

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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 Bret C or Colette H Oxborrow

PO Box 246, Georgetown, ID 83239

(Name of Claimant)

Telephone No: (801)360-9954

(Mailing Address)

(Zip Code)

C/O Keith C. Wilson

Rocky Mountain Environmental Associates Inc.

482 Constitution Way (208) 524-2353

Idaho Falls, ID 83402 (208) 524-1795 Fax

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) June 12, 1889

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)

Fern Creek (Tag Alder Creek)

tributary to

Stauffer Creek (Nounan Creek)

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 1.50 cfs Use Irrigation Period of Use From 04/01 to 10/31

Quantity _____ Use _____ Period of Use From _____ to _____

Quantity _____ Use _____ Period of Use From _____ to _____

Quantity _____ Use _____ Period of Use From _____ to _____

4. 1.50 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 3
Sec. 6 Township 12S Range 43E B.M. Bear Lake 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.

Head gate, Ditch for flood irrigation

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	SW	SE	
11S	43E	32									21			2		17.2	0.6		40.8

TOTAL ACRES 40.8

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: _____

7. Remarks: Fern Creek has also been know or Tag Alder Creek. Claim is based on Posted Notice on file in the Bear Lake County Clerk, Auditor and Recording office. (Copy attached.)

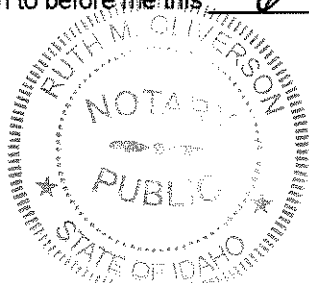
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place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

State of Idaho)
County of Bonneville) 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.

[Signature]
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 6 day of August, 2007.



Ruth M. Olverson
Notary Public

Residing at: Shelley, Idaho

My commission expires: 11/30/2010

FOR DEPARTMENT USE ONLY

Received by JPS Date 8-6-07
Prelim. check by _____ Date _____
Fee 1000.00 Receipt # ED33196
Receipt prepared by JPS Date 8-6-07

Published in News Examiner
Publication dates 8/29 & 9/5/07
Publication checked by _____ Date _____
Exceptions filed by _____

32

R43E
T 11
S

NESW
11543E32NWSW

21 ac

NWSE
11543E32NWSE

17.2 ac

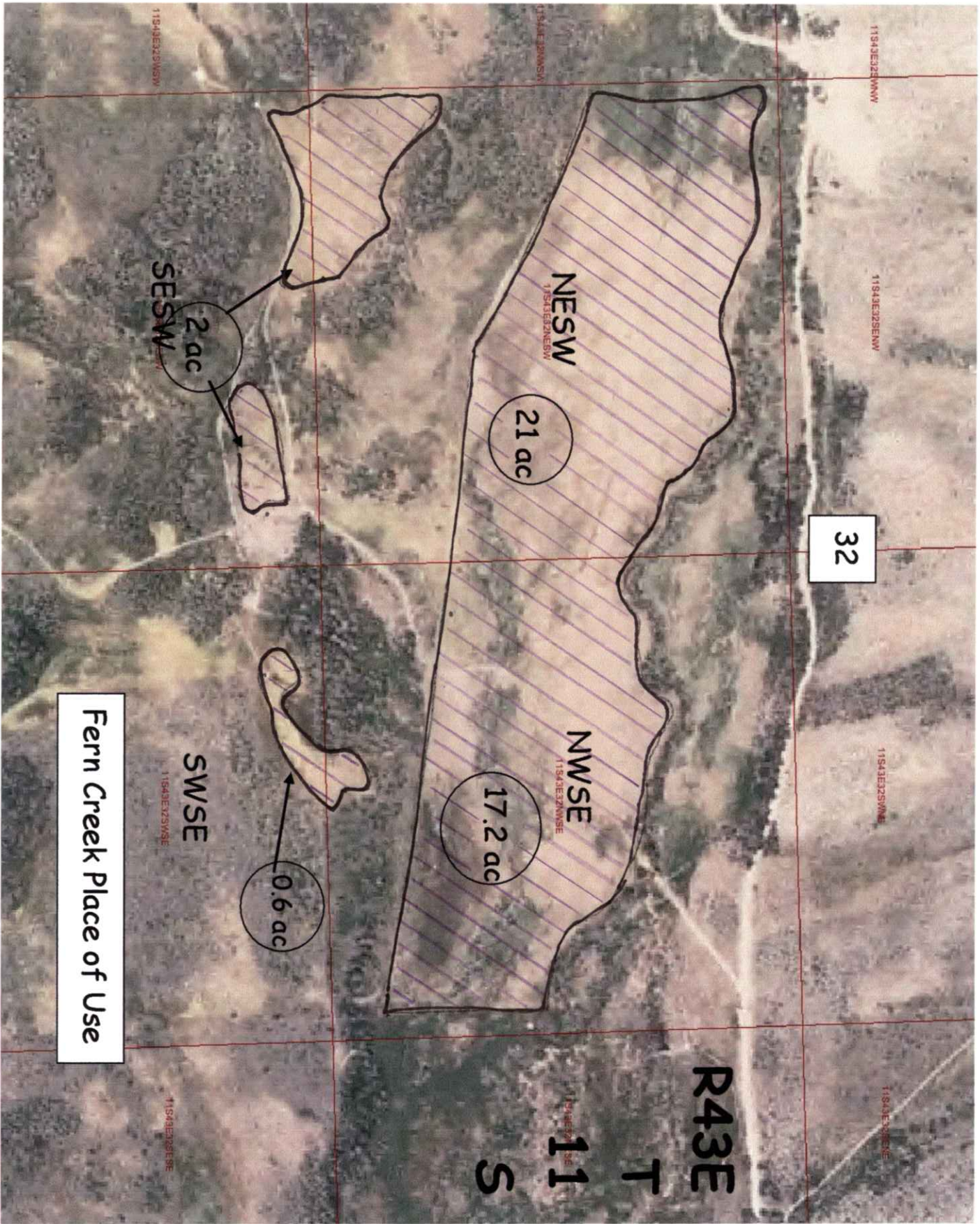
SESW
11543E32SWSW

2 ac

SWSE
11543E32SWSE

0.6 ac

Fern Creek Place of Use



Borrow

Pit

32

Stauffer

NESW

21 ac

NWSE

17.2 ac

2 ac

SESW

0.6 ac

SWSE

R43E

T

11

S

Fern Creek Place of Use

T11S

T125

243E

T

12

5

9

Point of Diversion

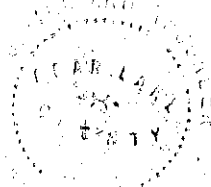
MISC. 2
Pg. 218, 219

50 rods South
40 rods East of
NE 1/4 Sec 32
T11S, R13E

Toy Alder, Ok

Pl. N 1/4 Sec 32, T11S, R13E

POSTED
6-12-1889
RECORDED
5-26-1897



STATE OF IDAHO
COUNTY OF BEAR LAKE
I, KEITH HADDOCK, Clerk, Auditor and Recorder
of Bear Lake County, Idaho, do hereby certify that the within and
foregoing is a full, true and correct copy of the original
as the same appears on file in my office.
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of this office at Paris, Idaho, this 12th day of
June, 1889.
Clerk, Auditor & Recorder, Bear Lake County, Idaho

Territory of Idaho }
County of Bear Lake }

Notice is hereby given that I,
the undersigned, Arthur Budge of Paris, Bear Lake
County, Idaho State do hereby claim and appropriate
all the water flowing in Dry Alder Creek, a stream
running through and from a small canyon, said can-
yon being the next one South of Stauffer Canyon, near
the head waters of Canyon Creek, to the extent of twenty
five inches, measured under a four inch pressure.
Said water being situated in Bear Lake County State of
Idaho. The said water to be diverted at a point about
fifty rods South and forty rods East of the North West
corner of the North East quarter of the South West quarter
of section thirty two in township No. eleven South
of range forty three East Boise Meridian

The purpose for which said water is claimed is the
irrigation of the following described tract of land,
to-wit: The North East quarter of the South West
quarter and the North West quarter of the South East
quarter of section thirty two in township eleven
South of range forty three East Boise Meridian
The means by which I intend to divert said water
and convey it over said land is a ditch, ten inches
wide at the bottom, fifteen inches wide at the top
and twelve inches deep.

Dated this 12th day of June 1889

Arthur Budge

I hereby certify that on the 12th day of June 1889, I
posted up at the point of diversion named in said notice
a notice of which the above is a true and correct copy,

David Nelson Lewis

Witneses
Egal Taft Budge
David Budge

Filed for record at request of Alfred Budge, May 26th 1889, at 2 o'cl. P.M.

Edgar Langberg
Co. Recorder

