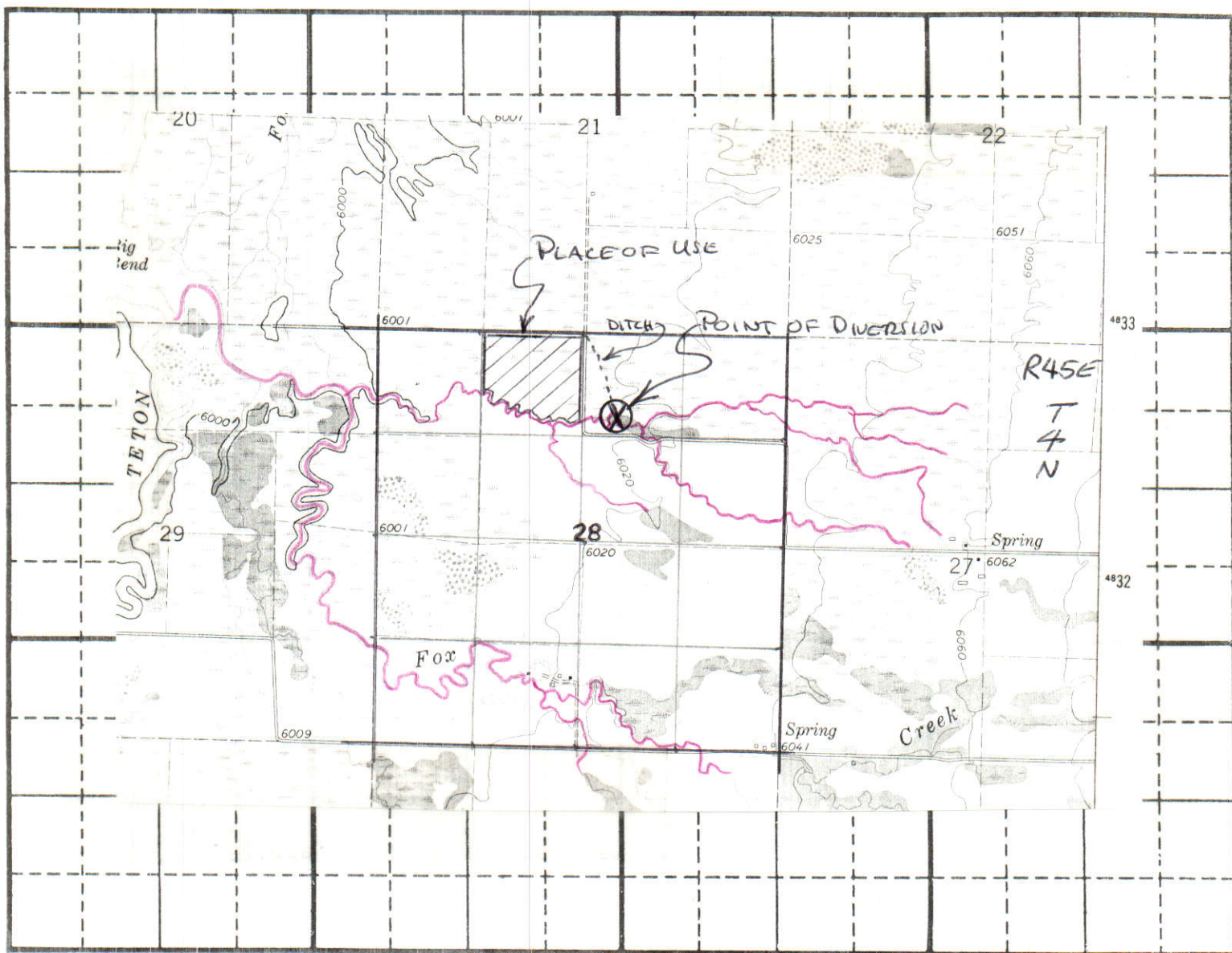


(8) Remarks Source also known as Little Fox Creek also known as North Fork Fox Creek



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.

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 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.

Sworn to before me this 19th day of November, 19 84.

Charles E. Gray
(Claimant)

Valerie Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>KCW</u>	Date <u>19 Nov 84</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>11-20-84</u>		claimant by:	
\$300.00 fee received by <u>CW</u>	Date <u>11-19-84</u>	#34341		
Published in <u>Teton Valley News</u>				
Dates <u>11-29-84 & 12-6-84</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that CHARLES E. or MARGARET H. CRARY

8401 E. Woodland Rd., Tuscon, AZ 85749 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 602-749-1466

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 6-1-1908

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Stream tributary to Fox 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.60 cfs.</u>	Use <u>Irrigation</u>	Period of Use From <u>4-15</u>	To <u>10-15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.60 cfs. TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 28 Twp. 4N Rge. 45E B.M., County of Teton

Additional points of diversion: _____

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. Describe any changes in the system and give the date of the change. Headgate to ditch for flood irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	28					30												30

No. of acres 30

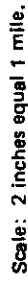
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

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

MICROFILMED

(8)	Remarks	Source also known as Little Fox Creek also known as North Fork Fox Creek
-----	---------	--



State of Idaho

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they 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.

Charles E. Cary
(Claimant)

Number, 19 84 (Claim)

William Wray

**Notary Public
Residing at**

My commission expires

6-15-85

FOR DEPARTMENT USE ONLY

Received by	Date	Exception filed by:	Forwarded to	Date
Kew	19 Nov 84			
Prelim. check by	Date			
HWS	11-20-84			
Fee received by	Date			
CX	11-19-84	# 343411		
Published in				
Seton Valley News				
Dates				
11-20-84 & 12-6-84				

STATEMENT

I was born in 1899 in a little house next to a willow on the Northeast 40 acres of what is now the Fox Creek Ranch. The Chapin "Sportsman's Access" Road to the Teton River now borders this 40 on the East and North sides.

My father died when I was only a couple of years old. My mother married Tom Bates a couple of years later, and we moved to what is now the Buxton Ranch on the Bates Road.

I remember visiting the old place on occasion when I was about 10 or 12 years old and seeing Johnny Bates and my uncle, Parmer Fenton, irrigating the higher pasture land on the Northeast 40 from a ditch that took water from the Little Fox Creek. This creek comes down the Chapin Road and then crosses the Southern part of the 40.

They also irrigated the 40 acre piece directly South of this piece and parts of the 40 acres due West of it at this time. They did this by a system of ditches that took water from two small spring fed creeks that enter the property from the East.

George Foster

George Foster
Cedron-Bates Road
Driggs, Idaho

Nov. 16, 1984

Date

STATE OF IDAHO)
) SS
County of Teton)

On this 16 day of November, 1984, before me, the undersigned, a Notary Public for Idaho, personally appeared George Foster, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

John D. Brewer

Notary Public for Idaho
Residing at Driggs, Idaho
Commission Expires: life

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Gene Hatch.....
being first duly sworn depose and
say that I am the Secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of Claims to Water rights

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 21 day of Nov, 1984
and last publication on the 6 day
of Dec, 1984

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Gene Hatch

Subscribed in my presence and
sworn to before me this 30 day of
Nov, 1984

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Kenda Hammer
My Commission expires

9/29, 1986

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have
been filed on water rights
created by diversion and
beneficial use:

22-4179

Crary, Charles E. &/or Margaret
H.
8401 E. Woodland Rd., Tucson,

AZ 85749
Source: Unnamed stream trib. to
Unnamed stream
Priority Date: 06/01/1908
Diversion Pt: SENW Sec 28 T
04N R 45E
Use: Irrigation (0.80 cfs)
In: NENW SENW Sec 28 T 04N R
45E for 40 acres.

22-4180

Crary, Charles E. &/or Margaret
H.
8401 E. Woodland Rd., Tucson,
AZ 85749
Source: Unnamed Stream trib. to
Fox Creek
Priority Date: 06/01/1908
Diversion Pt: NWNE Sec 28 T
04N R 45E
Use: Irrigation (0.60 cfs)
In: NENW Sec 28 T 04N R 45E
for 30 acres.

22-4181

Crary, Charles E. &/or Margaret
H.
8401 E. Woodland Rd., Tucson,
AZ 85749
Source: Unnamed streams trib.
to Fox Creek
Priority Date: 09/01/1968
Diversion Pt: NWNE Sec 33 T
04N R 45E SWSW Sec 28 T 04N
R 45E
Use: Irrigation (1.54 cfs)
In: SWSW SESW Sec 28 T 04N
R 45E NESE SESE Sec 29 T 04N
R 45E for 77 acres.

22-4182

Crary, Charles E. &/or Margaret
H.
8401 E. Woodland Rd., Tucson,
AZ 85749
Source: Unnamed stream trib. to
Fox Creek
Priority Date: 06/01/1908
Diversion Pt: NWNE Sec 33 T
04N R 45E
Use: Irrigation (0.32 cfs)
In: SESE Sec 29 T 04N R 45E for
16 acres.

22-4183

Crary, Charles E. &/or Margaret
H.
8401 E. Woodland Rd., Tucson,
AZ 85749
Source: Unnamed creek trib. to
Fox Creek
Priority Date: 06/01/1908
Diversion Pt: NWNE Sec 33 T
04N R 45E
Use: Irrigation (0.40 cfs)
In: SESW Sec 28 T 04N R 45E
for 20 acres.

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 150 Shoup,
Suite 15, Idaho Falls, Idaho
83402.

Ken Dunn, Dir.

Published in the Teton Valley
News November 29 and
December 6, 1984.

RECEIVED

DEC 3 1984

Department of Water Resources
Eastern District Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 17, 1984

CHARLES E. CRARY
MARGARET H. CRARY
8401 E. WOODLAND RD.
TUSCON AZ 85749

RE: Claim No. 22-4180

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 22 4180 Applicant CRARY

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Gibson Date Dec 18, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 12/31/84

RECEIVED
DEC 26 1984

Department of Water Resources

WATER DISTRICT 1
Forwarded
MICROFILMED

22-4180-

CRARY, CHARLES E. &/or MARGARET H.

8401 E. WOODLAND RD., TUSCON, AZ 85749

Source: UNNAMED STREAM trib. to FOX CREEK

Priority Date: 06/01/1908

Diversion Pt: NWNE Sec 28 T 04N R 45E

Use: IRRIGATION (0.60 CFS)

In: NENW Sec 28 T 04N R 45E FOR 30 ACRES

RECEIVED
FILMED