

No. 13-04345 ③

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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SEP 02 1999

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that High Desert Enterprises, LLP
(Name of Claimant)
12292 North Highway 34, Preston ID 83263 Telephone No: (208) 852-1416
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 3-1-1927
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Sink

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 or af)	Use	(Irrigation, Domestic, Stock, Etc.)	Period of Use From	(Both dates inclusive)	to
				(MM/DD)	(MM/DD)	
Quantity <u>0.04</u>	<u>0.23 cfs</u>	Use <u>Stockwater</u>		Period of Use From <u>3-1</u>		to <u>11-1</u>
Quantity		Use		Period of Use From		to
Quantity		Use		Period of Use From		to
Quantity		Use		Period of Use From		to

4. 0.23 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot
Sec. 14 Township 13S Range 40E B.M., FRANKLIN County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
DEVELOPED SPRING AND MAINTAINED DITCH/PIPELINE TO STOCK POND (~0.30 AF).

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
13S	40E	14												S					

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. RANGE CATTLE - 1000 HD

NOTE: Include here the type and number of stock watered: _____

7. Remarks: USE NOT TO EXCEED 13,000 GALLONS PER DAY.

8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of: Idaho)
County of: Franklin) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.

Chris Marsel
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 20 day of July, 1999.

[Signature]
Notary Public

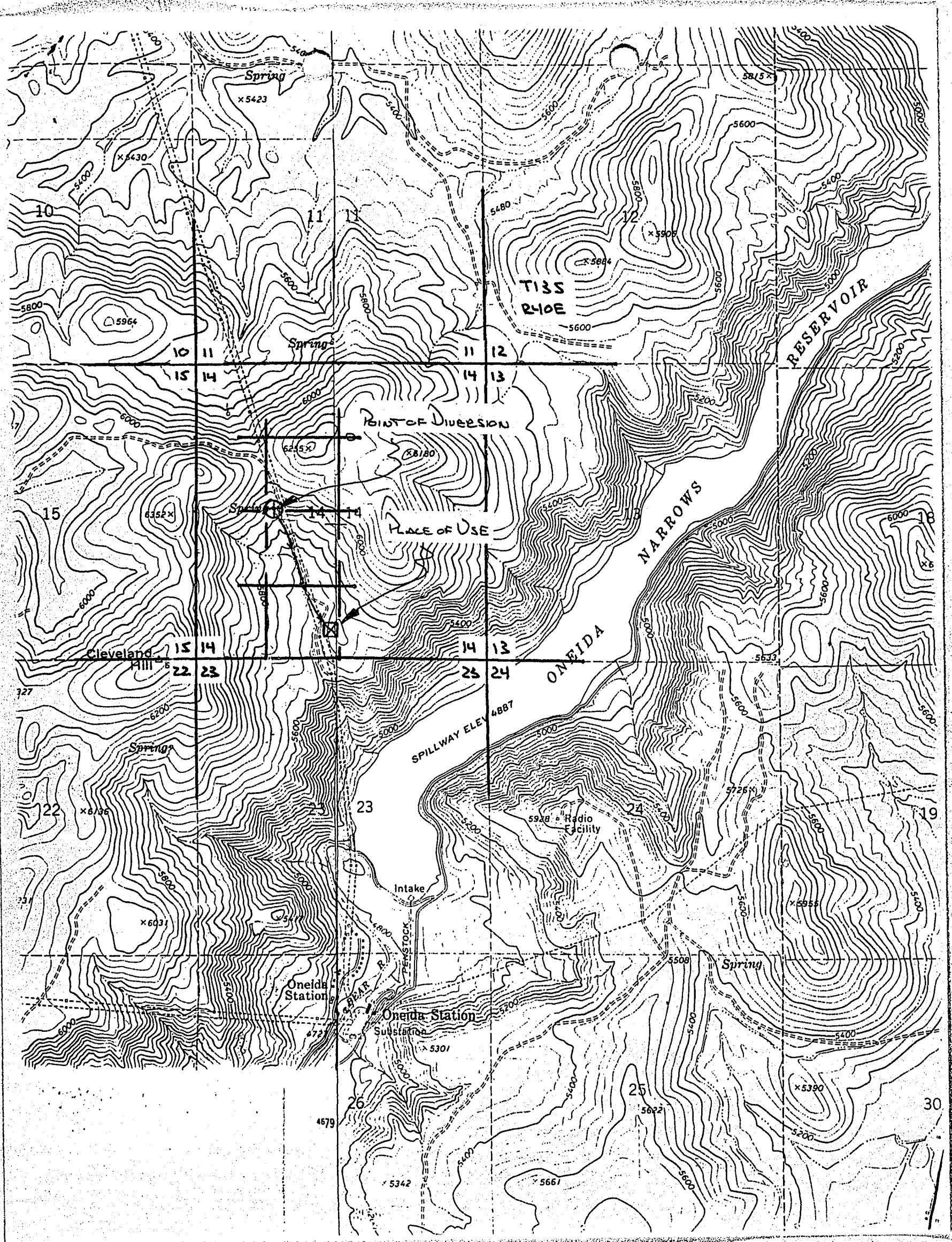
Residing at: Proctor Idaho

My commission expires: 10/01/00

FOR DEPARTMENT USE ONLY

Received by PRM Date 7-22-99
Prelim. check by _____ Date _____
Fee 1020 Receipt # EC25159
Receipt prepared by PRM Date 7-22-99

Published in Preston Citizen
Publication dates 8/5 & 8/12/99
Publication checked by EC Date 8/30/99
Exceptions filed by _____



Partners in High Desert Enterprises, LLC:

Terry Andrade

Chris Maisel

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04345

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRING

Tributary: SINK

Diversion Pt: SWSENW Sec 14 T 13S R 40E in FRANKLIN County.

Use: STOCKWATER	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Claimed Priority: 3/ 1/1927

In: FRANKLIN County
T13S R40E S14 SESW

Exceptions to a claim may be filed with the Department of
Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho
Falls Idaho 83402, together with an exception fee of \$25.00.

KARL J. DREHER, Director

Published: 8/5/1999 & 8/12/1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 28, 1999

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Dear Legal Dept.:

Enclosed you will find legal notices 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 AUGUST 23, 1999.

Yours truly,

Sharla Cox
Sharla Cox
Senior Secretary

Encl.

*Madea
7/29/99
SC*



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 28, 1999

HIGH DESERT ENTERPRISES LLP
12292 N HIGHWAY 34
PRESTON ID 83263

RE: Applications for Permit #13-07563, 13-07564, 13-07565, 13-07566, 13-07567, 13-07568,
13-07569, 13-07570, 13-07571, 13-07572, 13-07573, and 13-07574
Claims to a Water Right #13-04342, 13-04343, 13-04344, and 13-04345
Amended Claim to a Water Right # 13-04263

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on August 5 and 12, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

Public Notices

(Continued from page 7)

In: FRANKLIN County
T13S R40E S12 NENW

13-04342

HIGH DESERT ENTERPRISES
LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRING
Tributary: SINKS

Diversion Pt: SENESE Sec 12 T 13S
R 40E in FRANKLIN County.

Use:
STOCKWATER (0.040 CFS)
Total Diversion: (0.040 CFS)

Claimed Priority: 3/1/1920

In: FRANKLIN County
T13S R40E S12 NESE

13-04343

HIGH DESERT ENTERPRISES
LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRINGS

Tributary: SINKS

Diversion Pt: NWNESE Sec 11 T
13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.020 CFS)
Total Diversion: (0.020 CFS)

Claimed Priority: 3/1/1920

In: FRANKLIN County
T13S R40E S11 NESE

13-04344

HIGH DESERT ENTERPRISES
LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRING
Tributary: SINKS

Diversion Pt: SWNWNW Sec 14 T
13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.040 CFS)
Total Diversion: (0.040 CFS)

Claimed Priority: 3/1/1920

In: FRANKLIN County

T13S R40E S14 NWNW

13-04345

HIGH DESERT ENTERPRISES
LLP
12292 N HIGHWAY 34
PRESTON, ID 83263

Source: SPRING
Tributary: SINKS

Diversion Pt: SWSENE Sec 14 T
13S R 40E in FRANKLIN County.

Use:
STOCKWATER (0.040 CFS)
Total Diversion: (0.040 CFS)

Claimed Priority: 3/1/1927

In: FRANKLIN County
T13S R40E S14 SESW

Exceptions to a claim may be
filed with the Department of Wa-
ter Resources, Eastern Region, 900
N. Skyline Dr., Ste. A, Idaho Falls,
ID 83402, together with an excep-
tion fee of \$25.00.

KARL J. DREHER, Director
Legal No. 4861 - Publish Aug.
4 and 11, 1999.

875

No 4861

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the 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

5-4, 19 99, and ending
with the issue of 8-11 19 99

Fee \$

168.00

Subscribed and sworn to before me this 11 day
of Aug 19 99

of

Notary Public, Residing at Preston Idaho

My Commission Expires 8/24, 19 99

RECEIVED

AUG 27 1999

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

AUGUST 25, 1999
KARL J. DREHER
DIRECTOR

HIGH DESERT ENTERPRISES LLP
BOW VALLEY DEVELOPEMENT CORP.
12292 N HIGHWAY 34
PRESTON, ID 83263

Re: Claim No. 13-04263, 13-04342, 13-04343, 13-04344, and 13-04345

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 D CARLSON
Eastern Region Manager

Enclosure