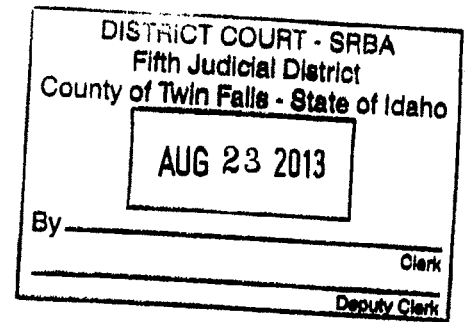


LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Chief, Natural Resources Division
Deputy Attorney General

ANN Y. VONDE, ISB No. 8406
Deputy Attorney General
Natural Resources Division
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-4141
Fax: (208) 854-8072
Email: ann.vonde@ag.idaho.gov



RECEIVED
SEP 04 2013
DEPT. OF WATER RESOURCES

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

In Re SRBA) Subcase Nos. 21-00014, 21-00015,
) 21-2153, 21-2159, 21-4006, 21-4007,
) 21-4008, and 21-715.
)
Case No. 39576) **AFFIDAVIT OF ANN Y. VONDE**
) **IN SUPPORT OF MOTION TO SET**
) **ASIDE PARTIAL DECREES**
)
)
)
)
_____)

STATE OF IDAHO)
) ss.
County of Ada)

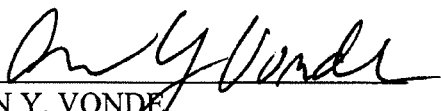
I, ANN Y. VONDE, being duly sworn upon oath, depose and hereby state as follows:

1. I am a Deputy Attorney General for the State of Idaho, and I represent the Idaho Department of Fish and Game in this matter.
2. The following is based upon my own personal knowledge.

3. Attached hereto as Exhibit A is a true copy of a map created by the Idaho Department of Water Resources ("IDWR") that depicts the Sand Creek Wildlife Management Area.
4. Attached hereto as Exhibit B is a true and correct copy of IDFG's Notice of Claim to a Water Right for water right 21-00014 that was obtained from the IDWR website.
5. Attached hereto as Exhibit C is a true and correct copy of the *Arcadia Reservoir, Irrigation, and Canal Co., v. Rosenborough* ("Arcadia Reservoir Decree") obtained from the IDWR website.
6. Attached hereto as Exhibit D is a true and correct copy of IDFG's Notice of Claim to a Water Right for water right 21-00015 that was obtained from the IDWR website.
7. Attached hereto as Exhibit E is a true and correct copy of IDFG's Claim to a Water Right for water right 21-4006 that was obtained from the IDWR website.
8. Attached hereto as Exhibit F is a true and correct copy of a Report of Engineer for water right 21-2170 that was obtained from the IDWR website.
9. Attached hereto as Exhibit G is a true and correct copy of the Application for Permit submitted for water right 21-2039 that was obtained from the IDWR website.

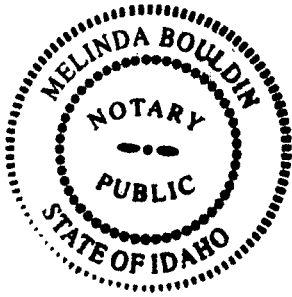
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED and SIGNED this 22nd day of August, 2013.


ANN Y. VONDE
Deputy Attorney General

STATE OF IDAHO)
) ss.
County of Ada)

SUBSCRIBED AND SWORN TO before me this 22nd day of August,
2013.



Melinda Bouldin

NOTARY PUBLIC FOR IDAHO

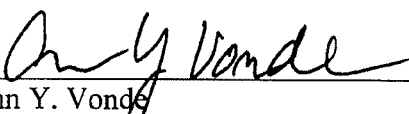
Residing at: Boise, ID

My Commission Expires: 12.8.16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of August 2013, I caused to be served a true and correct copy of the foregoing AFFIDAVIT OF ANN Y. VONDE IN SUPPORT OF MOTION TO SET ASIDE PARTIAL DECREES to the following by the method indicated:

CLERK OF THE DISTRICT COURT SRBA P.O. BOX 2707 TWINS FALLS, ID 83307	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery
DIRECTOR OF IDWR P.O. BOX 83720 BOISE, ID 83720-0098	☒ U.S. Mail/Postage Prepaid ☐ Facsimile ☐ Overnight Mail ☐ Hand Delivery



Ann Y. Vonde
Deputy Attorney General

EXHIBIT A



EXHIBIT B

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 A 21-00014

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly State of Idaho

1. Name of Claimant (s) Dept. Fish & Game Phone (208) 334-3700

Mailing Address P.O. Box 25 600 S. Walnut Boise, ID Zip 83707

2. Date of Priority (Only one (1) per claim) 5/15/1896

3. Source of water supply (a) Sand Cr (Sharp's Spring)
which is tributary to (b) Henry's Fork Snake River

4. a. Location of existing point of diversion is: Township 10N Range 41E Section 10,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

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

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.

A headgate and weir are on the
creek and a ditch runs water into a pond. Pond is run-of-creek

MICROFILMED

OCT 20 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish propagation purposes from 1/1 to 12/31 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
<u>10N</u>	<u>41E</u>	<u>9</u>									<u>HH</u>			<u>HH</u>		<u>HH</u>	<u>HH</u>	<u>HH</u>	
		<u>10</u>										<u>HH</u>							

Total number of acres irrigated _____

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

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.
A21-00010, A21-00015 or None ()

14. Remarks: Use has changed from irrigation to fish propagation

MICROFILMED

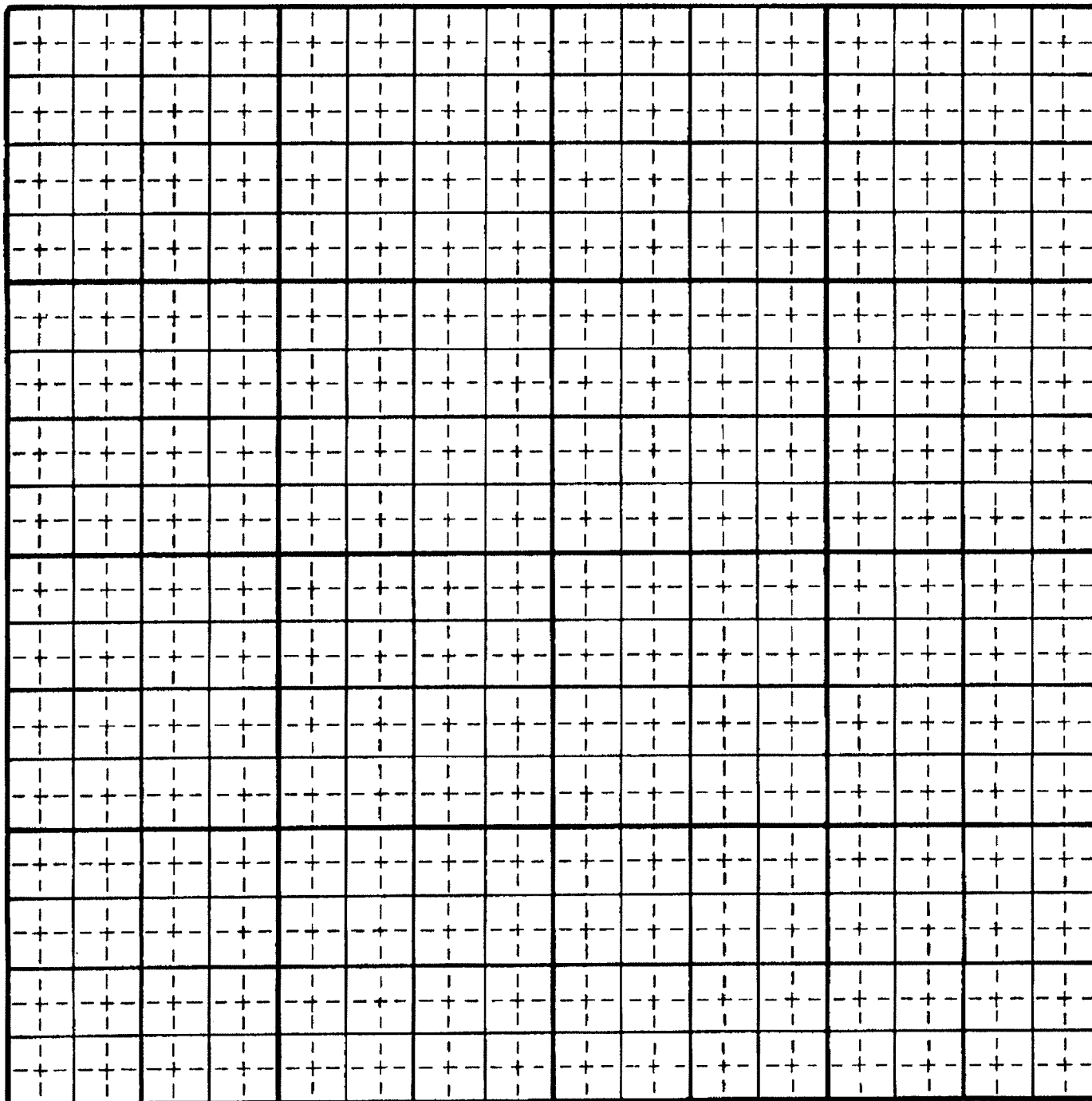
OCT 20 1992

Last Name IDFG Ident No. 21-00014

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

OCT 20 1992

Last Name IDFG

Ident No. A21-00014

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number A21-00014
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Arzidiz

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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Director
Title

of IDAHO DEPT. OF FISH & GAME

Organization

document in the space below as _____

Director
Title

of

IDAHO DEPT. OF FISH & GAME

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

IDAHO DEPT. OF FISH & GAME

Date 6/20/90

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day of June 1990

SEAL

Notary Public Martha Baker

Residing at Emmett Idaho

My Commission Expires October 31, 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED
OCT 20 1992

Last Name IDFG Ident. Number 21-00014

Copies White-State, Yellow-Claimant

EXHIBIT C

Printed Upper Sand Creek

240

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF IDAHO,

IT IS ORDERED FOR THE COURT

XXXXXX XXXXX XXXXX XXXXX XXXXX XXXXX

Archie Rogers, Jr., Irrigation and Canal
Co., Ltd., a Utah corporation, Plaintiff,

vs.
R. M. Barton, Defendant,

XXXXXX XXXXX XXXXX XXXXX XXXXX XXXXX

File # 91

This cause was docketed on the 1st day of August, A. D. 1901, and

process was duly issued and service was made upon Edgar

Roseborough, Edgar Roseborough, Charles Peterson, John M. Lyons, Paul

Fletcher, Thomas W. Lyons, R. M. Barton, Colman Thompson, and H. H.

Smith, and thereafter by stipulation duly entered and signed by

the parties, the following was substituted Defendant for and in the place of H. H. Smith,

Peter Herling, was substituted Defendant in the place of J. F.

Smith, and E. A. Smith was made a party to the cause.

Whereupon as to these parties being properly served and the

causes being properly allowed by stipulation in open

Court to file his Complaint in intervention, the Defendant Edgar

Roseborough, Edgar Roseborough, Charles Peterson, John M. Lyons, Paul

Fletcher, Thomas W. Lyons, Lernal Steele, Colman Thompson, Peter Her-

ling, and E. A. Smith, by their attorney, Thomas W. Rogers, Esq., filed

the Answer and Cross Complaint claiming infringement of rights in the

waters of Upper Sand Creek and its tributaries, the other defendants,

R. M. Barton asking for judgment against them.

And it was also stipulated by counsel for all parties that the

defendants might make Answer to this Complaint by a general denial with the

same force and effect as if they had made specific denials to all the allegations there

of verity, and that the Complaint should be deemed to be verified.

And it was further stipulated that all Cross-complaints should be

deemed denied without further proof.

0015
101
0016
respective parties and the arguments of counsel, and the matter having been submitted to the Court, and a stipulation having been made by the counsel for the respective parties that the Judge of the Court might visit the premises and view the same and find the amount of water in said stream, and this decision could be filed out of term time as though in term time.

0017
And the Court, having on the 1st day of December, A. D. 1902, rendered its Decision herein, in writing and the Findings of fact and Conclusions of Law having been filed in accordance with the said Decision, in which are found all the facts necessary to support this Decree and no facts have been found inconsistent therewith.

It is therefore ordered, adjudged and decreed that the waters of Upper Sand Creek and its tributaries be and the same are hereby distributed and decreed to the several parties to this suit, for beneficial purposes and uses in the irrigation of their lands described in the Complaint and Cross-complaints in amounts and at the dates, with priorities of right in accordance with said dates, as follows, to-wit:

0008
✓ To the Armadillo Reservoir Irrigation & Canal Co., Ltd., a corporation 335 inches or six and 7/10 cubic feet per second of time of all the waters of Upper Sand Creek dating from May 15, 1900.

0009
3101
✓ To the defendant, Loan Roseborough, on the W. A. Smith claim, 80 inches or one and 3/5 cubic feet per second of time of the water from that part of Upper Sand Creek known as Sharp's Springs, dating from May 15, 1898.

0010
✓ To the defendant Loan Roseborough, on the W. A. Smith claim, 85 inches or one and 7/10 cubic feet per second of time of the waters of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15, 1898.

0011
✓ To the defendant, Paul Fletcher, 50 inches or 3/5 cubic feet per second of time of the waters of that part of Upper Sand Creek, known as East Creek, or Griffith's Springs, dating from May 15, 1899.

1 0012
✓ To the defendant, Thomas H. Lyons, 50 inches or 3/5 cubic feet per second of time of the waters of that part of Upper Sand Creek known

0014
21 0005
T 3101
21 0006

To defendant, Peter Mellin, 50 inches or one cubic foot per second time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th 1886. At 10th inch or 1/5 cubic foot per second time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from May 15th 1886.

21 0017

To the defendant, Edward Rosebrough, 15 inches or 1/2 cubic foot per second time of the water from that part of Upper Sand Creek known as Griffith's Springs, dating from May 15th 1886.

✓

To the defendant, Cullom Thompson, 25 inches or 1/2 cubic foot per second time of the water of that part of Upper Sand Creek known as Sharp's Springs, dating from July 1st, 1886.

That the several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion from the main channel of said Upper Sand Creek to the said Tributaries thereof, respectively.

That the said waters herein decreed be measured under the weir system, in cubic feet per second of time; 10th inch of water as herein decreed being equal to one cubic foot per second of time, or one second foot.

It is further decreed that each of said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, head gates and weirs for the measurement of their said water.

That each and every of the parties to this suit, their agents, attorneys, assignees and grantees, are hereby restrained and perpetually enjoined from in any manner interfering with the waters of said Upper Sand Creek, and the Tributaries thereof herein decreed, or exercising any other or greater rights with reference to said waters than as herein decreed to the respective parties.

That the costs of this action be paid as follows, to-wit:
That each of the plaintiff and defendants pay their own cost.

Dated at Montpellier, Idaho, this 24th day of December A.D. 1886

EXHIBIT D

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

A21-00015

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly:

1. Name of Claimant (s) State of Idaho Dept. Fish & Game Phone (208) 334-3700

Mailing Address P.O. Box 25 600 S. Walnut Boise, ID. Zip 83707

2. Date of Priority (Only one (1) per claim) 5/15/1896

3. Source of water supply (a) Sand Cr. (Sharp's Spring)
which is tributary to (b) Henry's Fork Snake River

4. a. Location of existing point of diversion is: Township 10N Range 41E Section 10,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

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

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.

A headgate and weir are located on the creek and a ditch runs water into a pond. Pond is run-off-creek

MICROFILMED

OCT 20 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Fish propagation purposes from 1/1 to 12/31 amount 0.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.2 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
10N	41E	9									SH			SH	SH	SH	SH		
		10										H							

Total number of acres irrigated _____

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

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.

A21-00010, A21-00014

or None ()

14. Remarks:

Use has changed from irrigation to fish propagation

Last Name IDFG Ident No. A21-00015

MICROFILMED

Copies: _____ Date: OCT 20 1992 Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of solid black lines forming the outer and inner boundaries of the squares.

Last Name IDFG

Ident No. A21-00015

OCT 20 1992
Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number A21-00015
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant Arcadia

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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Director
of IDAHO DEPT. OF FISH & GAME that I have signed the foregoing
document in the space below as Director of IDAHO DEPT. OF FISH & GAME
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Director, IDAHO DEPT. OF FISH & GAME Date 6/20/1990

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day of June 1990

SEAL

Notary Public [Signature]
Residing at Emmett, Idaho
My Commission Expires October 31, 1991

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____
Address _____
Date _____

Last Name IDFG Ident. Number A21-00015

MICROFILMED
OCT 20 1992
Copies 100 Total 1000 Claimant

EXHIBIT E

CLAIM TO A WATER RIGHT

Notice is hereby given that IDAHO FISH AND GAME DEPARTMENT
600 South Walnut Street (name of claimant)
of P. O. Box 25 Boise, ID 83707, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Henry's Fork of Snake River

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Decreed and licensed water rights of Sharps Spring, held by the Idaho Fish and Game Department.

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Storage for propagation of fish & wildlife and aquatic plants

Amount	<u>240 acre ft</u>	Use	<u>/</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>

(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

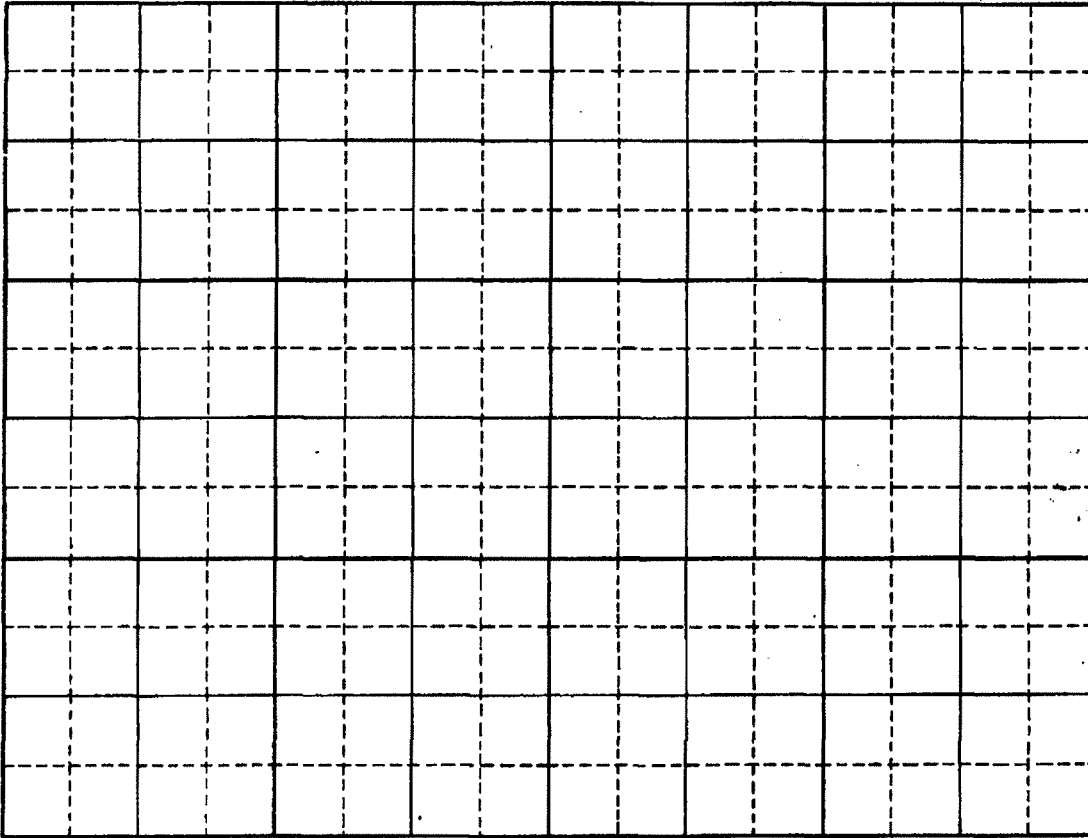
B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. An earth fill dam across the stream course 12' in height and 5300' in length. The reservoir area is 78 acres and the average depth is 5 ft.

[illegible]

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks The Fish & Game Dept. on May 13, 1960, submitted to the Dept. of Reclamation (Dept. of Water Administration) an application for permit to construct a reservoir and appropriate and store water in the amount of 150 acre ft. of water in this pond area, designated Pond #4 on the attached map (Permit #R-1069-21-2159). This claim to a water right is for an additional 240 acre ft. of water storage for a total of 390 acre ft., the capacity of reservoir #4 in 1962.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. Map attached.

State of Idaho

County of Bonneville ss.
Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~XXXXXX~~ subscribed the foregoing 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.

IDAHO FISH AND GAME DEPARTMENT
Joseph C. Green (affiant) Director

Sworn to before me this 27th day of September, 19 73.

Robert Walter
Notary Public

Residing at Boise, Idaho
IDAHO Falls

My commission expires

6/10/75

For Department Use Only

Received by me Date 9-24-73 Exception filed by: _____ Date _____
Prelim. check by NCT Date 9/24/73
\$10.00 fee received by me Date 9-24-73 VOUCHER SIGNED
Approved for publication by NCT 9/29/73 10/1/73
Published in Idaho Fish & Game # 72382
Dates Oct. 4 & Oct. 11, 1973

Public, App'd NCT 10/18/73

EXHIBIT F

REPORT OF ENGINEER

This proof is for Beneficial Use

In Water District No. 36-A

1. State name of applicant and number of permit: John Bishop - Permit 14459

2. State source of water supply: Bite Creek and reservoir

3. Location of point of diversion: NW¹/₄SW¹/₂ Sec. 3, Twp. 10 N., R. 41 E., B.M.

4. Describe works as they exist, giving dimensions and capacities of same:.....

Dam length 215 ft. 20' wide at top, 12' high, earth with rock-crib face, up-stream; spillway 22 ft long, 12' high, 12" walls of concrete.

1 flume 850'-3' x 12" at 1/2 plant capacity 6 cu. ft.

1 flume 800 - 12" x 12" " " " R.C.H.

1 thru 400 " " 2 " "

7 Head Gates $2\frac{1}{2}' \times 3' \times 4'$ long 6 "

3 1/2' min. intervals 3 to 4' bottom R to 6 cm ft

5. State whether or not water has been turned into works of diversion: Yes.....

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. Describe manner and place of use if for other than

irrigation): NW¹SW¹/₄, SW¹SW¹/₄, Sec.3: NE¹NE¹/₄, NW¹NE¹/₄, SW¹NE¹/₄, SE¹NE¹/₄, NE¹NW¹/₄, NW¹NW¹/₄,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.10, all in T. 10 N., R. 41 E., P.M.

[illegible]

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? One.....

9. Give names and amount of each right:.....

John Bishop, es. shawna map.

10. What large stream would the water here appropriated finally reach? North Fork

11. Describe the various tributaries en route, from point of diversion to the principal drainage

stream: Blue Creek Sand Creek, North Fork Snake River

Blue Creek waters sink on the farm at Mr. Bishop and do not reach

Sand Creek except during the spring run-off from melting snow.

Remarks: The SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9 should have been included but was left out by mistake. The acreage as cross-titled and marked in red is irrigated by Mr. Bishop. Does Farmer right a case for acreage not included in this application?

This examination was made on the 9th day of Aug. 1924.

(Signed) Chas. H. Pennington Examiner.

14459

OVER

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of.....

} ss.

..... being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 19.....

My commission expires.....

Notary Public.

Dist. 35-4

John Bishop

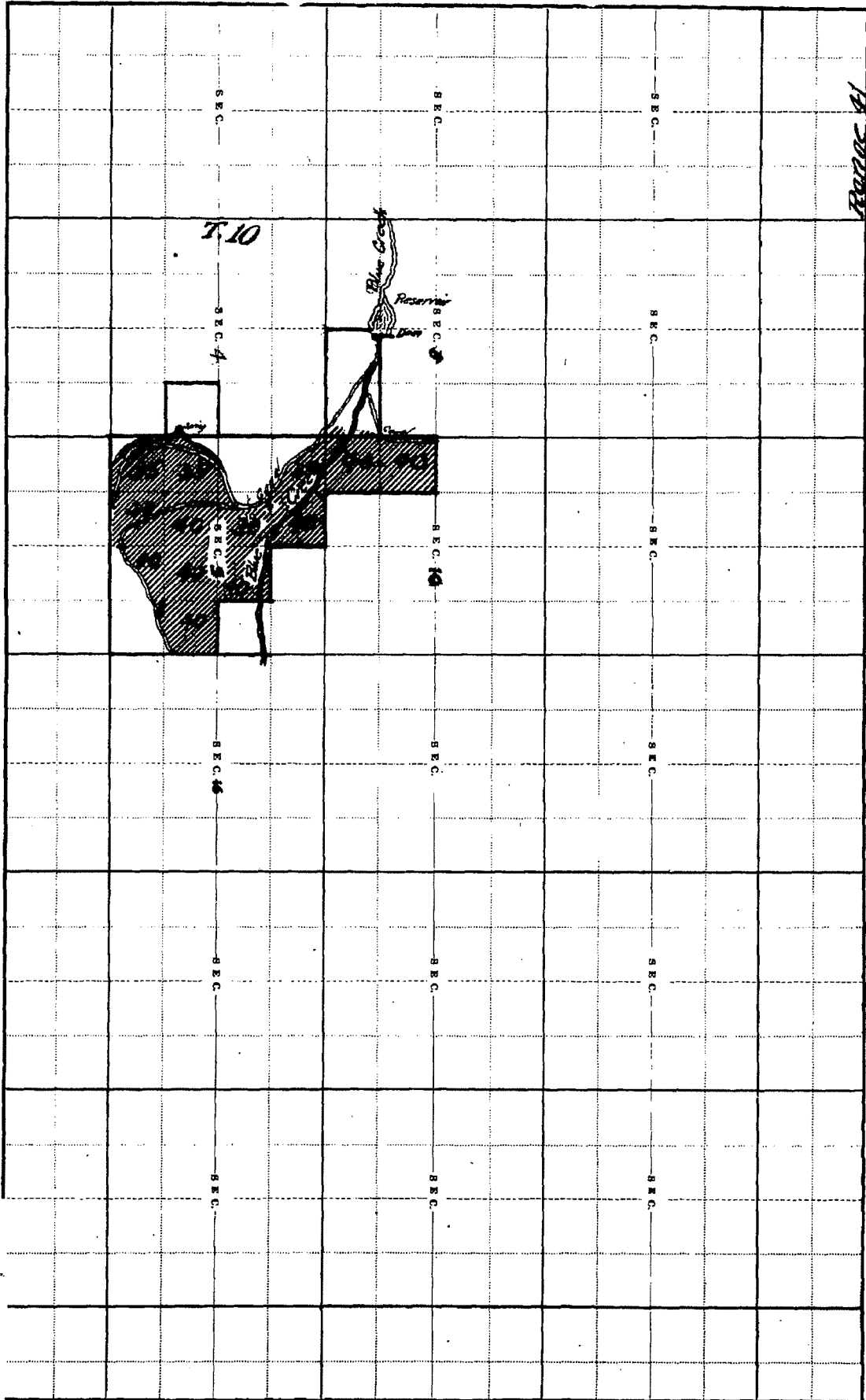
St. Anthony,

Permit 14459

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder. If possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

NAME OF APPLICANT John Bi. '22



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

14459

EXHIBIT G

21-2039

No. 9308

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Mary Whittington and Wm E. Whittington,

Postoffice address: St Anthony

County: Fremont State: Idaho

II. The financial resources of the applicant are:

(d) Other resources: Applicants have land under Govt. entry also land patented under the proposed works:

2. The quantity of water claimed: eight cubic feet per second.

3. Source of water supply: Blue Creek, flood, waste, surplus, and all other waters of not used beneficially.

County of Fremont.

4. Location of point of diversion: A, upper NE corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, B. SE corner as A. C. Center of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3. D. NW corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Twp. 10 N. R. 41 E. N.M.

5. To be used for:

I. Irrigation and domestic use: and for the watering of stock.

(a) Amount of land to be irrigated: 400 acres.

(b) In the following legal subdivisions: W $\frac{1}{2}$ of S.W. $\frac{1}{4}$ of Sec 3 N $\frac{1}{2}$ of NW $\frac{1}{4}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, & NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 9 Twp 10 N. Range 41 E. N.M.

6. Estimated cost of works: \$1,500

7. Description of works for diversion:

1. Kind of works: Reservoir, Dam, Ditch & Flume.

II. Dimensions of works:

(a) Height of dam 10 feet, length of dam at top 200 feet, length of dam 180 feet. Material used in construction Earth.

(b) Capacity of reservoir 30 acre feet.

public waters of the State of Idaho as herein set forth.

Mary Whittington and Wm

By Wm. E. Whittington..

Remarks' 60 inches of the regular flow of Blue Creek, is included in this and has been appropriated, and used by applicant and other prior owners of West 1/2 of the SW 1/4 Sec 3, and the N 1/2 of the NW 1/4 Sec. 10 Twp. 10 N 60 inches above mentioned was as stated, used on the above described land, made of record according to law then existing, The applicant does not wish as any waiver of his prior right to the 60 inches, but desires to confirm h further compliance of the law of 1903.

APPROVAL OF STATE ENGINEER.

The number of this permit is 6416.

Date of first receipt of application 9.00 A.M. July 30, 1910

Recorded in Book 19, Page 6416. Approved August 4, 1910.

This is to certify that I have examined the within application f appropriate the public waters of the State of Idaho and hereby grant subject to the following limitations and conditions:

Work to begin on or before October 3, 1910, and to continue dili uninterruptedly to completion, unless temporarily interrupted by circ over which permit holder has no control.

One-fifth of the work above specified to be completed on or befo

The whole of said work to be completed on or before August 4, 19

The time for proof of beneficial use of water appropriated in ac extended to August 4, 1914.

Witness my hand this fourth day of August, 1910.

D. G. Martin

State Engineer.

Proof of Completion of Works made October 2, 1913.

Certificate of Completion of Works issued November 8, 1913.

Permit No. 6416.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that Mary Whittington and Wm. E. Whittington of St. Anthony, County of Fremont, and State of Idaho, the holders of Permit No. 6416, issued upon Application No. 9308, bearing date of priority of July 30, 1910, authorizing the divert of eight (8) second feet of the waters of Blue Creek, County of Fremont, State of Idaho for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use eight (8) second-feet of the waters of Blue Creek; that the points of diversion of said waters are as follows: A- at upper NE Cor. of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 3; B- at S. E. Cor. of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3; C- Center of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 3, and D - at N. E. Cor. of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 10, T. 10 N. R. 41 E. B. M., and the lands proposed to be irrigated by the use of said water are described as follows, N $\frac{1}{2}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 9; N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 10; W $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 3; all in T. 10 N. R. 41 E. B. M., containing about 400 acres.

Witness my hand this 8th day of November, A. D. 1913.

F. P. KING,

State Engineer of the State of Idaho.

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