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RECEIVED

JAN 6 1970

Department of Reclamation

CERTIFIED

No 212049

MAIL

Montpelier, Idaho
January 5, 1970

Department of Reclamation
R. Keith Higginson,
State Reclamation Engineer
Boise, Idaho

Dear Sir:

The January 1, 1970 issue of the News Examiner, Montpelier, Idaho carried three notices of claim to water rights No. 11-7012, No. 11-4025 and No. 11-4026, made by John Stephens, 319 Clay St., Montpelier, Idaho.

I hereby enter a protest to these claims. I am the owner of property described on the ~~tax~~ notice as: T-1107 Fr. E $\frac{1}{2}$ W $\frac{1}{2}$: Fr. N $\frac{1}{2}$ NE Sec. 28 T 12 S. R. 44 E 100 acres. The stream of water on which John Stephens is filing runs through my property. I have owned this property since 1952 and was informed by the previous owner who had purchased this property from Wilford Bergreen that Mr. Bergreen had filed for water rights on this stream.

I have been using water for stock since 1952 and for pumping for irrigation since 1961 and it is my opinion that if Mr. John Stephens is given these water rights as applied for it could leave me as well as other property owners on this stream without water. I have talked with several others that claim to have water rights on this stream and believe you will be receiving protests from them for the same reasons I am protesting.

I will appreciate hearing from you before any further action is taken.

Sincerely yours,

Phil S. Derricott

Phil S. Derricott

Box 387

Montpelier, Idaho 83254

11-4025

Identification No. _____
Claim No. 11-4025 P
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant John Stephens
post office address 319 Clay Street, Montpelier, Idaho 83254
2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 33 Township 12S
Range 4E B.M. located on Spring
(name of source)
tributary to Bear River in Bear Lake County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>Homesteaded</u>	<u>Dec. 17, 1889</u>	amount: <u>.5</u>	c.f.s. or	_____	acre feet
	<u>June 18, 1914</u>	amount: <u>.5</u>	c.f.s. or	_____	acre feet
	<u>Oct. 20, 1960</u>	amount: <u>1.5</u>	c.f.s. or	_____	acre feet
		Total claimed <u>2</u>	c.f.s. or	_____	acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Water livestock</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</u>	(both dates inclusive)
use <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>Sept. 15</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

11-4025

_____, if so, give dates and explain _____

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving

total capacity of reservoir is _____acre feet; active capacity of reservoir is _____acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____.

[illegible]

location of reservoir by 40-acre subdivisions

describe

7001	7002	7003	7004	7005	7006	7007	7008	7009	7010	7011	7012	7013	7014	7015	7016	7017	7018	7019	7020	7021	7022	7023	7024	7025	7026	7027	7028	7029	7030	7031	7032	7033	7034	7035	7036	7037	7038	7039	7040	7041	7042	7043	7044	7045	7046	7047	7048	7049	7050	7051	7052	7053	7054	7055	7056	7057	7058	7059	7060	7061	7062	7063	7064	7065	7066	7067	7068	7069	7070	7071	7072	7073	7074	7075	7076	7077	7078	7079	7080	7081	7082	7083	7084	7085	7086	7087	7088	7089	7090	7091	7092	7093	7094	7095	7096	7097	7098	7099	7100	7101	7102	7103	7104	7105	7106	7107	7108	7109	7110	7111	7112	7113	7114	7115	7116	7117	7118	7119	7120	7121	7122	7123	7124	7125	7126	7127	7128	7129	7130	7131	7132	7133	7134	7135	7136	7137	7138	7139	7140	7141	7142	7143	7144	7145	7146	7147	7148	7149	7150	7151	7152	7153	7154	7155	7156	7157	7158	7159	7160	7161	7162	7163	7164	7165	7166	7167	7168	7169	7170	7171	7172	7173	7174	7175	7176	7177	7178	7179	7180	7181	7182	7183	7184	7185	7186	7187	7188	7189	7190	7191	7192	7193	7194	7195	7196	7197	7198	7199	7200	7201	7202	7203	7204	7205	7206	7207	7208	7209	7210	7211	7212	7213	7214	7215	7216	7217	7218	7219	7220	7221	7222	7223	7224	7225	7226	7227	7228	7229	7230	7231	7232	7233	7234	7235	7236	7237	7238	7239	7240	7241	7242	7243	7244	7245	7246	7247	7248	7249	7250	7251	7252	7253	7254	7255	7256	7257	7258	7259	7260	7261	7262	7263	7264	7265	7266	7267	7268	7269	7270	7271	7272	7273	7274	7275	7276	7277	7278	7279	7280	7281	7282	7283	7284	7285	7286	7287	7288	7289	7290	7291	7292	7293	7294	7295	7296	7297	7298	7299	7300	7301	7302	7303	7304	7305	7306	7307	7308	7309	7310	7311	7312	7313	7314	7315	7316	7317	7318	7319	7320	7321	7322	7323	7324	7325	7326	7327	7328	7329	7330	7331	7332	7333	7334	7335	7336	7337	7338	7339	7340	7341	7342	7343	7344	7345	7346	7347	7348	7349	7350	7351	7352	7353	7354	7355	7356	7357	7358	7359	7360	7361	7362	7363	7364	7365	7366	7367	7368	7369	7370	7371	7372	7373	7374	7375	7376	7377	7378	7379	7380	7381	7382	7383	7384	7385	7386	7387	7388	7389	7390	7391	7392	7393	7394	7395	7396	7397	7398	7399	7400	7401	7402	7403	7404	7405	7406	7407	7408	74
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[illegible]

Explain any significant increase in area irrigated since first use- give dates and acreages if known

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 100 Cattle 10 Horses

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This spring drains into the flood-control and drainage canal which was part
of the Montpelier Irrigation Company dam project. The ground around this spring
was sub-irrigated but now is dry and crops burn. It will be necessary to install
a sprinkler system in order to raise a crop.

The spring and drainage water is on my property. The drainage canal has
dried two springs on my land.

State of Idaho

County of Bon 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 affiants knowledge.

Sworn to before me this 9

day of December, 1969

John Stephenson
Claimant

Antwone A McCarr
Notary Public

Residing at Montpelier Idaho

My commission expires 9-16-73

For Department Use Only

Received by Dell Date 12-10-69

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by Dell Date 12-10-69

GRANT W. JENSEN

ds

1-13-70

Fee received by ju #3961 Date 12-10-69 Fee \$10.00

Phil S. Derricott

ds

1-14-70

Approved for publication by ju

T. Emery Mumford

ds

3-5-70

Published in News - Examiner Dates 1-14-70

11-4025

INSTRUCTIONS

Paragraph No.

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

RECEIVED

Department of Agriculture

STATE OF IDAHO,)
County of Bear Lake.) ss. A F F I D A V I T

PHIL S. DERRICOTT, being first duly sworn, deposes and says:

That he is a resident and land owner in Bear Lake County, Idaho;

That on January 1, 1970 The News Examiner, a newspaper printed and published in Montpelier, Bear Lake County, Idaho, carried three notices of claim to water rights No. 11-7012, No. 11-4025 and No. 11-4026, made by John Stephens, 319 Clay Street, Montpelier, Idaho;

That your affiant hereby protests the issuance of a permit for the above claims for the following reasons:

1. Your affiant is the owner of property described on Tax Notice T-1107, Fr. E $\frac{1}{2}$ W $\frac{1}{2}$; Fr. N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, T 12 S., R. 44 EBM, 100 acres;
2. That the stream of water on which the said John Stephens is filing runs through your affiant's property;
3. That your affiant has owned this property since 1952 and was informed by the previous owner who had purchased said land from Wilford Bergreen, that the said Wilford Bergreen had filed for water rights on this stream;
4. That your affiant has been using water for stock since 1952 and for pumping for irrigation since 1961, and it is his opinion that if the said John Stephens is given the water rights as applied for, it would leave your affiant, as well as other property owners on this stream, without water.

WHEREFORE, your affiant prays that the application for permit of John Stephens be denied.

Phil S. Derricott
Phil S. Derricott

SUBSCRIBED AND SWORN TO Before me this 20th day of January, 1970.

Wesley H. Munk
NOTARY PUBLIC for Idaho
Residing at Montpelier, Idaho
My Comm. expires 9-12-73

(SEAL)

11-4025

RECEIVED

JAN 6 1970

Department of Reclamation

CERTIFIED

No 212049

MAIL

Montpelier, Idaho
January 5, 1970

Department of Reclamation
R. Keith Higginson,
State Reclamation Engineer
Boise, Idaho

Dear Sir:

The January 1, 1970 issue of the News Examiner, Montpelier, Idaho carried three notices of claim to water rights No. 11-7012, No. 11-4025 and No. 11-4026, made by John Stephens, 349 Clay St., Montpelier, Idaho.

I hereby enter a protest to these claims. I am the owner of property described on the ~~tax~~ notice as: T-1107 Fr. E 1/2: Fr. N 1/2 NE Sec. 28 T 12 S. R. 44 E 100 acres. The stream of water on which John Stephens is filing runs through my property. I have owned this property since 1952 and was informed by the previous owner who had purchased this property from Wilford Bergreen that Mr. Bergreen had filed for water rights on this stream.

I have been using water for stock since 1952 and for pumping for irrigation since 1961 and it is my opinion that if Mr. John Stephens is given these water rights as applied for it could leave me as well as other property owners on this stream without water. I have talked with several others that claim to have water rights on this stream and believe you will be receiving protests from them for the same reasons I am protesting.

I will appreciate hearing from you before any further action is taken.

Sincerely yours,

Phil S. Derricott

Phil S. Derricott

Box 87

Montpelier, Idaho 83254

Original in

11-4025

11-4025

2762 Delsa Drive
Salt Lake City, Utah 84117
January 13, 1970

R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Dr. Higginson:

I am writing in protest to filing of Mr. John Stephens for water from unnamed springs tributary of Bear River. This water is running in a drainage canal dug for flood control for the reservoir being built in Montpelier Canyon.

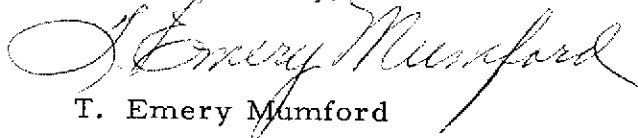
When this drainage canal was dug, it lowered the water table on my Mother's Ranch, which joins Mr. Stephen's property. Some of this water comes up in this canal on our ranch approximately 500 yards east of old Highway 40. Therefore, I believe that we should be entitled to a portion of this water for irrigation also, and would like to make application to that portion of water which raises on our property.

Would you please send us the necessary papers with instructions on how to apply for this water? The property is in my Mother's name, Mrs. Mary E. Mumford - 1420 South 15th East, Salt Lake City, Utah.

There are also others who are interested in this water for use on their farms, that this canal runs through.

We sincerely hope some satisfactory solution can be reached on this water for all concerned.

Yours sincerely,


T. Emery Mumford

TEM:k

Handwritten note: 1-14-70

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated January 1, 1970,
and ending with the issue

dated January 8, 1970

W. Jerome Taylor
Publisher and Foreman.

Subscribed and sworn to before me this 21st day of January, 1970.

Tom A. Bouye
Notary Public.

Bill submitted

1-26-70

A WATER RIGHT
No. 11-4025

Notice is hereby given that John Stephens, 319 Clay Street, Montpelier, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from an unnamed springs, tributary to Bear River with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, T. 12S, R. 44E, B. M., Bear Lake County; the water is claimed to be used from April 1 to September 15 for irrigation and from January 1 to December 31 for stock-water with a priority of December 17, 1889 (.5 cfs), June 18, 1914 (.5 cfs), October 20, 1960 (1.5 cfs), the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T. 12S, R. 44E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in The News-Examiner,
Montpelier, Idaho, on January 1
and January 8, 1970.

(1-18)

01 WATER RIGHT NUMBER - 11-4025 02 OLD (D) NUMBER -

03001 - STEPHENS LAST NAME 04001 - JOHN FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - 319 CLAY ST. 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - MONTPELIER 10 STATE - ID 11 ZIP - 83254

12 STAGE - S STATUTORY CLAIM 13 STATUS -

SOURCE 14001 - SPRING 15001 - BEAR RIVER TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 2.500 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TNW RNG LOT DIVERSION POINTS STREAM INDEX FIELDS

22001 - NWNE 23001 - 33 24001 - 12S 25001 - 44E 26001 - 27001 - 28001 - 0 100.0 169.1 0.0 0.0 0.0 0 0 0 2.2

29 NON-IRRIGATION USE - S/110 RANGE.

USE CODE / USE TNW RNG PLACE OF USE SEC TRACT ACRES LOT

30001 - 01 IRRIGATION 31001 - 12S 32001 - 44E 33001 - 28 34001 - SWSE 35001 - 35 36001 - 30002 - 01 IRRIGATION 31002 - 12S 32002 - 44E 33002 - 28 34002 - SESE 35002 - 35 36002 -

TOTAL ACRES: 70

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0401 38001 - 0915 39001 - 01 IRRIGATION 40001 - 2.500 41001 - 0.00
37002 - 0101 38002 - 1231 39002 - 04 STOCKWATER 40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS

44001 - PRIORITY DATES ARE 12-17-1889 OF .5 CFS, 6-18-1914 OF .5 CFS
44002 - & 10-20-1969 OF 1.5 CFS.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY DATES 48 PROOF DUE 49 PROOF MADE 50 APPROVE/DENIED- 51 PROTESTED 55 LICENSE 56 APPL RECEIVED 57 FIELD EXAM MADE 58 DECREE 59 START WORK 63 TRANSFER/AMENDED 64 DLE/CAREY ACT 65 FLAG_1 66 FLAG_2 67 FLAG_3

WRR100
11-4025

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
16-DEC-1985 10:39:24

52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 13-NOV-1981

60 ORDER SHOW CAUSE -
61 DATE_1
62 DATE_2

D A T E S

D A T E S

F L A G S

9/8/81/2
VERIFIED JKN

IDENT. NO. 11-4025

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]

- DATA ENTRY -

Record

Present Owner: _____

from to for purposes. Amount

1. The following information is provided for the year ended 31 December 2019:

11. Other Uses (Non-irrigation explanatory information): *8/11/05 range*

- Monthly dates 12-17-1889 of .5, 6-18-1914 of .5
10-20-1960 of 1.5

9. A. Decree Name:
B. Decree Date:

[illegible]

dc 10-19

Jan - 5 - 1970

R. Keith Higginson
State Reclamation Engr.

RECEIVED

Dear Sir and Those Concerned,

This letter will serve as my protest and exception to Water Rights Claims numbers no. 114025 and No. 11-4026. These claims having been filed by John Stephens, 319 Clay Street, Montpelier, Idaho

My land, through which this stream flows, lies adjacent to that of John Stephens, and between him and my neighbor Phil Durricott, who I understand is filing a protest also.

If this stream was not allowed to flow, the way it has for centuries, I would have no water for my livestock and also as a result, no pasture.

I also have planned to sprinkle from this water source.

Sincerely Yours,

Original in
11-4025

11-4025

Grant W Jensen
619 Grant Street
Montpelier Idaho

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

March 5, 1970

Re: Claim to a Water Right No. 11-4025

Mr. John Stephens
319 Clay Street
Montpelier, Idaho 83254

Dear Mr. Stephens:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. T. Emery Mumford in connection with this claim under the provisions of Chapter 2, Sec. 42-225b of the Idaho Code, which states the following:

"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 reclamation 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 reclamation. 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 final censorship or conformation of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

11-4025

March 5, 1970

Re: Claim to a Water Right No. 11-4025 - John Stephens

Mr. T. Emery Mumford
2762 Delisa Drive
Salt Lake City, Utah 84117

Dear Mr. Mumford:

Please excuse the timely delay in answering your letter of January 13, 1970. Your letter was inadvertently misplaced and has just now been brought to my attention.

The following is a quote from the provisions under which the above referenced claim has been filed (Section 42-225b, Idaho Code):

"At anytime 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 reclamation 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 reclamation. 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.

11-4025

Page 2
Mr. T. Emery Mumford
Re: 11-4025
March 5, 1970

Pursuant to your request we are enclosing an Application for Permit to appropriate the Public Waters of the State of Idaho along with a set of instructions for filing an application.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosures

C
O
P
Y

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 5, 1970

Re: Application for Permit No. 11-7012 - John Stephens
Claim to a Water Right No. 11-4025 - " "
" " " " " " 11-4026 - " "

Mr. Phil S. Derricott
Box 387
Montpelier, Idaho 83254

Dear Mr. Derricott:

We are in receipt of your protest concerning the above referenced application for permit No. 11-7012. The following are items, which under Section 42-203 of the Idaho Code, can be considered at a hearing in either approving or denying an application:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of a permit, he may partially approve the permit, he may approve the permit for a quantity of water less than applied for, or he may approve the permit **subject** to special conditions.

11-4025

Page 2

Mr. Phil S. Derricott

Re: 11-7012, 11-4025 & 11-4026

February 5, 1970

A permit issued by this office does not in any way convey or establish a right-of-way over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

This is to advise that we have filed your protest as exceptions to Claim for a Water Right No. 11-4025 & 11-4026. However, we are not authorized to hold hearings or evaluate for final censorship or conformation of the described rights in the case of exceptions. The claims will remain in our files and will be available at any time for the courts use.

If you have any questions regarding the above, or if we may be of assistance in any way, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

11-4025

January 21, 1970

RECEIVED

JAN 22 1970

Department of Reclamation

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attention Donald W. McElowney:

Re: Claim to a Water Right No. 11-4025
" " " " " " 11-4026
Application for Permit No. 11-7012
John Stephens

Dear Sir:

In accordance with your letter of January 14, I am enclosing my affidavit with one copy setting forth my reasons for opposing the granting of the above numbered water rights and permit.

I hope this affidavit is adequate. Thank you.

Very truly yours,

Phil S. Derricott

Phil S. Derricott

Box 37

Montpelier, Idaho 83254

11-4025

January 28, 1970

Re: Claim to a Water Right No. 11-4025

John Stephens
319 Clay Street
Montpelier, Idaho 83254

Dear Mr. Stephens:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:mjl

Enclosure: Copy of claim

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 20, 1970

Re: Claim to a Water Right No. 11-4025
" " " " " " 11-4026 - John Stephens
Application for Permit No. 11-7012)

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on January 1 and January 8, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 14, 1970

Re: Claim to a Water Right No. 11-4025 and 11-4026

Mr. John Stephens
319 Clay Street
Montpelier, Idaho 83254

Dear Mr. Stephens:

In reference to the above claims, the enclosed is a copy of an exception filed by Mr. Phil S. Derricott in connection with these claims under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime 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 Reclamation 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 Reclamation. 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 final censorship or conformation of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 14, 1970

Re: Claim to a Water Right No. (11-4025)
" " " " " 11-4026) John Stephens
Application for Permit No. 11-7012)

Mr. Phil S. Derricott
Box 387
Montpelier, Idaho 83254

Dear Mr. Derricott:

We are in receipt of your correspondence concerning the above referenced claims to a water right. The following is a quote from the provisions under which the above referenced claims have been filed (Idaho Code, Section 42-225b) :

"At anytime 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 Reclamation 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 Reclamation. 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.

11-4025

Page 2
Mr. Phil S. Derricott
January 14, 1970

In regards to Mr. Stephens' application for permit No. 11-7012, the following are items which, under Section 42-203 of the Idaho Code, we can consider at a hearing in approving or denying an application for permit:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed supply insufficient for the purposes intended?
3. Is the application made in good faith or for delaying or speculative purposes?
4. Has the applicant sufficient financial resources to complete the project?

Please bear in mind that the State Reclamation Engineer may reject such application and refuse issuance of permit therefor, or may partially approve and grant permit for a less quantity of water than applied for, or may grant permit upon conditions.

If you desire to file an official protest against the issuance of a permit for the above mentioned application, please do so as soon as possible. Your protest may be in affidavit form, setting forth in detail your reasons for protesting.

If you have any questions regarding the above or if we may be of any assistance, please feel free to contact the Department at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 13, 1970

Re: Claim to a Water Right No. 11-4025 and 11-4026

Mr. John Stephens
319 Clay St.
Montpelier, Idaho 83254

Dear Mr. Stephens:

In reference to the above claims, the enclosed is a copy of an exception filed by Mr. Grant W. Jensen in connection with these claims under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime 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 Reclamation 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 Reclamation. 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 final censorship or conformation of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc; Copy of exception

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 13, 1970

Re: Claim to a Water Right No. 11-4025 & 11-4026 - John Stephens

Mr. Grant W. Jensen
619 Grant Street
Montpelier, Idaho

Dear Mr. Jensen:

We are in receipt of your correspondence concerning the above referenced claims to a water right. The following is a quote from the provisions under which the above referenced claims have been filed (Section 42-225b, Idaho Code):

"At anytime 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 Reclamation 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 Reclamation. 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 we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

11-4025

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 22, 1969

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Re:
Claim to a Water Right No. 11-4025
" " " " " " 11-4026
Application for Permit No. 11-7012
JOHN STEPHENS

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you 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 of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notices (3)

11-4025
-OVER-

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 11-4025

Notice is hereby given that John Stephens, 319 Clay Street, Montpelier, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from an unnamed springs, tributary to Bear River with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, T. 12S, R. 44E, Bear Lake County; the water is claimed to be used from April 1 to September 15 for irrigation and from January 1 to December 31 for stock-water with a priority of December 17, 1889 (.5 cfs), June 18, 1914 (.5 cfs), October 20, 1969 (1.5 cfs), the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 12S, R. 44E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in The News-Examiner, Montpelier, Idaho, on January 1 and January 8, 1970.

(j-18)

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4025

Notice is hereby given that John Stephens, 319 Clay St.,
Montpelier, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 2.0
cubic feet per second ~~acre foot~~ of water from an unnamed springs, tributary
to Bear River with point of diversion in the NW 1/4 of
Sec. 33, T. 12S, R. 44E, B.M., Bear Lake County; the water is
claimed to be used from April 1 to Sept. 15 for irrigation and from
Jan. 1 to Dec. 31 for stockwater with a priority of Dec. 17, 1889 (.5 cfs),
June 18, 1914 (.5 cfs),
Oct. 20, 1960 (1.5 cfs); the place of use is within the SE 1/4,
Sec. 28, T. 12S, R. 44E, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the News-Examiner, Montpelier, Idaho,
on January 1 and January 8, 1970.

K1

11-4025