

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 13-4279
Date Received: 2/21/2024
Receipt No: P000751
Claim Fee: \$25.00
Received By: MB

RECEIVED

FEB 22 2024

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s)

DAVID TERRY WESTERBERG
5484 E STATION CREEK RD
PRESTON ID 83263

Phone: (208) 852-1663

OR

WENDY WESTERBERG
5484 E STATION CREEK RD
PRESTON ID 83263

Phone: (208) 852-1663

2. Date of Priority: 5/1/1911

3. Source:
SPRING

Trib. to:
STATION CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
14S	40E	36	SW NW		FRANKLIN	

5. Description of diverting works:

Buried pipeline delivers water to the home and outbuilding with a hydrant for domestic and stockwater use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	1/01	12/31	0.04		
STOCKWATER	1/01	12/31	0.02		

7. Total Quantity Appropriated is:

0.06 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

1 home and outbuilding.

9. Place of use:

DOMESTIC within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
14S	40E	35	SE		NE		

STOCKWATER within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
14S	40E	35	SE		NE		

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This claimed date is based on the statutory claim and evidence provided. The home was completed in 1910 and to the best of my knowledge began using water in 1911. See attached written statement.

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 2/21/2024

Date: _____

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JUN 27 1983

STATEMENT

of Water Resources
Bureau of Land Management
District Office

I, Elaine Westerberg Wallentine, make this statement concerning the history of the culinary spring serving the property now owned by David Terry and Wendy K Westerberg, based on my own personal knowledge and conversations with Russell Westerberg and his father, Alfred Westerberg.

The family home now owned by Terry Westerberg was built in 1911, on the property described in a warranty deed, file #135555. The house was exceptional for its day with many modern conveniences, including running water. The water was diverted from a spring located at SW 1/4 NW 1/4 of Sec. 36 T.14S.R.40E. The location of the diversion point is the same at the making of this statement. Alfred Westerberg sold the property with water right to Russell and Elaine Westerberg, Book 39, Page 491, #77122. The property and water rights were then sold to David Terry and Wendy K Westerberg (file #135555). The same culinary spring and diversion point have served the old Westerberg home from 1911 to the present date.

The above is a statement of my understanding of the history of the culinary water serving the property described in the warranty deed, file #135555.

WITNESS the hand of Grantor, this 16th day of May, 1983.

Elaine Westerberg Wallentine

STATE OF IDAHO

COUNTY OF FRANKLIN

On this 16th day of May, in the year 1983, before me, L. K. E. Johnson, a Notary Public in and for the State of Idaho, personally appeared Elaine Westerberg Wallentine, known to me to be the person whose name she subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

L. K. E. Johnson
Notary Public
Preston, Idaho
Residing at