. The map on your original form indicates it is for T. 8N, R. 4W.

I have enclosed a map of your area. Please mark the map with the point of diversion and place of use. From your points of diversion (item 5) and place of use (item 6) this map should show both points.

Please return the map attached to your claim to this office as soon as possible. If you have any questions, please call (525-7161) or come to the Regional Office.

Sincerely,

GERALD F. RAMSEY
Radiologist Specialist

GFR:bp

Enclosure

November 16, 1983

David Westerberg
Rt. #1
Preston, ID 83263

Dear Mr. Westerberg:

On June 27, 1983 the Department of Water Resources received your claim to a water right filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on November 1, 1983 with a cover letter outlining the modifications you needed to make for the claim to be in form to process.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00.

Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than January 3, 1983. A returned claim postmarked later than January 3, 1983 will be assessed the current filing fee of \$100.00.

Staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

G. F. RAMSEY

INITIAL REVIEW BY: OCT 31 1983 *3 JAN 84*

Right Number 13 4279 Applicant DAVID WESTERBURG

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.
- } Don't agree with map*

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Feb 9, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By sc Date 2/15/84

RECEIVED
FEB 15 1984

Department of Water Resources

February 3, 1984

RE: Claim to a Water Right No. 13-4279 WESTERBERG

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 January 12 and 19, 1984.

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

JANUARY 30, 1984

DAVID TERRY WESTERBERG
RFD #2
PRESTON ID 83263

RE: Claim No. 13-4279

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