

\$100

No. 13-04347

RECEIVED

DEC 14 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Robert Timmons or Lou Clayton
(Name of Claimant)
P.O. Box 32 Thatcher, ID 83283 Telephone No: 303-475-8763
(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) June 1, 1912
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 Sinks

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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)	
Quantity	<u>0.02 cfs</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. 0.02 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot
Sec. 7 Township 13S Range 41E 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.

Headbox with gravity flow line to one home

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	SW	SE	
13S	41E	7		D	D														

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Domestic for one home

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

7. Remarks: _____

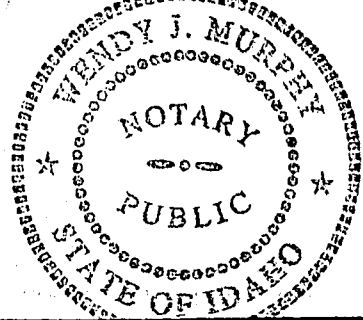
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of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

State of _____)
County of _____) 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.

[Signature]
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 4th day of November, 1999.



Wendy J. Murphy
Notary Public

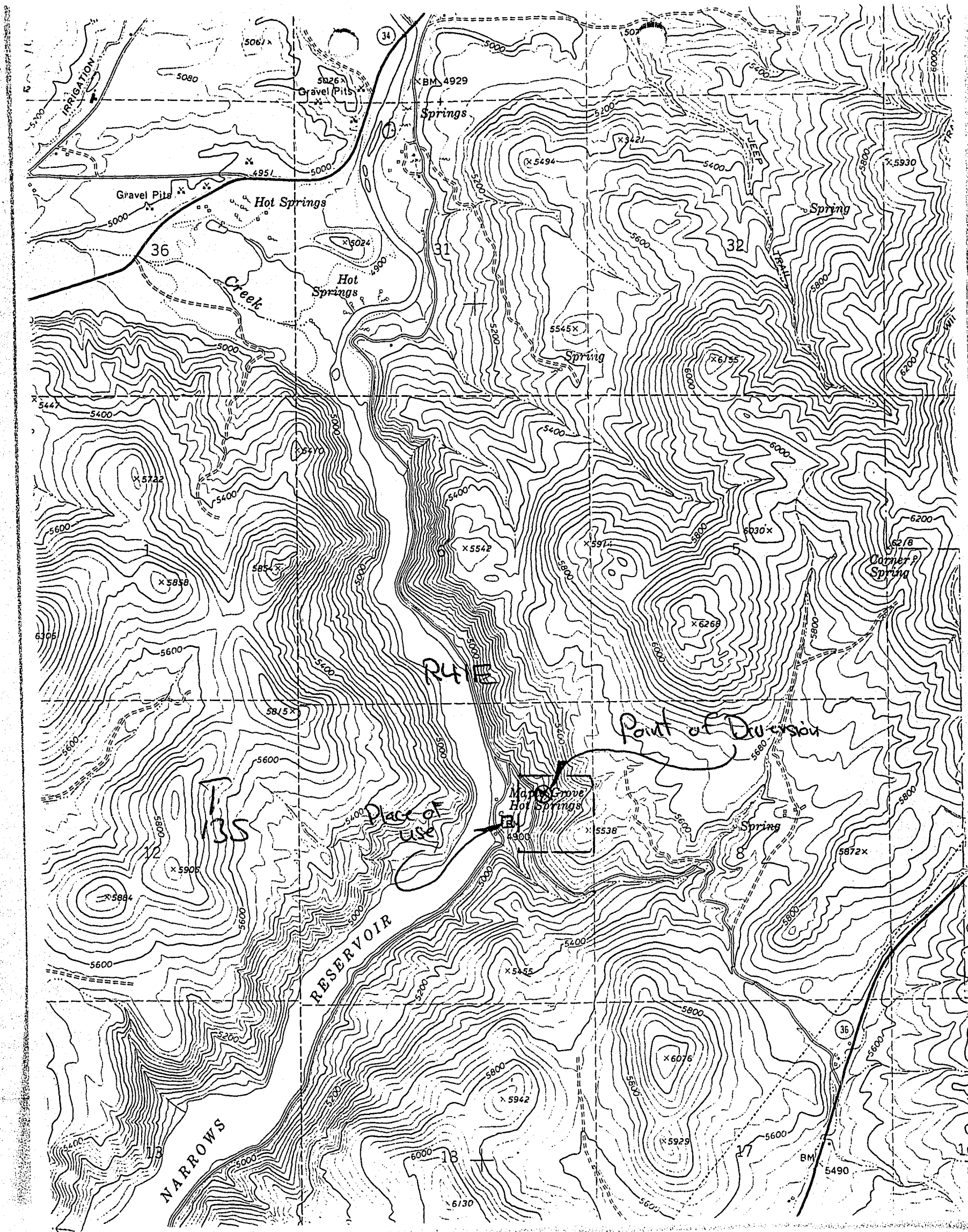
Residing at: Idaho Falls

My commission expires: 6/23/2000

FOR DEPARTMENT USE ONLY

Received by: HwJ Date 11-4-99
Prelim. check by _____ Date _____
Fee 100 Receipt # E025440
Receipt prepared by HwJ Date 11-4-99

Published in Preston Citizen
Publication dates 11-18 & 11-25-99
Publication checked by sw Date 11/30/99
Exceptions filed by _____



DECLARATION OF WATER USE

I, Currie Lockett, owner and resident of Maple Grove Hot Springs in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7 T13S R41E in Franklin County, Idaho, declare that I bought this property in October 1973 and at that time began to divert water from a small spring in NE $\frac{1}{4}$ (or SE $\frac{1}{4}$) NE $\frac{1}{4}$ of same Section 7 but not on my property.

I connected 1" poly pipe to an existing 4" concrete pipe coming out of the spring site and ran it directly to my cabin, a distance of approximately 1000'. I have used that system for the last 25 $\frac{1}{2}$ years without interruption.

At the time I diverted, I mostly bypassed an earlier concrete pipe run to a concrete cistern which was leaking but still operating. I did not want to use it, however, for fear of contamination. Neighbors told me that this system was put in by DeVaughn Kershaw in the late 50's, when he owned and resided on the property. It was then an operating resort and the water was also used for guest bathrooms at the pool and for a cafe, poolside.

Old iron pipes exposed along the route from spring to homesite, even a few wire bound wooden pipes suggest earlier delivery systems. In a memoir written in 1977 by Gladys Hopkins Eckersley, daughter of the original homesteading family, writes "We had to pack drinking water from a spring up the mountain side about $\frac{1}{2}$ mile, until Father got it piped down to the house." That was about 1912.

So that spring, which I call the sweet spring, has been the culinary water source for my property throughout its history. I always used it with the knowledge of the property owner, Wendell Smith, and I always left enough out of the spring for him to water his cattle. I fenced the immediate spring site, however, and maintained the spring inside as necessary.

Written this 7th day of January, 1999


Currie Lockett
11386 N. Oneida Narrows Rd
Thatcher, Idaho



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

November 9, 1999

ROBERT TIMMONS OR LOU CLAYTON
PO BOX 32
THATCHER ID 83283

RE: Claim to a Water Right #13-04347, Applications for Permit #13-07576 and #13-07577

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on November 18 and 25, 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



**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

November 9, 1999

JODY L WILLIAMS ESQ
KRUSE LANDA & MAYCOCK LLC
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Applications for Transfer #5596, Claim to a Water Right #13-04347, Applications
for Permit # 11-07450, 13-07576, and 13-07577

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department.
Please review the application (s) and submit any comments you may have to our
Department as soon as possible. The last date of protest is December 6, 1999, and we are
required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04347

CLAYTON, LOU
TIMMONS, ROBERT
PO BOX 32
THATCHER, ID 83283

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSENE Sec 7 T 13S R 41E in FRANKLIN County.

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

Claimed Priority: 6/ 1/1912

In: FRANKLIN County
T13S R41E S07 SWNE

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.

Published: 11/18/1999 & 11/25/1999

KARL J. DREHER, Director



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

NOVEMBER 10, 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 DECEMBER 6, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

*mailed
11/10/99
SC*

821

4910

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
 County of Franklin } ss.

Robert W. MARSHALL

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

11/17, 1999, and ending

with the issue of 11/24 19 99

Robert W. Marshall

Fee \$ 45.95

Subscribed and sworn to before me this _____ day

of Nov

Kelly M. Mickelsen
 Notary Public, Residing at Preston, Idaho

My Commission Expires 8/24, 1999.NOTICE OF CLAIMS
TO WATER RIGHT

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 been filed on water rights created
 by diversion and beneficial use:

13-04347

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 TIMMONS, ROBERT
 PO BOX 32
 THATCHER, ID 83283

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Tributary: SINKS

Diversion Pt: NWSENE Sec 7 T
 13S R 41E in FRANKLIN Coun-
 ty.

Use:

DOMESTIC (0.020 CFS)

Total Diversion: (0.020 CFS)

Claimed Priority: 6/1/1912

In: FRANKLIN County

T13S R41E S07 SWNE

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. 4910 - Publish Nov.
 17 and 24, 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

DECEMBER 8, 1999 ^{KARL J. DREHER}
DIRECTOR

LOU CLAYTON
ROBERT TIMMONS
PO BOX 32
THATCHER, ID 83283

Re: Claim No. 13-04347

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

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~