

13-04351

RECEIVED

SEP 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

CLAIM TO A WATER RIGHT

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 BRENT B. PORTER HOLLY A. PORTER
(Name of Claimant)
3465 SAN CARLOS, IDAHO FALLS ID 83406 Telephone No: 208 525-8895
(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, 1949
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 WORM 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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive)
			(MM/DD) (MM/DD)
Quantity	<u>0.027</u>	Use <u>STOCK</u>	Period of Use From <u>01/01</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. 0.027 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of SE NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot
Sec. 11 Township 15 S Range 40 E 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.

SPRING DEVELOPMENT - PIPELINE TO WATERING TROUGH (APPROX. 400 FT.)
SPRING WAS DEVELOPED - SPRING WAS DEVELOPED IN 1949 AND USED
FOR STOCK WATERING - IN 1970 A WATER TROUGH WAS INSTALLED -
THIS HAS BEEN USED SINCE THAT TIME.

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	
155	40E	11														S			

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. WATER IS USED FOR STOCK WATERING - CATTLE USE. THE WATER YEAR AROUND AS CATTLE ARE WINTERED AT THIS LOCATION.

NOTE: Include here the type and number of stock watered: 150 RANGE + DAIRY ANIMALS

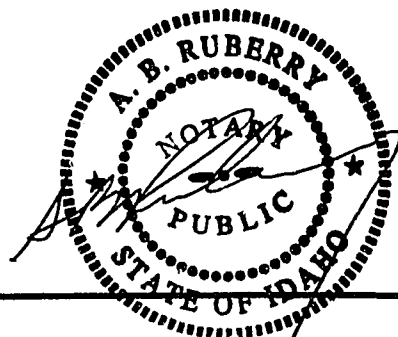
7. Remarks: THE PROPERTY WAS PURCHASED BY RALPH + BLAINE PORTER IN 1946 - THEY OWNED THE PROPERTY UNTIL RALPH'S DEATH IN 1990 (APPROX.) HIS PORTION OF THE PROPERTY WAS TAKEN BY HIS SON LYLE. IN 1993 (APPROX.) DRENT BOUGHT THE PROPERTY FROM BLAINE (HIS PORTION)
8. Map -- Attach an 8½"x11" map clearly 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 BOONEVILLE) 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.

Preston Citizen ETUA
Claimant's Signature (and title if claim is for an organization)

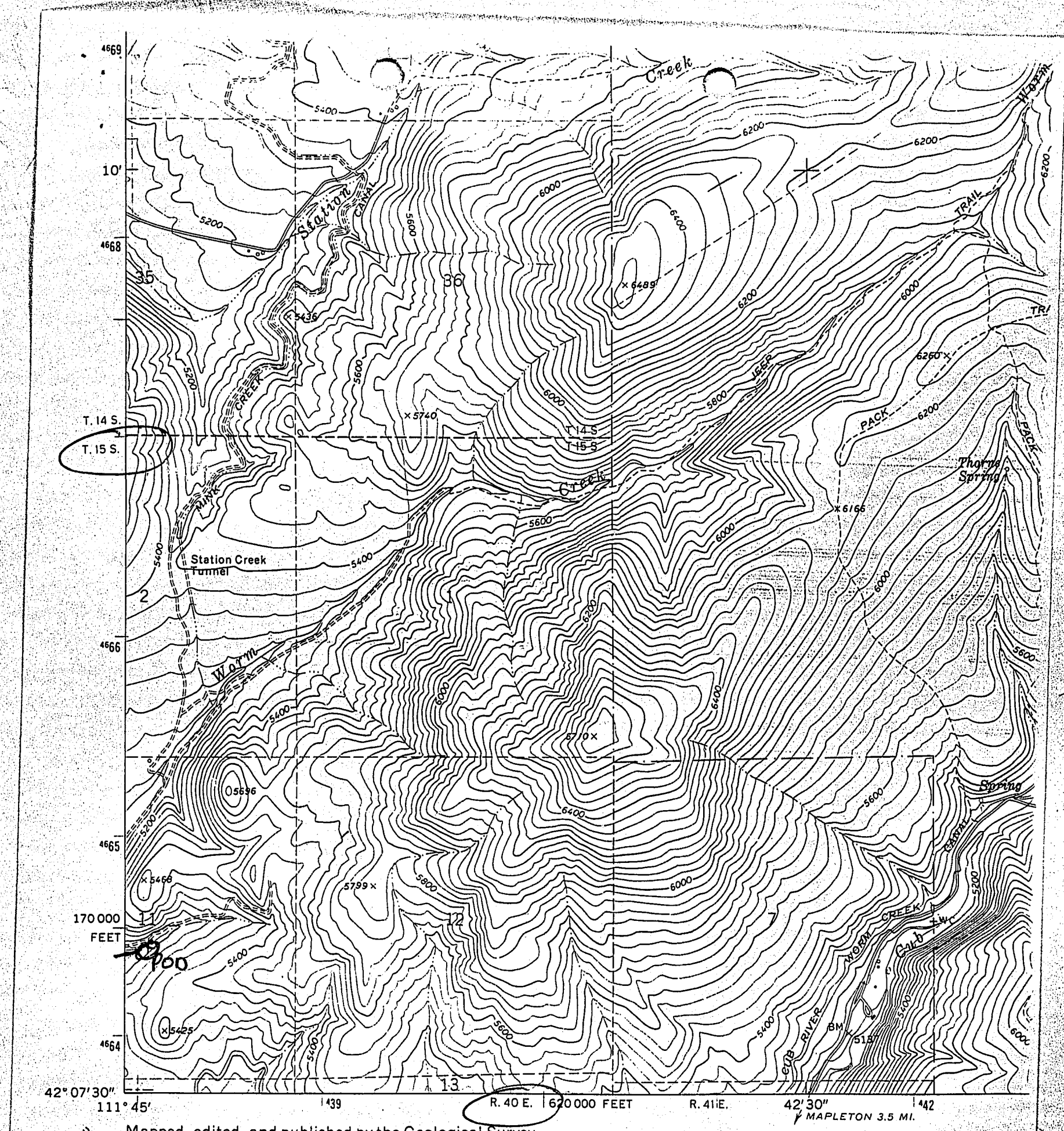
Sworn to before me this 7th day of August, 2000.



Allen Ruberry
Notary Public
Residing at: 2040 Falls Road
My commission expires: 09/23/03

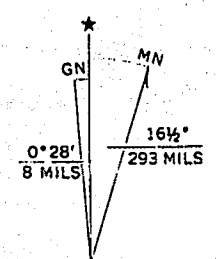
FOR DEPARTMENT USE ONLY

Received by A.R. Date 8-7-00 Published in Preston Citizen
Prelim. check by _____ Date _____ Publication dates Aug 16/23 - 2000
Fee 100.00 Receipt # EO 26046 Publication checked by SC Date 9/5/00
Receipt prepared by CV Date 8-7-00 Exceptions filed by _____

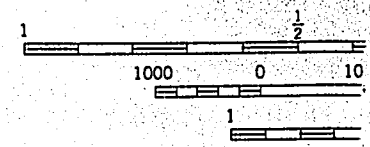


(FRANKLIN)
3668 III SE

Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by photogrammetric methods from aerial
 photographs taken 1968. Field checked 1969
 Polyconic projection. 1927 North American datum
 10,000-foot grid based on Idaho coordinate system,
 east zone
 1000-meter Universal Transverse Mercator grid ticks,
 zone 12, shown in blue
 To place on the predicted North American Datum 1983
 move the projection lines 12 meters north and
 move the dashed corner ticks



UTM GRID AND 1969 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET



THIS MAP (C)
 FOR SALE BY U. S. GEOLOGICAL SURVEY

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04351

PORTER, BRENT B
PORTER, LYLE A
3465 SAN CARLOS
IDAHO FALLS, ID 83406

Source: SPRING

Tributary: WARM CREEK

Diversion Pt: NWNWSE Sec 11 T 15S R 40E in FRANKLIN County.

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

Claimed Priority: 6/ 1/1949

In: FRANKLIN County
T15S R40E S11 NWSE

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: 8/17/2000 & 8/24/2000

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

AUGUST 9, 2000

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 SEPTEMBER 5, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.





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

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRENT B PORTER
3465 SAN CARLOS
IDAHO FALLS ID 83406

RE: Application for Permit # 13-07583 and Claim to a Water Right #13-04351

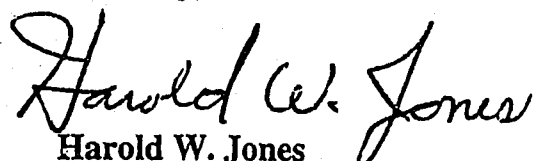
Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on August 17 and 24, 2000. 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

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Application for Permit #13-07583 and 13-04351

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 September 5, 2000, 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.

No 5055

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Necia Seamons

being duly sworn,

deposes and says:

That he is the Editor 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

Aug. 16, 2000, and ending
with the issue of Aug. 23, 2000

Fee \$

56.81

Subscribed and sworn to before me this 23 day

of

Notary Public, Residing at Preston, Idaho.

My Commission Expires 7/14, 2001.

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Diversion Pt: NWNWSE Sec 11, T
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Use:

STOCKWATER (0.020 CFS)

Total Diversion: (0.020 CFS)

Claimed Priority: 6/1/1949

In: FRANKLIN County

T15S R40E S11 NWSE

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

KARL J. DREHER, Director

Legal No. 5055 - Publish Aug.
16 and 23, 2000.

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SEP 05 2000

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

SEPTEMBER 7, 2000
KARL J. DREHER
DIRECTOR

BRENT B PORTER
LYLE A PORTER
3465 SAN CARLOS
IDAHO FALLS, ID 83406

Re: Claim No. 13-04351

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