

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

20th day of
March, 1980

The date of the last publication
being the 27th day of
March, 1980

Subscribed and sworn to be-
fore me this 27th day
of March, 1980

Wendy D. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

PUBLIC NOTICE

First Time
Published

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 bene-
ficial use:

13-4121

COLLINS, EMMETT H.
STAR RT., BOX 309,
GRACE, ID 83241
Source: TROUT CK.,
NORTH FORK tributary to
BEAR R.

Priority Date: 07-15-1920

Amount: 0.80 CFS

Diversion Point: NWNW Sec
10 T 11S R 41E, CARIBOU Co.

Use: IRRIGATION (0.78
CFS) from 05-01 to 10-01
STOCKWATER (0.02 CFS)
from 01-01 to 12-31

Place of Use: NENE NWNE
Sec 09 T 11S R 41E FOR 40
ACRES

Diversion Means: CEMENT
BOX WITH WEIR, MAIN-
LINE & SPRINKLER SYS-
TEM.

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 March 20 and 27,
1980 in the Caribou County Sun.

RECEIVED

APR 8 1980

Department of Water Resources
Eastern District Office

ok kw
4/14/80

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Emmett H. Collins

(name of claimant)

of Star Route, Box 309, Grace, Idaho 83241, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) North Fork of Trout Creek
_____, tributary to, Bear River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: .78

Amount 350 gpm Use irrigation Period of Use: From May 1 To Oct. 1

Amount 1.2⁰² gpm Use stock-
watering Period of Use: From Jan. 1 To Dec. 31

Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm) (dom., irri., (both dates inclusive)
or a/f) stock, etc.)

- (3) Total quantity of water claimed: .80 cubic feet per second, or _____ acre feet per annum, and ~~or~~ 351.2 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) July 15, 1920

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

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

NW ¼ NW ¼, Sec. 10 Twp. 11 S Rge. 41 E B. M. County of Caribou

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. Cement box with weir feeding main line pipe to gravity flow sprinkler system.

- (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.

[illegible]

Total No. of acres 40

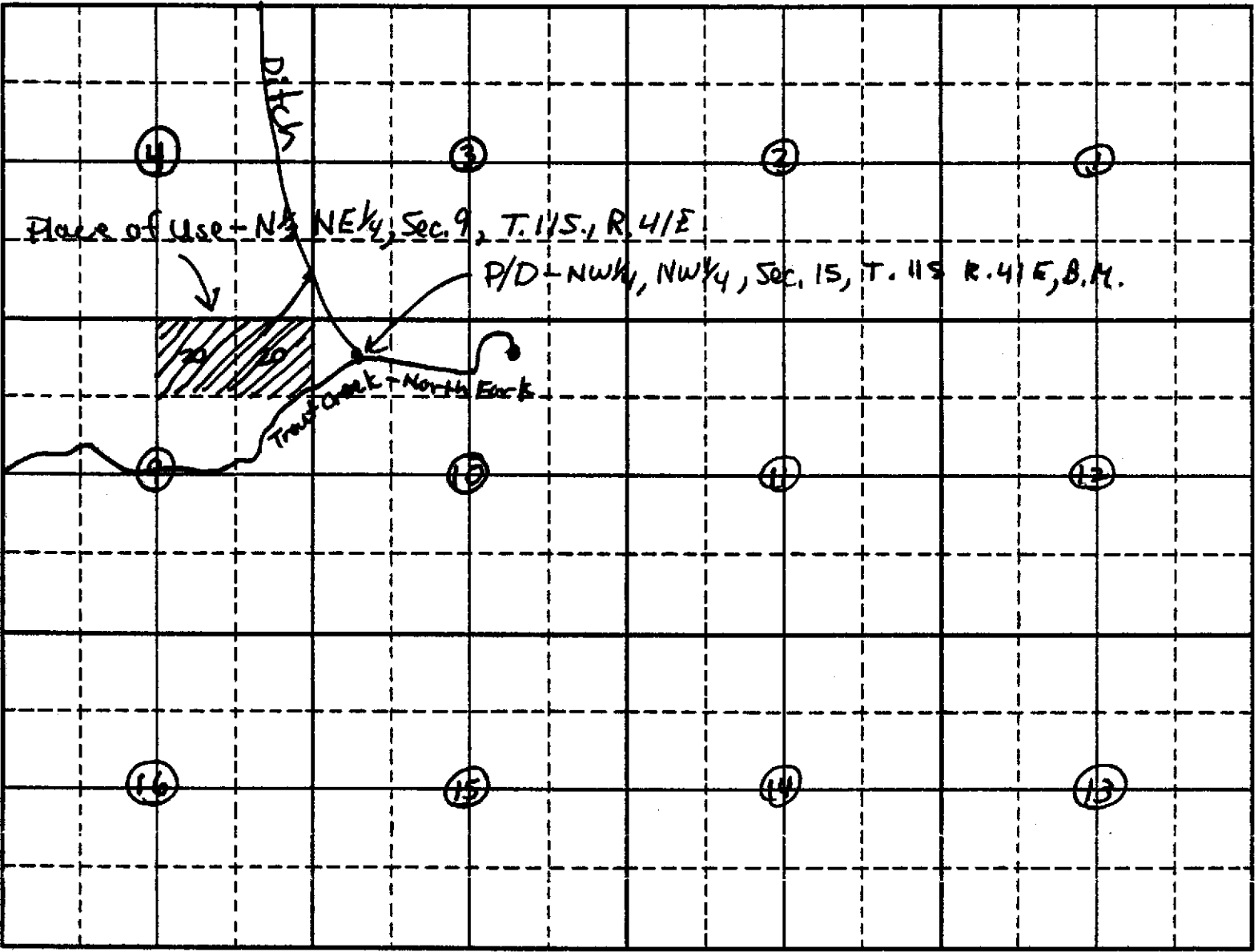
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Stockwatering 50 dairy cattle and 5 horses

MICROFILMED

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

(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)
) ss.
County of Caribou)

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 affiants knowledge.

Sworn to before me this 25th day of February, 1980.
Emmett Collins
(Claimant)

Randall C. Budge
Notary Public
Residing at Soda Springs, Idaho

My commission expires 10/15/80

For Department Use Only			
Received by <u>SW</u>	Date <u>3/7/80</u>	Exception filed by:	Forwarded to
Prelim. check by <u>SW</u>	Date <u>2/27/80</u>		claimant by:
\$10.00 fee received by <u>SW</u>	Date <u>3/11/80</u>	<u>20.00</u>	<u>#13845</u>
Approved for publication by _____			
Published in <u>Caribou County Sun</u>			
Dates <u>3/20 & 3/27/80</u>			

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

20th day of
March, 1980

The date of the last publication
being the 27th day of
March, 1980

Subscribed and sworn to be-
fore me this 27th day
of March, 1980

Wendy H. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984

PUBLIC NOTICE

**First Time
Published**

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 bene-
ficial use:

12-4-21
COLLINS EMMETT H.
STATE ST. BOX 309.
GRACE ID 241
Source: TROUT CK.,
NORTH FORK tributary to
BEAR R.

Priority Date: 07-15-1920

Amount: 0.80 CFS

Diversion Point: NWNW Sec
10 T 11S R 41E, CARIBOU Co.

Use: IRRIGATION, 0.78
CFS) from 05-01-21 to 01-01
STOCKWATER (0.02 CFS)
from 01-01 to 12-31-21

Place of Use: NENE NWNW
Sec 09 T 11S R 41E FOR 40
ACRES

Diversion Means: CEMENT
BOX WITH WEIR, MAIN-
LINE & SPRINKLER SYS-
TEM.

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 March 20 and 27,
1980 in the Caribou County Sun.

RECEIVED

APR 8 1980

Department of Water Resources
Eastern District Office

13-4121

May 14, 1980

RE: Claim to a Water Right No. 13-4121

Emmett H. Collins
Star Route, Box 309
Grace, Idaho 83241

Dear Mr. Collins:

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 Region Supervisor

RDC:cw:kw

Enclosure

cc: IT - St. Office

May 14, 1980

RE: Claim to a Water Right No. 13-4121

Keith M. Clegg
265 N. Hooper
Soda Springs, Idaho 83276

Dear M. Clegg:

We have received the exception dated May 6, 1980, 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 Region Supervisor

RDC:cw:kw

cc: IDWR - State Office

MAY 07 1980

IN THE MATTER OF:

Claim to a Water Right,
No. 13-4121 -
Emmett H. Collins

AFFIDAVIT

State of Idaho
County of Caribou

Keith M. Degg

being first duly sworn,

deposes and says:

In the Caribou County, Idaho there was a Public Notice about Emmett H. Collins, Grace, Idaho for water claims to water rights. Amount of 0.80 CFS for irrigation and stockwater.

I would like to protest any claims on water that Emmett H. Collins has made on Trout Creek, North Fork Tributary.

There are 5 farmers that depend on the water of such creek, and the water is decreed and agreed to serve such farmers. Any change would take water from the rest of us.

I feel that Emmett H. Collins has no right to claim any more water on North Fork of Trout Creek.

I am now, and have been President of the North Fork of Trout Creek for the last several years.

Keith M. Degg
(Signature)

Subscribed and sworn to before me this 6 day of May, 1980.

Lester A. Ball
(Notary Public)

Residing at Look Springs, Idaho:
My Commission Expires Life:



13-4121

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 29, 1980

RE: Claim to a Water Right No. 13-4121 in the name of Emmett H. Collins

Ben Peterson
P. O. Box 4212
Pocatello, ID 83201

Dear Mr. Peterson:

This office is in receipt of your letter of April 2, 1980, along with Mr. Merlin Peterson's objection to the above referenced claim to a water right. A claim to a water right is filed by a wateruser that has developed a right by diversion and beneficial use under the Constitutional method, thus documents filed by Mr. Collins merely indicate his claim to have used the water in the manner as advertised since the date listed. He is not applying for an application for permit and will not receive a recorded water right from this Department as a result of his filing the claim. For this reason, the Department of Water Resources does not hold a hearing when an objection is filed on a claim to a water right.

This objection, or exception as it is called, is merely included in the same file with the claimants documents for consideration during any future court determination. The exception must be in affidavit form and specifically indicate why the right claimed is incorrectly represented. Since Mr. Peterson's objection was notarized we will place it in the file, however, since there is no time limitation on filing an exception to a claim, Mr. Peterson may wish to file a second exception being more explicit in identifying those items he feels are incorrect. Feel free to contact me should you have any questions concerning this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw

BEN PETERSON
BAUM & PETERSON
ATTORNEY AT LAW
P. O. BOX 2409
POCATELLO, IDAHO 83201
TELEPHONE 208-232-4033

RECEIVED

APR 3 1980

Department of Water Resources
Eastern District Office

FORMAL OBJECTION TO NOTICE OF CLAIMS
TO WATER RIGHTS

No. 13-4121

COLLINS, EMMETT H.
STAR RT., BOX 309, GRACE, ID 83241

Source: TROUT CR., NORTH FORK tributary to BEAR R.

Priority Date: 07-15-1920

Amount: 0.80 CFS

Diversion Point: NWNW, Sec. 10 T 11 S, R 41 E., CARIBOU CO.

Use: IRRIGATION (0.78 CFS) from 05-01 to 10-01
STOCKWATER (0.02 CFS) from 01-01 to 12-31

Place of Use: NENE NWNE, Sec. 09 T 11 S R 41 E for 40 ACRES

Diversion Means: CEMENT BOX WITH WEIR. MAINLINE &
SPRINKLER SYSTEM.

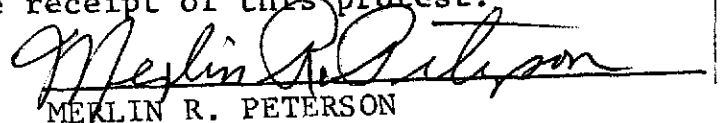
STATE OF IDAHO)
COUNTY OF BANNOCK) SS.

MERLIN R. PETERSON, being first duly sworn on oath,
deposes and says:

That he is a water user within District 13-P and having
water rights therein does hereby formally protest the application
of Emmett H. Collins for the diversion of .80 CFS as above
described in this protest for the reason that the application
for permit exceeds the right or the amount of water that could
be lawfully claimed by the application.

The objector, affiant, respectfully requests the Water
Resources Board to set a hearing on the application and permit
the objector to put on evidence to support this objection and
evidence to deny the validity of the application described above.

Please acknowledge receipt of this protest.


MERLIN R. PETERSON

BEN PETERSON
BAUM & PETERSON
ATTORNEY AT LAW

P. O. BOX 2409
POCATELLO, IDAHO 83201
TELEPHONE 208-232-4033

SUBSCRIBED AND SWORN to before me this 2nd day of
April, 1980.

Paul E. Ellis

NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
My Commission Expires: 6/15/83

(SEAL)

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick Emmett Collins
Right Number 13 4121 Applicant Randall C. Budge

NOTE: 13-4121
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. 4/1
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 4/17/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jmi Date 5/5/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 10, 1980

EMMETT H. COLLINS
STAR RT., BOX 309
GRACE

ID 83241

RE: Claim No. 13-4121

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 filings and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

April 15, 1980

RE: Claim to a Water Right No. 13-4121 - Emmett H. Collins

Keith M. Clegg
265 N. Hooper
Soda Springs, ID 83276

Dear Mr. Clegg:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

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

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

March 17, 1980

RE: Claim to a Water Right No. 13-4121

Randall C. Budge
Attorney at Law
240 South Main
P. O. Box 608
Soda Springs, ID 83276

Dear Mr. Budge:

Attached herewith is Departmental Receipt No. 13855 in the amount of \$20.00 for the above referenced claim in the name of Emmett H. Collins.

Sincerely,

KAY WALKER
Secretary

cc: Emmett H. Collins
Star Route
Box 309
Grace, ID 83241

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 13, 1980

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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 7, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

APPROVED

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 3/20 & 3/27/80.

MICROFILME

13-4121-

COLLINS, EMMETT H.

STAR RT., BOX 309, GRACE, ID 83241

Source: TROUT CK., NORTH FORK tributary to BEAR R.

Priority Date: 07/15/1920

Amount: 0.80 CFS

Diversion Point: NWNW Sec 10 T 11S R 41E, CARIBOU Co.

Use: IRRIGATION	(0.78 CFS)	from 05/01 to 10/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NENE NWNE Sec 09 T 11S R 41E FOR 40 ACRES

Diversion Means: CEMENT BOX WITH WEIR, MAINLINE & SPRINKLER SYSTEM.

MICROFILMED

TRANSTRUM, BUDGE & LARSON

CHARTERED

ATTORNEYS AT LAW

240 South Main - P.O. Box 608
SODA SPRINGS, IDAHO 83276

Wallace M. Transtrum
Randall C. Budge
A. Bruce Larson

Soda Springs - (208) 547-2186
Montpelier - - (208) 847-1876

March 6, 1980

Mr. Anthony R. Kozlowski
Sr. Resource Agent
Idaho Dept. of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

RE: CLAIM TO A WATER RIGHT - EMMETT H. COLLINS

Dear Mr. Kozlowski:

Enclosed please find a Claim to a Water Right which I have corrected pursuant to your letter of February 29, 1980, which should enable you to begin processing the same.

Very truly yours,

TRANSTRUM, BUDGE & LARSON, CHARTERED

Randall C. Budge/cls

Randall C. Budge

RCB:cls

Enclosures

MAR 10 1980