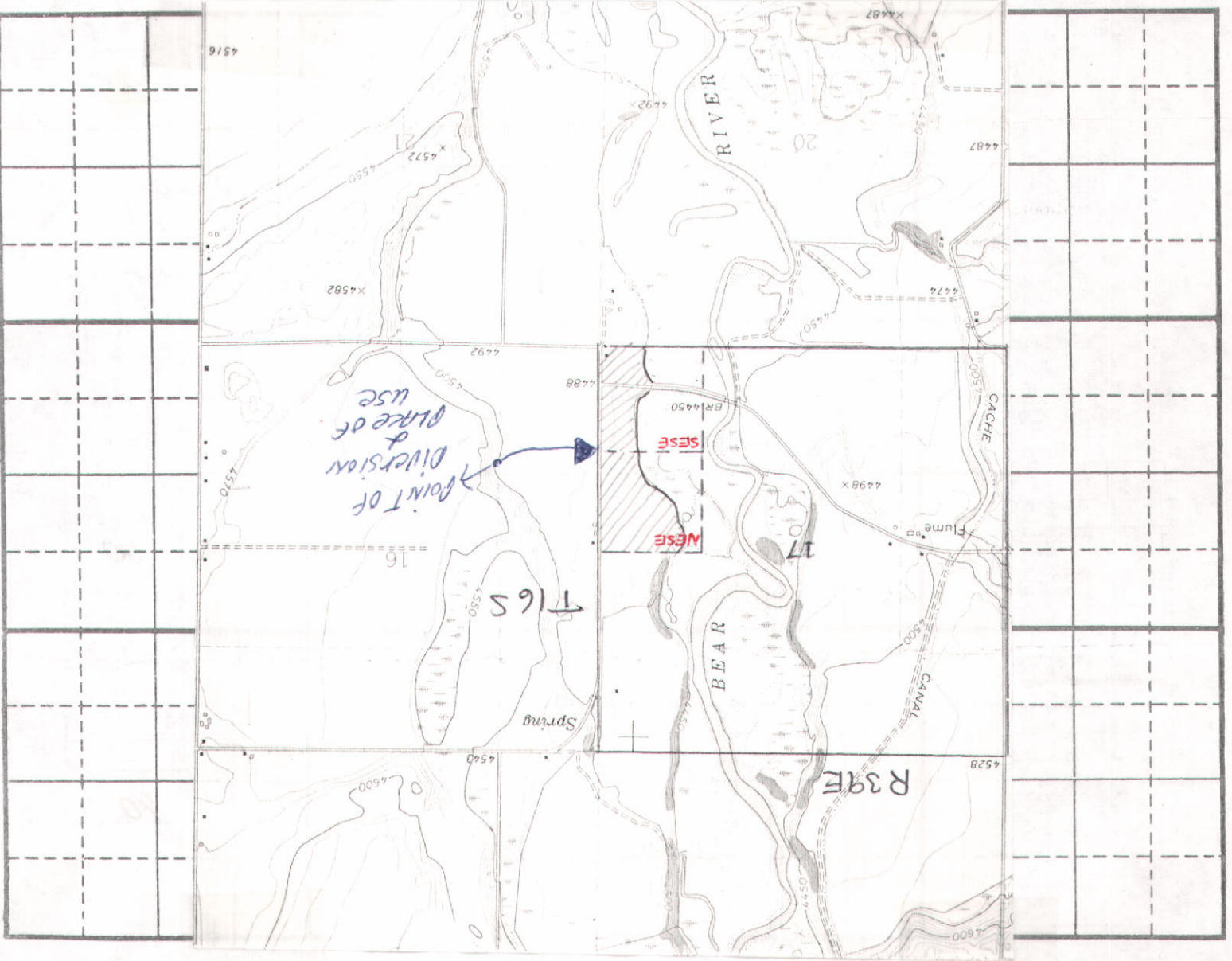




Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

Franklin

) 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 12 day of December, 1983

Notary Public

Residing at

James G. Cantut
C. H. Hume

My commission expires

FOR DEPARTMENT USE ONLY

Exception filed by:

Forwarded to

Date

Date 6-22-83

Date 12-12-83

Date 6-22-83

#30657

Received by
Prelim. check by
\$30.00 fee received by
Published in
Dates

12-12-83

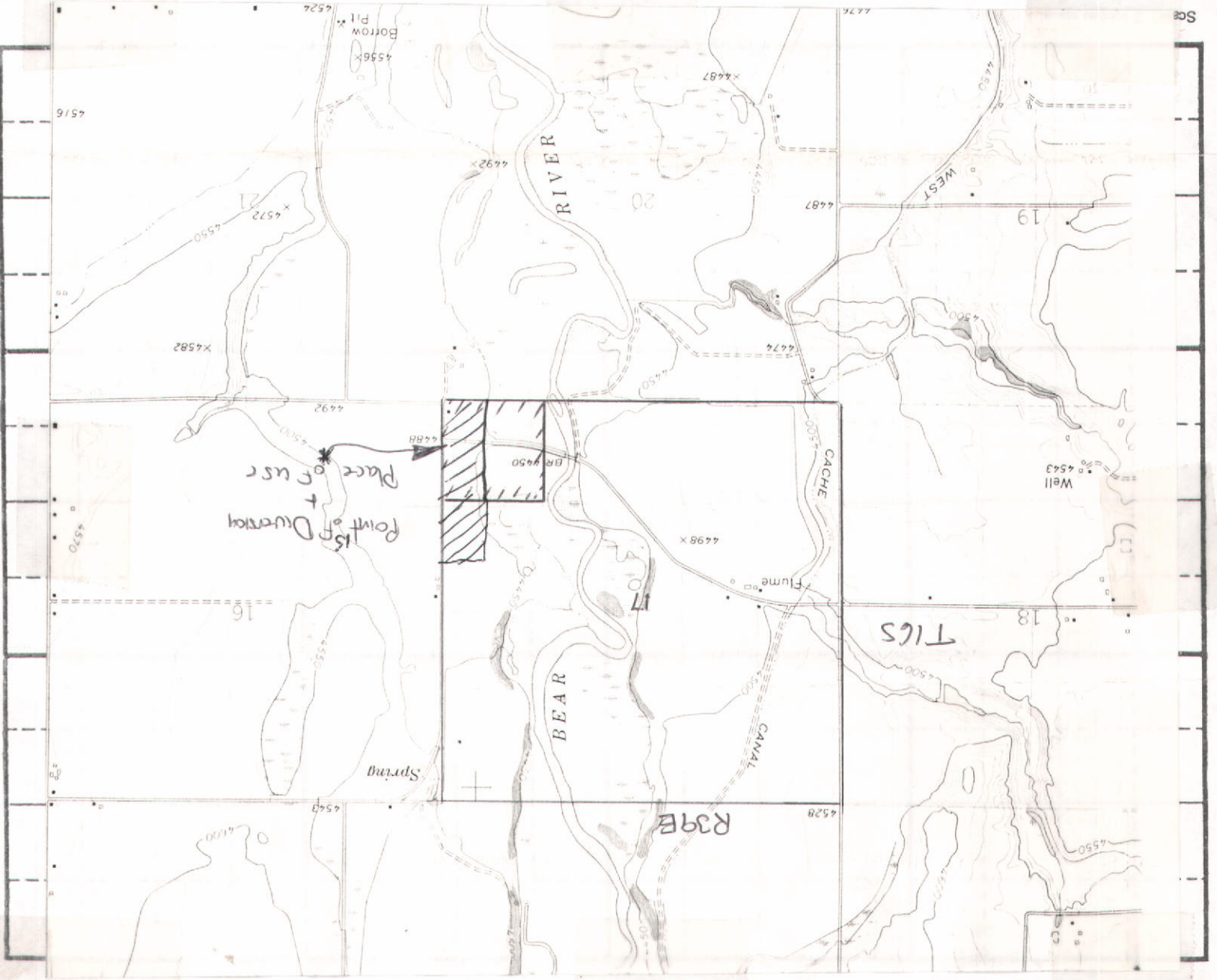
6-22-83

12-12-83

6-22-83

12/22/83

12/22/83



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 Franklin

) 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 13th day of June

(Claimant)

Off P. R. R.

James J. R. R.

Notary Public

Residing at Boston, Idaho.

My commission expires

FOR DEPARTMENT USE ONLY

Forwarded to:

Date

Exception filed by:

Date 6-12-83

Received by CU

Prelim. check by CU

Date 6-22-83

Date 6-22-83

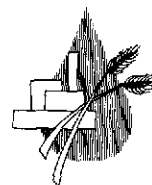
30657

Published in

Dates



DEC 12 1983

Department of Water Resources
Eastern District OfficeSTATE 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 Alex P. Inglet

(Name of Claimant)

RFD #1, Box 357Preston, ID 83263Telephone No. 862-2787

(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) March 1, 1954

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)

Drain

tributary to

Bear River

- (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>0.50cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>10-1</u>
Quantity <u>0.03cfs</u>	Use <u>Stock</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) 0.50cfs TOTAL QUANTITY USED.
(cfs, af)

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

SE ¼ SE ¼, Sec. 17 Twp. 16S Rge. 39E B.M., County of Franklin
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. Drain

- (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	
16S	39E	17													X			X	40

No. of acres

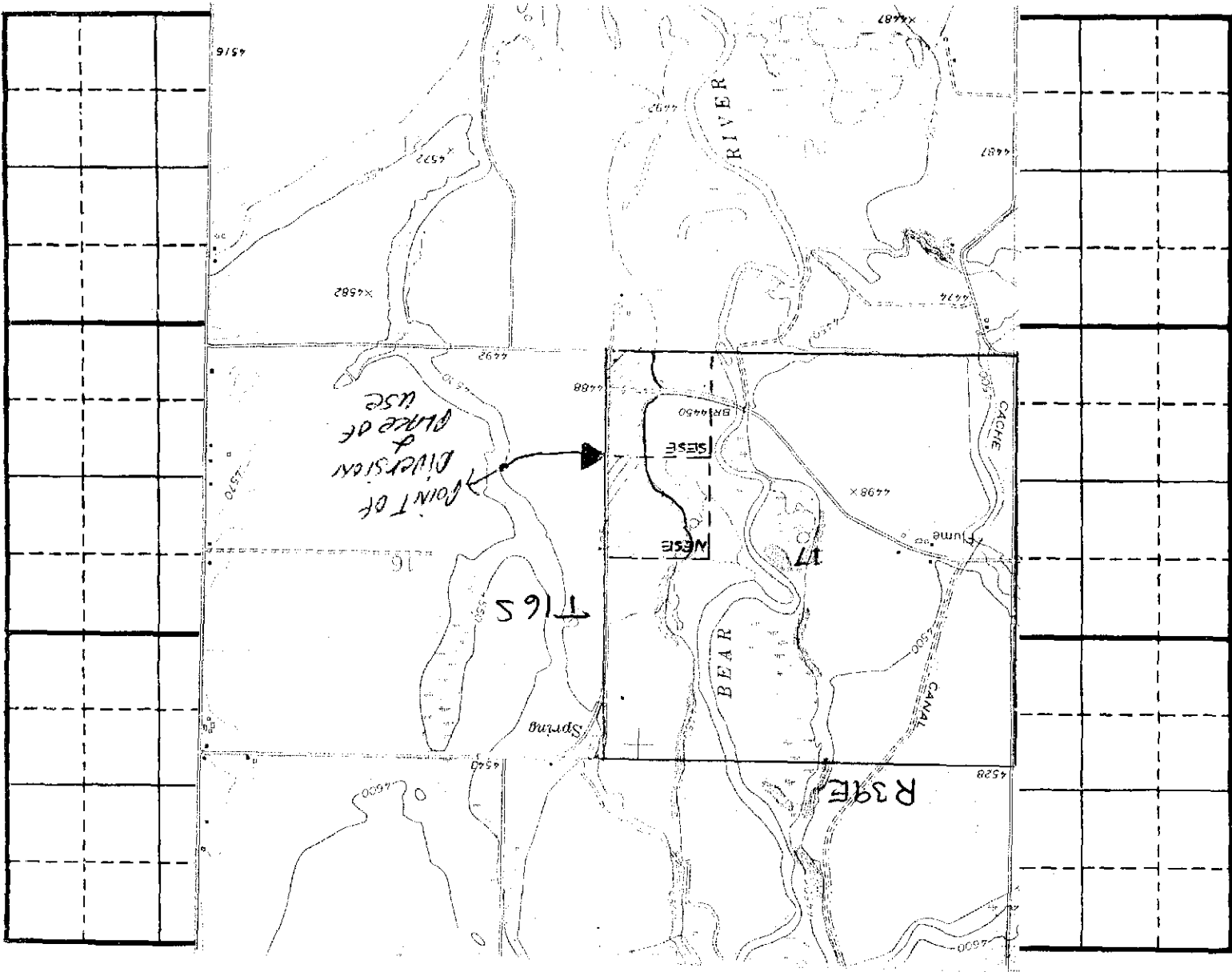
40

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

Stockwater

NOTE: Include here the type and number of stock watered: 50 head of Holstein Cows.

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



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 Franklin

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 17 day of December, 1913

Notary Public
Residing at

James A. Smith
C. H. Smith

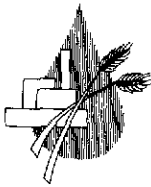
My commission expires

FOR DEPARTMENT USE ONLY

Received by CW 4657 Date 6-22-83
Prelim. check by CW 4657 Date 12-12-83
\$30.00 fee received by CW 4657 Date 6-22-83
Published in Franklin County Dates 12/22 - 12/29/13
Exception filed by: Forwarded to claimant by: Date:

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 Alex P. Inglet

(Name of Claimant)

RFD #1 Box 357 Preston, ID 83263 Telephone No. 862-2787
(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) MARCH 1st 1954

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)
Drain tributary to Bear River

(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>0.50cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>10-1</u>
Quantity	<u>0.03cfs</u>	Use <u>Stock</u>	Period of Use From <u>10-1</u>	To <u>10-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.50 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 17 Twp. 16S Rge. 39E B.M., County of Franklin
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. _____

(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.

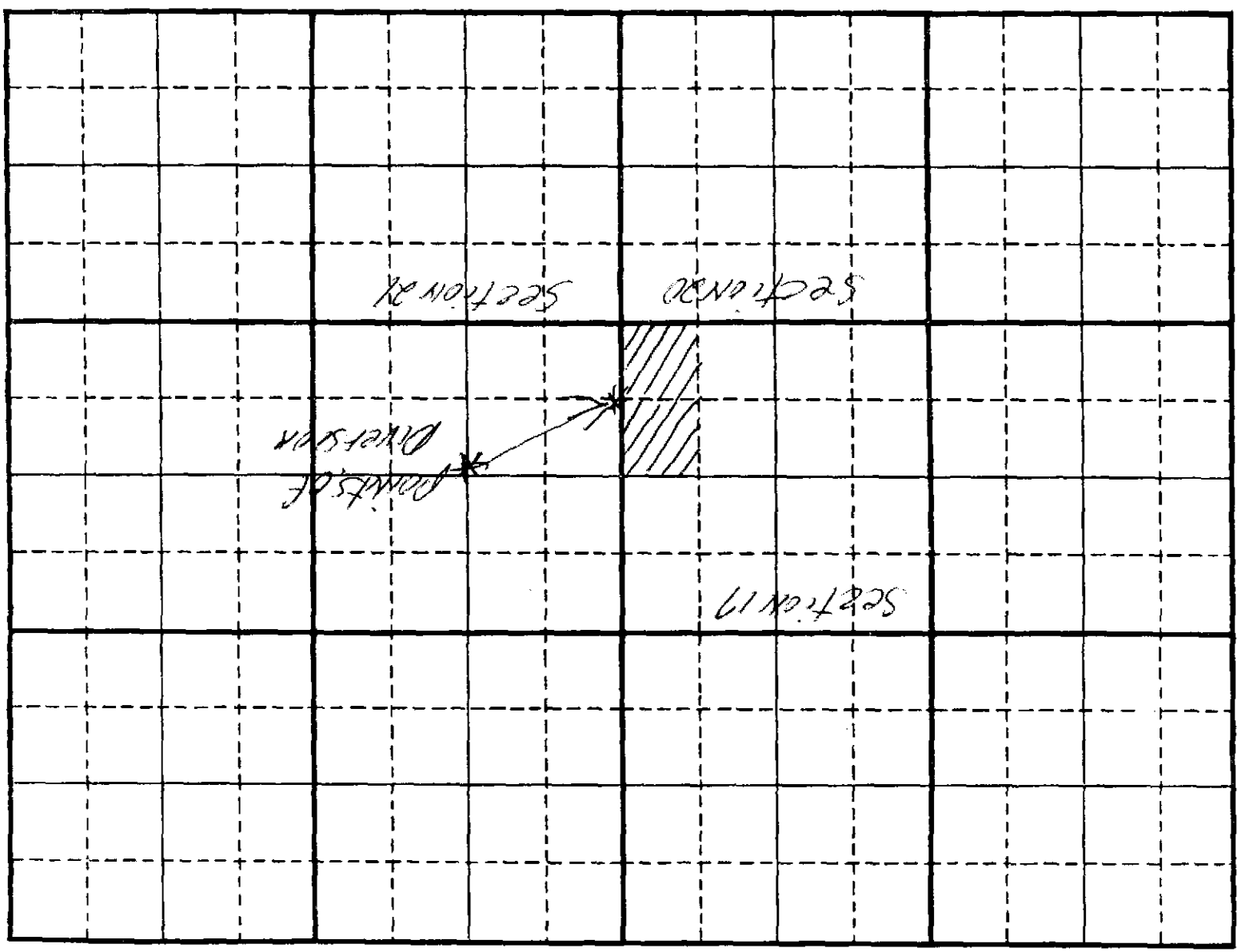
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	39E	17																25	25
16S	39E	17												X	X	X	X		45

No. of acres 25.70

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

NOTE: Include here the type and number of stock watered: 50 head of Holstein Cows

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



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 Franklin) 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 13th day of June 1983
Notary Public
Residing at Oregon, Id.
My commission expires Lifetime

FOR DEPARTMENT USE ONLY
Received by Date 6-22-83
Prelim. check by Date 6-23-83
\$30.00 fee received by Date 6-23-83
Published in
Dates: #3657
Forwarded to claimant by: Date

#875
QED 28 1983
No 2026

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co. Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

Dec. 22, 1983, and ending
with the issue of Dec 29, 1983.

Fee \$ 14.38

Subscribed and sworn to before me this 31st day
of Dec., 1983.

Kim D. All

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

NOTICE OF CLAIMS TO WATER RIGHTS

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

13-4278

INGLET, ALEX P.

RFD 1, BOX 357, PRESTON, ID 83263

Source: UNNAMED DRAIN trib. to
BEAR RIVER

Priority Date: 03/01/1954

Diversion Pt: SESE Sec 17 T 16S R 39E

Use: IRRIGATION (0.50 CFS)

Use: STOCKWATER (0.03 CFS)

In: NESE SESE Sec 17 T 16S R 39E
FOR 40 ACRES

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

KEN DUNN,
Director

Published 12/22 & 12/29/83.

Legal No. 2026 -23L- Published
December 22, 29, 1983.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 1995

Kent Foster
HOLDEN, KIDWELL, HAHN & CRAPO
Box 50130
Idaho Falls, Idaho 83301

Re: Alex Inglet

Dear Kent:

At your request, I met with Alex Inglet along with Pete Petersen, Water District 11 Watermaster, at Mr. Inglet's irrigation project near Fairview. I very much appreciated Mr. Inglet taking the time from his busy schedule to show me the system and to discuss it openly and in detail.

Mr. Inglet described that he diverts water flowing in an unnamed surface stream or drain during spring runoff to fill a natural depression that he has enlarged by dredging over the years. He then uses the water to operate sprinklers with a total of about 60 heads, for as long as the water in the pond will last, to irrigate about 100 acres. He indicated that this is typically about 10 to 12 days per year. He described that once the reservoir is drafted to the point that the pump will not operate, the level of the pond does not increase until surface flow is again diverted into the pond. Based upon these observations, Mr. Inglet believes that pumping from the pond does not affect the flow of the Bear River and that he is only taking water he has stored in the pond when the flow of the Bear River and tributaries is large enough that his claimed priority would be able to divert water.

It is important, though, that IDWR and the watermaster have information to document Mr. Inglet's observations. His situation appears very similar to others' pumping from sumps and ponds along the river controlled by the watermaster and are not allowed to pump unless river flow is adequate to satisfy all rights of earlier priority or the pumper has stored water against which the pumping can be charged. The close proximity of Inglet's pond to the Bear River, the presence of at least one coarse gravel area in the pond excavation, and the similar (from visual observation only) elevation of the pond and river water surface levels make it possible at least part of the water pumped, is subsurface water associated with river flow.

Mr. Kent Foster
Page 2
August 14, 1995

Mr. Inglet has agreed to monitor, with Pete Petersen's supervision, the pond level during and after his next pumping session. He will set a stake in the pond bank so the change in water surface can be measured. He will document the pumping times and pumping rate; estimating rate by counting sprinkler heads by nozzle diameter and pressure readings obtained with a pitot tube and pressure gauge. He indicated he would keep a diary of relevant information on pump turn on/off times, number of sprinkler heads, and pond level changes. Pond level change should be observed and noted for a period of several weeks after pumping stops. Surface flows entering the pond during the test should be noted. We asked that he notify Pete when he finishes pumping.

Based upon the information gathered, the volume of water diverted can be compared to the change in volume stored in the pond to give an indication of whether the pond is gaining or losing significantly to subsurface flows that may be associated with the river. Adjustments will need to be made for evaporation and surface inflow (hopefully negligible). Observing whether the water level in the pond recovers, after being pumped down, will provide an additional check.

If it appears the Bear River flows are affected by pumping, Mr. Inglet will need to provide stored water to cover the amount taken from the river at times that his priority is not being satisfied. Apparently, he and a neighbor share or previously shared a pump from the Bear River for which a contract for stored water from Pacific Corp. has been used in prior years. Pete Petersen will check with Pacific Corp. to determine the status of the contract and if this will be a possible source of stored water, if the test indicates that make-up water is needed.

Finally, at Mr. Inglet's request, I searched IDWR records for rights associated with the land he claims to be irrigating from the pond. Attached are computer printouts of the rights found. None of the claims accurately describe the pattern of storage of runoff/use of storage from the pond described by Mr. Inglet. The deadline has passed for filing statutory claims, but it may be possible to amend an existing claim to correct the description of source and to describe storage if the test indicates that this is the case or even partly the case. I have cautioned Mr. Inglet that it is only possible to claim uses commenced prior to 1971. It appears that the pond size has been increased in recent years and it may not be possible to claim the entire storage volume.

Kent, I have always appreciated your efforts to assist your clients to work through these matters to reach an acceptable solution. I trust that the arrangements for the simple test to check the relationship with the river is agreeable to you. If you have suggestions or want to discuss this matter, please give me a call.

Mr. Kent Foster
Page 3
August 14, 1995

Sincerely,


NORMAN C. YOUNG
Administrator

c: Alex Inglet
Pete Petersen
Harold Jones, IDWR Idaho Falls
File 13-04278

WR-NUMBER	SOURCE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
1304244	T16S R39E S17	UNNAMED DRAINS																05	5
1300138	WESTON SLO	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
1300946	DEEP CREEK	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
1300974	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	30	
1302027	WESTON HOL	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	30	
1304107	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	11	
1304278	UNNAMED DR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	24	
NO MAPPING INFO AVAILABLE																			
1304244	T16S R39E S20	UNNAMED DRAINS																20	
1300946	DEEP CREEK	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
1300974	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	70	
1302105	WESTON SLO	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	25	
1302139	UNNAMED DR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	110	
1304019	UNNAMED ST	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	110	
1304020	WESTON CRE	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	3	
1304107	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	62	
1304234	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	20	
1304236	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	10	
1304237	UNNAMED DR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
NO MAPPING INFO AVAILABLE																			
1304244	T16S R39E S21	UNNAMED DRAINS																60	
1300026	CUB RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
1300026A	CUB RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	160	
1300026B	CUB RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	40	
1302066	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	40	
1302199	UNNAMED DR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	40	
1304107	BEAR RIVER	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	60	
NO MAPPING INFO AVAILABLE																			

WRS809NP
No. 13-04107

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/09/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALEX P. INGLET ROUTE 1 PRESTON ID 83263	06/01/1926	IRRIGATION	04-01 11-01	2,500 CFS	
TOTAL DIVERSION:					2,500 CFS	

Water Source: BEAR RIVER
Points(s) of Diversion: T16S R39E S20
Tributary to: GREAT SALT LAKE
Stage: STATUTORY CLAIM
FRANKLIN County

Place of use Legal Description for: IRRIGATION

	NE	NEE	SWNE	SENE	NEW	NWN	SWNW	SENW	NESE	NWSE	SWSE	SESE	SUM
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: SUM
16S 39E 17	:	:	:	:	:	:	:	:	:	:	:	:	21.0
16S 39E 20	:	:	:	:	:	:	:	:	:	:	:	:	3.0
16S 39E 21	:	:	:	:	:	:	:	:	:	:	:	:	60.0
TOTAL ACRES													84.0

Pou County: FRANKLIN

Remarks: AC. IRR. = 83.7.

Dates:	App. Received:	Priority Date:
	Proof Due Date:	Proof Made Date:
	Exam Made Date:	Exam Sent to S.O.:
	Licensed Date:	

Misc: Water District Number: 11
Audit: 05/16/86 05/21/88 CONVERT

Field Exam Fee:

WR5809NP
No. 13-04244

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/09/95
PAGE: 2

OWNER	NAME & ADDRESS	PRIORITY	DATE	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODE					FROM TO	RATE	VOLUME
C	ALEX P. INGLET RFD #1, BOX 357 PRESTON ID 83263		04/01/1951	IRRIGATION STOCKWATER	04-01 10-01 10-01 04-01	1,000 CFS 0.500 CFS	

TOTAL DIVERSION: 1.500 CFS

Water Source: UNNAMED DRAINS
SPRINGS

Tributary to: BEAR RIVER
BEAR RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T16S R39E S21

NW1/4

FRANKLIN County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	NE NE	NE NW	NE SW	NE SE	
16S 39E 17	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
16S 39E 20	: 20	:	:	:	: 05
16S 39E 21	:	: 40	:	:	: 20.0
	:	:	:	:	: 60.0
	:	:	:	:	: 85.0
					TOTAL ACRES

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: FRANKLIN

Dates: App. Received: 04/01/1951
Proof Due Date:
Exam Made Date:
Licensed Date:

Misc: Water District Number:
Field Exam Fee:

Audit: 05/16/86 05/21/88 CONVERT

DATE: 08/09/95
PAGE: 3

WATER RIGHT PROFILE REPORT

DIVERSION
VOLUME

0.500 CFS
0.030 CFS

0.500 CFS

Stage: STATUTORY CLAIM

FRANKLIN County

40.0

Pou County: FRANKLIN

Priority Date: 03/01/1954
Proof Made Date:
Exam Sent to S.O.:

Field Exam Fee:

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

13-4278

re: H. Jones
11-15-93

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS, P.A.
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
330 SHOUP AVENUE
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

RANDALL B. REED
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

November 8, 1993

RECEIVED

NOV 09 1993

Mr. Harold Jones
IDAHO DEPARTMENT OF WATER
RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern District Office

RE: Alex Inglet

Dear Mr. Jones:

We have finally been able to obtain, and are enclosing with this letter, an affidavit of Barnard Inglet, regarding the use of Bear River water and waste water which has been made over the years on the land now operated by Alex Inglet.

From the memo from Norm Young, a copy which you furnished to us last August, I am not sure of what information you or other Idaho Department of Water Resources personnel may have gathered, but we hope this affidavit will be of assistance.

We have never understood Petersen's concerns about the impounding and use of the waste water. He has never contacted me or responded to my letter in any way. Perhaps some additional documentation would be helpful. When you have had an opportunity to review the affidavit, and perhaps your file again, would you please give me the benefit of your thoughts and any recommendations you may have.

Yours very truly,



Kent W. Foster

#0176.00/KWF:kep
Enclosure

cc: Alex Inglet

AFFIDAVIT OF BERNARD INGLET

STATE OF IDAHO)
)ss.
County of Franklin)

BARNARD INGLET, being first duly sworn, upon his oath,
deposes and states:

1. Affiant resides at 3985 South 1600 West, Preston, Idaho 83263. Affiant was born near Preston, Idaho, in 1915, and has resided his entire life on or near a farm located primarily in portions of Sections 17, 20 and 21 of Township 16 South, Range 39 East (the irrigated portions of which are described below) adjacent to the Bear River, now operated by affiant's son, Alex Inglet. Much of the farm was formerly owned and operated by affiant's father, J. Parley Inglet, and grandfather, Parley J. Inglet. Affiant has been personally familiar with water diversion and use on this land for most of his life, and knows of much of the prior history of the irrigation of the farmland from his father and grandfather.

2. In about 1901 (in support of this date supplied to affiant by his father, J. Parley Inglet, affiant has located a letter from the Mine and Smelter Supply Company, dated June 19, 1901, to a Mr. John Martin regarding this very pump, a copy of which is attached to this affidavit), affiant's father,

J. Parley Inglet, and affiant's uncle, Simpson B. Inglet, installed a pump on the east side of Bear River, on Parley's land, in the SW corner of the SE1/4 of the NE1/4 of said Section 20, and powered it by means of a gasoline engine. Water was discharged into a ditch system which carried the water to lands of Parley J. Inglet and Simpson B. Inglet. The land irrigated included approximately 15 acres of land still owned and irrigated by Alex Inglet in the SE1/4 of the NE1/4 of Section 20, Township 16 South, Range 39 East.

3. In about 1915, a steam engine from a threshing machine was substituted for the gasoline engine. The steam engine was used for the operation of the pump for three or four years and then a stationary gasoline engine was installed. With the steam engine, the pump produced about 4.0 cfs. The output of the pump decreased with the use of the gasoline engine to about 2.0 cfs, but affiant's father irrigated the same land. The second gasoline engine was used until 1937.

4. In 1937, affiant acquired an Oliver, tricycle-type, tractor. (He recalls it was two years before he was married, and he was married in 1939). The tractor was used to drive the pump until sometime between 1951 and 1956. The pump produced about 2.5 cfs when operated by the tractor. No other changes were made, except that Simpson B. Inglet did not use as much water and finally ceased using water for irrigation at all.

5. Sometime between 1951 and 1956, affiant agreed with another neighbor, Seaborn Lamont, to move the pump and tractor to the east side of (and at the bow of) a slough near the north side at about the center of the NE1/4 of the NE1/4 of Section 20. A ditch system was constructed to permit irrigation of some of Mr. Lamont's land, as well as additional land of affiant, consisting of some 10 acres in the SE1/4 of the SE1/4 and 19 acres in the NE1/4 of the SE1/4 of Section 17, 2.6 acres in the NE1/4 of the NE1/4 of Section 20, 40 acres in the NW1/4 of the NW1/4, and 20 acres in the SW1/4 of the NW1/4 of Section 20, all of which sections are in Township 16 South, Range 39 East. The tractor was used to operate the pump until sometime between 1951 and 1956, but in 1957, a new electric pump was substituted. Affiant and Mr. Seaborn Lamont had agreed to share water and expenses half and half. At that time, in 1957, the tractor and old pump were moved to the "Horseshoe Slough", a slough located in the SW corner of the NE1/4 of the NE1/4 in the NW corner of the SE1/4 of the NE1/4, as well as into the NE corner of the SW1/4 of the NE1/4 of said Section 20. From that time on, the old pump was used primarily to pump the water from the slough into the river to alleviate boggy conditions on the surrounding bottom land. The pump is still present in that location although it is no longer in use.

6. The slough on which the new electric pump was located was fed by the river, but a sandbar continued to encroach near its mouth until it was pretty much impossible to get water to the pump. Finally, by 1968, after affiant secured permission from Mr. Frank Gilbert to put the pump on the east bank of Bear River, on Mr. Gilbert's land in the NE corner of the NW1/4 of the NE1/4 of said Section 20, the pump was moved to its present location, concrete supports were poured, and a steel pipeline installed to carry water to the upper land ditch system irrigated by affiant and the Lamonts. A number of modifications have been made to overcome the sand problem. The 30-hp pump and motor have been replaced twice. The pump has always produced between 2.0 and 2.5 cfs.

7. The river bottom land located in the E1/2 of the NE1/4 of said Section 20, including the 15 or so acres in the SE1/4 of the NE1/4 irrigated as described, was normally flooded in the spring when affiant first remembers it, but after the flood waters receded, the land could be farmed and needed irrigation. Sometime, approximately during the 1930s, two men (as affiant recalls one was named Elmer Kerr and the other was Melvin Smith) constructed a drain on their lands a mile or so upgradient to the NE of affiant's land. The drain brought

water to affiant's bottom land, as well as some of affiant's land upon the bench, and all the land became increasingly more boggy. There was no channel for the water to reach the river so it ponded and flooded affiant's land and other bottom land to the south. With additional drain construction and improvements upgradient and increased waste or drain water from upland irrigation, primarily of lands under the Cub River Irrigation Company, a gully began to erode on affiant's land approximately along the east/west dividing line between the NW1/4 of the NW1/4 and the SW1/4 of the NW1/4 of Section 21, beginning near the western edge and creeping further and further east until now it is quite large and deep. Over the years, affiant has attempted to control the drainage and even to impound it to reduce the boggy conditions it produced on his lands, and to use it to irrigate portions of the farm. This activity increased until beginning in about 1978, a pond or reservoir at the base of the gully was begun in earnest. A diesel pump has been installed on the pond which now pressurizes a sprinkling system to irrigate all of the lands above described, and the water from the pump on the river (jointly owned with Lamonts) is now used primarily to augment and supplement the supply from this pond or reservoir.

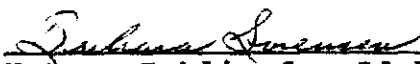
Upgradient changes in the use and operation of the waste water drains frequently increase the erosion problems or reduce the water supply.

DATED this 1st day of ~~September~~^{November}, 1993.


BARNARD INGLET

SUBSCRIBED and sworn to before me this 1st day of
~~September~~, 1993.
November

(SEAL)


Notary Public for Idaho
Residing at Swan Lake, Idaho
My Commission Expires: June 1, 1994

#0176.00
1486m/srs

THE MINE AND SMELTER Supply Company.

P.O. BOX 250.

EBEN SMITH,
JOHN SCARY,
R.J. GARY,
F.L. SMITH.

DENVER ADDRESS
P.O. BOX 1543.

MACHINERY AND MINING SUPPLIES
OF ALL KINDS.
224 AND 226 WEST TEMPLE ST.

Salt Lake City, Utah.

June, 19, 1901

Mr. John Martin,
Preston, Idaho.

Dear Sir:-

We are in receipt of your favor of the 13th. in regard to Mr. P.J. Englet's pumping plant. The writer understood Mr. Englet to say that the pump would stand within four feet of the water at the present time, and at no time would he have to raise water over 10 ft., in which case the #3 pump could be worked successfully without a foot valve in this altitude. However, as it is necessary for him to ^{DRAW} ~~throw~~ water from a greater height than this there is no doubt but what a foot valve would be a benefit to him, at the time of his buying the pump. I spoke to him of the power of his engine, and told him that he did not have power enough to raise water over 10 ft., but from 4 to 10 ft. that I thought he could run the pump. I regret he is having this trouble, and if there is anything that I can do to help him out we will be pleased to do. We can furnish him a 4" foot valve for \$3.65 in Salt Lake, and would be pleased to send him one should he so desire. We think this would overcome part of his difficulty.

Yours very truly,

The Mine & Smelter Supply Co.

JWG

Ed. Gates

January 18, 1984

RE: Claim to a Water Right No. 13-4278

Alex P. Inglet
RFD #1, Box 357
Preston, ID 83263

Dear Mr. Inglet:

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

January 18, 1984

Claim to a Water Right No. 13-4278 INGLET

Melvin S. Roberts
Preston,
Idaho 83362

Dear Mr. Roberts:

We have received the exception dated January 11, 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

**NOTICE OF CLAIMS TO
WATER RIGHTS**

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

13-4278

INGLET, ALEX P.

RFD 1, BOX 357, PRESTON, ID 83263

**Source: UNNAMED DRAIN trib. to
BEAR RIVER**

Priority Date: 03/01/1954

Diversion Pt: SESE Sec 17 T 16S R 39E

Use: IRRIGATION (0.50 CFS)

Use: STOCKWATER (0.03 CFS)

**In: NESE SESE Sec 17 T 16S R 39E
FOR 40 ACRES**

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

**KEN DUNN,
Director**

Published 12/22 & 12/29/83.

**Legal No. 2026 —23L— Published
December 22, 29, 1983.**

Preston, Ida
Jan 11, 1984

I Melvin S. Roberts writing
in behalf of Norman Roberts who is my
father, object to the claims which have
been filed on ~~the~~ unnamed Drain trib. to
Boor River.

Diversion Pt. stated to be SESE ~~Sec.~~
Sec. 17 T 16 S R 39 E

To be used for: Irrigation (0.50 CFS)
and Stock Water (0.03 CFS)

In: NESE SESE Sec. 17 T 16 S R 39 E
for 40 Acres

Reason of objection

We use this water for irrigation
at different times throughout the summer
months. The last time we used the
water was the summer of 1982. The
stream was not used in the summer of
1983 because of the terrific amount of
rain fall, but on an average year our
crops would suffer significantly.

Melvin S. Roberts

Subscribed & sworn before me this
11th day of January, 1984

John K. Smith J.P.
2-16-86

RECEIVED

JAN 12 1984

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 9, 1984

ALEX P. INGLET
RFD 1, BOX 357
PRESTON

ID 83263

RE: Claim No. 13-4278

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
JAN 17 1984

Department of Water Resources

December 15, 1983

RE: Claim to a Water Right No. 11-4308 BARKER BROS.
13-4278 INGLET

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure (2)

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 13 4278 Applicant Inglot

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.

Jan. 9, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Jan 11, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By pc Date 1/18/84

pc

November 16, 1983

Alex Inglet
Rt. #1, Box 357
Preston, ID 83466

Dear Mr. Inglet:

On June 22, 1983 the Department of Water Resources received your claim to a water right filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on November 2, 1983 with a cover letter outlining the modifications you needed to make for the claim to be in form to process.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00.

Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than January 3, 1984. A returned claim postmarked later than ~~January 3, 1983~~ ^{January 3, 1984} will be assessed the current filing fee of \$100.00.

Staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

November 2, 1983

Alex Inglet
RFD #1, Box 357
Preston, ID 83263

Dear Mr. Inglet:

I received your last claim and I found we still need to make some corrections. I have enclosed a new claim and a work copy of your previous one. I feel the best tactic is for you to call me and we can go through this together.

On the work copy in area 6 you will note that 70 acres is listed. The correct quarter of quarter must be listed. This would take at least two $\frac{1}{4}$ of $\frac{1}{4}$ since a single $\frac{1}{4}$ of $\frac{1}{4}$ can only have 40 acres in it. Also the x's you put indicate stockwater in all 4 quarters of the SE 160 acres.

In any event I think we can resolve this over the phone.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosed

August 8, 1983

Alex Inglet
RFD #1, Box 357
Preston, MD 83253

Dear Mr. Inglet:

Enclosed is a new claim based on ~~the~~ one you submitted. On line 1 you will need to provide a month and day from 1954.

On line 3 I included stockwater since you had it listed on line 6b. Also the map you draw covered two $\frac{1}{4}$ of $\frac{1}{4}$ but line 6A shows only 25 acres in ~~the~~ SESE.

Please complete the new ~~claim~~ so line 6a and the map are consistent. Also you will have to sign and have ~~the~~ new claim notarized. No additional fee is necessary.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 14, 1983

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 JANUARY 9, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

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

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, Dir.

Published 12/22 & 12/29/83.

13-4278-

INGLET, ALEX P.

RFD 1, BOX 357, PRESTON, ID 83263

Source: UNNAMED DRAIN trib. to BEAR RIVER

Priority Date: 03/01/1954

Diversion Pt: SESE Sec 17 T 16S R 39E

Use: IRRIGATION (0.50 CFS)
STOCKWATER (0.03 CFS)

In: NESE SESE Sec 17 T 16S R 39E FOR 40 ACRES

Proofed
BP 12/19/83