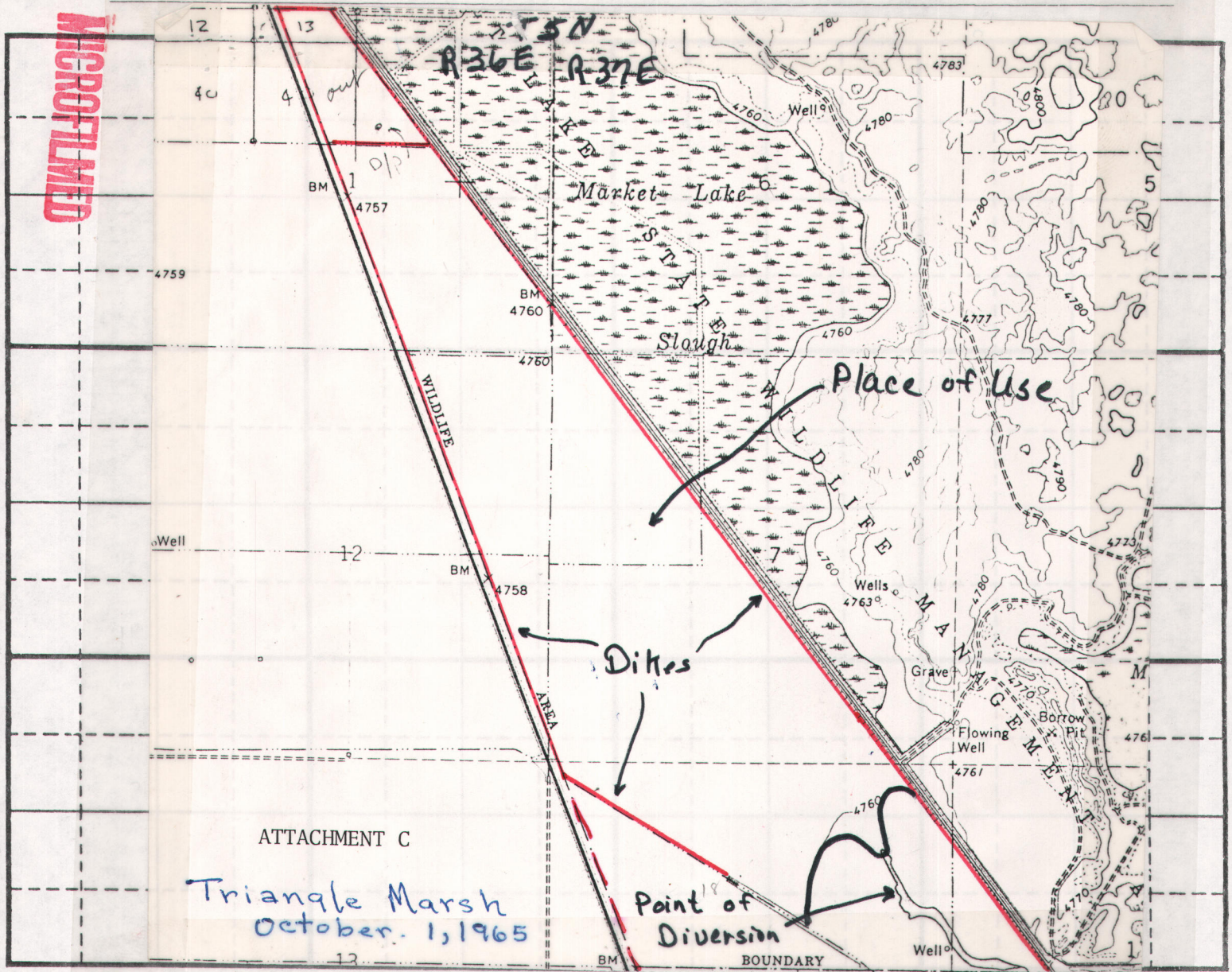


(8) Remarks This area is called Triangle Marsh and is part of the Market Lake Wildlife Management Area.



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 4th day of January, 1984.

Dennis Aslett Land Manager
(Claimant)

Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

Received by CW Date 1-04-84 FOR DEPARTMENT USE ONLY
Prelim. check by HWJ Date 6-30-83 Exception filed by: _____ Forwarded to: _____ Date: _____
\$30.00 fee received by BP Date 1-23-84 claimant by: _____
Published in Rigby Star Date 1-04-84 # 29792
Dates 6/2, 2/9/84

Original claim split to make four

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Bruce Porter,
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson 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 Feb. 1, 1984
and the last publication having been made

on Feb. 8, 1984

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 uninterrupted published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Bruce Porter

ss

Subscribed to and sworn to before me

this Feb. 9, 1984

Seri Garner
Notary Public.

My commission expires Life.

NOTICE OF CLAIMS TO WATER RIGHTS

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

35-4255

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: EAST SPRINGS trib. to EAST
SPRINGS MARSH
Priority Date: 04/01/1970
Diversion Pt: NWSE Sec 16 T 05N R 37E
Use: WILDLIFE STORAGE (1057.0 AF),
RECREATION STORAGE (1057.0 AF)
In: NWNW SWNW NESW NWSW SWSW
SESW NWSE SWSE Sec 16 T 05N R 37E
NENE SENE NESE SESE Sec 17 T 05N R
37E NENE SENE Sec 20 T 05N R 37E
NENW NWNW SWNW SENW Sec 21 T 05N
R 37E

35-4254

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: WASTEWATER trib. to MARKET
LAKE
Priority Date: 10/01/1965
Diversion Pt: SENE Sec 18 T 05N R 37E
Use: WILDLIFE STORAGE (1216.0 AF),
RECREATION STORAGE (1216.0 AF)
In: NENE NWNE SWNE SENE NENW
NWNW SWNW SENW Sec 18 T 05N R 37E
NENW NWNW SWNW SENW NESW NWSW
SWSW SESW NWSE SWSE Sec 07 T 05N R
37E NENE NWNE SENE NESE SESE Sec
12 T 05N R 36E NWNE SWNE NENW
SESW NESW NESE NWSE SWSE SESE Sec
01 T 05N R 36E SWSW Sec 06 T 05N R
37E

35-4253

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: SPRINGS trib. to SINKS
Priority Date: 08/01/1956
Diversion Pt: SWNE NWSE SWSE Sec 08
T 05N R 37E NENW Sec 17 T 05N R 37E
Use: WILDLIFE STORAGE (329.0 AF),
RECREATION STORAGE (329.0 AF)
In: NESW NWSW SWSW SESW NESE
NWSE SWSE SESE Sec 08 T 05N R 37E
NWNE NENW Sec 17 T 05N R 37E

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

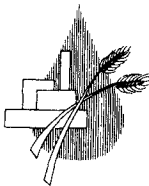
Publ. Feb. 1 and 8, 1984RS

RECEIVED
MAR 19 1984
Department of Water Resources
Eastern District Office

MICROFILMED

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 Idaho Department of Fish and Game
(Name of Claimant)
P.O. Box 25, 600 S. Walnut, Boise, ID 83707 Telephone No. 334-3180
(Mailing Address) (Zip Code)

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) October 1, 1965

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)
waste water tributary to Market Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Traingle Marsh		Storage for:		(Both dates inclusive)	
(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)	(Mo., Day)
Quantity	<u>1216 af</u>	Use	<u>Wildlife</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>1216 af</u>	Use	<u>Recreation</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1216 af TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 18 Twp. 5N Rge. 37E B.M., County of Jefferson
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. Ditch from slough to reservoir area. Reservoir area is impounded by dikes (max height 4 ft.)

(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.

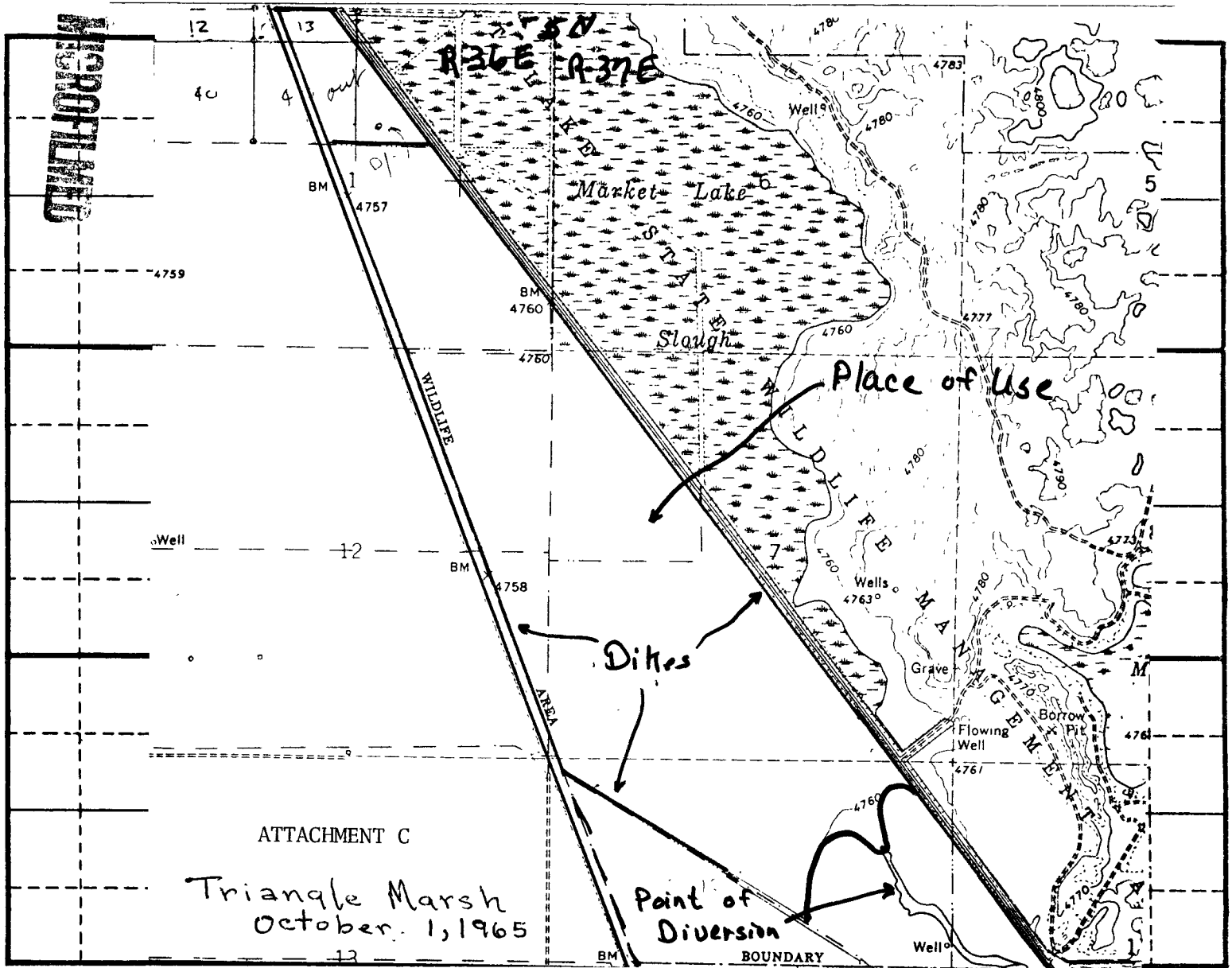
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	37E	18	X	X	X	X	X	X	X	X									
5N	37E	7					X	X	X	X	X	X	X			X	X		
5N	36E	12	X	X		X								X				X	
5N	36E	1		X	X		X			X	X			X	X	X	X		
5N	37E	6										X							

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Waater is used for waterfowl production, fish propagation and recreation.

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: Idaho Department of Fish and Game

(8) Remarks This area is called Triangle Marsh and is part of the Market Lake Wildlife Management Area.



ATTACHMENT C

Triangle Marsh
October 1, 1965

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 4th day of January, 1984.

Hennis Aslett Land Manager
(Claimant)

William Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY			
Received by <u>WJ</u>	Date <u>6-30-83</u>	Exception filed by:	Forwarded to
Prelim. check by <u>HWJ</u>	Date <u>1-23-84</u>		claimant by:
\$30.00 fee received by <u>BP</u>	Date <u>1-04-84</u>		
Published in <u>Rigby Star</u>	<u>#29792</u>		
Dates <u>6/2-2/9/84</u>			

Original claim split to make four

THE JEFFERSON STAR
RIGBY, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

Bruce Porter

being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

Notice Of Claims To Water Rights

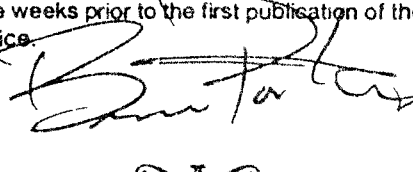
A copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

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

ing been made on Feb. 1, 1984
and the last publication having been made

on Feb. 8, 1984

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.



Subscribed to and sworn to before me

on Feb. 9, 1984

Notary Public.

(SEAL)

My commission expires Life.

NOTICE OF CLAIMS
TO WATER RIGHTS

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

35-4255

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: EAST SPRINGS trib. to EAST
SPRINGS MARSH

Priority Date: 04/01/1970
Diversion Pt: NWSE Sec 16 T 05N R 37E
Use: WILDLIFE STORAGE (1057.0 AF),
RECREATION STORAGE (1057.0 AF)
In: NWNW SWNW NESW NWSW SWSW
SESW NWSE SWSE Sec 16 T 05N R 37E
NENE SENE NESE SESE Sec 17 T 05N R
37E NENE SENE Sec 20 T 05N R 37E
NENW NWNW SWNW SENW Sec 21 T 05N
R 37E

35-4254

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: WASTEWATER trib. to MARKET
LAKE

Priority Date: 10/01/1965
Diversion Pt: SENE Sec 18 T 05N R 37E
Use: WILDLIFE STORAGE (1216.0 AF),
RECREATION STORAGE (1216.0 AF)
In: NENE NWNE SWNE SENE NENW
NWNW SWNW SENW Sec 18 T 05N R 37E
NENW NWNW SWNW SENW NESW NWSW
SWSW SESW NWSE SWSE Sec 07 T 05N R
37E NENE NWNE SENE NESE SESE Sec
12 T 05N R 36E NWNE SWNE NENW
SENW NESW NESE NWSE SWSE SESE Sec
01 T 05N R 36E SWSW Sec 06 T 05N R
37E

35-4253

STATE OF IDAHO
DEPT. OF FISH & GAME, BOX 25, 600 S.
WALNUT, BOISE, ID 83707
Source: SPRINGS trib. to SINKS
Priority Date: 08/01/1956
Diversion Pt: SWNE NWSE SWSE Sec 08
T 05N R 37E NENW Sec 17 T 05N R 37E
Use: WILDLIFE STORAGE (329.0 AF),
RECREATION STORAGE (329.0 AF)
In: NESW NWSW SWSW SESW NESE
NWSE SWSE SESE Sec 08 T 05N R 37E
NWNE NENW Sec 17 T 05N R 37E

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 Feb 1 and 8, 1984RS

RECEIVED
MAR 19 1984
Department of Water Resources
Eastern District Office

File

August 9, 1984

RE: Claim to a Water Right No. 35-4254

Idaho Department of Fish & Game
P.O. Box 25
600 S. Walnut
Boise, Idaho 83707

Gentlemen:

Enclosed please find copies of additional exceptions filed against the above referenced claim to a water right.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:CW

Enclosures

RECEIVED

August 9, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

James Schwarzenberger
Rt. #1
Roberts, Idaho 83444

Dear Mr. Schwarzenberger:

We have received the exception dated May 21, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections,----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Kent Foster

RECEIVED

August 9, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

Earl E. Harris
Rt. #1
Roberts, Idaho 83444

Dear Mr. Harris:

We have received the exception dated June 29, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Kent Foster

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402
—
TELEPHONE 523-0620
AREA CODE 208

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P.A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK

August 6, 1984

RECEIVED
AUG 7 1984

Department of Water Resources
Eastern District Office

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

RE: Claim to a Water Right No. 35-4254 filed by Idaho
Department of Fish and Game.

Gentlemen:

We are enclosing with this letter an Affidavit of
Exception on behalf of Mr. Earl E. Harris and Mr. James
Schwarzenberger to the above referenced Claim to a Water Right.

Yours very truly,



Kent W. Foster

KWF/cl
409.
Enclosures

RECEIVED

RECEIVED

AUG 7 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO

County of

Jefferson

)
)
) ss.

James H. Schwarzenberger being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.

35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in
the area of the land described in said Claim to a Water
Right as the "Triangle Marsh;" your affiant observes said
property almost daily, and has done so for many years; and
your affiant is intimately familiar with said property and
the use made of it by the Idaho Department of Fish and
Game presently, as well as for many previous years.

2. Your affiant disagrees with the priority date stated
in said Claim to a Water Right; your affiant is aware that

water was not maintained in a ponded condition on said Triangle Marsh until after the dredging of the channels and construction of dikes for such purpose, most of which was done between 1977 and 1979, after which time the Triangle Marsh was filled with water and the maintaining of a constant pond of water commenced.

3. The source of the water used to fill Triangle Marsh is not "waste water" as stated in the claim, but is in fact ground water, which arises in various springs which have been excavated and improved upon this and other state land, except for limited periods during most Springs when natural runoff from the surrounding area augments the supply of water in the marsh and contributes to the high water levels.

4. While no figures are given for the number of acres included in the legal descriptions given in said Claim to a Water Right, your affiant hold record title to some of the lands adjoining the Triangle Marsh which would be included if the Xs are intended to represent an entire 40 acre tract; your affiant has made efforts to keep water off his private land, although those efforts have been largely unsuccessful, and the maintenance of the

artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 5-21-84 day of May, 1984.

James Schwarzenberger

Subscribed and sworn to before me this 21st day of May, 1984.

(seal)

A. H. Robison
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 5/19/88

RECEIVED
MAY 21 1984

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO

)

)

ss.

County of

)

Carl E. Harris being first duly sworn,

hereby takes exception to the "Claim to a Water Right" No.

35-4254, filed by the Idaho Department of Fish and Game, on or about the 30th day of June, 1983; and further hereby makes the following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in the area of the land described in said Claim to a Water Right as the "Triangle Marsh;" your affiant observes said property almost daily, and has done so for many years; and your affiant is intimately familiar with said property and the use made of it by the Idaho Department of Fish and Game presently, as well as for many previous years.

2. Your affiant disagrees with the priority date stated in said Claim to a Water Right; your affiant is aware that

artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 29th day of ~~May~~^{June}, 1984.

Carl E. Harris

~~June~~^{May} Subscribed and sworn to before me this 29th day of ~~May~~^{June}, 1984.

(seal)

R. H. Robinson
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 5/17/88

RECEIVED
JUL 12 1984

July 11, 1984

Department of Water Resources

RE: Claim to a Water Right No. 35-4254

Idaho Department of Fish & Game
P.O. Box 25
600 S. Walnut
Boise, ID 83707

Gentlemen:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

July 11, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

Wallace R. Harris
Rt. #1, Box 163
Roberts, ID 83444

Dear Mr. Harris:

We have received the exception dated May 8, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: Kent Foster, Attorney at Law
State Office - IDWR

July 11, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

Rickie J. Harris
Rt. #1, Box 161
Roberts, Idaho 83444

Dear Mr. Harris:

We have received the exception dated May 4, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: Kent Foster, Attorney at Law
State Office - IDWR

July 11, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

Terrill R. Lufkin
Rt. #1, Box 86-B
Roberts, ID 83444

Dear Mr. Lufkin:

We have received the exception dated May 8, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----
.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: Kent Foster, Attorney at Law
State Office - IDWR

July 11, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

David Robison
Rt. #1
Roberts, Idaho 83444

Dear Mr. Robison:

We have received the exception dated May 8, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: Kent Foster, Attorney at Law
State Office - IDWR

July 11, 1984

RE: Claim to a Water Right No. 35-4254 IDAHO FISH & GAME

O. W. Robison
Rt. #1
Roberts, ID 83444

Dear Mr. Robison;

We have received the exception dated May 8, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: Kent Foster, Attorney at Law
State Office - IDWR

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 129

IDAHO FALLS, IDAHO 83402

TELEPHONE 523-0620

AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P. A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER, P. A.
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

May 23, 1984

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

RE: Claim to a Water Right No. 35-4254 Filed by Idaho
Department of Fish and Game

Gentlemen:

We are enclosing with this letter Affidavits of Exception
to be filed in the above entitled matter.

Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

KWF/cl
409.
Enclosures

RECEIVED

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
) ss.
County of)

Jefferson Wallace B. Harris being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.
35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in
the area of the land described in said Claim to a Water
Right as the "Triangle Marsh;" your affiant observes said
property almost daily, and has done so for many years; and
your affiant is intimately familiar with said property and
the use made of it by the Idaho Department of Fish and
Game presently, as well as for many previous years.

2. Your affiant disagrees with the priority date stated
in said Claim to a Water Right; your affiant is aware that

RECEIVED

water was not maintained in a ponded condition on said Triangle Marsh until after the dredging of the channels and construction of dikes for such purpose, most of which was done between 1977 and 1979, after which time the Triangle Marsh was filled with water and the maintaining of a constant pond of water commenced.

3. The source of the water used to fill Triangle Marsh is not "waste water" as stated in the claim, but is in fact ground water, which arises in various springs which have been excavated and improved upon this and other state land, except for limited periods during most Springs when natural runoff from the surrounding area augments the supply of water in the marsh and contributes to the high water levels.

4. While no figures are given for the number of acres included in the legal descriptions given in said Claim to a Water Right, your affiant hold record title to some of the lands adjoining the Triangle Marsh which would be included if the Xs are intended to represent an entire 40 acre tract; your affiant has made efforts to keep water off his private land, although those efforts have been largely unsuccessful, and the maintenance of the

artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 5/8/1984 day of May, 1984.

William C. Davis

Subscribed and sworn to before me this 8th day of May, 1984.

(seal)

A. H. Robinson
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 4/17/88

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
County of Jefferson) ss.

Rickie J. Harris being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.
35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in
the area of the land described in said Claim to a Water
Right as the "Triangle Marsh;" your affiant observes said
property almost daily, and has done so for many years; and
your affiant is intimately familiar with said property and
the use made of it by the Idaho Department of Fish and
Game presently, as well as for many previous years.

2. Your affiant disagrees with the priority date stated
in said Claim to a Water Right; your affiant is aware that

APPROVED

water was not maintained in a ponded condition on said Triangle Marsh until after the dredging of the channels and construction of dikes for such purpose, most of which was done between 1977 and 1979, after which time the Triangle Marsh was filled with water and the maintaining of a constant pond of water commenced.

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4. While no figures are given for the number of acres included in the legal descriptions given in said Claim to a Water Right, your affiant hold record title to some of the lands adjoining the Triangle Marsh which would be included if the Xs are intended to represent an entire 40 acre tract; your affiant has made efforts to keep water off his private land, although those efforts have been largely unsuccessful, and the maintenance of the

artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 4 day of May, 1984.

Richard J. Harris

Subscribed and sworn to before me this 4th day of May, 1984.

(seal)

Margaret E. Treasure
Notary Public for Idaho ^{Rightly}
Residing at ~~Idaho Falls~~, Idaho
My commission expires: Life

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
County of Teton) ss.

Lucille R. Lippert being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.
35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in
the area of the land described in said Claim to a Water
Right as the "Triangle Marsh;" your affiant observes said
property almost daily, and has done so for many years; and
your affiant is intimately familiar with said property and
the use made of it by the Idaho Department of Fish and
Game presently, as well as for many previous years.

2. Your affiant disagrees with the priority date stated
in said Claim to a Water Right; your affiant is aware that

RECEIVED

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artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 8th day of May, 1984.

Lucile R. Lippin

Subscribed and sworn to before me this 8th day of May, 1984.

(seal)

N. H. Robinson
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 4/17/88

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
County of *Jefferson*) ss.

David Robison being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.
35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

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the area of the land described in said Claim to a Water
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the use made of it by the Idaho Department of Fish and
Game presently, as well as for many previous years.
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in said Claim to a Water Right; your affiant is aware that

RECEIVED

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artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 8th day of May, 1984.

David W. Robison

Subscribed and sworn to before me this 8th day of May, 1984.

(seal)

P. H. Robison
Notary Public for Idaho
Residing at ~~Idaho Falls~~ Boise, Idaho
My commission expires: 5/17/88

RECEIVED

MAY 24 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
County of *Jefferson*) ss.

W.H. Robinson being first duly sworn,
hereby takes exception to the "Claim to a Water Right" No.
35-4254, filed by the Idaho Department of Fish and Game, on or
about the 30th day of June, 1983; and further hereby makes the
following specific allegations in support of such exception:

1. Your affiant has for many years resided and farmed in the area of the land described in said Claim to a Water Right as the "Triangle Marsh;" your affiant observes said property almost daily, and has done so for many years; and your affiant is intimately familiar with said property and the use made of it by the Idaho Department of Fish and Game presently, as well as for many previous years.
2. Your affiant disagrees with the priority date stated in said Claim to a Water Right; your affiant is aware that

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artificially high water levels in the Trangle Marsh have been extremely detrimental to affiant's land and have caused substantial damage to the crops affiant has been growing and is attempting to grow upon affiant's property, particularly during the last couple of years.

DATED this 7th day of May, 1984.

P. H. Robinson

Subscribed and sworn to before me this 7 day of May, 1984.

(seal)

Shirley D. Smith
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: July 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 20, 1984

STATE OF IDAHO
DEPT. OF FISH & GAME
BOX 25, 600 S. WALNUT
BOISE ID 83707

RE: Claim No. 35-4254

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

February 21, 1984

RE: Claim to a Water Right No. 35-4253 FISH & GAME
35-4254 "
35-4255 "

Jefferson Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on February 2 and 9, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 35 4254

Applicant ID. Fish & Game

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.

Feb 20, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson

Date March 22, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC

Date 3/23/84

RECEIVED

MAR 24 1984

Department of Water Resources

CW

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

35-4254

STATE OF IDAHO

DEPT. OF FISH & GAME, BOX 25, 600 S. WALNUT, BOISE, ID 83707

Source: WASTEWATER trib. to MARKET LAKE

Priority Date: 10/01/1965

Diversion Pt: SENE Sec 18 T 05N R 37E

Use: WILDLIFE STORAGE (1216.0 AF)
RECREATION STORAGE (1216.0 AF)

In: NENE NWNE SWNE SENE NENW NWNW SWNW SENW Sec 18 T 05N R 37E NENW NWNW SWNW
SENE NESW NWSW SWSW SESW NWSE SWSE Sec 07 T 05N R 37E NENE NWNE SENE NESE
SESE Sec 12 T 05N R 36E NWNE SWNE NENW SENW NESW NESE NWSE SWSE SESE
Sec 01 T 05N R 36E SWSW Sec 06 T 05N R 37E

MICROFILMED