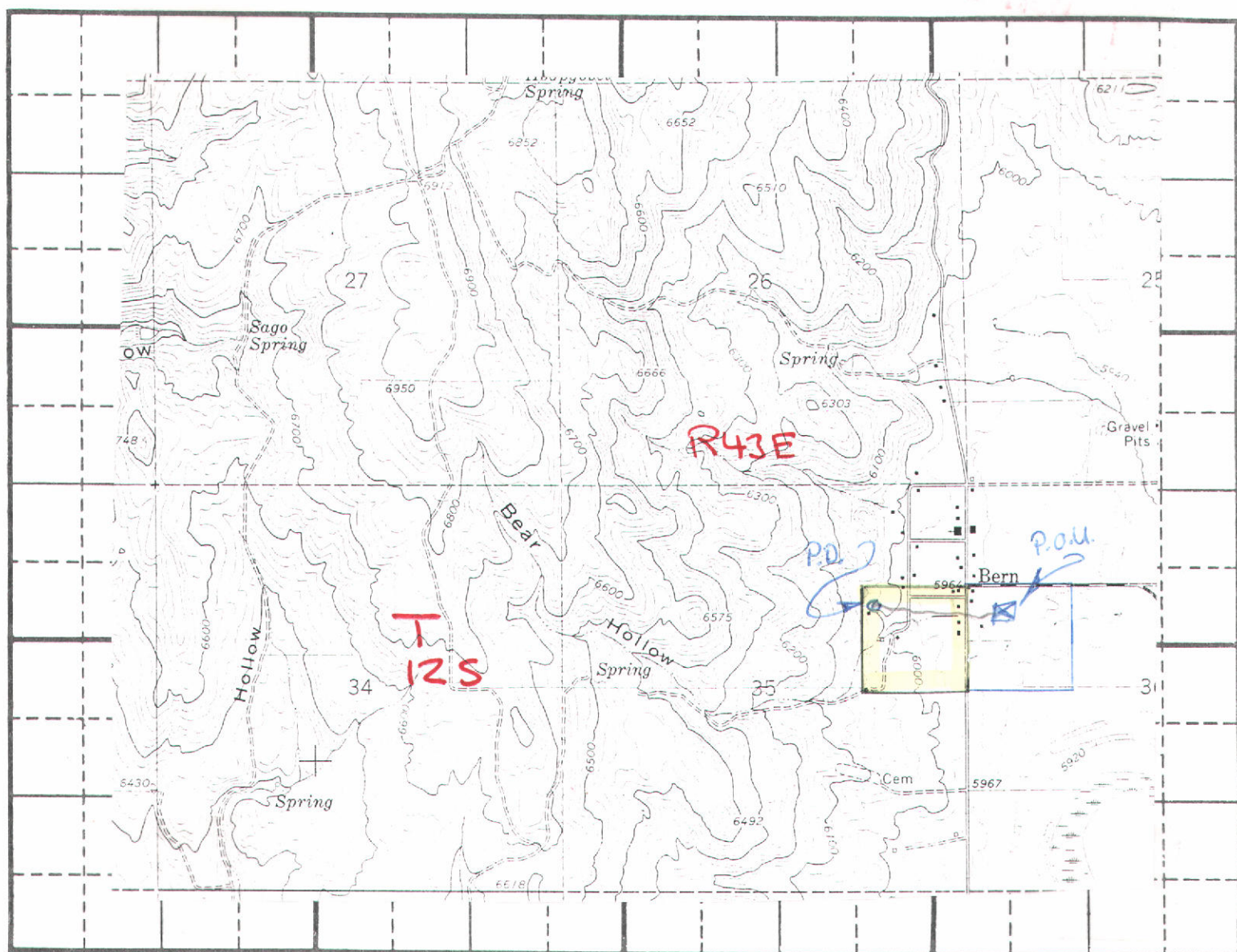


(8) Remarks THIS IS THE SAME SOURCE AS CLAIM 11-04339



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 Bear Lake) 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 31 day of October, 19 91.

Douglas B Apple (Claimant)
Denise B Apple

Donald T Apple
Notary Public
Residing at Montpelier

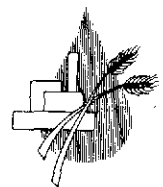
MICROFILMED
JAN 14 1992

My commission expires 10-24-97

FOR DEPARTMENT USE ONLY

Received by <u>OW</u>	Date <u>11-4-91</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>11-4-91</u>		claimant by:	
\$30.00 fee received by <u>OW</u>	Date <u>11-4-91</u>	# <u>E016493</u>		
Published in <u>News-Examiner</u>				
Dates <u>11-21, 28-91</u>				

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 Douglas B. or Denice O. Argyle

(Name of Claimant)

015 Willoway Lane, Bern, ID

83220

Telephone No. 847-3669

(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) April 1, 1901

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)

North Spring

tributary to sinks

(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	0.02	Use domestic	Period of Use From 1-1	To 12-31
Quantity	0.02	Use stock	Period of Use From 1-1	To 12-31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.04 cfs TOTAL QUANTITY USED.

(cfs, af)

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

NW SE ¼ NE ¼, Sec. 35 Twp. 12S Rge. 43E B.M., County of Bear Lake

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. Spring water piped 1600' with 2" diam pipe to place of use

(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	
12S	43E	36							Q/S										

No. of acres

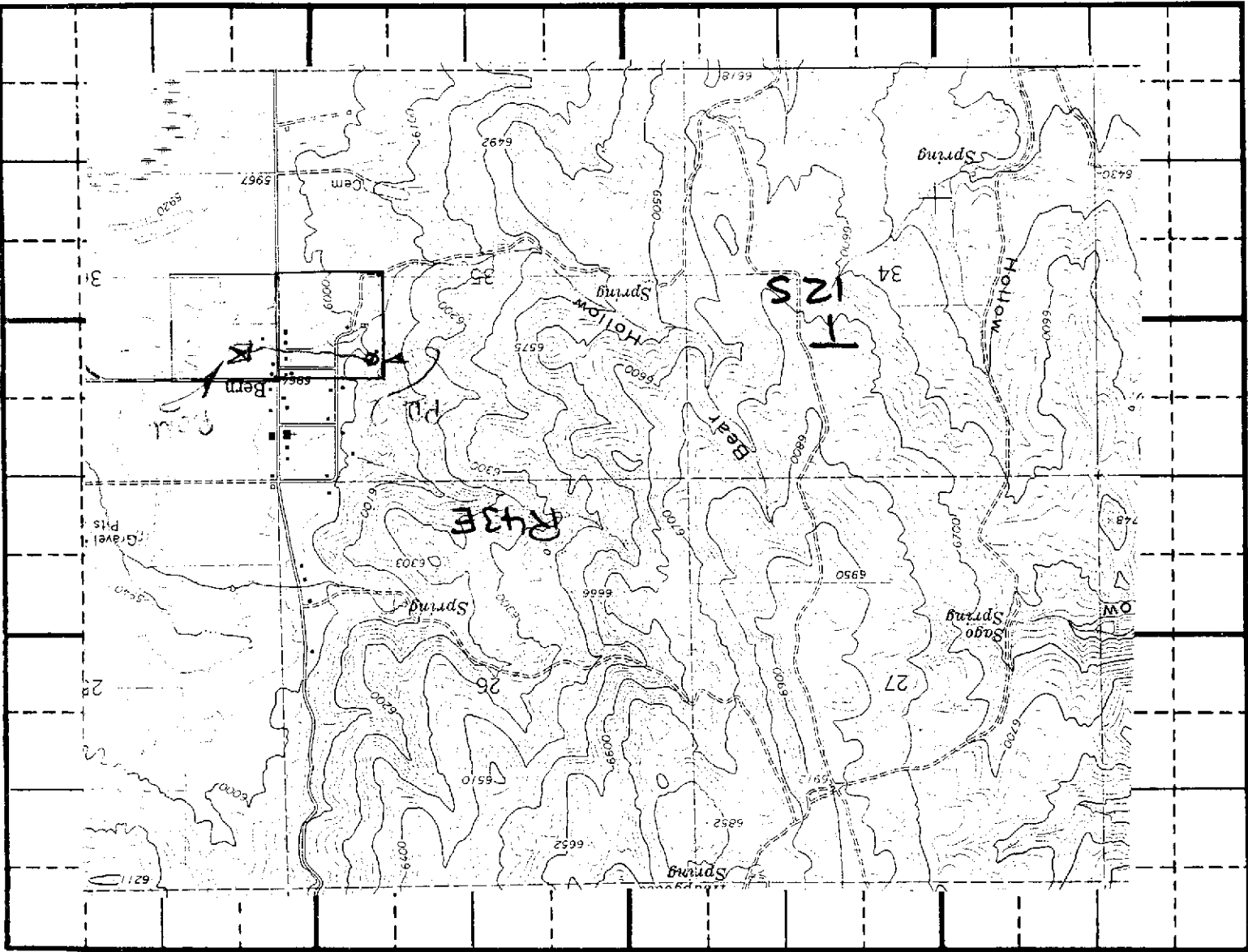
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic for one home & 3 head of horses

NOTE: Include here the type and number of stock watered: 3 horses

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

MICROFILMED
JAN 14 1992

(8) Remarks THIS IS THE SAME SOURCE AS CLAIM 11-04339



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.

Scale: 2 inches equal 1 mile.

State of Idaho
County of Bear Lake
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 31 day of October, 1971.
(Claimant)
Kathleen S. Smith

Notary Public
Residing at
JAN 14 1992
My commission expires 10-24-97
MICROFILMED

FOR DEPARTMENT USE ONLY

Received by *000* Date *11-4-91* Exception filed by: Forwarded to
Prelim. check by *HUS* Date *11-4-91* claimant by:
\$30.00 fee received by *000* Date *11-4-91* # *E01693*
Published in *News-Examiner* Dates *11-21-91* to *11-28-91*

No 4284

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa A. Moorman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; 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 and 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

November 21, 1991, and ending

with the issue of November 28, 1991.

Rosa A. Moorman
Fees, \$36.59

Subscribed and sworn to before me this 29th day
of November, 1991.

Sherry Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

RECEIVED

DEC - 6 1991

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHT

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

11-04340

ARGYLE, DOUGLAS B.

ARGYLE, DENICE O.

15 WILLOWAY LN

BERN, ID 83220

Source: NORTH SPRING

Tributary: SINKS

Diversion Pt.: NWSENE Sec 35 T
12S R 43E in BEAR LAKE County.

Use: STOCKWATER (.020 CFS)

DOMESTIC (.020 CFS)

Total Diversion: (.040 CFS)

Date Filed: 4/1/1991

IN: T12S R43E S36 SWNW

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

R. KEITH HIGGINSON, Director

Legal No. 4284 — Published Nov. 21, 28, 1991.

MICROFILMED

JAN 14 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 22, 1992

RE: Claim to a Water Right No. 11-04340

Douglas B. or Denice O. Argyle
015 Willoway Lane
Bern, ID 83220

Dear Claimants:

Enclosed please find a copy of an 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

January 22, 1992

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: Claim to a Water Right No. 11-04340 DOUGLAS OR DENICE ARGYLE

Mr. William A. Parsons
Attorney at Law
PO Box 910
Burley, ID 83318

Dear Mr. Parsons:

We have received the exception filed in behalf of Northwestern National Life Insurance Company against the above referenced claim to water right. The following is a quote from the provisions of the Idaho Code under which these claim have 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

December 26, 1991

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

RECEIVED

DEC 27 1991

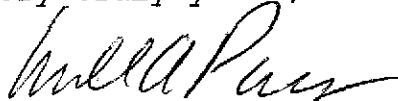
Department of Water Resources
Eastern District Office

Harold W. Jones
State of Idaho
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

Enclosed to you is the notarized letter that you returned to us.

Very truly yours,



William A. Parsons

WAP:rt
Enc.

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

December 10, 1991

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

RECEIVED

DEC 27 1991

Department of Water Resources
Eastern District Office

Director
Department of Water Resources
Eastern Region
150 Shoup Avenue - Suite 15
Idaho Falls, Idaho 83402

RE: Water Right Claim 11-04340

Dear Director:

This firm represents Northwestern National Life Insurance Company in Civil Case 3761 in the District Court of the Sixth District of the State of Idaho, in and for the County of Bear Lake. I am enclosing a Certificate of Sale that pertains to that lawsuit and gives rise to the authority for this letter of protest or exception.

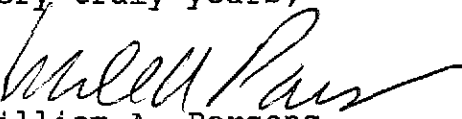
On behalf of Northwestern National Life Insurance Company, operating under its Certificate of Sale from the Bear Lake County Sheriff, does hereby protest and take exception to the claim of water right filed by Douglas B. Argyle and Denice O. Argyle as number 11-04340 upon the following grounds:

1. The Point of Diversion is on lands not owned by the Argyles and to which Northwestern is entitled to possession and ownership, subject only to the right of redemption of the defendants which will expire in March, of 1992.
2. Secondly the water has already been appropriated by the owners of the lands wherein the point of diversion is itemized on the claim. The same has been appropriated for stock and domestic use.
3. There is insufficient water for the claim that is not already subject to existing rights.
4. The claim purports to use private lands for which the claimant has no existing right of way.

Page 2 - Director
December 10, 1991

Northwestern National Life Insurance Company reserves the right to raise additional exceptions and protests if a closer examination of the claim reveals additional factors that are not illustrated or documented on the claim.

Very truly yours,

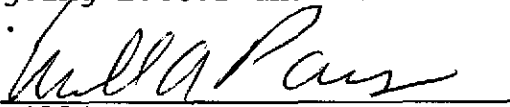

William A. Parsons

WAP:rt
cc: Douglas B. Argyle
and Denice O. Argyle

STATE OF IDAHO)
) ss
County of Cassia)

William A. Parsons, being first duly sworn on oath, says:

That he has read the foregoing letter and the facts therein are true as he verily believes.


William A. Parsons

SUBSCRIBED AND SWORN to before me, this 26th day of
December, 1991.


Notary Public for Idaho
Residing at Boise
My Commission Expires: 5-10-93

MEMORANDUM

TO: Claim No: 11-04340

FROM: Brenda L. Miller *BLM*

DATE: January 14, 1992

RE: Claim Filing

=====

When reviewing this claim I discovered that the region had sent a letter to the applicant [November 13, 1991] inadvertently indicating that this was an application and a permit would be issued upon its approval.

This memo is placed in the file in case there is any question from the claimants.

RECORDED

JAN 14 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 20, 1991

Jody L. Williams
Attorney at Law
One Utah Center, Suite 2200
201 South Main Street
Salt Lake City, UT 84140

Dear Ms. Williams:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

Your letter concerning claim to a water right No. 11-04340 in the name of Douglas B. or Denice Argyle could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

MICROFILMED

JAN 14 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 20, 1991

Mr. William A. Parsons
Attorney at Law
PO Box 910
Burley, ID 83318

Dear Mr. Parsons:

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Your letter concerning claim to a water right No. 11-04340 in the name of Douglas B. or Denice Argyle could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

MICROFILMED

JAN 14 1992

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

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 13, 1991

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before DECEMBER 9, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

JAN 14 1992

NOTICE OF CLAIMS TO WATER RIGHT

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

MICROFILMED

JAN 14 1982

11-04340

ARGYLE, DOUGLAS B
ARGYLE, DENICE O
15 WILLOWAY LN
BERN, ID 83220

Source: NORTH SPRING

Tributary: SINKS

Diversion Pt: NWSENE Sec 35 T 12S R 43E in BEAR LAKE County.

Use: STOCKWATER (.020 CFS)
DOMESTIC (.020 CFS)
Total Diversion: (.040 CFS)

Date Filed: 4/ 1/1901

IN: T12S R43E S36

SWNW

RECORDED
INDEXED

JAN 14 1901

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

R. KEITH HIGGINSON, Director

Published: 11/21/1991 & 11/28/1991

NOT FILMED

JAN 14 1992

Distributed for Staffing

State of Idaho
Department of Water Resources

Submitted for Advertising HWS 1-7-91

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number _____ Applicant Douglas or Denise Argyle

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. N.A.

FINAL REGIONAL PROCESSING REVIEW:

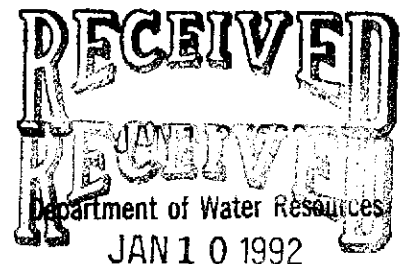
- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature] Date 12-18-91

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Brenda Miller Date 1-14-92



Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

13-Nov-1991

DOUGLAS OR DENICE ARGYLE
15 WILLOWAY LN
BERN ID 83220

RE: Application No. 11-04340

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the News-Examiner on 11-21 & 28-91. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MIKROFILMED

JAN 14 1992