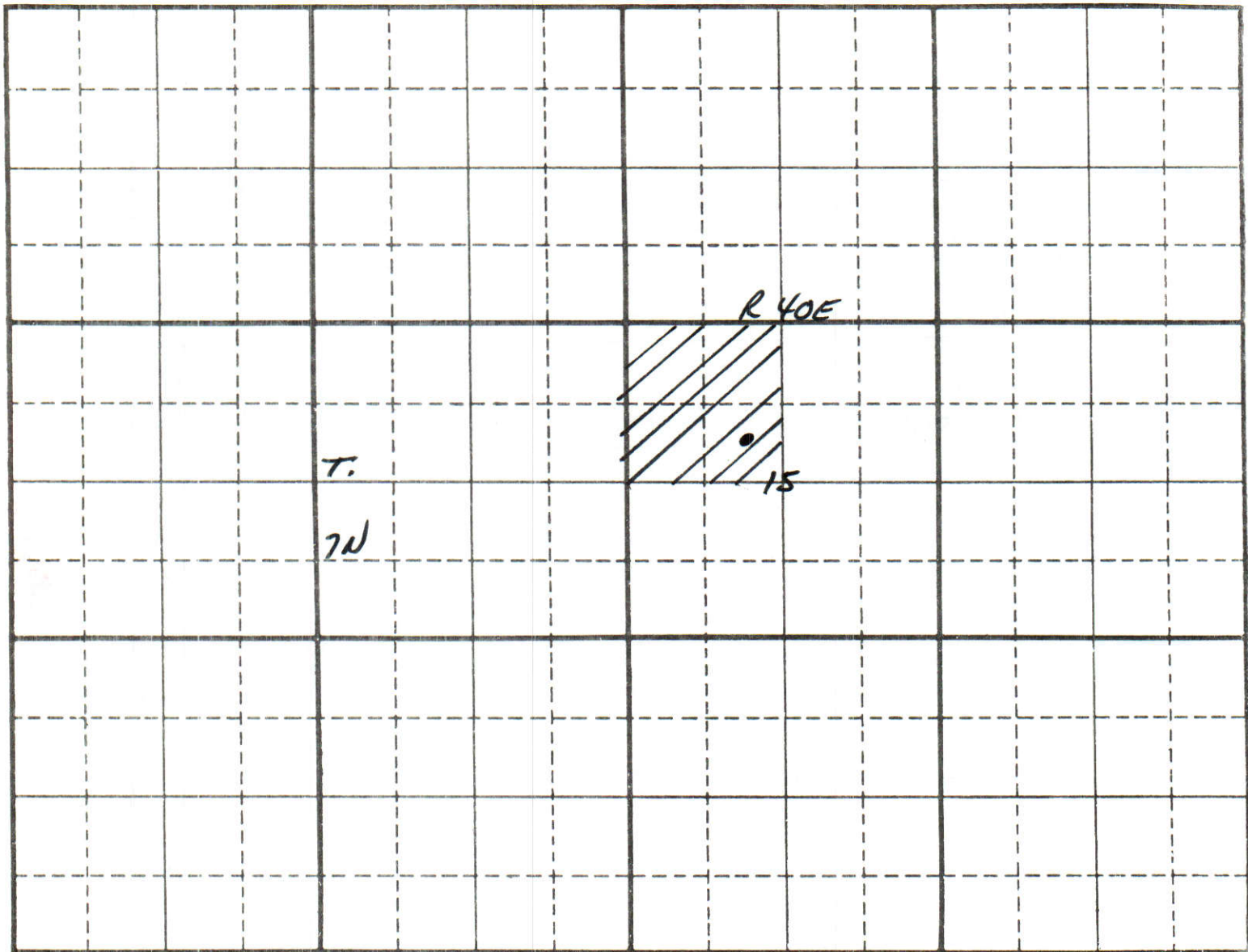


(8) Remarks Twin Groves supplies water for this property.



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.

UNRECORDED

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 30th day of June, 1983.
Lowell E. Smith (Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by RDC Date 6-30-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by sm Date 9-25-83
\$30.00 fee received by CW Date 6-30-83
Published in Fremont Chronicle #25784
Dates 10/6 & 10/13/83

THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Bruce Porter,
being first duly sworn, depose and say, that I am
the printer of THE CHRONICLE-NEWS, a weekly
newspaper printed and published weekly at St.
Anthony, Fremont County, Idaho; and I do
solemnly swear that the

Notice of Claims to Water Rights

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for Two
consecutive issues, the first publication hav-

ing been made on October 6, 1983
and the last publication having been made

on October 13, 1983.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

[Signature]

~~~~~

Subscribed to and sworn to before me

this October 14, 1983

*[Signature]*  
Notary Public.

(SEAL)

My commission expires Life

RECEIVED

NOV 7 1983

Department of Water Resources  
Eastern District Office

### NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on  
water right(s) created by diversion and  
beneficial use:

22-4148

BIRCH, LOWELLE &/or RAYOLA R.

RT. 1, BOX 8, ST. ANTHONY, ID 83445

Source: SPRINGS trib. to CONSOLIDATED  
FARMERS CANAL

Priority Date: 06/01/1960

Diversion Pt: SENW Sec 15 T 07N R 40E  
Use: IRRIGATION (3.20 CFS)

In: NENW NWNW SWNW SENW Sec 15 T  
07N R 40E FOR 160 ACRES

21-4136

MORTENSEN, GRANT

230 N. 7 E., BOX 73, ST. ANTHONY, ID  
83445

Source: SPRINGS trib. to SNAKE RIVER

Priority Date: 06/21/1888

Diversion Pt: SWSE Sec 31 T 08N R 41E

Use: STOCKWATER (5.00 CFS),  
IRRIGATION (5.00 CFS)

In: SWSE SESE Sec 31 T 08N R 41E  
NENE NWNE NENW Sec 06 T 07N R 41E  
FOR 80 ACRES

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

KEN DUNN  
Director

Publ. Oct. 6 and 13, 1983CN

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 Lowell E. or Rayola R. Birch

Rt. #1, Box 8, St. Anthony, ID 83445 (Name of Claimant)  
(Mailing Address) (Zip Code) Telephone No. 208-624-3051

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) June 1, 1960

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 springs tributary to Consolidated Farmers Canal

(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>3.20 cfs</u> | Use <u>Irrigation</u>               | Period of Use From <u>4/1</u> | To <u>11/1</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) 3.20 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SE ¼ NW ¼, Sec. 15 Twp. 7N Rge. 40E B.M., County of Fremont  
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.  
collection ditch at bottom of hill from which springs emerge

(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 |       |
| 7N | 40 | 15   |     |     |     |     | 40  | 40  | 40  | 40  |     |     |     |     |     |     |     |     | 160   |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

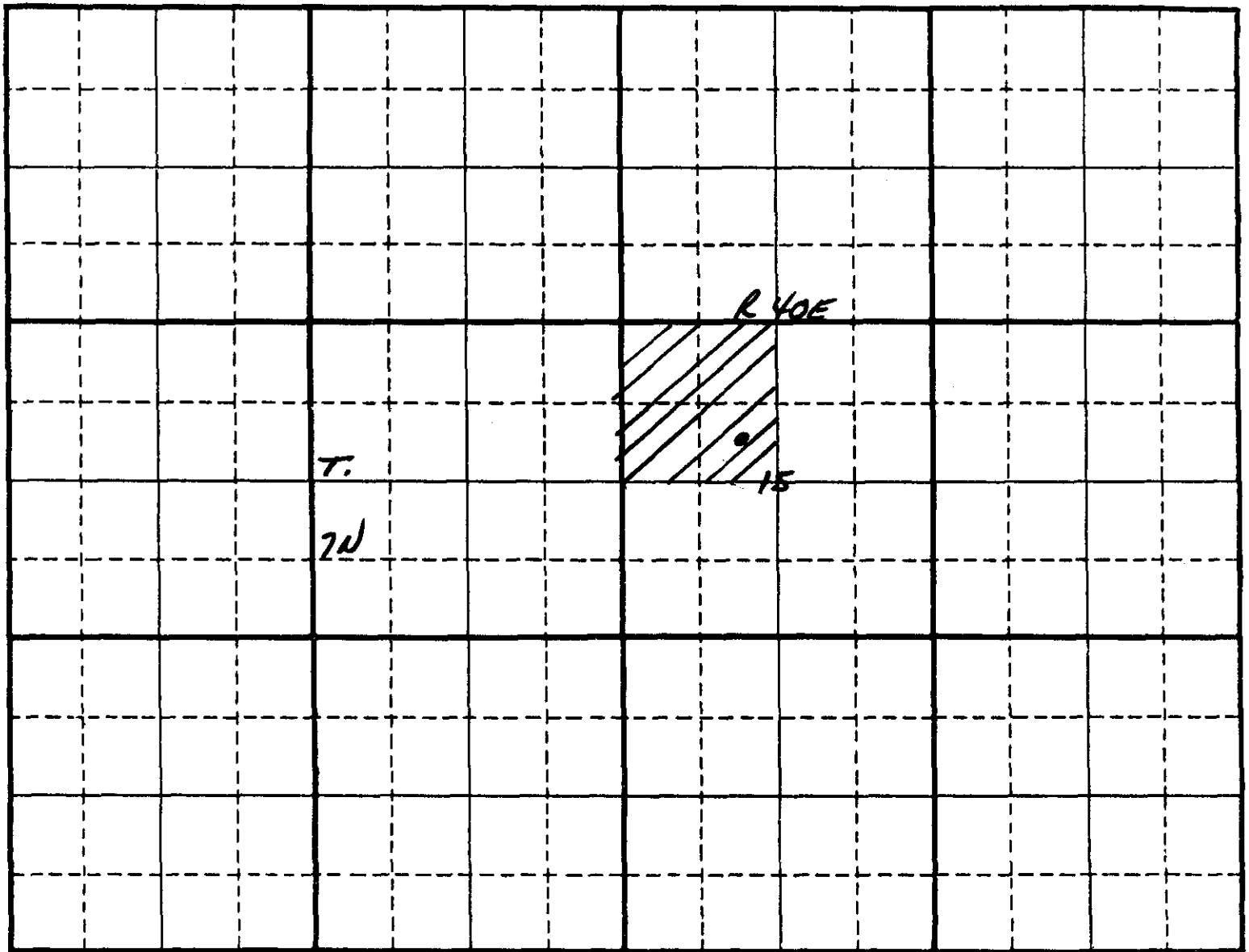
No. of acres 160

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:

(8) Remarks Twin Groves supplies water for this property.



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.

UNRECORDED

State of Idaho )  
County of Donnerville ) 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 30<sup>th</sup> day of June, 19 83.  
Lowell E. Smith (Claimant)

Calvin Wray  
Notary Public  
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by RDC Date 6-30-83 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by sm Date 9-25-83 claimant by: \_\_\_\_\_  
\$30.00 fee received by CW Date 6-30-83  
Published in Fremont Chronicle #25784  
Dates 10/6 ; 10/13/83

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant Lowell E or Regula R. Birch Phone 208-424-3051

Post office address RT #1 Box 8 ST. ANTHONY IDAHO 83445

2. Source of water supply Unnamed Spring which is a tributary of Consolidated Farmers Canal

3. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 15 Township 7N

Range 40E B.M. Fremont Cy County, additional points of diversion if any: \_\_\_\_\_

Priority June 1, 1960

4. Water will be used for the following purposes:

Amount 3.2 for Irrigation purposes from APR to NOV 1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. collection ditch  
at bottom of hill from which  
SPRINGS emerge

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is \_\_\_\_\_ years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_

Range \_\_\_\_\_ B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_.

(5) If water is to be used for other purposes describe: \_\_\_\_\_

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 7N  | 40E   | 15   |     | 80  |     |     | 40  | 40  | 40  | 40  |     |     |     |     |     |     |     |     | 160    |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

c. Describe any other water rights used for the same purposes as described above. Twin groves  
supplies water for this property

9. a. Who owns the property at the point of diversion \_\_\_\_\_

b. Who owns the land to be irrigated or place of use \_\_\_\_\_

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 \_\_\_\_\_

RECEIVED

**Microfilm**

**DECLASSIFIED**

(Applicant)

RECEIVED

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
Preliminary check by \_\_\_\_\_ Fee \$ \_\_\_\_\_  
Receipted by \_\_\_\_\_ Date \_\_\_\_\_  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

**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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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 \_\_\_\_\_, 19 \_\_\_\_.
  - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
  - d. Other:

# THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Fremont } ss

I, Bruce Porter

being first duly sworn, depose and say, that I am the printer of THE CHRONICLE-NEWS, a weekly newspaper printed and published weekly at St. Anthony, Fremont County, Idaho; and I do solemnly swear that the

Notice of Claims to Water Rights  
a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any

supplement issue thereof for Two  
consecutive issues, the first publication hav-

ing been made on October 6, 1983  
and the last publication having been made

on October 13, 1983

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

*Bruce Porter*

~~~~~

Subscribed to and sworn to before me

this October 14, 1983

Jeri Garner

Notary Public.

(SEAL)

My commission expires Life

RECEIVED

NOV 7 1983

Department of Water Resources
Eastern District Office

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 24, 1983

LOWELL E. BIRCH
RAYOLA R. BIRCH
RT. 1, BOX 8
ST. ANTHONY

ID 83445

RE: Claim No. 22-4148

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

RECEIVED
OCT 27 1983
ID 83445

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: STEVE McCORMICK

Right Number 22 4148 Applicant BRCH

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 Carlson Date Nov. 10, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 11-16-83

MICROFILMED

MICROFILMED

✓22-4148✓

BIRCH, LOWELL E. &/or RAYOLA R.

RT. 1, BOX 8, ST. ANTHONY, ID 83445

Source: SPRINGS trib. to CONSOLIDATED FARMERS CANAL

Priority Date: 06/01/1960

Diversion Pt: SENW Sec 15 T 07N R 40E

Use: IRRIGATION (3.20 CFS)

In. NENW NWNW SWNW SENW Sec 15 T 07N R 40E FOR 160 ACRES