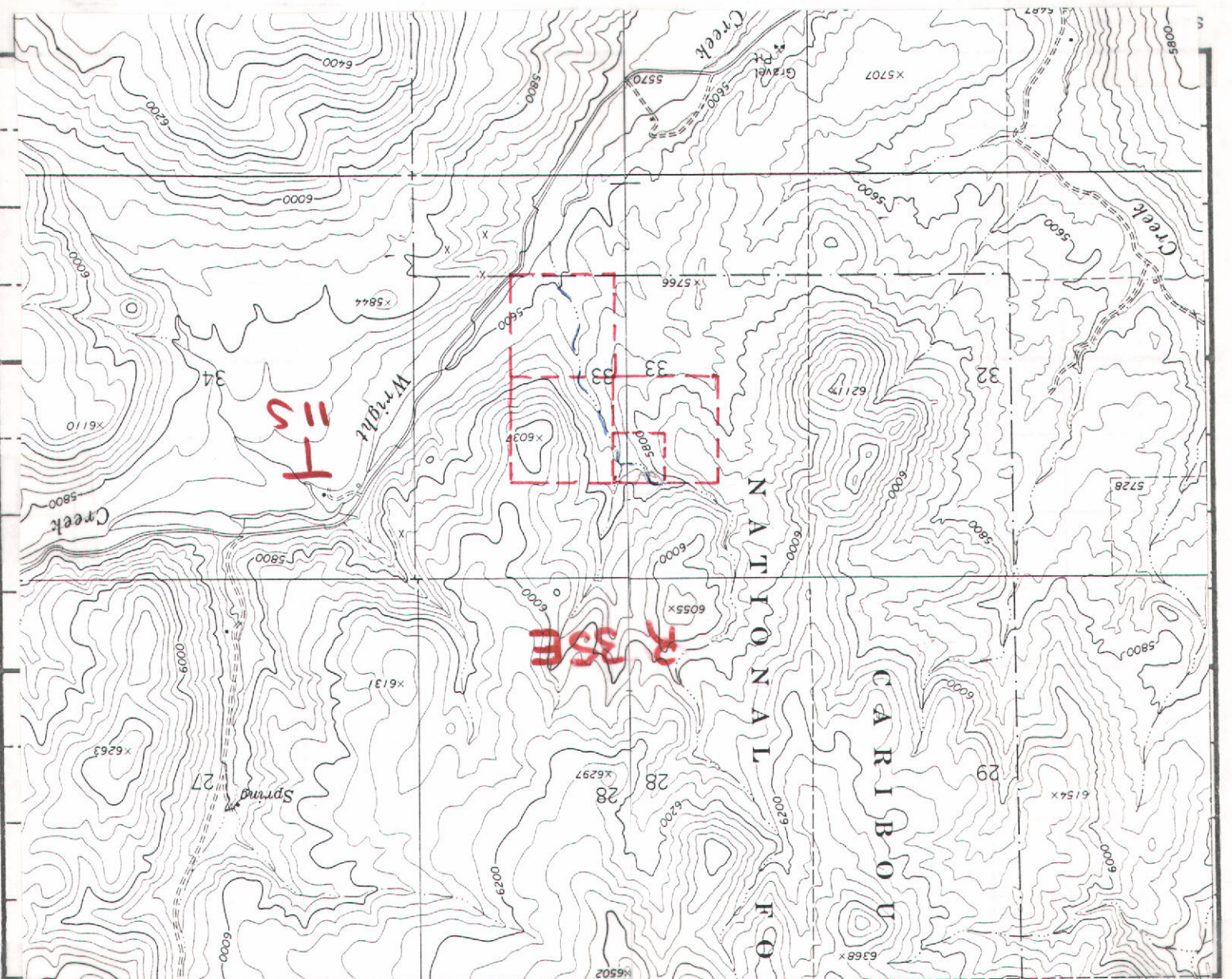



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of)
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 10th day of May, 1988

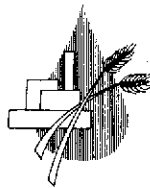
(Claimant)
Notary Public Residing at _____

My commission expires 5/29/91

FOR DEPARTMENT USE ONLY

Received by HWS Date 5-10-88 Exception filed by: _____
Prelim. check by _____ Date 5-10-88 # E000195
Published in Idaho State Journal Date 5-10-88 E.L. Scott for St. John Irrigating
CW 6/22/98
Dates 6-2+6-9-88

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 DeVon and/or Ina Daniels
(Name of Claimant)

3095 N. 100 E. Ogden, UT 84414 Telephone No. (801) 782-9219
(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) June 1, 1927

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 Little Wrights 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>0.02 cfs</u>	Use	<u>Stock</u>	Period of Use From <u>Oct 1</u>	To <u>June 1</u>
Quantity		Use		Period of Use From <u>MAY 1</u>	To <u>DEC 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	<u>0.02 cfs</u>	TOTAL QUANTITY USED.			

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 33 Twp. 11S Rge. 35E B.M., County of Oneida
Additional points of diversion: SWNE and NWSE Sect. 33 T11S R35E

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.
Stock drink directly out of stream

(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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	35E	33			S					S							S		

No. of acres _____

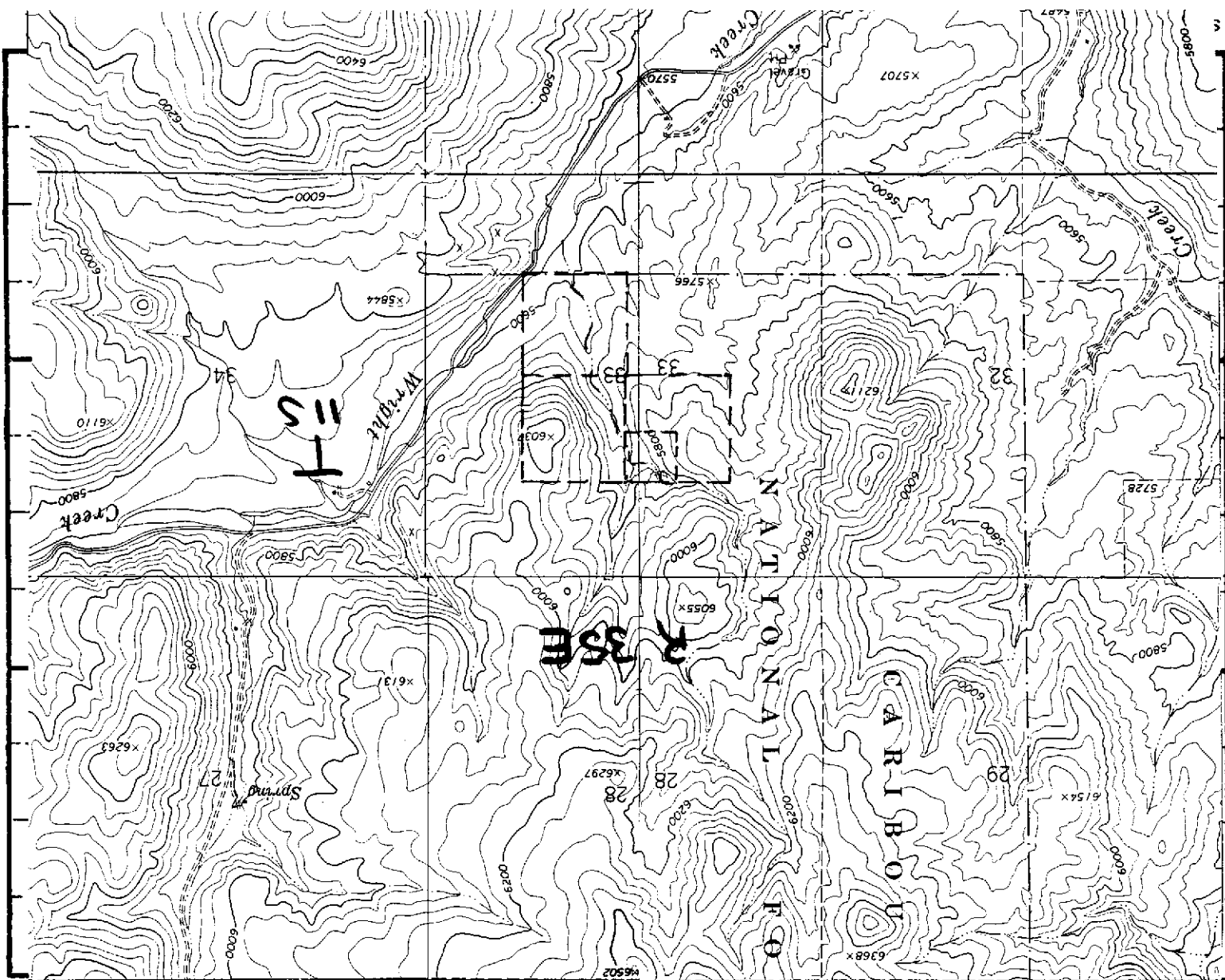
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 40 head of cattle and 8 horses

RECORDED

NOTE: Include here the type and number of stock watered: see above

(7) If you are claiming water as a member of an organization, list name of organization: SEP 10 1988

(8) Remarks



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 San Diego

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.

attendant's knowledge.

Sworn to before me this 10 day of _____

Residing at

Deborah L. Hay

(Claimant)

SEP 20 1988

My commission expires

FOR DEPARTMENT USE ONLY

Forwarded to _____
Date _____
Claimant by: _____

Exception filed by:

Date _____

Prelim. check by

Date _____

by 100

18-01-9

#000000

E.L. SCOTT JR. 101 ST. JOHN STREET

MC

6/22/88

Dates

18-1-948-0

67

RECEIVED

JUN 21 1988

Department of Water Resources
Eastern District Office

IN THE MATTER OF)

Claim to a Water Right)

No. 15-04194)

DEVON DANIELS and INA DANIELS)

AFFIDAVIT AND PROTEST

STATE OF IDAHO)

: ss.

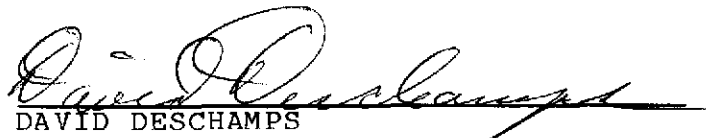
COUNTY OF ONEIDA)

DAVID DESCHAMPS, being first duly sworn, deposes and says:

That he is the Secretary of the St. John Irrigating Company of Oneida County, Idaho, and makes this Affidavit and Protest for and in behalf of said Company.

That the claim of DeVon Daniels and Ina Daniels, 3095 North 100 East, Ogden, Utah, 84414, No. 15-04194 to .020 c.f.s. water for stockwater of the unnamed stream, tributary to Little Wrights Creek and tributary to Little Malad River, is without right and wrongful in that the St. John Irrigating Company is the rightful owner of all of the waters of the Little Malad River for irrigation purposes, with a priority dating back to 1894.

DATED this 13th day of June, 1988.


DAVID DESCHAMPS

SUBSCRIBED and SWORN to before me this 13th day of June, 1988.



SEP 20 1988


Notary Public for Idaho
Residing at Malad City, Idaho

EDWARD L. SCOTT
ATTORNEY AT LAW
P. O. BOX 145
44 MAIN STREET
MALAD CITY, IDAHO 83252

Director
Department of Water Resources
Eastern Region
150 Shoup Ave.
Idaho Falls, Idaho 83402



Nº 1047

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 14 1988

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Oneida } ss.

Sandra Struhs

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 2, 19 88, and ending

with the issue of June 9, 19 88

Sandra Struhs

Fee \$ 28.21 OK less \$14.11 credit
on 7-28-88 ds

Subscribed and sworn to before me this 7th day
of July, 19 88

Jan Hawkins
Notary Public, Residing at Malad, Idaho

My Commission Expires 5-8, 19 91

Water Application

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

15-04194

DANIELS, DEVON

DANIELS, INA

3095 NORTH 100 EAST

OGDEN, UT 84414

Source: UNNAMED STREAM

Tributary: LITTLE WRIGHTS CREEK

Diversion Pt: SWNE Sec 33 T 11S R 35 E

SENW Sec 33 T 11S R 35 E

NWSE Sec 33 T 11S R 35 E

Use: STOCKWATER (.020 CFS)

Priority Date: 6/01/1927

In: T 11S R 35 E S 33 SWNE SENW NWSE

The permit(s) will be subject to all prior water right. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 20, 1988.

R. KEITH HIGGINSON,
Director

Published 6-2-9-1988
No. 1047

SEP 20 1988

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

RECEIVED
JUL 14 1988

Department of Water Resources
Eastern District Office

Sandra Struhs

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 9, 19 88, and ending

with the issue of June 14, 19 88

Sandra Struhs
Fee \$ (23.60) ok dg

Subscribed and sworn to before me this 7th day of July, 19 88

Joan Hankin
Notary Public, Residing at Malad, Idaho

My Commission Expires 5-8, 19 91

Water Application

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created by diversion and beneficial use:
15-04194

DANIELS, DEVON
DANIELS, INA
3095 NORTH 100 East
OGDEN, UT 84414
Source: UNNAMED STREAM
Tributary: LITTLE WRIGHTS CREEK
Diversion Pt:

SWNE Sec 33 T 11S R 35E
SENE Sec 33 T 11S R 35E
NWSE Sec 33 T 11S R 35E
Use: STOCKWATER (.020 CFS)
Priority Date: 6/01/1927
IN: T 11S R 35E S 33

SWNE SENW NWSE
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director
6-(2)-9-16-(T3)-T2
No. 1049 (1047 cor.)

SEP 20 1988

State of Idaho
Department of Water Resources

Distributed for Staffing
Submitted for Advertising

INITIAL dg DATE 5-11-88

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 15-4194 Applicant Daniels

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.
- ☒ W.D. N/A

FINAL REGIONAL PROCESSING REVIEW:

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

By ew Date 6-22-88

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 8-22-88

protest date ~~6-20-88~~
6-27-88

RECEIVED
AUG 22 1988

INTER-DEPARTMENT MEMO — 1

FROM Deena Green

DATE 7-20-88

TO file 15-4194

SUBJECT

We are being double billed ~~by~~ on 6-9. TT
ID Enterprise 7-20, they said they would adjust
billing.

MICROFILMED

SEP 20 1988

SIGNATURE

THE IDAHO ENTERPRISE PUBLISHING AND PRINTING

• Wedding Supplies • Office Forms • Stationery
• Statements • Envelopes • Office Supplies

Phone 766-4773

MALAD CITY, IDAHO 8325 AUG 3 1988

P.O. Box 205

Idaho
Dept of Water Resources
150 Shoup Suite 15
Idaho Falls, Idaho
83402

Department of Water Resources
Eastern District Office

Date	Inv. No.	Description	Debit	Credit	Balance
3/19/87		Amid. of Water Right	52.92		52.92
4/23/87		ROA - warrant # 61440269		52.92	0
7-29-87		Legal # 15-7102	21.84		21.84
7-29-87		Legal # 17-2107	35.49		57.33
7-16-87		Legal # 15-7104	40.04		97.37
10-14-87		Correction Legal # 15-7104	21.84		119.21
11-16-87		ROA - chd # 01592510		119.21	0
12-14-87		Legal # 982	24.57		24.57
12-14-87		Legal # 978	39.13		63.70
1-11-88		ROA		63.70	0
1-14-88		Legal # 989	23.66		23.66
1-14-88		Legal # 993	24.57		48.23
2-8-88		Legal # 1006	34.58		82.81
3-14-88		ROA		48.23	34.58
4-14-88		ROA		82.01	12.47
4-14-88		Legal # 1021	48.23		80
4-14-88		Legal # 1020	30.92		21.72
5-12-88		ROA: thank you		34.58	12.36
5-12-88		Legal # 1035	21.84		8.98
5-31-88		ROA: thank you		21.72	12.74
7-7-88		Legal # 1047	28.21		15.47
7-7-88		Legal # 1049	23.60		39.07
7-28-88		Credit on Legal # 1047		14.11	24.96
7-14-88		Legal # 1058	35.36	OK do	60.32
7-14-88		Legal # 1059	23.42	8-988	84.24
7-28-88		Legal # 1060. Conn # 1058	35.36		119.60

TERMS: Finance Charge is computed by a "Periodic Rate" of 1 1/2% per month (for a minimum charge of 50 cents for balances under \$35.00) which is an annual percentage rate of 18%, applied to the previous balance without deducting current payments and/or credits appearing on this statement.

Please Pay The
Last Figure In
This Column

SEP 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

June 22, 1988

A. KEITH HIGGINSON
Director

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

RE: Claim to a Water Right No. 15-4194 DANIELS

Mr. Edward L. Scott
Attorney at Law
P.O. Box 145
Malad, Idaho 83252

Dear Mr. Scott:

We have received the exception dated June 13, 1988, submitted in behalf of David Deschamps, Secretary, St. John Irrigating Company, 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 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.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

SEP 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 22, 1988

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

RE: Claim to a Water Right No. 15-4194

DeVon &/or Ina Daniels
3095 N. 100 E.
Ogden, UT 84414

Dear Claimants:

Enclosed please find a copy of the exception filed in connection with the above referenced claims. 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 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.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
Enclosure

SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

JUNE 22, 1988

DEVON DANIELS
INA DANIELS
3095 NORTH 100 EAST
OGDEN, UT 84414

Re: Claim No. 15-04194

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

RECEIVED

SEP 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

June 2, 1988

The Idaho Enterprise
P.O. Box 205
Malad City, ID 83252

Dear Sirs:

Enclosed is a correction to the legal notice we submitted for publication on June 2 and 9, 1988. Note that the header and footer are the only changes. Please make these changes for the June 9 publication and run an extra week (June 16).

If you have any questions, please call us collect. Thank you for your help.

Sincerely,

Deena Green
Office Secretary

Enclosure

SEP 20 1988

NOTICE OF CLAIMS TO WATER RIGHT

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

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

R. KEITH HIGGINSON, Director

RECEIVED

SEP 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

Idaho Falls, Idaho 834
(208) 525-7161

MAY 25, 1988

THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 20, 1988.

Yours truly,

Deena Green
Secretary

Encl.

SEP 20 1988

15-04194

DANIELS, DEVON
DANIELS, INA
3095 NORTH 100 EAST
OGDEN, UT 84414

Source: UNNAMED STREAM

Tributary: LITTLE WRIGHTS CREEK

Diversion Pt:	SWNE	Sec	33	T	11S	R	35E
	SEnw	Sec	33	T	11S	R	35E
	NWSE	Sec	33	T	11S	R	35E

Use: STOCKWATER (.020 CFS)

Priority Date: 6/01/1927

In: T11S R35E S33 SWNE SENW NWSE

SEP 20 1988

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 20, 1988.

R. KEITH HIGGINSON, Director

Published 6/02/1988 & 6/09/1988

SEP 20 1988