

Form I-243
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Form 243
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AUG 13 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No.

15-7210

RECEIVED

AUG 15 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 Durbano Land and Cattle, L.L.C
(Name of Claimant)
P.O. Box 1556 Ogden, Utah 84403 Telephone No: 801-621-5221
(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) 4-17-1924 (Record Attached)
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>008 cfs</u>	Use	<u>stock</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. 008 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 $\frac{1}{4}$ Govt. Lot
Sec. 15 Township 14S Range 37E B.M., Oneida 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.

The spring runs out of a hillside and runs on the ground.
It has been fenced away from livestock and the water is used
on the ground by us as it runs through the fence. A neighbor has
pipd the water from there to his property for livestock water
and he uses any water that we don't. The water is piped
approx 1/4 mile from where it starts. The pipe runs SW.

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	
14S	37E	15												40				8	
														8					
														S					

TOTAL ACRES 40

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. The water is used for stock water by us only. Any runoff that we don't use is piped to a neighbor who waters stock also.

NOTE: Include here the type and number of stock watered: Approx 75 mother cows with calves.

7. Remarks: This spring is located on our property.

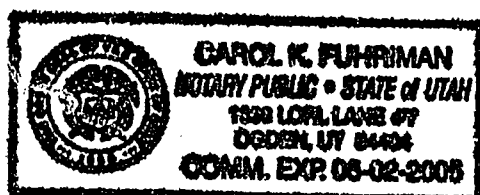
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of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

State of Utah)
County of Weber) 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.

Durbano Land & Cattle, LLC
Managing Member
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 8th day of August, 2001.



Carol K. Fuhrman
Notary Public

Residing at: Ogden, Utah
My commission expires: 05-02-2005

FOR DEPARTMENT USE ONLY

Received by AG Date 8/13/01 Published Idaho Enterprise in
Prelim. check by _____ Date _____ Publication dates 9/6 & 9/13/01
Fee 250.00 Receipt # W028173 Publication checked by GC Date 10/11/01
Receipt prepared by AG Date 8/13/01 Exceptions filed by _____

N

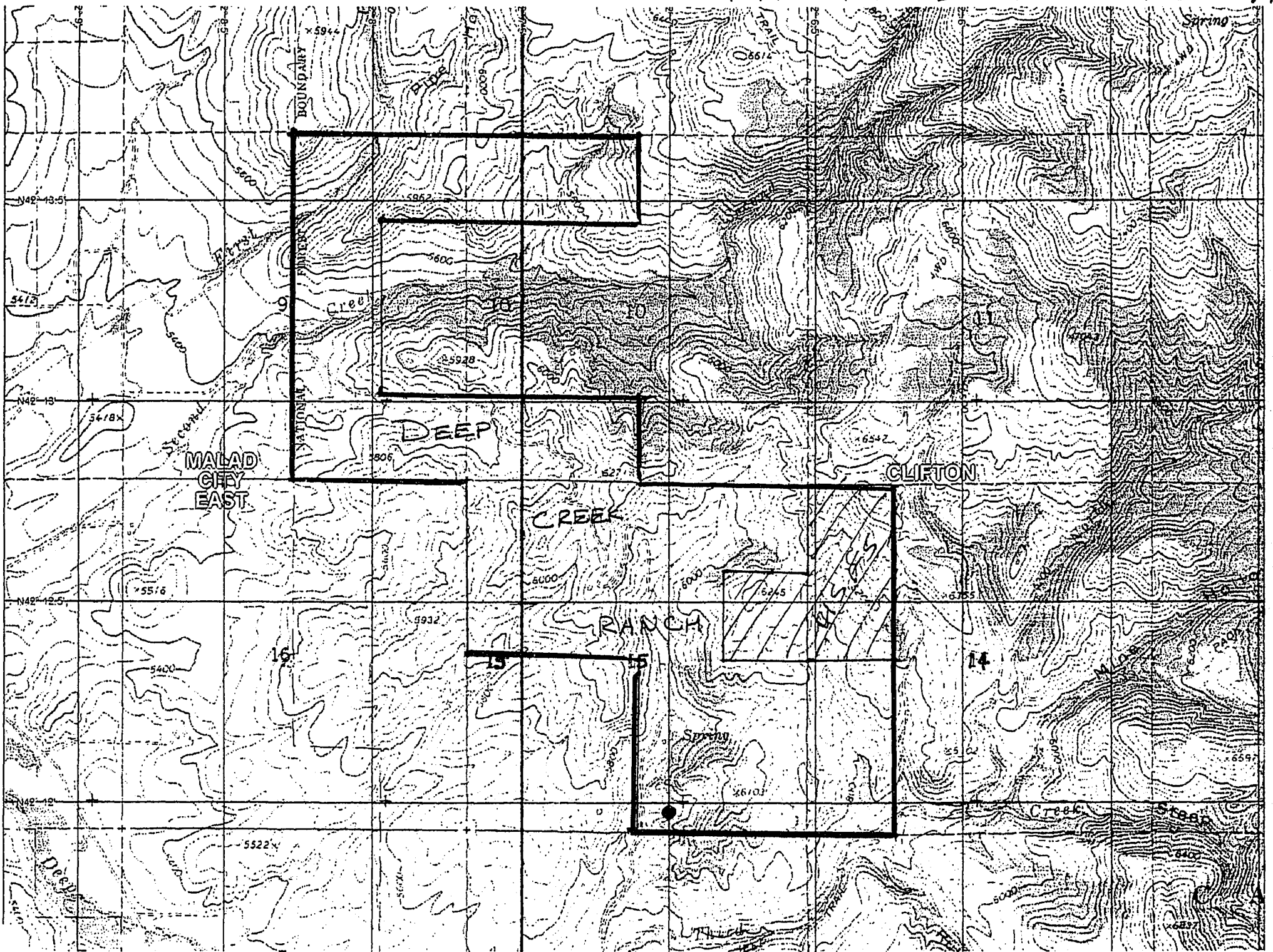
T 14S R 37E Sec. 15 SW 1/4 SE 1/4

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450

U. S. Patent Record—Homestead

Inst. No. 46276

United States Patent

TO

George A. Williams

The United States of America

To All to Whom these Presents shall come, Greeting:

Blackfoot 031747 and 036576

Homestead Certificate No.

APPLICATION

WHEREAS, There has been

deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho

whereby it appears

that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain,"

and the Acts supplemental thereto, the claim of GEORGE A. WILLIAMS

has been established and duly consummated, in conformity to law for the

North half of the Southeast quarter, the Southeast quarter of the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section Fifteen and the West half of the Southwest quarter of Section fourteen in Township Fourteen South of Range Thirty-seven, East of the Boise Meridian Idaho, containing three hundred twenty acres.

According to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General,

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said Claimant

the tract of land above described:

TO HAVE AND TO HOLD the said tract of land with the appurtenances thereof, unto the said Claimant

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law: And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by authority of the United States.

IN TESTIMONY WHEREOF I Calvin Coolidge President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Seventeenth

day of April, in the year of our Lord, one thousand nine

hundred and Twenty-four, and of the Independence of the United

States the one hundred and Forty-eighth

BY THE PRESIDENT: Calvin Coolidge

(SEAL) By Viola B. Pugh, Secretary

M. P. LeRoy, Recorder of the General Land Office

Patent Number 936805

Recorded, Vol. 100000 Page 100

STATE OF IDAHO,
County of Oneida, ss.

I hereby certify that this instrument was recorded at the request of George Williams

at 3-30 o'clock P.M., this 21st day of October A. D. 1929.

J. V. Lykins, Recorder.

1.00

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

15-7210

DURBANO LAND & CATTLE
PO BOX 1556
OGDEN UT 84402

Point(s) of Diversion: SWSWSE S15 T14S R37E, ONEIDA County

Source SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Priority Date: 04/17/1924

Place Of Use: STOCKWATER

T14S R37E S15 SESW

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 September 8 and 18, 2001

20 27



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 29, 2001

Legal Notice Department
Idaho Enterprise
PO Box 205
Malad City ID 83252

RE: Statutory Claim No. 15-7209, 15-7210, and 15-7211

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 September 24, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
8/29/01
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

August 29, 2001

Durbano Land and Cattle LLC
PO Box 1556
Ogden UT 84402

RE: Water Right Claim No 15-7209 and 15-7210

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the Idaho Enterprise on September 6 and 13, 2001. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the 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. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

2798

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says: That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 the issue of 9-20-2001 and ending with the issue of 9-27-2001

Kristine D. Smith

STATE OF IDAHO)

)

COUNTY OF ONEIDA)

On this 5 day of Oct in the year of 2001 before me, Susan Wittman, a Notary Public, personally appeared Kristine Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad ID
My commission expires: 2-9-2006

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

15-7210

DURBANO LAND & CATTLE
PO BOX 1556
OGDEN UT 84402
Point(s) of Diversion: SWSWSE
S15 T14S R37E, ONEIDA
County
Source SPRING, Tributary To
SINKS

Use: STOCKWATER 01/01 to
12/31 0.01 CFS

Total Diversion: 0.01 CFS
Priority Date: 04/17/1924

Place Of Use: STOCKWATER
T14S R37E S15 SESW

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 September 20 and 27, 2001

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

15-7211

STEPHEN C JOHNSON
SHERRIE JOHNSON
2750 S. 4100 W.
MALAD ID 83252
Point(s) of Diversion: SENWNE
S6 T14S R36E, ONEIDA County
Source SPRINGS, Tributary To
SINKS

Use: IRRIGATION 04/15 To 10/
15 0.9 CFS

Use: STOCKWATER 01/01 To
12/31 0.02 CFS

Use: AESTHETIC 01/01 To 12/
31 0.9 CFS

Total Diversion: 0.92 CFS
Priority Date: 10/10/1878

Place Of Use: STOCKWATER,
IRRIGATION and AESTHETIC
T14S R36E S6 NESE SWSE

Number of Acres: 46

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 September 20 and 27, 2001

L. #2798 9/20/27/01-21