

Thomsen and Stephens
Law Offices

May 8, 1990

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

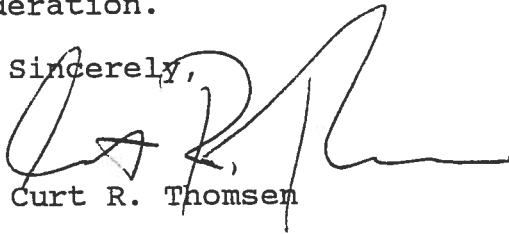
RE: Ogden Water Rights Claim

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.

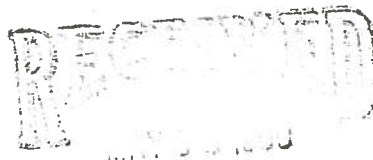
Thank you for your consideration.

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 Wheeler

MICROFILME!
DEC 14 1992

Telephone: (208) 522-1230

P.O. Box 50560 Idaho Falls, ID 83405

Telefax: (208) 522-1277



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

OCT 27 1986

John V. Evans
Governor

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

A. Kenneth Dunn
Director

October 24, 1986

Clinger Enterprises, Inc.
c/o Zella Armstrong
230 Harvard Avenue
Rexburg, Idaho

Dear Ms. Armstrong:

A copy of the memorandum agreement between Clinger Enterprises Incorporated and Roger and Penny Ogden was sent to this office with a request by Allen C. Stevens that an application for transfer be prepared pursuant to that agreement.

After reviewing the memorandum agreement I prepared the enclosed application. This application essentially changes the nature of use for approximately one miners inch of water from irrigation to stock water. The irrigation water was appurtenant to two acres in the NE1/4SE1/4 of Sec. 29, T. 16N, R. 26E. Based on the application it would become appurtenant to Mr. Ogden's property in the SW1/4 of Section 28 for stockwater usage.

If you have any questions concerning the application or there are changes you feel should be made please call me. Should your review indicate the application is in conformance with the agreement then you will need to sign the application in the presence of a notary and return it to this office. It is my understanding that Mr. Ogden has consented to pay the filing fee on the application. Once its returned with your signature, I will therefore contact Mr. Ogden's attorney to make arrangements for payment of the fee.

Your prompt attention to this matter would be appreciated. It will help us expedite processing of the transfer application and also reinstate administrative consideration of the exchange application filed by Marjorie and Earl McCrae in June of 1985.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure

cc: Allen C. Stevens

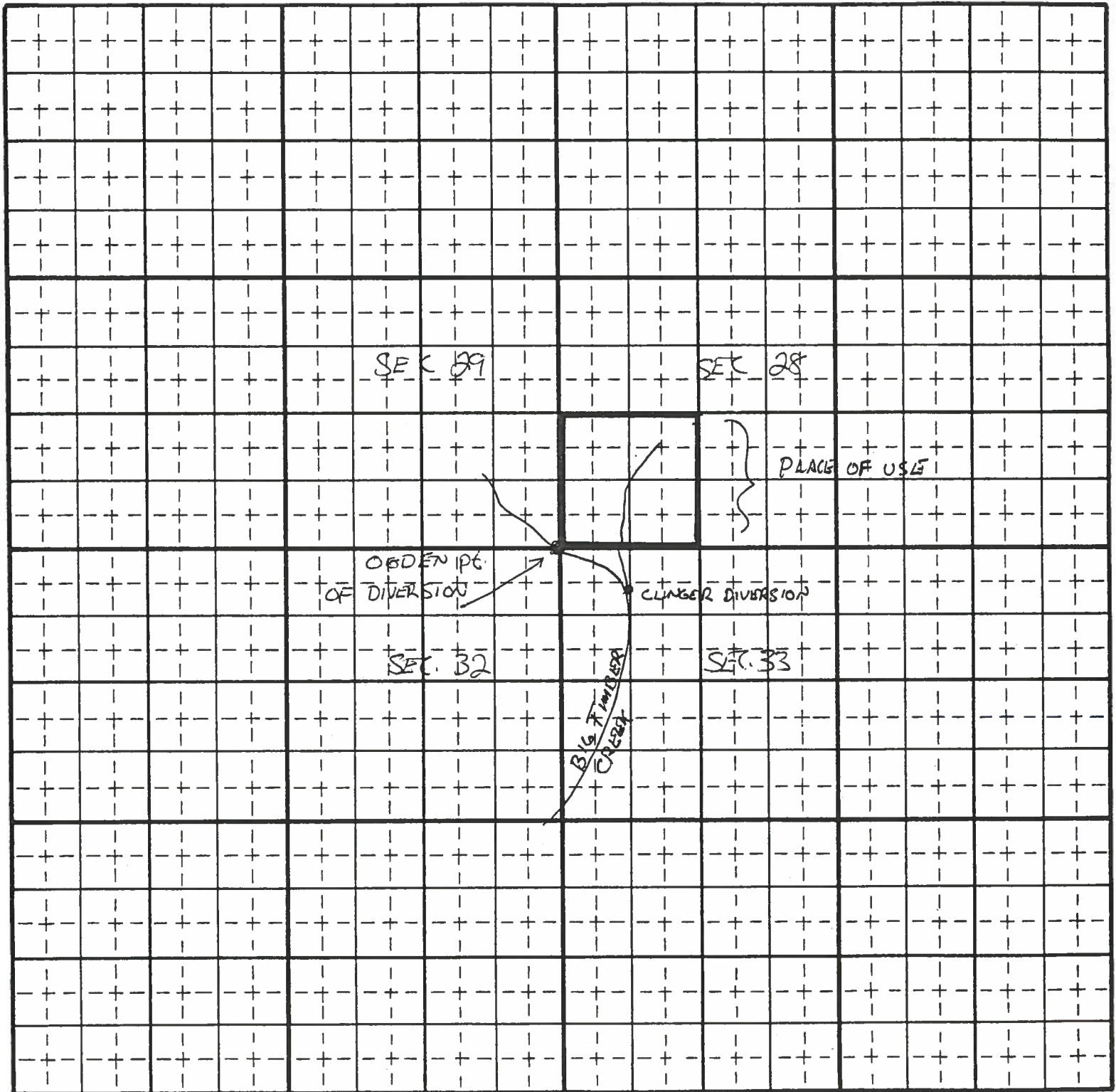
MICROFILME

DEC 14 1992

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

Scale: 2 inches equals 1 mile

T16N R26E



MICROFILMED

DEC 14 1992

Last Name ORDEN

Ident No. _____

Copies: White-State, Yellow-Claimant

FILED
BY COUNTY CLERK OF COURT

MAY 29 1987

LEMHI COUNTY DISTRICT COURT
ALBERTA WIEDENRICK, CLERK

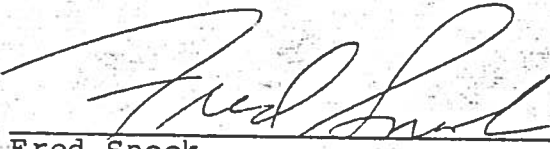
Sherman F. Furey, Jr.
FUREY & FUREY, Chartered
Attorneys at Law
116 N. Center St.
Salmon, Idaho 83467
Telephone: 208/756-2577

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,)
) LETTERS OF ADMINISTRATION AND OATH
Deceased.)

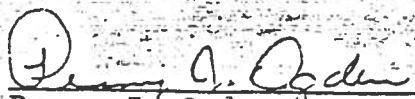
Penny J. Ogden is hereby appointed personal
representative of the Estate of Roger Kent Ogden, deceased.

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

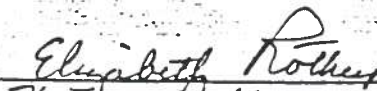

Fred Snook
Magistrate of the District Court

STATE OF UTAH)
: ss.
County of WEBER)

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

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


Elizabeth Roth
Notary Public

MICROFILMED

DEC 14 1992

10/06/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-37A

NAME AND ADDRESS: ESTATE OF ROGER KENT OGDEN
2330 S 350 W
PERRY UT 84302

PENNY J OGDEN
2330 S 350 W
PERRY UT 84302

SOURCE: BIG TIMBER CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.010 CFS
1.100 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/01/1874

POINT OF DIVERSION:

T16N R26E S33 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	3/15 11/15	0.010 CFS 1.10 AFY

PLACE OF USE: STOCKWATER Within LEMHI County

T16N R26E S28	NESW	T16N R26E S28	NWSW
T16N R26E S28	SWSW	T16N R26E S28	SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

EXPLANATORY MATERIAL: Decreed

S T A T E D F. I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

WR 416

05/04/83

SOURCE: BIG TIMBER CREEK

#INDICATES TOTAL*

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	USE PERIOD	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACRES	BASIS FOR RIGHT
74-0037	CLINGER ENTERPRISES INC. 230 HARVARD AVE. REXBURG REMARKS: AC. IRR.=549. P/U: T16N R26E S30 NENE(40) NENE(36) S29 NWNE(37) NWSE(29) S20 NWSW(25)	09-01-1874	IRRIGATION	03-15 11-15	3.36 CFS	NWN# S33 T16N R26E	DEGREE	
	ID 83440					SEN#(40)	NENE(10)	
						SEN#(30)	NENE(02)	
						SWSW(07)	* 550 ACRES*	
74-0040	PURCELL, KERMIT P.O. BOX 5 LEADORE REMARKS: AC. IRR.=429.6. SOURCES ARE BIG TIMBER CK. & LITTLE TIMBER CK. 3.0 CFS DIVERTED FROM LITTLE TIMBER CK. & 1.2 CFS DIVERTED FROM BIG TIMBER CK. P/U: T16N R25E S24 NENE(40) SWSW(36) P/U: T16N R26E S19 NENE(37)	06-01-1879	IRRIGATION	03-15 11-15	4.20 CFS	SENE S05 T15N R26E S24 T15N R25E	DEGREE	
	ID 83464					SENE(36)	NENE(30)	NWSE(36)
						LT03 (NWSW)(38)	* 429 ACRES*	
74-0031 2/2/87	MC REA, TERRY E. MC REA, MARJORIE E. LEADORE REMARKS: AC. IRR.=88.2.	06-01-1884	IRRIGATION	03-15 11-15	1.40 CFS	S28 NENE(10) T16N R26E SEN#(27) S28 T16N R26E T16N R26E SWSW(18) S21 T16N R26E	DEGREE	
	ID 83464					SEN#(25)	* 208 ACRES*	
74-0042	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR.=209. P/U: T16N R26E S35 SWSW(18) P/U: T15N R26E S02 SWSW(14)	11-01-1888	IRRIGATION	03-15 11-15	4.80 CFS	NWSE S08 T15N R26E	DEGREE	
	ID 83464					SWSW(24)	SEN#(25)	
						LT02 (NWNNE)(36)	* 208 ACRES*	
74-0032	ADAMS, ROBERT H. ADAMS, OPAL C.	06-01-1895	IRRIGATION	03-15 11-15	3.24 CFS	SWSW S17 T15N R26E	NENE(40) NWNE(40) S10 T15N R26E	DEGREE



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.

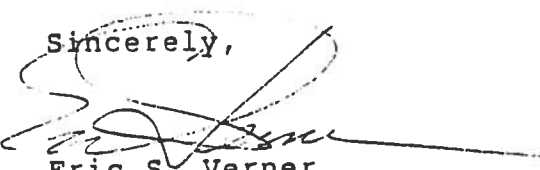
It appears that you intend to record the right owner as: Penny J. Ogden and Estate of Roger Kent Ogden. If this is the case, please have Ms. Ogden sign the "For Organization" signature block in addition to the "For Individuals" block on all of the notices. Be sure to enclose the documentation listing 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	=	<u>no charge</u>
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

MICROFILMED
DEC 14 1992

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

STATE- ID ZIP- 83405

STATE- UT ZIP- 84015

STATE- ID ZIP- 84015

STATE- ID ZIP- 83440

+ - - - STATUS - - - - +

+ - - - - - TRIBUTARY - - - - - +
LEMHI RIVER

1.10

(59) LEMHI
(59) LEMHI
(59) LEMHI
(59) LEMHI

WATER RIGHT NUMBER - A74-00037A PREFIX TRANSLATION: ADJUDICATION CLAIM

- + - - DIVERSION MEANS - WOODEN HEADGATE TO DITCHES, PIPES FROM DITCH TO STOCK WATERING
- + - - NON-IRRIGATION USE - STOCKWATERING FOR 75-100 HEAD OF RANGE CATTLE
- + - - OTHER RIGHTS FOR SAME USE - PORTION OF 74-00039A (A74-00039C)

+ - - - - REMARKS - - - - -
SEE TRANSFER FILED BY CLINGER ENTERPRISES.

+ - - - - OLD WATER RIGHT NUMBERS - - - - -
A7400037

+ - - - - CONDITIONS OF APPROVAL - - - - -
R04 - USE OF WATER UNDER THIS WATER RIGHT WILL BE REGULATED BY THE
- WATERMASTER OF STATE WATER DISTRICT NO. 74W.
R02 - A LOCKABLE DEVICE SUBJECT TO THE APPROVAL OF THE DEPARTMENT SH
- SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL
- PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 05/24/90 THOMPSON

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 05/23/1990	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	- 74W
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- X999999	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND	NOTICE OF ERROR FLAG	-

16N26E28S40S

DATA ENTRY
ENTERED 9-22-93
CHECKED 12/5/93

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
AUG 18 1993

CERTIFIED
AUG 28 1993
WATER EXAMINER

MICROFILMED
NOV 15 1996