

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A74-07047
Date Received: 6/22/1990
Receipt No: E014670
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PENNEY J. OGDEN
Address: 1650 E. 875 S., #A
CLEARFIELD, UT 84015

AND

Name: ESTATE OF ROGER KENT OGDEN
Address: 1650 E. 875 S., #A
CLEARFIELD, UT 84015

2. Date of Priority: APR 22, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	26E	28	SE	SW			LEMHI

5. Description of diverting works:
16" CASED WELL, OPEN DISCHARGE INTO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.880		

7. Total Quantity Appropriated is:
0.880 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	26E	28	NW	SW		IRR	22.0
			SW	SW		IRR	23.0
Section Acres							45.0
Total Acres							45.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ATTACHED LICENSE AND PERMIT

15. Basis of Claim: LICENSE

16. 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 Snake 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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

BY June 6, 1990 EV

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A74-C-7047
Date Received 5-8-90
Receipt Number E014670 / 90

RECEIVED
MAY 3 3 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 8 1990

Department of Water Resources
Eastern District Office

Please type or print clearly Penny J. Ogden, individually and as Personal Representative

1. Name of Claimant (s) of the Estate of Roger Kent Ogden Phone ()

Mailing Address 1650 E. 875 S., #A, Clearfield, Utah Zip 84015

2. Date of Priority (Only one (1) per claim) 4-22-80

3. Source of water supply (a) Groundwater
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 16N Range 26E Section 28,
SE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township 16N Range 26E Section 28, 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of Lemhi

ending point is: Township 16N Range 26E Section 28, 1/4 of 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of Lemhi

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Existing well with approximate 16 inch casing to surface irrigation;
ditches for irrigation.

A7407047



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount .88 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .88 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 157.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16N	26E	28										22	23						45

Total number of acres Irrigated 45

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks:

See attached license and permit

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Last Name OGDEN

Ident No. _____

Copies: White - State, Yellow - County

Scale: 2 inches equals 1 mile

T16N R26E

PLACE OF USE

EXISTING WALL

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New Clarendon

Last Name OGDEN

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 74-07047

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. 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 Snake 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Penny Jane Ogden Date 7 May 90

Date _____

For Organizations: I do solemnly swear or affirm that I am the Personal Representative

Title

of the Estate of Roger Kent Ogden, that I have signed the foregoing

Organization

document in the space below as Personal Representative of Estate of Roger Kent Ogden

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Penny Jane Ogden

Title and Organization

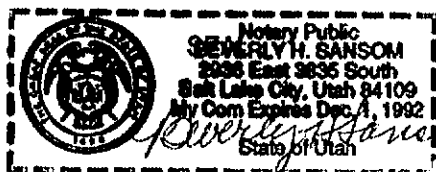
Personal Representative of
the Estate of Roger Kent Ogden

Date 7 May 90

State of Idaho for Utah)
County of Davis) SS.

Subscribed and sworn (or affirmed) before me this

7th day of May 1990



Notary Public Beverly H. Sansom

Residing at 2936 E 3855 So - SLC UT 84109

My Commission Expires 12-1-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Alan C. Stephens will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Alan C. Stephens

Address P.O. Box 50560, Idaho Falls, ID 83405

Date 5-2-90

Last Name OGDEN Ident. Number _____

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Copies White-Blue, Yellow-Black



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 9, 1990

Thomsen and Stephens, Law Offices
Attn: Curt R. Thomsen
P.O. Box 50560
Idaho Falls, Idaho 83405

RE: Notice of Claims for Penny J. Ogden

Dear Mr. Thomsen:

Pursuant our phone conversation, please find enclosed the notices you submitted for Ms. Ogden, and her check no. 2431 in the amount of \$213.00.

As discussed, I have prepared two notices for the portions of rights 74-00037 and 74-00039 that your client's use for stockwatering. These replace the notice you submitted for the same rights. Please have Ms. Ogden sign these in front of a Notary Public and then return them to my attention.

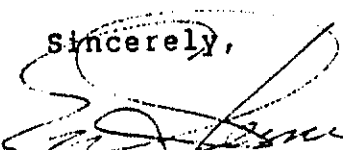
It appears that you intend to record the right owner as: Penny J. Ogden and Estate of Roger Kent Ogden. If this is the case, please have Ms. Ogden sign the "For Organization" signature block in addition to the "For Individuals" block on all of the notices. Be sure to enclose the documentation listing Ms. Ogden as the personal representative of the estate.

The filing fees are as follow:

One irrigation notice	=	\$50.00
45 acres of irrigation	=	\$45.00
2 domestic/stock notices	=	\$50.00
2 based on Lemhi Decree	=	no charge
TOTAL	=	\$145.00

Your prompt attention is appreciated. Be sure to return the signed notices and filing fees by June 5, 1990 to avoid any penalty fees. Please feel free to call me if you have any questions regarding this matter.

Sincerely,


Eric S. Verner,
Senior Water Right Agent

Enclosures

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Thomsen and Stephens

Law Offices

May 8, 1990

Idaho Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

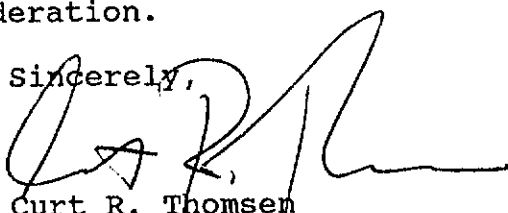
RE: Ogden Water Rights Claim

Dear Sirs:

Enclosed from Penny J. Ogden are five claim forms (two domestic rights claims, stock water right, an irrigation right, and a high water irrigation claim). Also enclosed is Major Ogden's check in the amount of \$213.00 representing two domestic claims (\$25.00 each), \$50.00 flat fee, and \$1.00 acre for 113 acres. I trust this is the correct filing fee. If not, please advise and we will make additional remittance. Please contact me if there is any difficulty with the claims submitted or if any changes or additions are required.

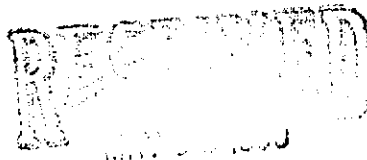
Thank you for your consideration.

Sincerely,


Curt R. Thomsen

CRT:clm

Enclosures



Department of Water Resources
Eastern District Office

Curt R. Thomsen
G. Lance Nalder

Alan C. Stephens
Stephen H. Telford

James D. Holman
J. Michael Whisler

Telephone: (208) 522-1230

P.O. Box 50560 Idaho Falls, ID 83405

Telefax: (208) 522-1277

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DEC 14 1992

FILED
BY COUNTY CLERK OF COURT

MAY 29 1987

LEMHI COUNTY DISTRICT COURT
ALBERTA WIEDERRICK, CLERK

Sherman F. Furey, Jr.
FUREY & FUREY, Chartered
Attorneys at Law
116 N. Center St.
Salmon, Idaho 83467
Telephone: 208/756-2577

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

In the Matter of the Estate of) Case No. P-1437
ROGER KENT OGDEN,)
Deceased.) LETTERS OF ADMINISTRATION AND OATH

Penny J. Ogden is hereby appointed personal
representative of the Estate of Roger Kent Ogden, deceased.

WITNESS, Fred Snook, Magistrate of the above entitled
Court, with the seal thereof affixed, the 29th day of May,
1987.

Fred Snook
Magistrate of the District Court

STATE OF UTAH)
County of WEBER) : ss.

I hereby accept the duties of personal representative
of the Estate of Roger Kent Ogden, and do solemnly swear that I
will perform, according to law, the duties of personal
representative.

Penny J. Ogden
Penny J. Ogden

SUBSCRIBED AND SWORN To before me this 18th day of
May, 1987.

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Elizabeth Rothery
Notary Public
Reading, et. Ogden, Utah

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 74-07047

Priority: April 22, 1980 Amount: 0.88 CFS 135.0 AFA

This is to certify, that ROGER K. OGDEN
P.O. BOX 132
LEADORE, ID 83464

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated March 14, 1975, and
has submitted proof to the Department of Water Resources on April 24, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .880 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.88 CFS	135.0 AFA

LOCATION OF POINT OF DIVERSION(S): SESW, Sec. 28, Township 16N, Range 26E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16N	26E	28	NWSW 22	SWSW 23		45
Total number of acres irrigated:						45

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 9th
day of MARCH, 1989.

Acting for the Director

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DEC 14 1992

Identification No. 74 7047
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriation the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Roger K. Ogden Phone: _____
post office address Box 597, Salmon, Idaho 83467
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 16 N
Range 26 E B.M. Lemhi County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 2.26 for Irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
Amount 0.04 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
5. Total quantity to be appropriated:
a. 2.34 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing well w/approx. 16" casing
(surface irrigation thru ditches will be used)
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
- c. Proposed well diameter is 16 inches; proposed depth of well is 160 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 2,000.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 16 N
Range 26 E B.M. for domestic; place of use for stock is the same as item 8(b)
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered approx. 75 head
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water one
(5) If water is to be used for other purposes describe: _____

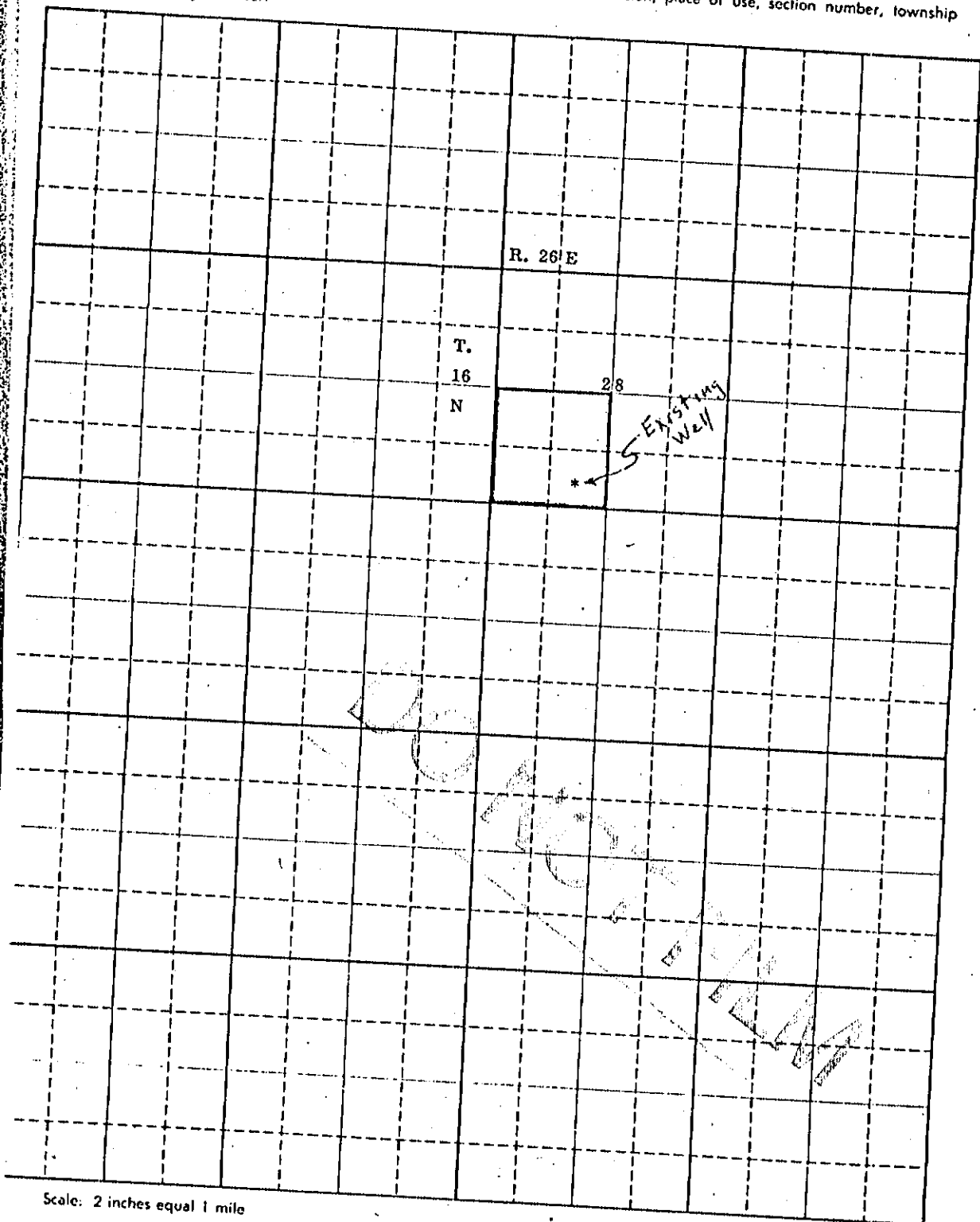
[illegible]

c. Describe any other water rights used for the same purposes as described above. _____
None

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert K. Kyles
(Applicant)

Proposed Priority 3-14-1975

Received by MB Date 3-17-75 Time 12:00 Noon
Preliminary check by MB Fee \$ 45.00
Received by MB Date 3-14-75 Receipt # 1870
Publication prepared by MB Date 3-21-75
Published in The Kootenai Herald
Publication dates 3/27 & 4/3/75
Publication approved MB Date 4-07-75
Priority reduced to 1 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by MB

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 74-7047, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of April 19 75.

L. Karl Hjort
Director