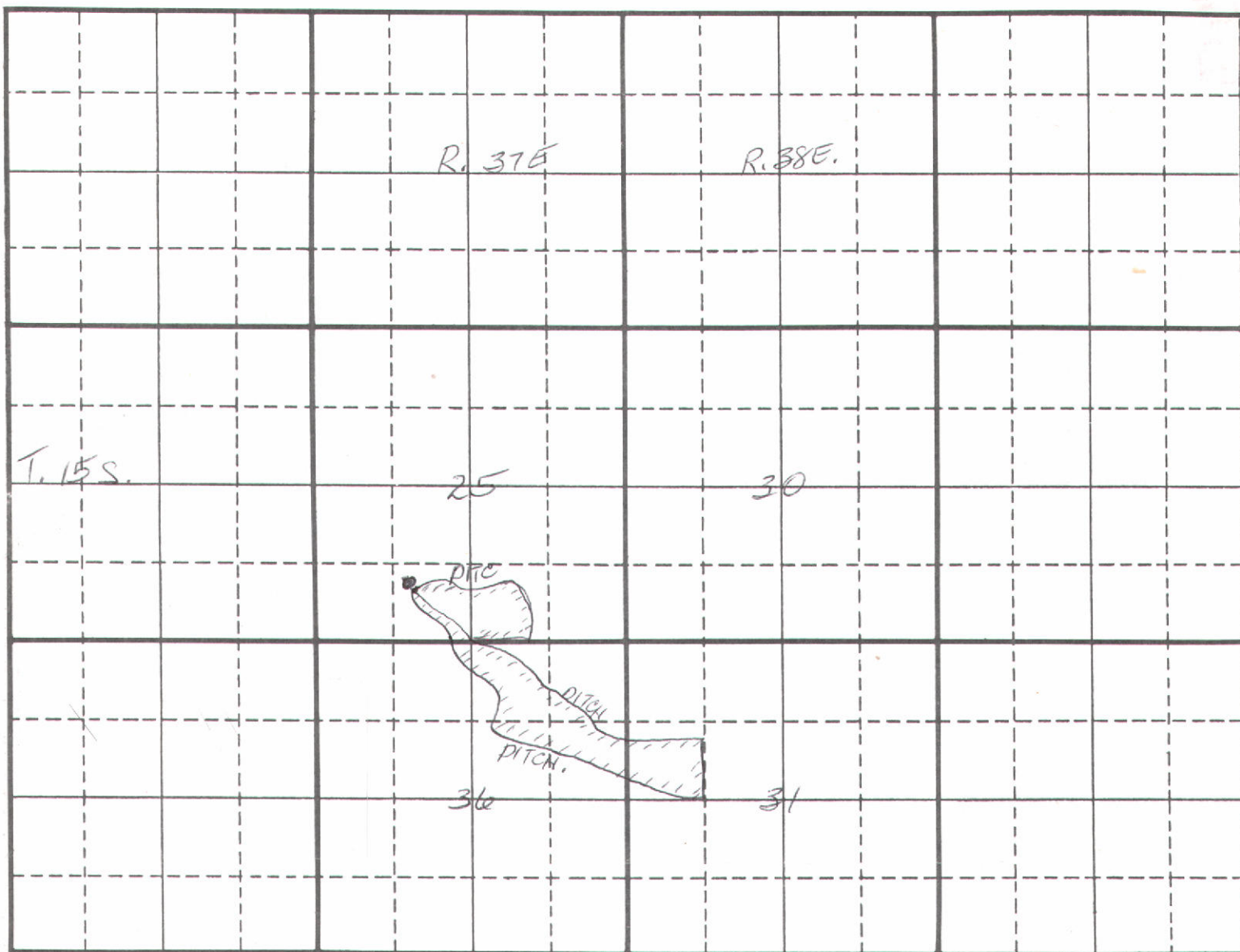


(8) Remarks _____



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 _____) 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 21 day of April, 1980.

Stirling Bingham
(Claimant)

Donnan A. Ricks
Notary Public
Residing at Paeton, Idaho

My commission expires Continues

FOR DEPARTMENT USE ONLY

Received by ARK Date 4/24/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ARK Date _____
\$20.00 fee received by ARK Date N/A
Published in Hreston Citizens
Dates 5/8 + 5/15/80 to 6/20 + 7/03

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

June 26, 1980, and ending with the issue of July 3, 1980.

Fee \$ 11.50

Subscribed and sworn to before me this 31st day of July, 1980.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4125 in the name of Sterling Bingham or Vereen Bingham was advertised incorrectly on 4-10 and 4-17-1980. The place of use was advertised as being within the SESW, SWSE, Sec. 25, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 37E for 117 acres.

WHEREAS, the actual place of use is within the SESW, SWSE, Sec. 25, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 38E, for 117 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Legal No. 1144 - 23L - Pub. June 26 and July 3, 1980.

RECEIVED
AUG 11 1980

Department of Water Resources
Eastern District Office

MICROFILMED

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

May 8, 1980, and ending with the issue of May 15, 1980.

Fee \$ 6.84

Subscribed and sworn to before me this 30th day of May, 1980.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4125 in the name of Sterling Bingham or Vereen Bingham was advertised incorrectly on April 10 and 17, 1980. The names of the claimants was advertised as being Sterling Bingham and-or Verlen Bingham.

WHEREAS, the claim is filed in the names of Sterling Bingham or Vereen Bingham.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
 Director

Legal No. 1112-19L - Pub. May 8 and 15, 1980.

RECEIVED

JUN 11 1980

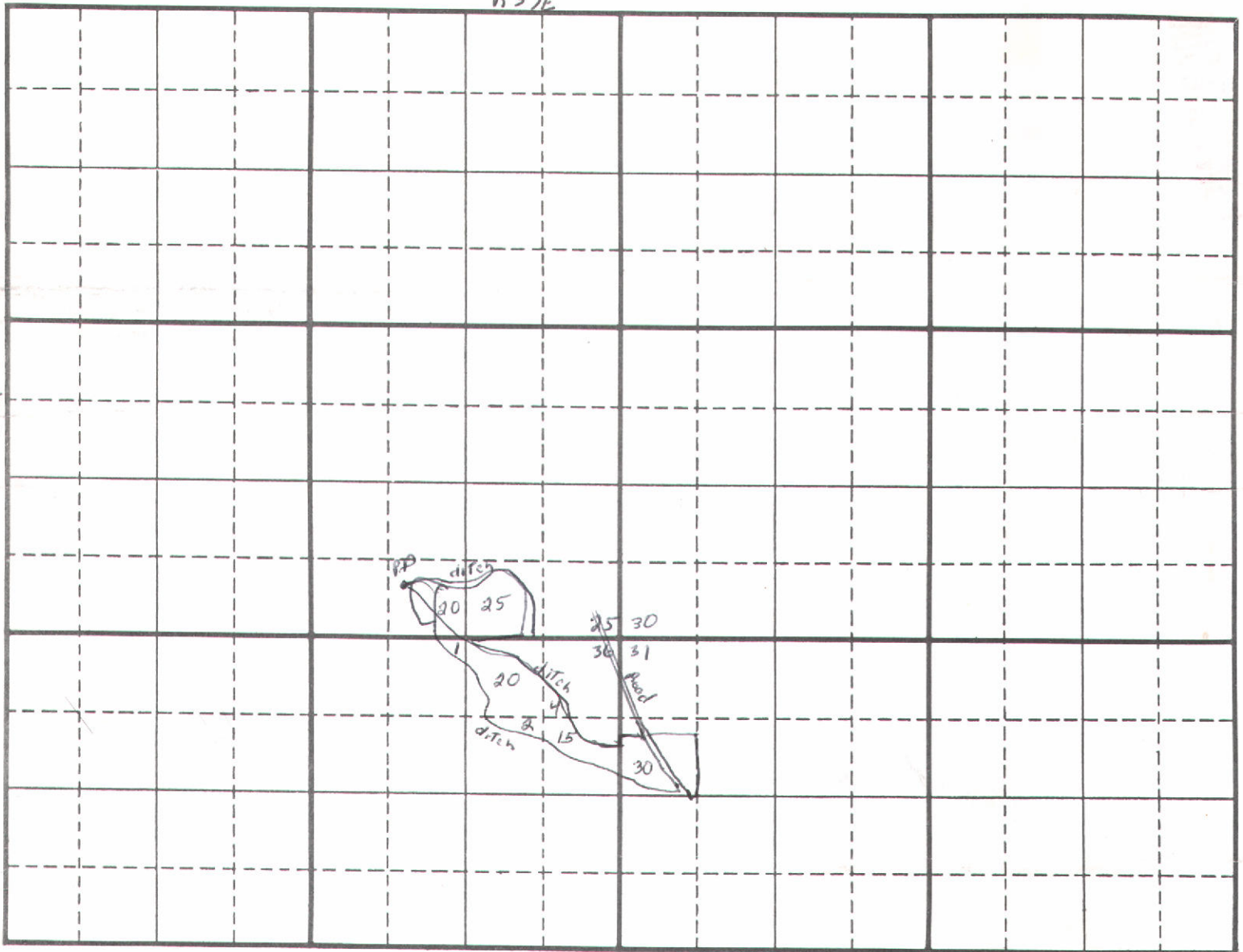
Department of Water Resources
 Eastern District Office

MICROFILMED

ok
 6/17/80

(8) Remarks _____

R 37E



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 17th day of March, 1980.

Stetling Bingham
(Claimant)

Norman A. Puck
Notary Public
Residing at Preston, Ida

My commission expires Continuous

Received by kw Date 3/18/80 FOR DEPARTMENT USE ONLY
Prelim. check by kw Date 3/18/80 Exception filed by: _____ Date _____
\$20.00 fee received by kw Date 4/1/80 #13898
Published in The Preston Citizen
Dates 4/10 & 4/17/80 Forwarded to claimant by: _____ Date _____

No 1090

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 2 1980

Department of Water Resources
Eastern District Office

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 10 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

April 10, 1980, and ending with the issue of April 17, 1980.

Fee \$ 8.25

Subscribed and sworn to before me this 28th day of April, 1980.

Kevin D. Allred

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

INFO WRONG
ACCORDING TO
VEREEN BINGHAM
ONLY RAN ONCE
WATER DEPT
ERROR.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4125

BINGHAM, STERLING and-or VERLEN

WESTON, ID 83286

Source: CHERRY CANYON CREEK tributary to WESTON CREEK

Priority Date: 06-29-1895

Amount: 6.00 CFS

Diversion Point: SESW Sec 25 T 15S R 37E, FRANKLIN Co.

Use: IRRIGATION (6.00 CFS) from 03-01 to 07-31

STOCKWATER (0.03 CFS) from 01-01 to 12-31

Place of Use: SESW SWSE Sec 25 T 15S R 37E NENE NWNE SWNE SENE

NENW Sec 36 T 15S R 37E SWNW Sec 31 T 15S R 37E FOR 117 ACRES

Diversion Means: SMALL DIVERSION DAM AND 3 DITCHES.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Legal No. 1090 - 33L - Pub. April 10 and 17, 1980.

MICROFILMED

BILL
FOR
WEEK.

ok kw
5/28/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED CLAIM TO A WATER RIGHT AMENDED

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 Sterling Bingham or Vereen Bingham
(Name of Claimant)

Weston, ID 83286 (Mailing Address) Telephone No. 747-3255 (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 29, 1895 Sterling Bingham

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)
Cherry Canyon Creek tributary to Weston 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	6.0 cfs	Use	irrigation	Period of Use From	March 1 To July 31
Quantity	0.03 cfs	Use	stockwater	Period of Use From	Jan. 1 To Dec. 31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 6.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 25 Twp. 15S Rge. 37E 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. Small diversion dam and three ditches.

(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	
15S	37E	25												20			25		45
		36	4	20	2	15	1												42
15S	38E	31							30										30

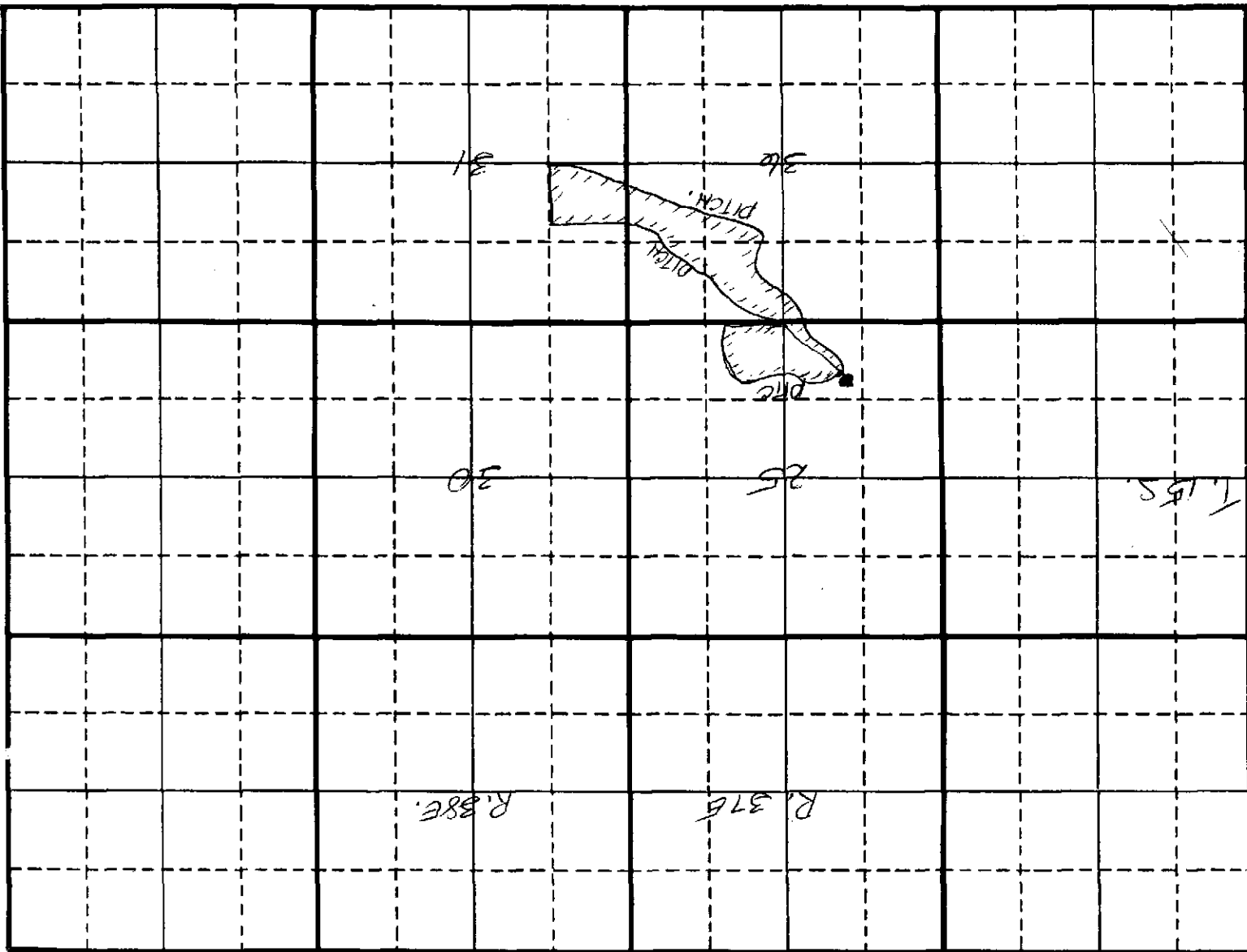
No. of acres 117

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

NOTE: Include here the type and number of stock watered: 50 head range cattle.

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

RECEIVED



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.

State of Idaho)
County of) ss.
)

Sworn to before me this 21 day of April, 1980.

Notary Public
Residing at
Donna A. Dick
Donna A. Dick
(Claimant)

My commission expires

FOR DEPARTMENT USE ONLY

Received by Date 4/24/80 Prelim. check by Date 4/24/80
\$20.00 fee received by Date 4/24/80
Published in 4/24/80
Dates 4/24/80

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

June 26, 1980, and ending

with the issue of July 3, 1980.

Fee \$ 11.50

Subscribed and sworn to before me this 31st day

of July, 1980.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

*ok kwd
8/11/80*

NOTICE OF CORRECTION

Notice is hereby given that claim to a Water Right No. 13-4129 in the name of Sterling Bingham or Vergeen Bingham was advertised incorrectly on 4-10 and 4-17-1980. The place of use was advertised as being within the SESW, SWSE, Sec. 25, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 37E for 117 acres.

WHEREAS, the actual place of use is within the SESW, SWSE, Sec. 36, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 38E, for 117 acres,

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Legal No. 1144 - 23L - Pub. June 26 and July 3, 1980.

RECEIVED
AUG 11 1980

Department of Water Resources
Eastern District Office

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

May 8, 1980, and ending with the issue of May 15, 1980.

Fee \$ 6.84

Subscribed and sworn to before me this 30th day of May, 1980.
Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4125 in the name of Sterling Bingham or Vereen Bingham was advertised incorrectly on April 10 and 17, 1980. The names of the claimants was advertised as being Sterling Bingham and-or Vereen Bingham.

WHEREAS, the claim is filed in the names of Sterling Bingham or Vereen Bingham.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1016 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALCREG
Director

Legal No. 1112-19L. Pub. May 8 and 15, 1980.

RECEIVED

JUN 11 1980

Department of Water Resources
Eastern District Office

ok law
6/17/80

RECEIVED

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 Sterling Bingham &/or Verlen Bingham
(Name of Claimant)
Weston, Idaho 83286 Telephone No. 747-3255
(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 29, 1895 S Bingham
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)
Cherry Canyon Creek tributary to Weston 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>March 1</u>	To <u>July 31</u>
Quantity	<u>.03</u>	Use <u>Stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 6 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 25 Twp. 15S Rge. 37E 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.
Small diversion dam and three ditches

(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	
15S	37E	25												20			25		45
		36	4	20	2	15	1												42
		31							30										30

No. of acres 117

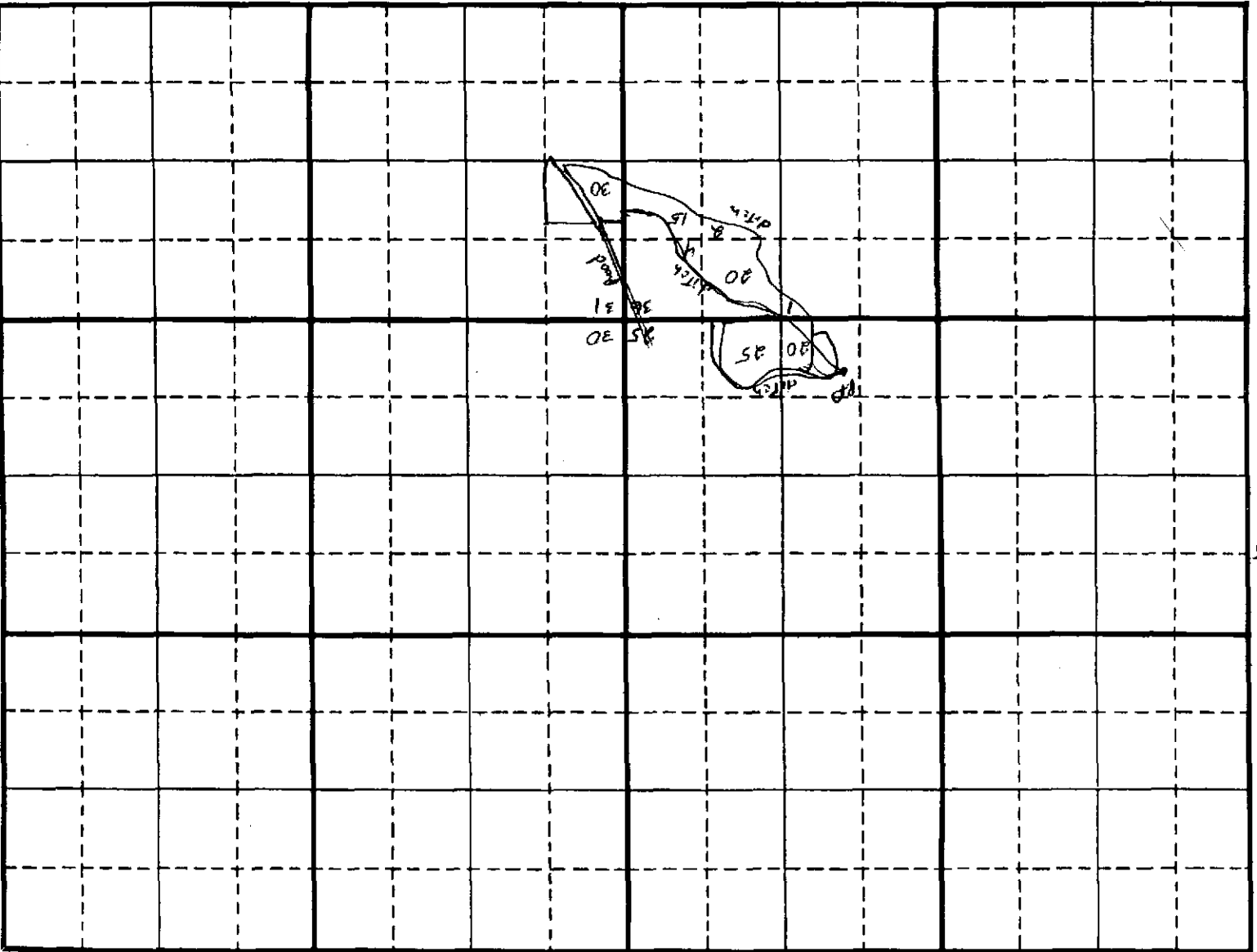
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

(7) If you are claiming water as a member of an organization, list name of organization: 50 head range cattle

MICROFILMED

837E



State of Idaho

County of Franklin

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 17th day of March, 1980

Notary Public
Residing at Quincy, Ark.

My commission expires Continuing

FOR DEPARTMENT USE ONLY

Date 3/18/80 Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Received by _____

Prelim. check by _____

Date _____

Date _____

The Preston Citizen

4/10 & 4/17/80

Dates

No 1090

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 2 1980

Department of Water Resources
Eastern District Office

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 10 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

April 10, 1980, and ending with the issue of April 17, 1980

Fee \$ 8.25

Subscribed and sworn to before me this 28th day of April, 1980.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

INFO WRONG
ACCORDING TO
VEREEN BINGHAM
ONLY RAN ONCE
WATER DEPT
ERROR

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4125

BINGHAM, VEREEN and BINGHAM, LEN

WESTON, ID 83286

Source: CHERRY CANYON CREEK tributary to WESTON CREEK

Priority Date: 06-29-1895

Amount: 6.00 CFS

Diversion Point: SE1/4 Sec 29 T 155 R 37E, FRANKLIN Co.

Use: IRRIGATION (6.00 CFS) from 03-01 to 07-31

STOCK WATER (0.03 CFS) from 01-01 to 12-31

Place of Use: SE1/4 SW1/4 Sec 25 T 155 R 37E, BENE, NW1/4 SW1/4 BENE

NE1/4 Sec 36 T 155 R 37E SW1/4 Sec 31 T 155 R 37E FOR 117 ACRES

Diversion Means: SMALL DIVERSION DAM AND 2 DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Legal No. 1600 - 331 - Pub. April 10 and 17, 1980.

RECORDED

WATER LOCATION

Notice is hereby given that William Heusser, a citizen of the United States and a residence of Oneida County, State of Idaho, over the age of twenty one years, has this day located and claimed all the water flowing in and down what is known as Cherry Creek Canyon Creek, or so much thereof as will flow in a ditch two and one half feet wide and one foot deep, with a fall of two inches to the rod, that I claim all the water rights in both forks of said canyon from its mouth to head, said Cherry Creek Canyon Creek being situated about seven miles Northwest from the town of Weston, Oneida County, Idaho; that I intend to clean out said spring and conduct the water thereof down the main channel of said creek to the mouth of Cherry Creek Canyon and where this notice is posted, from thence the water will be diverted by placing a dam across the channel of said creek at the point of diversion and thence conducting by means of the above described ditch to and upon the Southeast quarter of Southwest quarter and Southwest quarter of Southeast quarter of Section 25, unsurveyed, in Township 15, South, Range 37 East of the Boise Meridian and to be used for agricultural and domestic purposes by the undersigned claimant, said place of diversion being further described as being about thirty rods North and One rod West of the Southwest corner of said Southeast Quarter of Southwest quarter of Section 25, Township 15, South, Range 37 East of the Boise Meridian.

State of Idaho,
County of Oneida, SS.

William Heusser being first duly sworn, deposes and says that he posted a true and correct copy of the above and foregoing notice of water location at the point of diversion there in named on the 27th day of June 1895 in the presence of Chris Lund.

William Heusser.

Subscribed and sworn to before me at my office at Malad City, Idaho, this 29th day of June 1895.
(Seal)

D. J. Reynolds, Clerk of Dist Court.

Recorded, July 9, 1895 at 11:45 A.M. in Book "1" of Water Locations at page 37 Records of Franklin County, Idaho.

Reference Book "A" of Water Locations at page 332 Original Records of Oneida County, Idaho.

RECORDED

Jones, Pomeroy & Jones

Lawyers

P. O. BOX 610
PHONE 232-3461

Pocatello, Idaho 83201

February 3, 1981

T. D. JONES, DECEASED
D. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.

Eastern Region Supervisor
Mr. Ronald D. Carlson
Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83401

RECEIVED

FEB 4 1981

Department of Water Resources
Eastern District Office

Re: Claim #13-4125
Sterling R. and Vereen Bingham

Dear Mr. Carlson:

I represent the Bingham, who are most concerned in regard to their water rights which is to all of the waters flowing in Cherry Creek Canyon, particularly described in their claim. They desire to augment the filing heretofore made by submitting to you in this letter, abstracted portions of two old abstracts, showing and evidencing prior ownership and prior claim to said water.

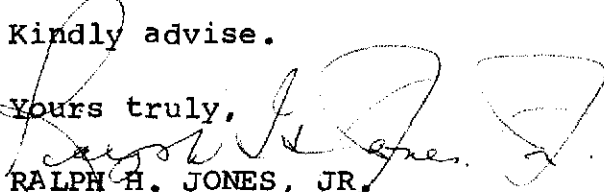
I likewise am preparing, which I will forward to you within the next week or so, Affidavits of use by both Mr. Sterling Bingham and Mr. Vereen Bingham and likewise an Affidavit from Mr. Ken Bagley, who is acquainted with the beneficial use of said water claim the past twelve years.

I would very much like to meet with you or one of your representatives, preferably in Pocatello if possible, at an early date so that I can go over the matter in detail at that time.

Would appreciate if you would forward to me the necessary claim forms so that they can file for storage rights on an existing reservoir on their property which concerns the same water source.

Kindly advise.

Yours truly,


RALPH H. JONES, JR.

RHJj/jw
Enclosures:

ABSTRACT OF TITLE

TO

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED
FRANKLIN COUNTY, IDAHO, TO-WIT:

The Northeast quarter of Section Thirty-six (36); the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section Twenty five (25); and the Southwest quarter of the Southwest quarter of Section Twenty six (26), all in Township Fifteen (15) South, Range Thirty seven (37) East of the Boise Meridian.

Also all of Section Thirty five (35) Township Fifteen (15) South, Range Thirty seven (37) East of the Boise Meridian, excepting therefrom the Southwest quarter of the Southwest quarter of said Section Thirty five (35).

LOAN NO. 77976

4 ABSTRACTS

TITLE POLICY

THE FEDERAL LAND BANK
OF SPOKANE

*Lap... all...
= 9057*

Indemnity 1-10-1933
is optional

LOAN NO. 77976

4 ABSTRACTS

TITLE POLICY

THE FEDERAL LAND BANK
OF SPOKANE

add 4

*13-28824
A97976 010193
BINGHAM
9D*

Instrument No.	91339
Kind of Instrument	Mortgage
Mortgagor	Lewis Bingham and Ada L. Bingham, husband and wife
Mortgagee	The Federal LandBank of Spokane
Date	February 16, 1953
Consideration	\$8400.00
Recorded	February 19, 1953 at 1:55 P.M. Book 57 of Mortgages, page " ", Records of Franklin County, Idaho
Acknowledged	February 19, 1953 before Clifford Warr, Notary Public, Preston, Idaho (Seal)
Witnesses	None

DESCRIPTION AND REMARKS

Tract 1: Beginning at a point 21 rods North of the Northeast corner of the Southwest quarter of Section 31, Township 15 South, Range 38 East of the Boise Meridian, and running thence East 36 rods, thence North 137 rods, thence East 45 rods, thence North 2 rods to the Northeast corner of the Southeast quarter of the Northwest quarter of said Section 31, thence West 160 rods, more or less, to the West line of said Section 31, thence South on said West line 139 rods, thence East 80 rods, more or less, to the place of beginning.

Tract 2: The Northeast quarter of Section 36; the Southeast quarter of the Southwest quarter, and the Southwest quarter of the Southeast quarter of Section 25; and the Southwest quarter of the Southwest quarter of Section 26; all in Township 15 South, Range 37 East of the Boise Meridian.

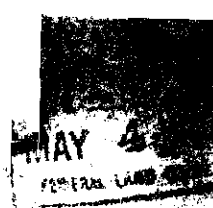
Also, all of Section 35, Township 15 South, Range 37 East of the Boise Meridian, excepting therefrom the Southwest quarter of the Southwest quarter of said Section 35.

Together with all water rights, and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including, (but not limited to) the following: ~~Entire flow of waters of Cherry Canyon Creek.~~

Mortgage secures note for \$8400.00 payable in 19 equal annual payments of \$618.09 each, payable on the first day of November in each year, beginning on the first day of November, 1953, and a final payment of \$618.09, payable on the first day of November, 1972.

No. 570

Abstract of Title



TO THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN
THE COUNTY OF FRANKLIN, STATE OF IDAHO, TO-WIT:

The Northeast quarter of Section Thirty six (36)
and the Southeast quarter of the Southwest quarter and
the Southwest quarter of the Southeast quarter of Section
Twenty five (25) all in Township Fifteen (15) South, Range
Thirty seven (37), East of the Boise Meridian, Idaho.

Also the Southwest quarter of the Southwest quarter
of Section Twenty six (26) and the West half of the South-
west quarter, the Southeast quarter of the Northwest
quarter, the North half of the Southwest quarter, the South-
east quarter of the Southwest quarter and the Southwest
quarter of the Southeast quarter of Section Thirty five (35)
in Township Fifteen, South, Range Thirty seven (37), East of
the Boise Meridian, Idaho.

abstract

SECTION NO.	A9292
APPLICANT	LEWIS BINGHAM
DATE	9D

FEDERAL LAND BANK OF SPOKANE	
DISTRICT NO. 12	
APPLICATION NO.	52471
APPLICANT	Albert Lapray Franklin County
N. P. L. A. STATE OF Idaho	
TO ABSTRACTOR: DO NOT REMOVE THIS SLIP	
DATE FIRST REC'D	RECEIVED FROM
MAY 4 1912	See Trans

Sheet No. 9

WARRANTY DEED.

Grantor,--

**William Housser and his wife
Mary C. Housser.**

Grantee,--

Magnus Holm

Date,--

Apr. 13, 1910.

Consideration,--

\$4000.00

Recorded,--

**Apr. 27, 1910 at 2:05 P.M. in
Book "11" of Deeds at page 71
Records of Franklin County, Idaho.**

Acknowledged,--

**Apr. 13, 1910 before C. H. Norton,
Notary Public, Oneida County, Idaho
(Seal)**

Number of witnesses,--

Two.

DESCRIPTION AND REMARKS.

The Northeast quarter of Section Thirty six, the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section Twenty five, all in Township Fifteen, South, Range Thirty seven, East of the Boise Meridian in Idaho, containing in all two hundred forty (240) acres, together with all the water that flows into and down Cherry Creek Canyon.

Reference: Book "8" of Deeds at page 170 Original Records of Oneida county, Idaho.

Sheet No. 19

WATER LOCATION

Notice is hereby given that William Heusser, a citizen of the United States and a residence of Oneida County, State of Idaho, over the age of twenty one years, has this day located and claimed all the water flowing in and down what is known as Cherry Creek Canyon Creek, or so much thereof as will flow in a ditch two and one half feet wide and one foot deep, with a fall of two inches to the rod, that I claim all the water rights in both forks of said canyon from its mouth to head, said Cherry Creek Canyon Creek being situated about seven miles Northwest from the town of Weston, Oneida County, Idaho; that I intend to clean out said spring and conduct the water thereof down the main channel of said creek to the mouth of Cherry Creek Canyon and where this notice is posted, from thence the water will be diverted by placing a dam across the channel of said creek at the point of diversion and thence conducting by means of the above described ditch to and upon the Southeast quarter of Southwest quarter and Southwest quarter of Southeast quarter of Section 28, unsurveyed, in Township 15, South, Range 37 East, of the Boise Meridian and to be used for agricultural and domestic purposes by the undersigned claimant, said place of diversion being further described as being about thirty rods North and One rod West of the Southwest corner of said Southeast Quarter of Southwest quarter of Section 25, Township 15, South, Range 37 East of the Boise Meridian.

State of Idaho,
County of Oneida, SS

William Heusser being first duly sworn, deposes and says that he posted a true and correct copy of the above and foregoing notice of water location at the point of diversion there in named on the 27th day of June 1895 in the presence of Chris Lund.

William Heusser.

Subscribed and sworn to before me at my office at Malad City, Idaho, this 29th day of June 1895.

(Seal)

D. J. Reynolds, Clerk of Dist Court.

Recorded, July 9, 1895 at 11:45 A.M. in Book "1" of Water Locations at page 37 Records of Franklin County, Idaho.

Reference Book "A" of Water Locations at page 332 Original Records of Oneida County, Idaho.

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]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: A.R. Kozlowski

Right Number 13 4125

Applicant Sterling Bringham
for Terlen Bringham

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.

1/28
hold for form
amended 4/15
see letter of 5/26
7/14

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 8/11/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 8/12/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MAY 2, 1980

STERLING BINGHAM
VERLEN BINGHAM
WESTON

ID 83286

RE: Claim No. 13-4125

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

July 16, 1980

RE: Notice of Correction No. 13-4125 BIRMINGHAM

Preston Citizen
Box 472
Preston, Idaho 83263

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 June 26 and July 3, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:lw



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JUNE 20, 1980

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 JULY 14, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.



NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4125 in the name of Sterling Bingham or Vereen Bingham was advertised incorrectly on 4/10 and 4/17/1980. The place of use was advertised as being within the SESW, SWSE, Sec. 25, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 37E for 117 acres.

WHEREAS, the actual place of use is within the SESW, SWSE, Sec. 25, T. 15S, R. 37E, NENE, NWNE, SWNE, SENE, NENW, Sec. 36, T. 15S, R. 37E, SWNW, Sec. 31, T. 15S, R. 38E, for 117 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in the Preston Citizen 6/26 & 7/03/80.

11-22-80

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 13-4125 in the name of Sterling Bingham or Vereen Bingham was advertised incorrectly on April 10 and 17, 1980. The names of the claimants was advertised as being Sterling Bingham &/or Verlen Bingham.

WHEREAS, the claim is filed in the names of Sterling Bingham or Vereen Bingham.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in the Preston Citizen 5/8 & 5/15/80.

11-11-80



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 15, 1980

RE: Claim to a Water Right No. 13-4125

Sterling Bingham or Vereen Bingham
Weston, ID 83286

Dear Sirs:

Enclosed you will find an amended claim form; the only change I have made is the name change you indicated you wanted during our telephone conversation. Also enclosed you will find a copy of your original claim form. Please review the amended form, initialing any changes you may make, sign it in the presence of a notary public and return it to this office as soon as possible so we can continue the processing.

If we can be of further assistance, please feel free to contact our office.

Sincerely,

KAY WALKER
Secretary

KW:k
Enclosures

MICROFILMED

April 8, 1980

RE: Claim to a Water Right No. 13-4125

Sterling &/or Verlen Bingham
Weston,
Idaho 83286

Dear Mr. and Mrs. Bingham:

Attached herewith is Departmental Receipt No. 13898 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

APRIL 3, 1980

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 APRIL 28, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

APR 10 1980

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 4/10 & 4/17/80.



BINGHAM, STERLING &/or VERLEN

WESTON, ID 83286

Source: CHERRY CANYON CREEK tributary to WESTON CREEK

Priority Date: 06/29/1895

Amount: 6.00 CFS

Diversion Point: SESW Sec 25 T 15S R 37E, FRANKLIN Co.

Use: IRRIGATION	(6.00 CFS)	from 03/01 to 07/31
STOCKWATER	(0.03 CFS)	from 01/01 to 12/31

Place of Use: SESW SWSE Sec 25 T 15S R 37E NENE NWNE SWNE SENE NENW
Sec 36 T 15S R 37E SWNW Sec 31 T 15S R 37E FOR 117 ACRES

Diversion Means: SMALL DIVERSION DAM & 3 DITCHES.