

Claim No. 13-7597  
# 69024

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JUN 08 2001

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED

APR 12 2001

Department of Water Resources  
Eastern Region

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 Melvin Foster  
(Name of Claimant)  
1600 N 2300 W Preston ID 83263 Telephone No: (208) 852-1075  
(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) 4-1-1870  
*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 Stockton 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)<br>(MM/DD) | (MM/DD)         |
|--------------------------|-------------------------------------|-----------------------------------|-----------------|
| Quantity <u>0.04 CFS</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u>     | to <u>12-31</u> |
| Quantity <u>0.09 CFS</u> | Use <u>Stock water</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 _____        |

4. 0.13 CFS TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is NW  $\frac{1}{4}$  of NE NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 34 Township 12S Range 39E 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.

collection box at 3/4 mile pipeline to home. Ditch from  
springs at 3/4 mile to yard + garden

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<br>ACRES |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|----------------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SE | SW |                |
| 125 | 39E | 34  |     |    |    |    |     |    |    |    |     |    |    |    | DS  |    |    |    |                |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |                |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |                |

TOTAL ACRES \_\_\_\_\_

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.  
Single family home with 1/2 acre lawn & garden

NOTE: Include here the type and number of stock watered: up to 400 head of range cattle

7. Remarks: \_\_\_\_\_

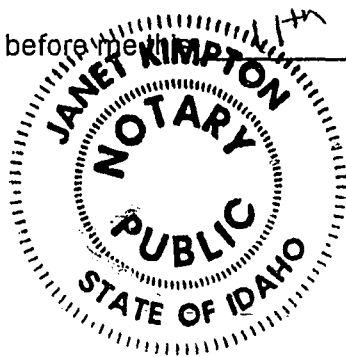
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of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

State of 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.

Melvin Foster  
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 11th day of April, 2001.



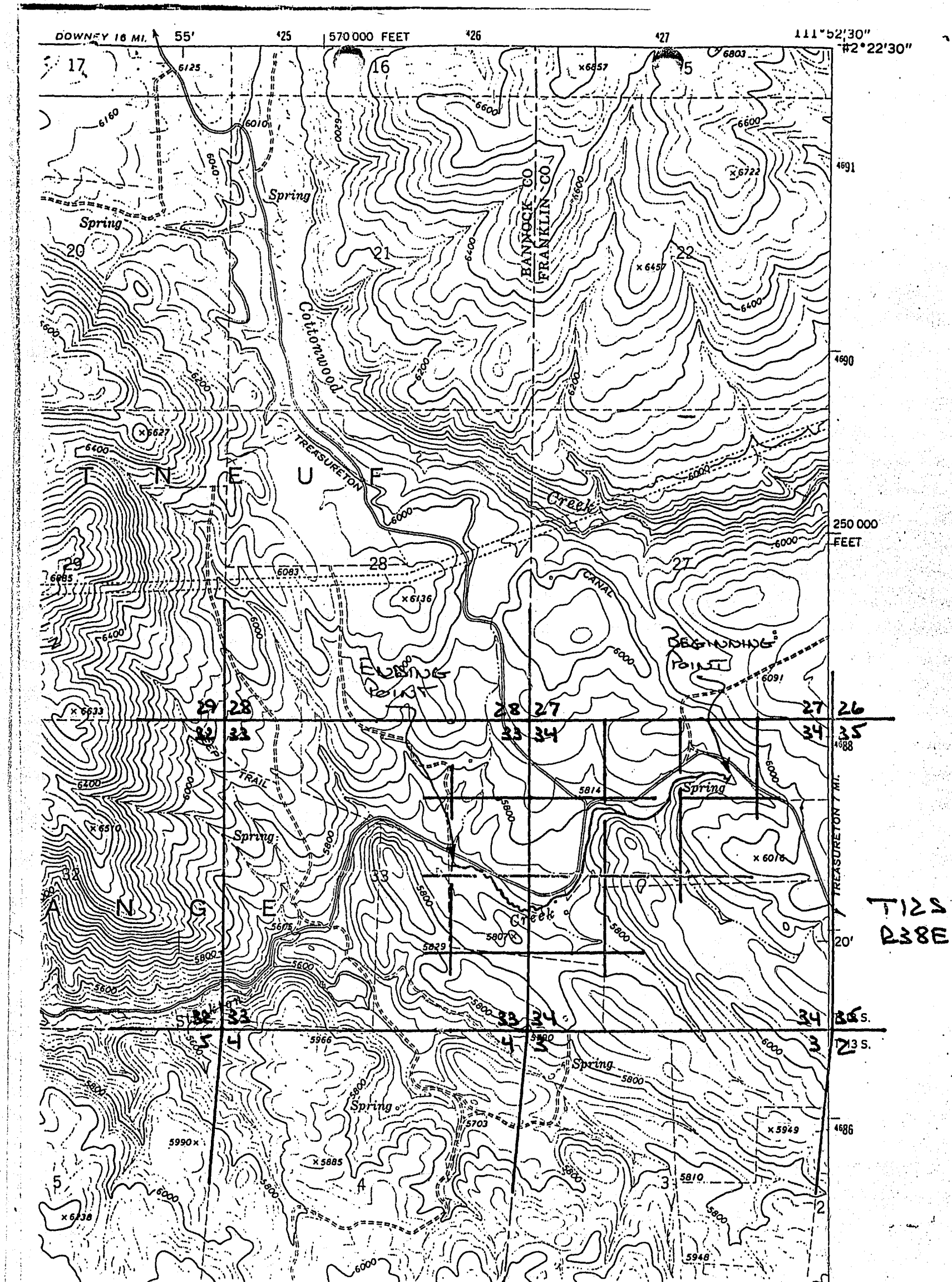
Janet Kimpton  
Notary Public

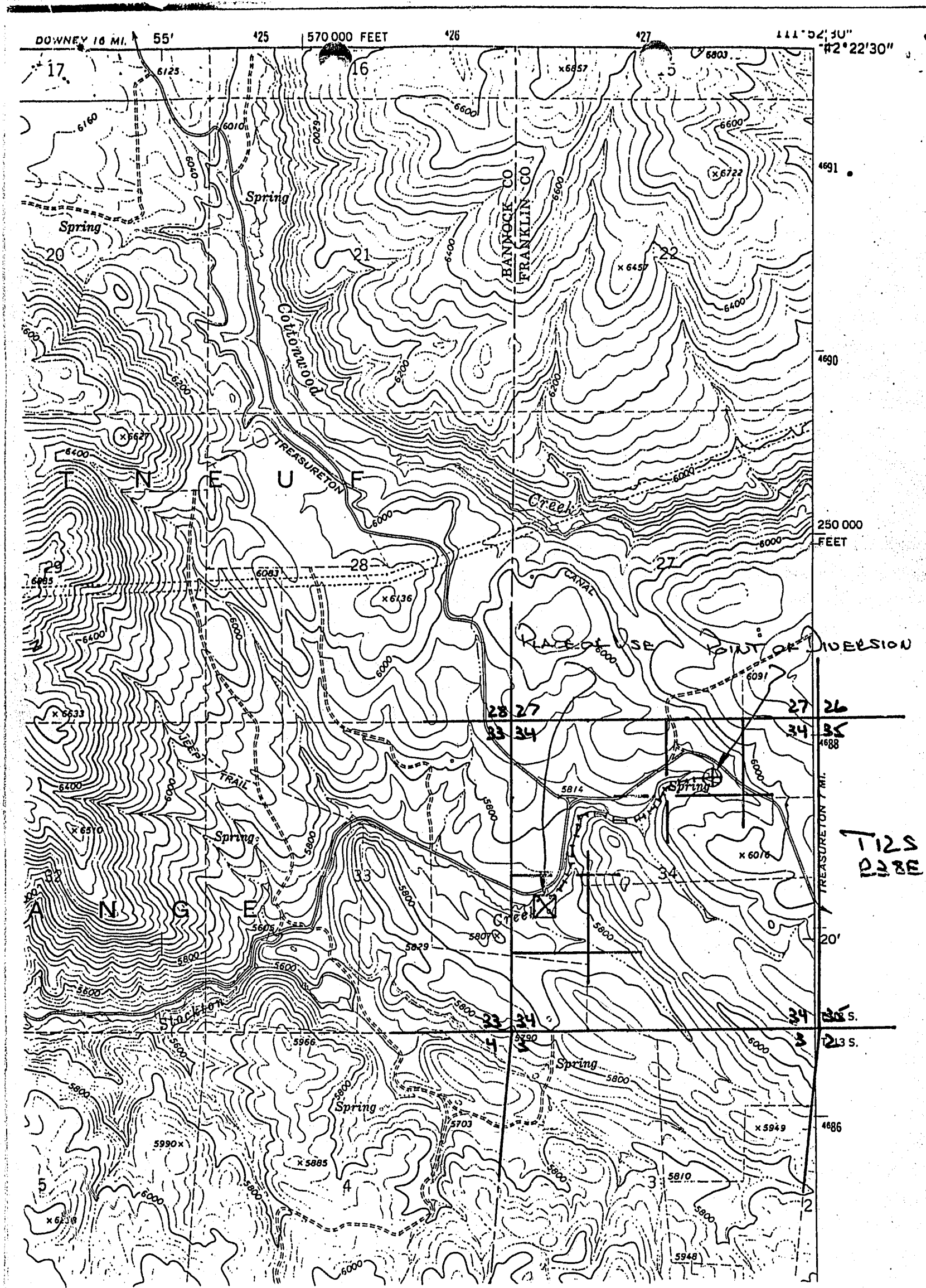
Residing at: Preston, Id.

My commission expires: 3-30-2006

FOR DEPARTMENT USE ONLY

Received by HWS Date 4-12-01 Published in Preston Citizen  
Prelim. check by n Date 4-4-01 Publication dates 5/3 & 5/10/01  
Fee 250.00 Receipt # E026630 Publication checked by SC Date 10/5/01  
Receipt prepared by HWS Date 4-12-01 Exceptions filed by \_\_\_\_\_





The following claim(s) have been filed based on diversion and beneficial use of water:

13-7597

MELVIN D FOSTER

1600 N 2300 W

PRESTON ID 83263

Point(s) of Diversion: NWNE S34 T12S R39E, FRANKLIN County

Source SPRING

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Use: STOCKWATER 01/01 To 12/31 0.09 CFS

Total Diversion: 0.13 CFS

Priority Date: 04/01/1870

Place Of Use: DOMESTIC

T12S R39E S34 NESE

Place Of Use: STOCKWATER

T12S R39E S34 NESE

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

Published on May 3 and 10, 2001



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

April 24, 2001

Legal Notice Department  
PRESTON CITIZEN  
PO BOX 472  
PRESTON ID 83263

RE: Statutory Claim No. 13-7597

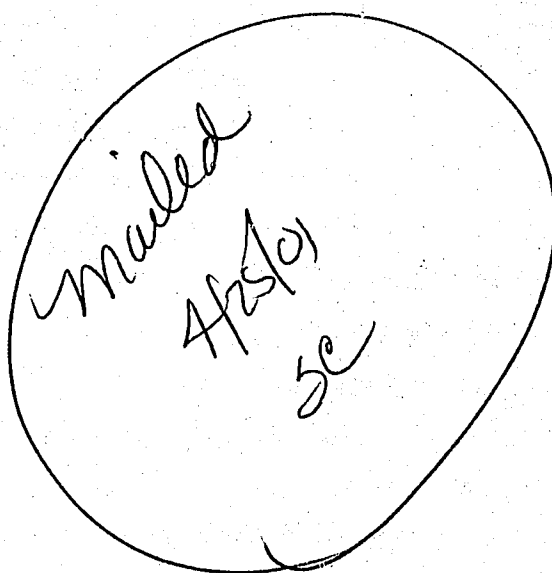
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before May 21, 2001. Your cooperation is appreciated.

Sincerely,

Sharla Cox  
Administrative Assistant





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

April 24, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Melvin D Foster  
1600 N 2300 W  
Preston ID 83263

RE: Applications for Permit #13-07597

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on May 3 and 10, 2001. 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*  
Harold W. Jones  
Water Right Supervisor

HWJ::sc

No 5174

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Rodney Boam

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

May 2, 2001, and ending

with the issue of May 9, 2001

Rodney Boam

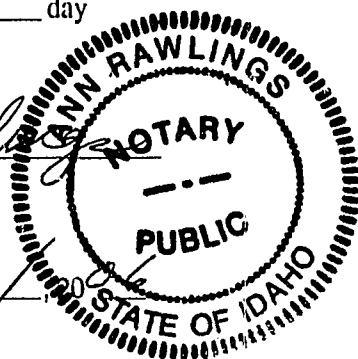
Fee \$ 65.00

Subscribed and sworn to before me this 25<sup>th</sup> day

of May, 2001.

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/26/2004



### NOTICE OF CLAIMS TO WATER RIGHT

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

13-7597

MELVIN D. FOSTER  
1600 N 2300 W  
PRESTON, ID 83263

Point(s) of Diversion: NWNE  
S34 T12S R39E, FRANKLIN  
County.

Source: SPRING

Use: DOMESTIC 01/01 To  
12/31 0.04 CFS

Use: STOCKWATER 01/01 To  
12/31 0.09 CFS

Total Diversion: 0.13 CFS

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Place Of Use: DOMESTIC  
T12S R39E S34 NESE

Place Of Use: STOCKWATER  
T12S R39E S34 NESE

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

KARL J. DREHER, Director

Legal No. 5174 -- Publish  
May 2 and 9, 2001.

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Eastern Region