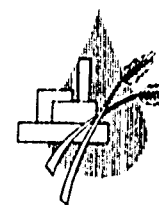


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 JAY NORMAN FONNESBECK
(Name of Claimant)

Rt. 1 Box 17, Weston, ID 83286 Telephone No. 747-3295
(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, 1880

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)

Black Canyon Creek tributary to Weston 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>5.92</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>0.04</u>	Use <u>Domestic</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) 5.96 TOTAL QUANTITY USED.
(cfs, af)

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

SW 1/4 SW 1/4, Sec. 15 Twp. 16S Rge. 38E B.M., County of Franklin

Additional points of diversion: SESE, SWSW, SWNW, Sec 16 T 16S R 38E

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. 4 diversion structures consist of a 10" culvert, 2 earthen dams & one concrete diversion box.

(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	
16S	38E	16							40				40	40			4	22	146
16S	38E	21	40	30			40	40											150

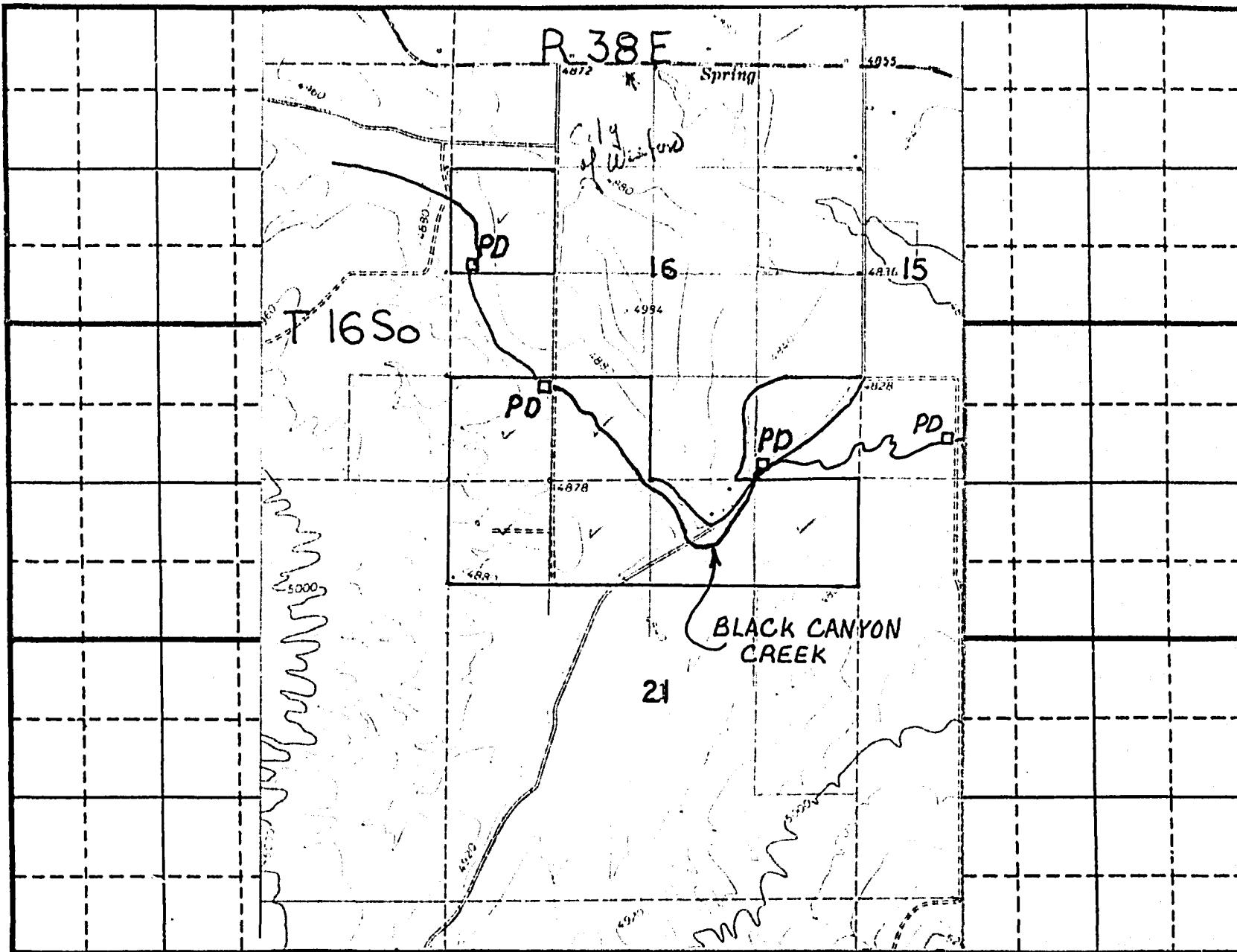
No. of acres 296

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

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: _____

(8) Remarks _____



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 29th day of June, 1984.

J. Norman Lonsbeck
(Claimant)

Charles A. Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>6/29/84</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>7/2/84</u>		claimant by:	
Fee received by <u>EMC</u>	Date <u>6/29/84</u>	<u>#34220</u>		
Published in <u>Preston Citizen</u>				
Dates <u>7/12 & 19/84</u>				

#875

JUL 20 1984

No 2133

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

July 12, 1984, and ending with the issue of July 19, 1984.

Fee \$ 22.75

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

K. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

AUG 2 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:

13-4284

FONNESBECK, JAY NORMAN
RT. 1, BOX 17, WESTON, ID 83286
Source: BLACK CANYON CREEK
trib. to WESTON CREEK
Priority Date: 04/01/1880
Diversion Pt: SWSW Sec 15 T 16S R 38E SESE SWSW SWNW Sec 16 T 16S R 38E
Use: IRRIGATION (5.92 CFS); DOMESTIC (0.04 CFS)
In: SWNW SWSW SESW SWSE SESE Sec 16 T 16S R 38E NENE NWNE NENW NWNW Sec 21 T 16S R 38E
FOR 296 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 7/12 & 7/19/84

Legal No. 2133-26L — Pub. July 12, 1984

Public Notice

Notice is hereby given that we the undersigned Jense Mickelson and Peter Mickelson do hereby appropriate and claim all of the water running in that certain Creek or stream called and known as Black Canyon Creek, or Slough in the County of Oneida and Territory of Idaho, together with all the springs, Creeks and Rivulets, running into the same or so much thereof as will flow through the hereinafter described ditch. That the water hereby appropriated, is to be used for Agricultural and Domestic Purposes, upon the following described land, to wit: NE $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$; NE of SW, SW $\frac{1}{4}$ of Section 21 in Township No. 16 South of Range 38 East, Boise Meridian, That the subscribers hereto intend to direct the said stream by means of a ditch $\frac{1}{2}$ mile long 6 feet wide at top 5 feet wide on bottom and 2 $\frac{1}{2}$ feet deep, with a fall of 2 inches to the rod.

Jense Mickelson

Part of water has been transferred

Peter Mickelson

Territory of Idaho

County of Oneida. ss.

I, Jense Mickelson do hereby certify that I did on the 16th day of April, A.D. 1880, post a notice of which the within is a true and literal copy at the point where the within described ditch taps the stream known as the Black Canyon Creek or Slough in the Territory of Idaho and County of Oneida. Said point being more particularly described, as follows: being on or near the South West $\frac{1}{4}$ of Sect. 16 Township 16 South of Range 38 E. Boise Meridian in the Territory and County Aforesaid.

Jense Mickelson

Recorded at the request of Jense Mickelson this 19th day of May A.D. 1880

Wm. B. Thews Recorder Oneida County

Reference: Book "A" page 118 of Misc. Original Oneida County Records.

CERTIFICATE

STATE OF IDAHO,
County of Franklin--ss.

I, C. L. Swenson; Ex-Officio Recorder for Franklin County, State of Idaho, hereby certify that the within and foregoing is a full, true and correct copy of a Public Notice of Jense Mickelson and Peter Mickelson, as the same now appears of record in Book 1 of Water Locations, Page 4, in my office in Preston, Idaho.

Witness my hand and seal of said County this 17th day of July, 1951.

C. L. Swenson; Ex-Officio Recorder

By *Elaine S. Terlan* Deputy

Dept. of Water Administration

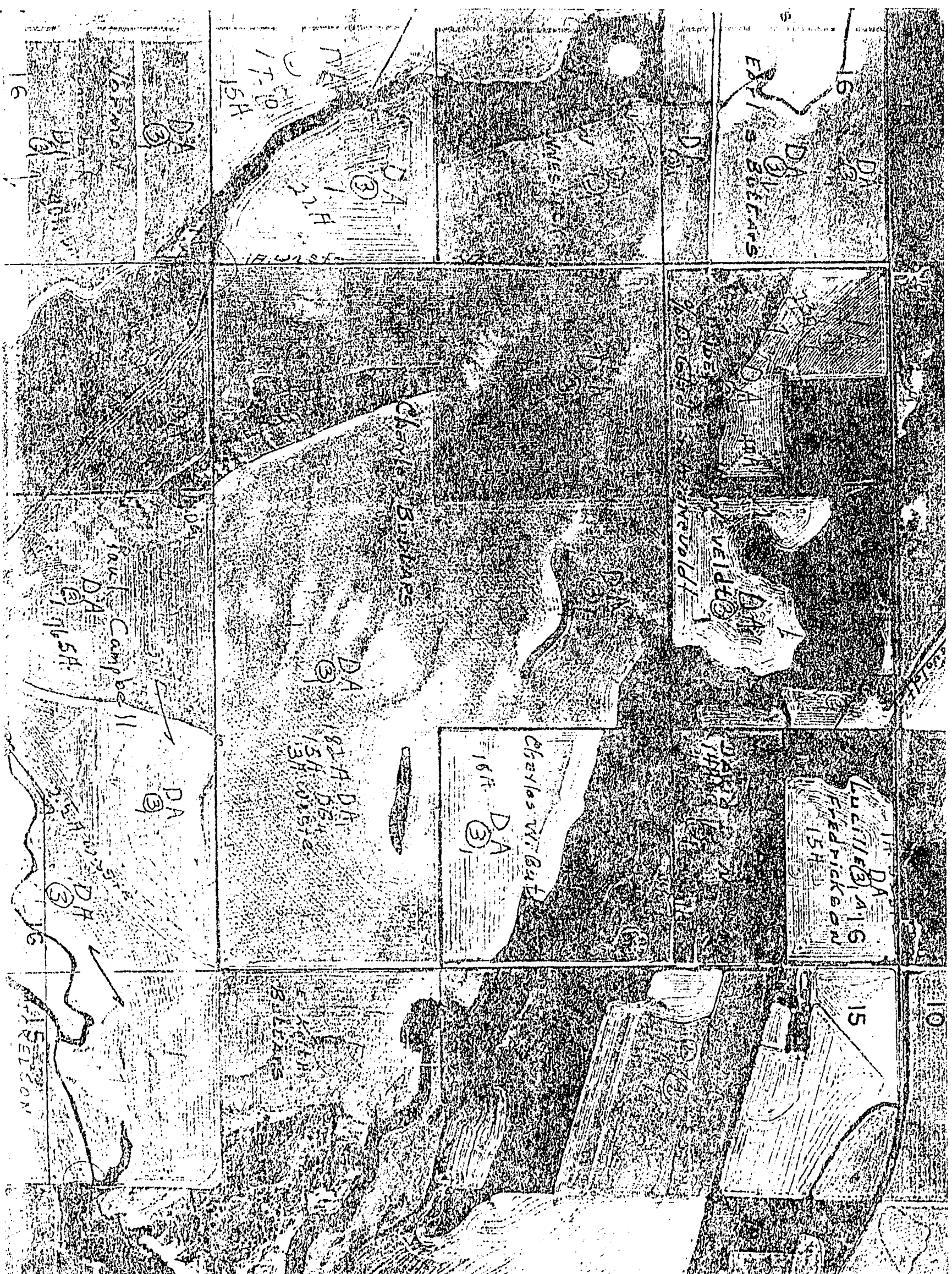
150 Shoup

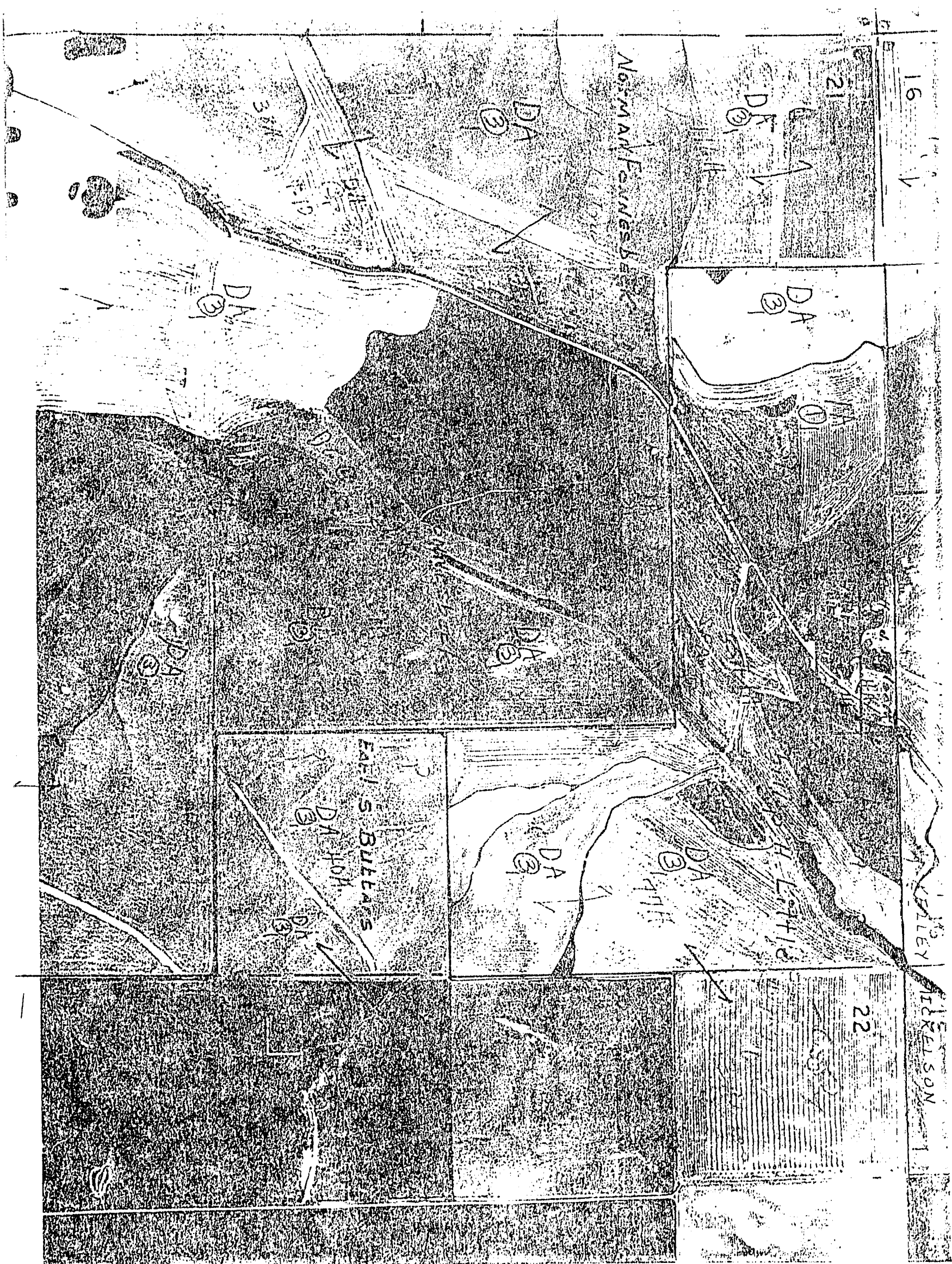
Idaho Falls, Idaho

83461

Telephone 1-525-7161

Hand Stamp





13-4284

FONNESBECK, JAY NORMAN

RT. 1, BOX 17, WESTON, ID 83286

Source: BLACK CANYON CREEK trib. to WESTON CREEK

Priority Date: 04/01/1880

Diversion Pt: SWSW Sec 15 T 16S R 38E SESE SWSW SWNW Sec 16 T 16S R 38E

Use: IRRIGATION (5.92 CFS)
DOMESTIC (0.04 CFS)

In: SWNW SWSW SESW SWSE SESE Sec 16 T 16S R 38E NENE NWNE NENW NNW
Sec 21 T 16S R 38E FOR 296 ACRES

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 7/12 & 7/19/84.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 3, 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 billing to this office before JULY 30, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

G. E. RAMSEY

INITIAL REVIEW BY:

JUL 2 1984

Right Number

13-4284

Applicant

JAY FONNESBECK

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

Aug 6, 1984

7-30-84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

8/9/84

RECEIVED
AUG 09 1984

Department of Water Resources

August 2, 1984

RE: Claim to a Water Right No. 13-4284 FONNESBECK

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 July 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

JULY 30, 1984

JAY NORMAN FONNESBECK
RT. 1, BOX 17
WESTON

ID 83286

RE: Claim No. 13-4284

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