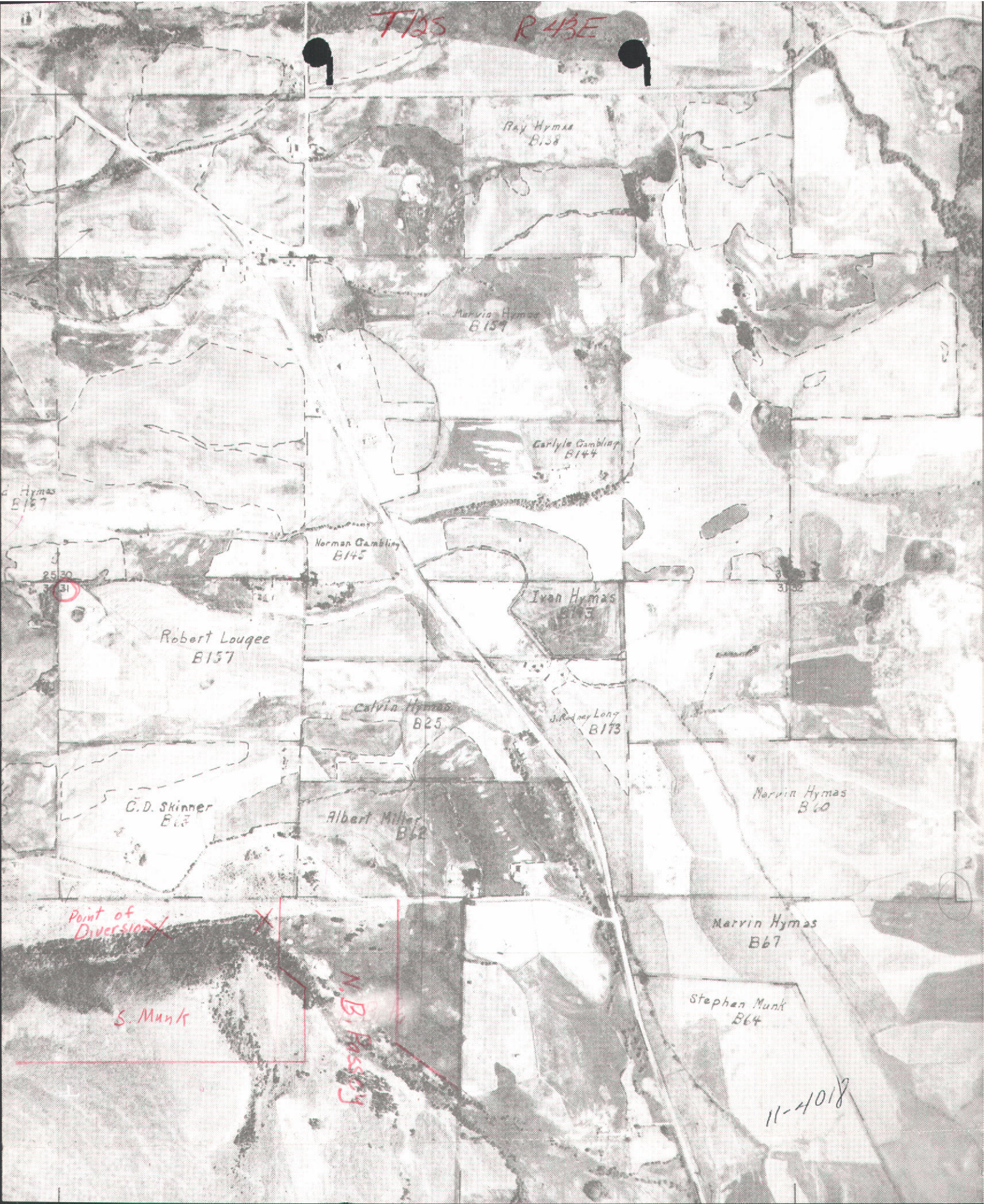


T125 R43E



11-4018

Identification No. 11-4018
Claim No. 42206
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 Newell Beck Passey
post office address Georgetown, Idaho

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 31 Township 12 South
Range 43 East B.M. located on Mill Canyon Creek
(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:

* May 18, 1884 amount: 0.10 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

*Per letter of Dec. 19, 1967

Total claimed _____ 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 Irrigation period of use from May 15 to Sept 30 (both dates inclusive)

use Domestic period of use from Jan 1 to Dec 31 (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 Earthen, Dam
Lumber gate

_____ ; 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 _____

_____ ;

11-4018

- if so, give dates and explain.

092

Tests

d. If water is stored: name of reservoir _____

year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

5

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



Ray Hymas
E158

Marvin Hymas
B144

Carlyle Gambel
B144

Norman Gambel
B145

Ivan Hymas
B145

Robert Lougee
E157

Carlyle Hymas
B25

Stephen Long
B173

C.D. Skinner
E63

Albert Miller
B67

Marvin Hymas
B10

Marvin Hymas
B67

Stephen Munk
B64

11-4-1918

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 No

7. Where water is used for domestic or municipal purposes give number of families served One
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
In the year of 1875, Walter Hodge, Cole & Nibley built a
water mill known as the Hodge, Cole & Nibley Sawmill. They
diverted part of the water from Mill Cayon to operate this mill
by water power. The point of diversion is shown on aerial
map, a distance of about 850 ft. and from this mill race a
6in. pipe was inserted and from this pipe, water was con-
tinually used for house use and irrigation by William G. Smith
starting about the year 1884 untill the mill race was abolished.
Continual use of this water is still being used for irri-
gation of about 5 acers.
Newell Beck Passey bought this land from William G.
Smith in the year 1936.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

November 17, 1967
(Date)

Newell B. Passey
(Signature of Claimant)

State of Idaho

County of Bear Lake } ss.

On this 17th day of November 1967, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Muriel A. Stewart
Notary Public residing at Georgetown, Idaho

My commission expires May 26, 1970

For Department Use Only

Received by ef Date 12-11-67

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by DHR Date 12-26-67

None

Fee received by ef Date 12-26-67 Fee \$ 10.00

Approved for publication by BS 1-4-68

Published in Caribou Post Dates 1-11/18-68

11-4018

INSTRUCTIONS

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.

Paragraph No.

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.

IN THE MATTER OF:

Claim of
Newell Passey,
Georgetown, Idaho

State of Idaho

County of Bar Lake

AFFIDAVIT

NOV 30 1967

Department of Reclamation

Lula Passey

being first duly sworn,

deposes and says: I was born March 17, 1895,
daughter of William G. + Elizabeth Ann King
Smith, Sharon, Idaho. Since I can
remember, some 65 years or more, I have
known of this water running down past the
house, and it has been in continual use
on this property ever since.

Lula Passey
(signature)

Subscribed and sworn to before me this 16th day of November 1967.

Muriel A. Stewart
(Notary Public)

Residing at Georgetown, Idaho.

My commission expires May 26, 1970.

RECEIVED

DEC 11 1967

Department of Reclamation

11-4018

IN THE MATTER OF:

Claim of
Newell Passey,
Georgetown, Idaho

AFFIDAVIT

NOV 20 1967

DEPT.

Reclamation

State of Idaho

County of Bear Lake

Erwin Parker

being first duly sworn,

deposes and says:

I was born September 12, 1889,
at Liberty, Idaho. For the last 48 years
I have known of water running down past
the William J Smith property, and know
it has been in continual use on this
property ever since.

Erwin Parker
(signature)

Subscribed and sworn to before me this 16th day of November 1967.

Muriel A. Stewart
(Notary Public)

Residing at Georgetown, Idaho.

My commission expires May 26, 1970.

RECEIVED

DEC 11 1967

Department of Reclamation

11-4018

3 VOLUNTEER FOR INDUCTION

The Selective Service Board reports that three young men, Paul Grandy, son of Mr. and Mrs. Grant Grandy, and Jerry Watson, son of Mr. and Mrs. Johnny Watson, both of Montpelier, and Junior Passey, son of Mr. and Mrs. McKay Passey of Ovid, volunteered for induction into the armed service. They reported to induction headquarters in Boise January 4th.

Also going to Boise on Jan. 4th for physical examinations were Larry Hymas, son of Mr. and Mrs. Victor Hymas, and Val Wuthrich, son of Mr. and Mrs. Wuthrich.

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4018

Notice is hereby given that Newell Beck Passey, Georgetown, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.40 cubic feet per second of water from Mill

aten

The Paris Post

SERVING SOUTHEAST IDAHO SINCE 1880

PARIS, IDAHO 83261

Thomas E. and Mary A. Preston, Publishers

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
Bear Lake County } ss.

I, Mary A. Preston, publisher and manager of THE PARIS POST, a weekly newspaper published weekly at Paris, Bear Lake County, State of Idaho, do solemnly swear that a copy of the attached notice, (as per clipping), was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 2 consecutive weeks, commencing with the issue dated January 11, 1968, and ending with the weekly issue dated January 18, 1968.

Mary A. Preston
Publisher.

SUBSCRIBED and sworn to before me this
31st day of January, 1968.

(SEAL)

L. Hugh Shepherd
Notary Public.

My commission expires Oct 10th, 1970

11-4018

The Paris Post

IDAHO'S OLDEST NEWSPAPER

PARIS, IDAHO

January 29, 1968

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Claim 11-4018 (W.B. Passey)

Legal-Claim to States Right 50 lines
published Jan. 17, 18

\$ 6.90

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 same has been paid.

Mary A. Preston

Your Patronage is Appreciated

11-4018

01 WATER RIGHT NUMBER - 11-4018

02 OLD (D) NUMBER -

03001 - PASSEY

LAST NAME

04001 - NEWELL BECK

FIRST NAME

05001 - C

ORIG. OWNER

06 ADD LINE 1 -

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - GEORGETOWN

10 STATE - ID

11 ZIP - 832390000

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE

14001 - MILL CANYON CREEK

15001 - BEAR RIVER

TRIBUTARY OF

16 DIVERSION MEANS -

17 CCOUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .100

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT

SEC

TWN

RNG

LOT

DIVERSION POINTS

STREAM

INDEX

FIELDS

22001 - NMSW 23001 - 31 24001 - 12S 25001 - 43E 26001 - 27001 - 28001 - 0 100.0 171.0 9.0 0.0 0.0 0.0 0 0 0 3.1

29 NON-IRRIGATION USE -

USE CODE / USE

TWN

RNG

PLACE OF USE

TRACT

ACRES

LOT

30001 - 01 IRRIGATION
30002 - 01 IRRIGATION

31001 - 12S 32001 - 43E 33001 - 31 34001 - NENN 35001 - 04 36001 -
31002 - 12S 32002 - 43E 33002 - 31 34002 - NWNW 35002 - 01 36002 -

TOTAL ACRES: 5

PERIOD FROM

PERIOD TO

USE CODE / USE

WATER USE

DIVERSION RATE

DIVERSION VOLUME

37001 - 051S 38001 - 0930 39001 - 01 IRRIGATION
37002 - 0101 38002 - 1231 39002 - 43 DOMESTIC

40001 - 0.100 41001 - 0.00
40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY

DATES - 18-MAY-1884

55 LICENSE

DATES

FLAGS

48 PROOF DUE

56 APPL RECEIVED

63 TRANSFER/AMENDED

49 PROOF MADE

57 FIELD EXAM MADE

64 DLE/CAREY ACT

50 APPROVE/DENIED-

58 DECREE

65 FLAG_1

51 PROTESTED

59 START WORK

66 FLAG_2

52 HEARING

60 ORDER SHOW CAUSE -

67 FLAG_3

WRR100
11-4018

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
12-MAR-1986 21:02:05

53 VERIFIED
54 LAST UPDATE - 12-MAR-1986

61 CATE_1
62 DATE_2

D A T E S

D A T E S

F L A G S

VERIFIED JKN

3/14/86

IDENT. NO. 11-4018

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

OTd No. _____

New No. _____

11-4018

Record

1. Original Owner: Newell Bank Cassey

Present Owner: _____

2. Address: _____

3. City: Georgetown State: Id Zip: _____4. A. Source of Water: Mill Canyon CreekB. Tributary of: Bear River5. A. Stage (A,P,L,D,S,J): I

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 5-18-1884D. County: 07E. Total Diversion Rate: .1

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSW</u>	<u>31</u>	<u>12</u>	<u>43E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 5-15 to 9-30 for A purposes. Amount .1
(cfs or AC-FT/yr)from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: 7

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

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

14. Diversion Means (brief narrative):

February 1, 1938

Re: Claim No. 11-4018

Newell Beck Passey
Georgetown,
Idaho

Dear Mr. Passey:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 11-4018.

Enclosed is your receipt No. 286 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Receipt

11-4018

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

January 30, 1968

Re: Claim No. 11-4005, 11-4006, 11-4015, 11-4016, 11-4018, and
11-4019

Paris Post
Paris,
Idaho 83661

Gentlemen:

As of this date, we have not received the affidavit or the bill of publication for the above referenced applications for claims. We are enclosing a copy of our transmittal letter. Your prompt attention is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure

11-4018

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4018

Notice is hereby given that Newell Beck Passey, Georgetown, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from Mill Canyon Creek with point of diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 12S, R. 43E, B.M., Bear Lake County; the water is claimed to be used for irrigation from May 15 to September 30 and for domestic purposes from January 1 to December 31 with a priority of May 18, 1884 for 0.10 c.f.s.; the place of use is NW $\frac{1}{4}$, Sec. 31, T. 12S, R. 43E, 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 Paris Post, Paris, Idaho, on January 21 and January 28, 1968.

11-4018

January 4, 1968

Re: Claim No. 11-4018

Paris Post
Paris,
Idaho 83261

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 can not 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McElldowney
Water Rights Clerk

DW:ks

Enclosure: legal notice

No. 11-4018

_____ has filed a claim to a water right established
by diversion and application to beneficial use of 0.10 (cubic feet per second)
(~~acre/feet~~) of water from Mill Canyon Creek with point of diversion
in N¹/₂SW¹/₄, sec. 31, T. 12 S, R. 43 E, B.M., Bear Lake County;
the water is claimed to be used for irrigation from May 15 to September 30 and for domestic
purposes from January 1 to December 31 with a priority of May 18,
1884 for 0.10 c.f.s.; the place of use is N¹/₂SW¹/₄, Sec. 31, T. 12 S, R.
43 E, B.M.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Paris, Post, Paris
Idaho, on January 11 and January 18.

11-4018

December 19, 1967

Re: Claim to a Water Right

Newell Beck Passey
Georgetown,
Idaho

Dear Mr. Passey:

We are in receipt of your \$10.00 check and your claim to a water right. Please be advised that before the form is acceptable you are required to supply the department with the date of priority that you are claiming for the .10 cubic feet per second of waters of Mill Canyon Creek, tributary of the Bear River. The priority date you claim should include a month, day, and year.

Your prompt reply to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

11-4018

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

December 19, 1967

RECEIVED

DEC 26 1967

Department of Reclamation

Re: Claim to a Water Right

Newell Beck Passey
Georgetown,
Idaho

Dear Mr. Passey:

We are in receipt of your \$10.00 check and your claim to a water right. Please be advised that before the form is acceptable you are required to supply the department with the date of priority that you are claiming for the .10 cubic feet per second of waters of Mill Canyon Creek, tributary of the Bear River. The priority date you claim should include a month, day, and year.

May 15 194
your prompt reply to this matter is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Donald W. McEldowney".

Donald W. McEldowney
Water Rights Clerk

Mr. B. Passey
thank you

DWM:ks

11-4018