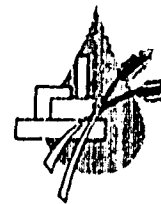


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Dav Frew

Box 41, Preston, ID 93263

(Name of Claimant)

Telephone No. 852-1273

(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, 1877

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)

springs tributary to Bear River

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.50 cfs</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) 0.50 cfs TOTAL QUANTITY USED.
(cfs, af)

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4 Twp. 16S Rge. 39E B.M., County of Franklin

Additional points of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 16S, R. 39E

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. Diversion to ditches for cattle to drink

- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	39E	4											S						

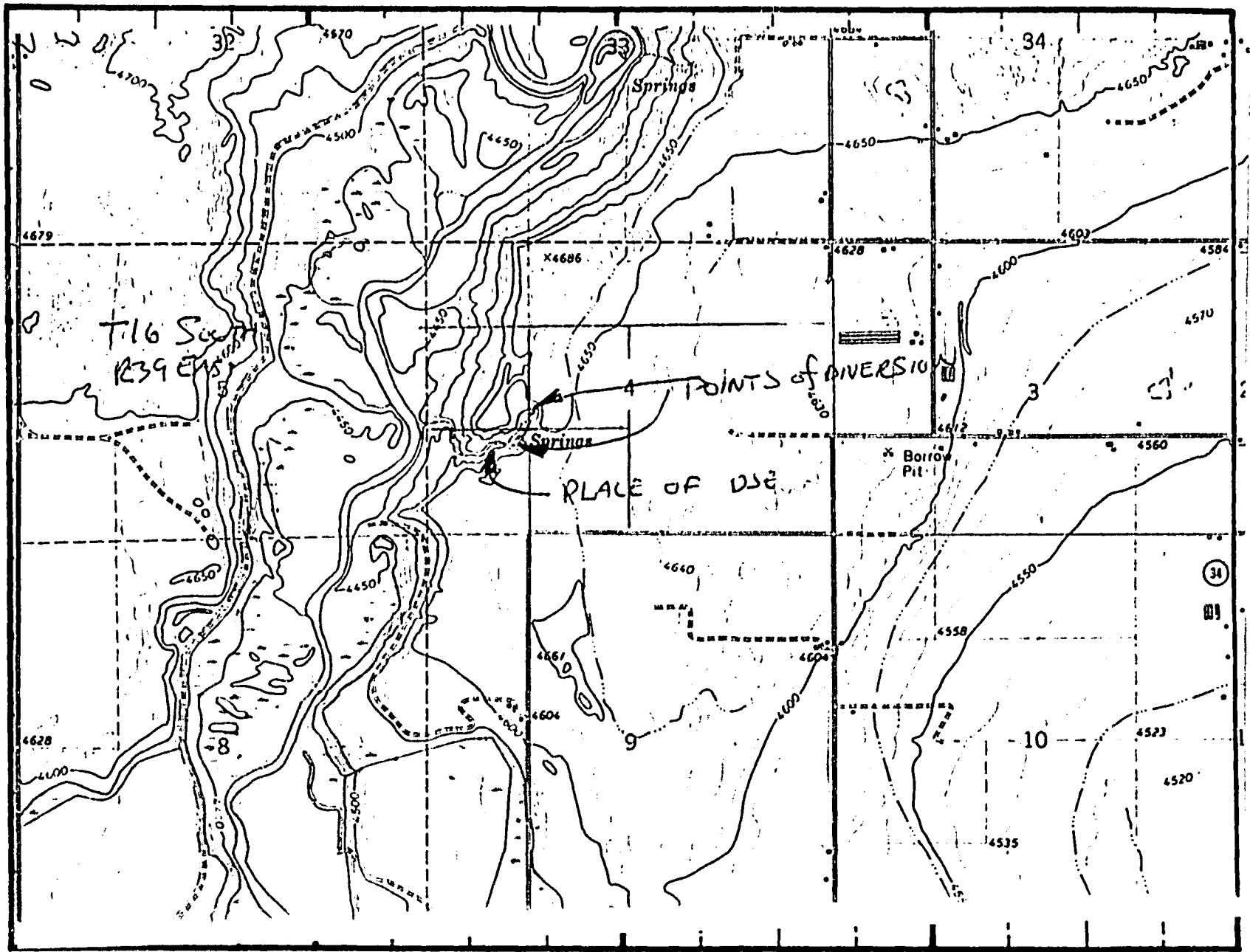
No. of acres _____

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

NOTE: Include here the type and number of stock watered: 300 head cattle

- (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 Benneville) 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 14th day of June, 1988.

[Signature]
(Claimant)

Deena Green
Notary Public
Residing at # Rugby

My commission expires 4-22-1994

assisted by SM

FOR DEPARTMENT USE ONLY			
Received by <u>ds</u>	Date <u>6-14-88</u>	Exception filed by:	Forwarded to
Prelim. check by <u>PRM</u>	Date <u>6-24-88</u>		claimant by:
<u>\$30.00</u> fee received by <u>ds</u>	Date <u>6-14-88</u>	# <u>E000398</u>	
Published in <u>The Preston Citizen</u>			
Dates <u>7/7 + 7/14/88</u>	<u>re-ad 7-21 + 7-28-88</u>		

#815

JUL 26 1988

NO 3190

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

RECEIVED

AUG 4 1988

Department of Water Resources
Eastern District Office

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 20, 1988, and ending

with the issue of July 23, 1988.

Fee \$ 85.75

Subscribed and sworn to before me this 26th

of July, 1988.

R. Keith Higginson

Notary Public, Residing at Preston,

My Commission Expires June 7

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04300
FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: SINKS
Diversion Pt: SESE Sec 32 T 15S R 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 4/1/1877
In: T15S R39E S32 SESE

13-04301
FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: BEAR RIVER
Diversion Pt: SWNESW Sec 4 T 16S R 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 4/1/1877
In: T16S R39E S04 SWSW

13-04302
FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: SINKS
Diversion Pt: LOT 3 (SENE) Sec 5 T 16S R 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 4/1/1877
In: T16S R39E S05 Lot 3 (SENE)

13-04303
COSTLEY, WYNN
7807 EAST HWY. 36
PRESTON, IDAHO 83263
Source: SPRING
Tributary: STRAWBERRY CREEK
Diversion Pt: NENWSE Sec 17 T 13S R 41E
Use: DOMESTIC (.020 CFS)
Priority Date: 5/1/1882
In: T13S R41E S17 NWSE

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON,
Director

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07453
WESTON, CITY OF
ROUTE 1 BOX 292-A
WESTON, ID 83286
Source: GROUNDWATER
Diversion Pt: SENWNE Sec 15 T 16S R 38E
Use: MUNICIPAL (2,000 CFS)
Date Filed: 6/03/1988
In: T16S R38E S14 SWSW

13-07454
HAMILTON, SHARON
HAMILTON, CLETUS
4850 WEST 13400 SOUTH
RIVERTON, UT 84065
Source: GROUNDWATER
Diversion Pt: SESWSW Sec 12 T 14S R 38E
Use: IRRIGATION (4,000 CFS)
Date Filed: 6/22/1988
In: T14S R38E S11 SWSE SESE S12 NESW NWSW SWSW SESW SWSE
280.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JULY 25, 1988.

R. KEITH HIGGINSON, Director
Legal No. 3190 -98L- Publish July 20, 27, 1988.

#975

JUL 26 1988

No 3179

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

RECEIVED

AUG 4 1988

Department of Water Resources
Eastern District Office

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

July 6, 1988, and ending

with the issue of July 13, 1988

Fee \$ 85.75

Subscribed and sworn to before me this 14th day

of July, 1988

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1992

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04300

FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: SINKS

Diversion Pt: SESE Sec 32 T 15S R 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 6/14/1988
In: T15S R39E S32 SESE

13-04301

FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: BEAR RIVER
Diversion Pt: SWNE Sec 4 T 16S R 39E

NESWSW Sec 4 T 16S 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 6/14/1988
In: T16S R39E S04 SWSW

13-04302

FREW, DAV
BOX 41
PRESTON, ID 83263
Source: SPRINGS
Tributary: SINKS
Diversion Pt: LOT 3 (SENE) Sec 5 T 16S R 39E
Use: STOCKWATER (.500 CFS)
Priority Date: 6/14/1988
In: T16S R39E S05 Lot 3 (SENE)

13-04303

COSTLEY, WYNN
7807 EAST HWY. 36
PRESTON, IDAHO 83263
Source: SPRING
Tributary: STRAWBERRY CREEK
Diversion Pt: NENWSE Sec 17 T 13S R 41E
Use: DOMESTIC (.020 CFS)
Priority Date: 6/14/1988
In: T13S R41E S17 NWSE
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON,
Director

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07453

WESTON, CITY OF
ROUTE 1 BOX 292-A
WESTON, ID 83286
Source: GROUNDWATER
Diversion Pt: SENWNE Sec 15 T 16S R 38E
Use: MUNICIPAL (2.000 CFS)
Date Filed: 6/03/1988
In: T16S R38E S14 SWSW

13-07454

HAMILTON, SHARON
HAMILTON, CLETUS
4850 WEST 13400 SOUTH
RIVERTON, UT 84065
Source: GROUNDWATER
Diversion Pt: SESWSW Sec 12 T 14S R 38E
Use: IRRIGATION (4.000 CFS)
Date Filed: 6/22/1988
In: T14S R38E S11 SWSE SESE S12 NESW NWSW SWSW SESW SWSE
220.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JULY 25, 1988.

R. KEITH HIGGINSON, Director
Legal No. 3179 -98L- Publish July 5, 12, 1988.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

JUNE 29, 1988

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 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. 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 25, 1988.

Yours truly,

Deena Green
Secretary

Encl.

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04301

FREW, DAV
BOX 41
PRESTON, ID 83263

Source: SPRINGS

Tributary: BEAR RIVER

Diversion Pt:

SWNESW	Sec	4	T	16S	R	39E
NESWSW	Sec	4	T	16S	R	39E

Use: STOCKWATER

(.500 CFS)

Priority Date: 6/14/1988

In: T16S R39E S04

SWSW

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director

Published 7/07/1988 & 7/14/1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1988

Pete Peterson, Watermaster
Water District #11
2483 Riverdale Rd.
Preston, Idaho 83263

RE: Claim to a Water Right No. 13-4300, -4301,
-4302, Frew

Dear Watermaster:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

JULY 27, 1988

DAV FREW
BOX 41
PRESTON, ID 83263

Re: Claim No. 13-04301

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

INTER-DEPARTMENT MEMO — 1

FROM Deena Green

DATE 7-14-88

TO file 13-4300, 13-4301, 13-4302

SUBJECT

Notices were advertised incorrectly on July 7 + 14, 1988, due to our error. Telephoned Chris at Preston Citizen to run again on 7-21 + 7-28-88 with priority date corrected to 4-1-1877 + send affidavit by 8-8-88

SIGNATURE