

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Toren W. Thompson

being duly sworn,

deposes and says:

That he is the *publisher* 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 *two* 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

March 6, 19*80*, and ending

with the issue of *March 13*, 19*80*.

Fees, *\$27.94*

Subscribed and sworn to before me this *27* day

of *March*, 19*80*.

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 11*, 19*83*

RECEIVED

MAR 31 1980

Department of Water Resources
Eastern District Office

Public Notices

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:

11-4087

MAPLE CANYON CK. WATER ASSC.
C/O CALVIN CRANE, STAR RT. 2,
MONTPELIER, ID 83254

Source: MAPLE CANYON CK. &
TRIBUTARIES tributary to SINKS

Priority Date: 10-06-1890

Amount: 12.80 CFS

Diversion Point: SWNW Sec 34 T 11S R
44E, BEAR LAKE Co.

Use: IRRIGATION (12.80 CFS) from
04-01 to 11-01

STOCKWATER (3.50 CFS) from 01-01
to 12-31

Place of Use: SWNE SENE NESE
NWSE SWSE SESE Sec 33 T 11S R 44E
NENE NWNE Sec 04 T 12S R 44E
NWSW SWSW Sec 34 T 11S R 44E FOR
354 ACRES

Diversion Means: HOLDING POND,
WEIR, HEADBOX, PIPE.

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.

(s) C. Stephen Allred
C. STEPHEN ALLRED
Director

Published 3-6 & 3-13-80

M 6-13

*ok kw
4/1/80*

MICROFILMED

A G R E E M E N T

William B. Crane and Lula Crane - William Salveson and Rosetta Salveson - Warren G. Wright and Donna Wright - Calvin D. Crane and Dorothy Crane - Bert Westlake and Rhea Westlake

WITNESSETH:

WHEREAS each of the parties above named are joint owners of all the waters flowing from Maple Canyon, Bear Lake County, Idaho, said ownership being as follows:

<u>Name</u>	<u>Amount</u>
1. William B. and Lula Crane	30%
2. William and Rosetta Salveson	30%
3. Warren G. and Donna Wright	20%
4. Calvin D. and Dorothy Crane	10%
5. Bert and Rhea Westlake	10%
Total	100%

And WHEREAS said parties have heretofore owned and maintained a joint ditch for use of said waters by said parties on their respective lands and all situate in Section 33 and 34, Township 11, Range 14 East of Boise Meridian; and Section 14 Township 12 Range 14 East of Boise Meridian;

And WHEREAS a more beneficial use of said waters can be made by installing a main line from which each party can at his own expense install gravity pressure sprinkler systems;

Now THEREFORE the parties mutually agree as follows:

1. The old ditches presently in use shall continue to be maintained by all parties for their use of Spring run-off waters and excess waters during the irrigation Season.

2. Crane, Salveson and Wright hereby give and grant jointly to all parties hereto a perpetual easement across their respective properties for the installation and maintenance of the main line required to carry all water from Maple Canyon for use by all parties whether used by each respective party for gravity flow irrigation or otherwise upon the express condition that each party shall pay for the purchase, installation, maintenance and operation of said main line his proportionate cost and expense based upon the ownership of said waters as heretofore set forth. Said easement herein granted shall cross the following described real property:

Commencing at a point 1055' East of the W_{1/2} corner of Section 34 Township 11S, Range 14E; Thence West 1055' more or less to the West Boundary line of Section 34, Township 11S, Range 14E; Thence North 830'.

TOWNSHIP 11 - South

MICROFILMED

ALSO commencing at the W $\frac{1}{4}$ corner of Section 34,
Township 11, Range 14 EBM; Thence South 967'
more or less to Northerly boundary line of County
Road right-of-way. Thence Southwesterly direction
to a point 48' across the County Road right-of-way;
thence west 200' more or less to East boundary line of
Bert Westlake property line.

3. At all times during the irrigation Season, each party shall
be entitled to receive his proportionate share of the waters from Maple
Canyon based upon the ownership of waters hereinabove specified.

4. The parties further agree that the right to use the Spring
run-off or the excess waters from Maple Canyon shall be according to
their respective ownership interests as above specified.

This agreement and the perpetual easement herein granted shall
be binding upon the heirs, administrators, executors and assigns of all
parties hereto.

IN WITNESS WHEREOF the parties have executed this agreement this

30 day of Oct 1969

William Salvason
Rosetta Salvason
Bert Westlake
Bela Westlake
William B. Crane
Lula Crane
Harbin D. Crane
Dorothy Crane
Warren B. Wright
Donna Wright

State of Idaho)
County of Bear Lake) ss

Subscribed and sworn to before me this _____ day of _____ 1969

My Commission Expires: _____

L. Passey
Notary
Residing: Montpelier, Idaho

MICROFILMED

Int # 93564
30 Oct 1969

Recorded —

RECORDED

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 Maple Canyon Creek Water Association

(Name of Claimant)

c/o Calvin Crane, Star Route 2, Montpelier, ID 83254

Telephone No. 847-1582

(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) October 6, 1890,

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)

Maple Canyon Creek & tributaries 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>12.80</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
Quantity	<u>3.50</u>	Use	<u>stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 12.80 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW ¼ NW ¼, Sec. 34 Twp. 11S Rge. 44E 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. Water is collected in a holding pond then passes over a 31" wide weir into a 4 x 8 x 4 deep headbox. Water flows via force of gravity from headbox into an 18" diameter steel pipe. Acreage is gravity sprinkled by various lengths of hand & wheel

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is moves. 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	
11S	44E	33			40	40									40	40	40	40	240
12S	44E	4	40	40															80
11S	44	34									14	20							34

No. of acres 354

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

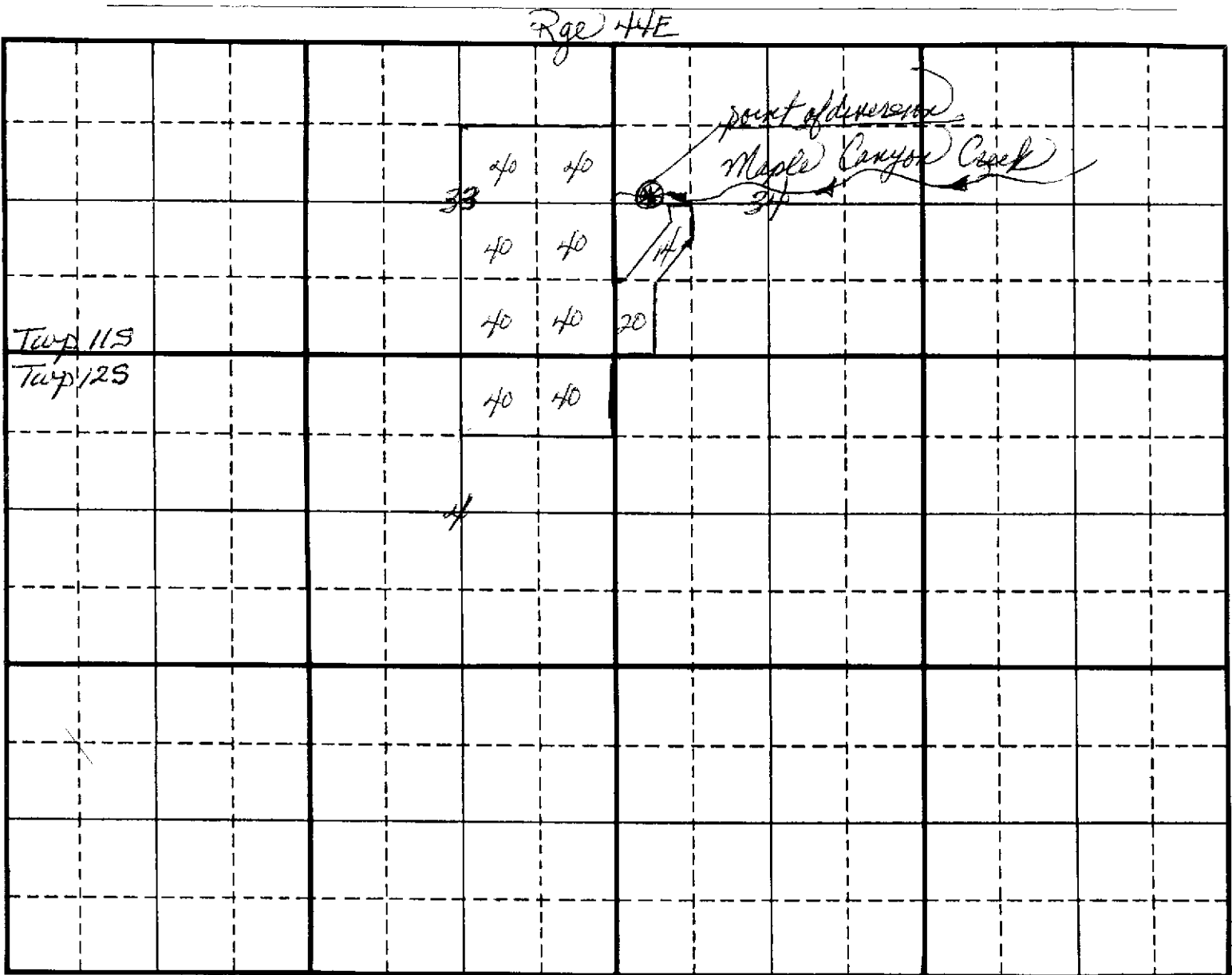
stock drink out of field ditches; stock may divert water in each of the 8-40 acre tracts named above.

NOTE: Include here the type and number of stock watered: 10 head of horses, 300 head range cattle or

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

Maple Canyon Creek Water Association

(8) Remarks An excessive amount of water is needed for stockwater during winter months in order to compensate for ditch loss and to maintain a reasonable flow to the place of use.



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 Bonneville) 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 26th day of February, 19 80.

Calvin D. Krone President
(Claimant)

Callen Wray
Notary Public
Residing at Idaho Falls, Id

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by ARK Date 2-26-80 Exception filed by: _____ Date _____
Prelim. check by pc Date 2-26-80
\$20.00 fee received by na Date 2-26-80
Published in The News-Examiner # 13825
Dates 3/6 & 3/13/80

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Joren W. Thompson

being duly sworn,

deposes and says:

That he is the publisher 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 two 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

March 6

1980, and ending

with the issue of

March 13

1980.

Joren W. Thompson

Fees, \$27.94

Subscribed and sworn to before me this 27 day

of March, 1980

Paula Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 11, 1981

RECEIVED

MAR 31 1980

Department of Water Resources
Eastern District Office

Public Notices

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:

11-4087

MAPLE CANYON CK. WATER ASSC.
C/O CALVIN CRANE, STAR RT. 2,
MONTPELIER, ID 83254

Source: MAPLE CANYON CK. &
TRIBUTARIES tributary to SINKS

Priority Date: 10-06-1890

Amount: 12.80 CFS

Diversion Point: SWNW Sec 34 T 11S R
44E, BEAR LAKE Co.

Use: IRRIGATION (12.80 CFS) from
04-01 to 11-01

STOCKWATER (3.50 CFS) from 01-01
to 12-31

Place of Use: SWNE SENE NESE
NWSE SWSE SESE Sec 33 T 11S R 44E
NENE NWNE Sec 04 T 12S R 44E
NWSW SWSW Sec 34 T 11S R 44E FOR
354 ACRES

Diversion Means: HOLDING POND,
WEIR, HEADBOX, PIPE.

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.

(s) C. Stephen Allred

C. STEPHEN ALLRED

Director

Published 3-6 & 3-13-80

M 6-13

ok
4/1/80

A G R E E M E N T

William B. Crane and Lula Crane - William Salveson and Rosetta Salveson - Warren G. Wright and Donna Wright - Calvin D. Crane and Dorothy Crane - Bert Westlake and Rhea Westlake

WITNESSETH:

WHEREAS each of the parties above named are joint owners of all the waters flowing from Maple Canyon, Bear Lake County, Idaho, said ownership being as follows:

<u>Name</u>	<u>Amount</u>
1. William B. and Lula Crane	30%
2. William and Rosetta Salveson	30%
3. Warren G. and Donna Wright	20%
4. Calvin D. and Dorothy Crane	10%
5. Bert and Rhea Westlake	10%
Total	100%

*Transferred to Wm B Crane & Lula
Sold to Calvin Crane*

And WHEREAS said parties have heretofore owned and maintained a joint ditch for use of said waters by said parties on their respective land and all situate in Section 33 and 34, Township 11, Range 44 East of Boise Meridian; and Section 4 Township 12 Range 44 East of Boise Meridian;

And WHEREAS a more beneficial use of said waters can be made by installing a main line from which each party can at his own expense install gravity pressure sprinkler systems;

Now THEREFORE the parties mutually agree as follows:

1. The old ditches presently in use shall continue to be maintained by all parties for their use of Spring run-off waters and excess waters during the irrigation season.

2. Crane, Salveson and Wright hereby give and grant jointly to all parties hereto a perpetual easement across their respective properties for the installation and maintenance of the main line required to carry all water from Maple Canyon for use by all parties whether used by each respective party for gravity flow irrigation or otherwise upon the express condition that each party shall pay for the purchase, installation, maintenance and operation of said main line his proportionate cost and expense based upon the ownership of said waters as heretofore set forth. Said easement herein granted shall cross the following described real property:

Commencing at a point 1055' East of the W₁ corner of Section 34 Township 11, Range 44 24M; Thence west 1055' more or less to the west boundary line of Section 4, Township 12, Range 44 24M; Thence North 82° 1'.

MICROFILMED

ALSO commencing at the W₂ corner of Section 34,
Township 11, Range 44 EBM; Thence South 967'
more or less to Northerly boundary line of County
Road right-of-way. Thence Southwesterly direction
to a point 48' across the County Road right-of-way;
thence west 200' more or less to East boundary line of
Bert Westlake property line.

3. At all times during the irrigation Season, each party shall
~~be entitled to receive his proportionate share of the waters from Maple~~
Canyon based upon the ownership of waters hereinabove specified.

4. The parties further agree that the right to use the Spring
run-off or the excess waters from Maple Canyon shall be according to
their respective ownership interests as above specified.

This agreement and the perpetual easement herein granted shall
be binding upon the heirs, administrators, executors and assigns of all
parties hereto.

IN WITNESS WHEREOF the parties have executed this agreement this

30th day of Oct. 1969

William Salmon
Ruthia Salmon
Bert Westlake
John Westlake
William B. Crane
Lyla Crane
John B. Crane
John B. Crane
John B. Crane
John B. Crane

State of Idaho)
County of Bear Lake) ss

Subscribed and sworn to before me this 30th day of Oct. 1969

[Signature]

Notary

Witnesses:

Residing: Montpelier, Idaho

Water Appropriation Notice

Notice is hereby given that the undersigned citizens of the United States, do hereby claim and appropriate all the waters of Maple Canyon Creek in Bear Lake County Idaho, together with all the springs and tributaries pertaining thereto or flowing therein to the extent of six hundred and forty inches (measured under a four inch pressure) of the said waters, to be taken from said stream near the mouth of Maple Canyon by means of two ditches, one running north and the other south, said ditches being respectively two and one half feet wide, one and one half feet deep, with a fall of one and one half inches to the foot.

The purpose for which said water is claimed and appropriated is for the irrigation of the S¹/₂ E¹/₄ and N¹/₂ E¹/₄ Sec. 33 Twp 11 South R 44 East and the S¹/₂ E¹/₄ Sec. 33 Twp 11 S and Lot 1 and 2 Sec. 4 Twp 12 South Range 44 East.

The means by which the undersigned intend to divert the said water is by the two ditches above described.

Dated October 6th 1890

{	Brigham Tippetts
	Peter Tippetts
	Amos Wright
	J. G. Merrill

State of Idaho }
County of Bear Lake } ss.

MICROFILMED

I, J. G. Merrill, do hereby certify that a notice of which the foregoing is a full, true and correct copy was posted up near the mouth of Maple Canyon at the point where the waters are taken from Maple Canyon Creek by the foregoing appropriators. Said notice being posted on the 31 day of October A.D. 1890.

J. G. Merrill

Filed for record at request of James H. Hart Nov. 15th 1890 at 4 p.m.

J. L. Mantouya C. Recorder
By J. M. B. Shepherd, Deputy

Tony Bob

*This is the one I told you I had but
didn't know who it was.*

see instrument number and date on back

A G R E E M E N T

William B. Crane and Lula Crane - William Salvesson and Rosetta
Salvesson - Warren G. Wright and Donna Wright - Calvin D. Crane and Dorothy
Crane - Bert Westlake and Rhea Westlake

WITNESSETH:

WHEREAS each of the parties above named are joint owners of
all the waters flowing from Maple Canyon, Bear Lake County, Idaho, said
ownership being as follows:

<u>Name</u>	<u>Amount</u>
1. William B. and Lula Crane	30%
2. William and Rosetta Salvesson	30%
3. Warren G. and Donna Wright	20%
4. Calvin D. and Dorothy Crane	10%
5. Bert and Rhea Westlake	10%
Total	100%

And WHEREAS said parties have heretofore owned and maintained a
joint ditch for use of said waters by said parties on their respective
lands and all situate in Section 33 and 34, Township 11, Range 44 East of
Boise Meridian; and Section 4 Township 12 Range 44 East of Boise Meridian;

And WHEREAS a more beneficial use of said waters can be made by
installing a main line from which each party can at his own expense install
gravity pressure sprinkler systems;

Now THEREFORE the parties mutually agree as follows:

1. The old ditches presently in use shall continue to be
maintained by all parties for their use of Spring run-off waters and
excess waters during the irrigation Season.

2. Crane, Salvesson and Wright hereby give and grant jointly
to all parties hereto a perpetual easement across their respective properties
for the installation and maintenance of the main line required to carry all
water from Maple Canyon for use by all parties whether used by each
respective party for gravity flow irrigation or otherwise upon the express
condition that each party shall pay for the purchase, installation, mainten-
ance and operation of said main line his proportionate cost and expense based
upon the ownership of said waters as heretofore set forth. Said easement
herein granted shall cross the following described real property:

Commencing at a point 1055' East of the W¹ corner
of Section 34 Township 11S, Range 44E; Thence
West 1055' more or less to the West Boundary line
of Section 34, Township 11S, Range 44E; Thence
North 830'.

TOWNSHIP 11 - South

MICROFILMED

ALSO commencing at the W $\frac{1}{4}$ corner of Section 34,
Township 11, Range 44 EBM; Thence South 967'
more or less to Northerly boundary line of County
Road right-of-way. Thence Southwesterly direction
to a point 48' across the County Road right-of-way;
thence west 200' more or less to East boundary line of
Bert Westlake property line.

3. At all times during the irrigation Season, each party shall
be entitled to receive his proportionate share of the waters from Maple
Canyon based upon the ownership of waters hereinabove specified.

4. The parties further agree that the right to use the Spring
run-off or the excess waters from Maple Canyon shall be according to
their respective ownership interests as above specified.

This agreement and the perpetual easement herein granted shall
be binding upon the heirs, administrators, executors and assigns of all
parties hereto.

IN WITNESS WHEREOF the parties have executed this agreement this

30 day of Oct 1969

William Salvason
Basilla Salvason
Bert Westlake
Rena Westlake
William B. Crane
Lula Crane
Robert D. Crane
Dorothy Crane
Norma Westlake
Donna Wright

State of Idaho)
County of Bear Lake)

Subscribed and sworn to before me this _____ day of _____ 1969

G. Passer
Notary

My Commission Expires:

Residing: Montpelier, Idaho

Also commencing at the NW corner of Section 34,
Township 11, Range 14 E, T11N, R14E, S04,
more or less to Northern boundary line of County
Road right-of-way. Thence Southerly direction
to a point 18' across the County Road right-of-way;
thence west 200' more or less to East boundary line of
Hart Westlake property line.

3. At all times during the irrigation season, each party shall
be entitled to receive his proportionate share of the waters from Maple
Canyon based upon the ownership of waters hereinabove specified.
11. The parties further agree that the right to use the spring
run-off or the excess waters from Maple Canyon shall be according to
their respective ownership interests as above specified.

This agreement and the partitioned easement hereby granted shall
be binding upon the heirs, administrators, executors and assigns of all
parties hereto.

IN WITNESS WHEREOF the parties have executed this agreement this
30th day of October, 1969.

[Handwritten signatures and names on lines]

State of Idaho
County of Ada

Subscribed and sworn to before me this _____ day of _____, 1969.

[Signature]
Notary Public
Residing: Montpelier, Idaho

My Commission Expires: _____

Recorded

August 11, 1980

RE: Claim to a Water Right No. 11-4087 MAPLE CANYON CREEK WATER ASSOC.

J. Reed Crane
384 North 5th
Monpelier, Idaho 83254

Dear Mr. Crane:

We have received the exception dated August 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

NOTED

11-4087

August 11, 1980

RE: Claim to a Water Right No. 11-4087

Maple Canyon Creek Water Association
c/o Calvin Crane
Star Rt. #2
Mouppelier, Idaho 83254

Dear Mr. Crane:

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: IDWR - State Office

MAILED
AUG 12 1980

RECEIVED

AUG 8 1980

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN DIVISION

IN THE MATTER OF THE CLAIMS TO)
WATER RIGHTS TO MAPLE CANYON CREEK)
AND TRIBUTARIES SUBMITTED BY MAPLE)
CANYON CREEK WATER ASSOCIATION,)
BEAR LAKE COUNTY, IDAHO)
CLAIM NO. 11-4087.)

EXCEPTION AND PROTEST

STATE OF IDAHO)
COUNTY OF CARIBOU) ss.

COMES NOW the protestant, J. Reed Crane of 384 North 5th, Montpelier, Idaho 83254, and protests and takes exception to the above-named claim as follows:

1. That he is the owner of approximately 346 acres of fertile farm and pasture land lying in Sections 29, 31 and 32 of Township 11 South, Range 44 East, B.M., Bear Lake County, Idaho, which property lies approximately two miles west of the proposed diversion point of the claimants and at a lower elevation in the natural drainage from Maple Creek toward the Bear River to the west.

2. J. Reed Crane is the owner of certain water rights which are appurtenant to the real property described above, which are evidenced by Water Right License No. 11-7024 issued by the State of Idaho Department of Water Resources as well as other water rights established under the Idaho Constitution by continuous diversion and application to a beneficial use over many years from numerous springs arising on his property. These waters have been used for many years for irrigation purposes, stockwatering and fish propagation by this protestant and his predecessors in interest.

3. The waters which the claimants, Maple Canyon Creek Water Association, intend to divert and use have historically sunk and disappeared completely into certain sinks located at the mouth of Maple Canyon, which waters may in fact be hydrologically connected

MICROFILMED

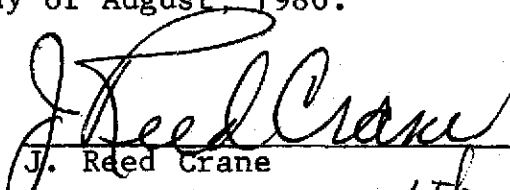
and feed the protestant's wells and springs used for stockwatering, irrigation and fish propagation. As a result, the proposed diversion and use by the claimants may in fact diminish or terminate the flows from the springs arising upon protestant's property which would interfere with his water rights.

4. The protestant, J. Reed Crane, hereby gives notice and makes record of his exception to the claim and proposed diversion and use by Maple Canyon Creek Water Association to the extent that it may interfere with his established water rights described above.

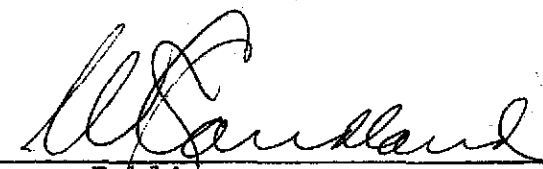
5. Further exception is also taken to the proposed quantity of water of 12.80 cfs to be diverted and used to irrigate 354 acres, which amount is far in excess of the "duty of water" or maximum allowable amount for irrigation purposes under Idaho law which is one cfs for 50 acres.

6. Further exception is taken to priority date, place of use and quantity of use stated in the claim, as this protestant is of the opinion that claimants have not historically used the waters as claimed.

DATED this 6th day of August, 1980.


J. Reed Crane

SUBSCRIBED AND SWORN to before me this 6th day of August, 1980.


Notary Public

ROUTING SLIP

DATE 9/5 TIME _____

TO: Linda Halsey
FROM: (show title) Ray

REF. No. (if any) _____

FOR YOUR:

- ☐ Information
- ☐ Approval
- ☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
- ☐ Comment & Return
- ☐ Take Proper Action
- ☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
- ☐ Your Request
- ☐ Boss's Request

*please fill
in 11-4087.*

RECEIVED *Thanks*

SEP 8 1980

Department of Water Resources

Ray

September 5, 1980

RE: Claim to a Water Right No. 11-4087

Maple Canyon Creek Water Association
c/o Calvin Crane
Star Route 2
Montpelier, Idaho 83254

Dear Mr. Crane:

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:ew:kw

Enclosure

cc: IDWR - State Office

MICROFILMED

September 5, 1980

RE: Claim to a Water Right No. 11-4087 MAPLE CANYON CREEK WATER ASSOCIATION

Barker Brothers
Star Route
Soda Springs, Idaho 83276

Gentlemen:

We have received the exception dated August 18, 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.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cwk

cc: IDWR - State Office

RECEIVED
SEP 11 1980

RECEIVED

AUG 29 1980

Department of Water Resources
Eastern District Office

RECEIVED

AUG 5 1980

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN DIVISION

IN THE MATTER OF THE CLAIMS TO)
WATER RIGHTS TO MAPLE CANYON CREEK) AMENDED
AND TRIBUTARIES SUBMITTED BY MAPLE)
CANYON CREEK WATER ASSOCIATION,) EXCEPTION AND PROTEST
BEAR LAKE COUNTY, IDAHO)
CLAIM NO. 11-4087.)

STATE OF IDAHO)
COUNTY OF CARIBOU) ss.

Shyrl A. Barker, being first duly sworn, deposes and says
as follows:

1. Duane A. Barker, Richard A. Barker and Shyrl A. Barker
do business as Barker Bros., a partnership, of Star Route, Soda
Springs, Idaho, and do hereby protest and take exception to the
above-named claim submitted by Maple Canyon Creek Water Association.

2. Barker Bros. are the owners of approximately 1,400
acres of farm land lying in Sections 5 and 6 of Township 12 South,
Range 44 East, B.M., and in Section 31 of Township 11 South, Range 44
East, B.M., Bear Lake County, Idaho, which property lies approximate-
ly two miles west of the proposed diversion point of the claimants
and at a lower elevation in the natural drainage from Maple Creek
toward the Bear River to the west.

3. Barker Bros. are the owners of certain water rights in
three unnamed springs arising upon the above-described property,
which water rights are appurtenant to the described property for
irrigation purposes and are evidenced by License Nos. 11-2045 and
11-2155 issued by the State of Idaho Department of Water Resources.

4. The waters which the claimants, Maple Canyon Creek
Water Association, intend to divert and use have historically sunk
and disappeared completely into certain sinks located at the mouth of
Maple Canyon, which waters may in fact be hydrologically connected

MICROFILMED

and feed the protestants' springs as well as other springs arising upon neighboring property immediately to the west. As a result, the proposed diversion and use by the claimants may in fact diminish or terminate the flows from the springs arising upon protestants' property which could interfere with their water rights.

5. Further exception is taken to the proposed quantity of water of 12.80 cfs to be diverted and used to irrigate 354 acres, which amount is far in excess of the "duty of water" or maximum allowable amount for irrigation purposes under Idaho law which is one cfs for 50 acres.

6. Further exception is taken to the claimed priority date, quantity of use, time period of use and acres irrigated set forth in said Claim No. 11-4087.

7. The protestants, Barker Bros., hereby give notice and make record of their exception to the claim and proposed diversion and use by Maple Canyon Creek Water Association to the extent that it may interfere with their established water rights.

DATED this 18 day of August, 1980.

BARKER BROS, a partnership

By: Shyrl A. Barker
Shyrl A. Barker

SUBSCRIBED AND SWORN to before me this 18 day of August, 1980.

La Rue Stone
Notary Public

MICROFILMED

August 11, 1980

Shyrl A. Barker
Star Route
Soda Springs, ID 83276

Dear Mr. Barker:

Enclosed herewith are copies of Water Right License Nos. 11-2045 and 11-2155, as per the request of Mr. Randall C. Budge in his letter of July 30, 1980.

Also enclosed is the amended exception and protest against Claim No. 11-4087. We cannot except this exception until it has been notarized because in order for it to be a legal document and affidavit it does need a notarized signature. Please have it notarized and return it to us for processing and we shall add it to our file.

If we can be of further assistance please feel free to call or contact this office.

Sincerely,

KAY WALKER
Secretary

Enclosures

ENCLOSURE

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

July 30, 1980

State of Idaho
Dept. of Water Resources
Eastern Division
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Dear Sirs:

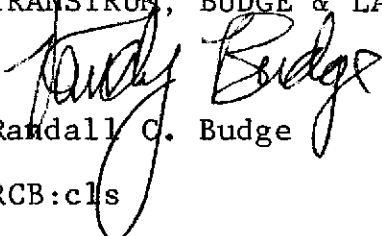
Enclosed is an Amended Exception and Protest being submitted by Barker Bros., a partnership, for filing in opposition to Claim No. 11-4087 to waters of Maple Canyon Creek, Bear Lake County, Idaho, submitted by Maple Canyon Creek Water Association.

Thank you for the information provided in your letter of June 10, 1980, regarding the recorded rights on property belonging to Barker Bros. as set forth in License Nos. 11-2045 and 11-2155 and also the copy of Claim No. 11-4087. Also, it was indicated that copies of the licenses would be sent to me as soon as they were received by your office. We have not yet received the licenses and would request that you send them directly to our client, Shyrl A. Barker, Star Route, Soda Springs, Idaho 83276.

Your courtesies extended are appreciated.

Very truly yours,

TRANSTRUM, BUDGE & LARSON, CHARTERED


Randall C. Budge

RCB:cls

Enclosure

cc: Shyrl A. Barker

RECEIVED

AUG 5 1980

Department of Water Resources
Eastern District Office

MICROFILM

A G R E E M E N T

William B. Crane and Lula Crane - William Salveson and Rosetta Salveson - Warren G. Wright and Donna Wright - Calvin D. Crane and Dorothy Crane - Bert Westlake and Rhea Westlake

WITNESSETH:

WHEREAS each of the parties above named are joint owners of all the waters flowing from Maple Canyon, Bear Lake County, Idaho, said ownership being as follows:

<u>Name</u>	<u>Amount</u>
1. William B. and Lula Crane	30%
2. William and Rosetta Salveson	30%
3. Warren G. and Donna Wright	20%
4. Calvin D. and Dorothy Crane	10%
5. Bert and Rhea Westlake	10%
Total	100%

And WHEREAS said parties have heretofore owned and maintained a joint ditch for use of said waters by said parties on their respective land and all situate in Section 33 and 34, Township 11, Range 44 East of Boise Meridian; and Section 4 Township 12 Range 44 East of Boise Meridian;

And WHEREAS a more beneficial use of said waters can be made by installing a main line from which each party can at his own expense install gravity pressure sprinkler systems;

Now THEREFORE the parties mutually agree as follows:

1. The old ditches presently in use shall continue to be maintained by all parties for their use of Spring run-off waters and excess waters during the irrigation Season.

2. Crane, Salveson and Wright hereby give and grant jointly to all parties hereto a perpetual easement across their respective properties for the installation and maintenance of the main line required to carry all water from Maple Canyon for use by all parties whether used by each respective party for gravity flow irrigation or otherwise upon the express condition that each party shall pay for the purchase, installation, maintenance and operation of said main line his proportionate cost and expense based upon the ownership of said waters as heretofore set forth. Said easement herein granted shall cross the following described real property:

Commencing at a point 1055' East of the NW corner of Section 34 Township 11S, Range 44E; Thence West 1055' more or less to the West Boundary line of Section 34, Township 11S, Range 44E; Thence North 830'.

Township 11 - South

WITNESSED

A G R E E M E N T

William B. Crane and Lula Crane - William Salveson and Rosetta Salveson - Warren G. Wright and Donna Wright - Calvin D. Crane and Dorothy Crane - Bert Westlake and Rhea Westlake

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Total	100%

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Commencing at a point 1055' East of the NE corner of Section 34 Township 11S, Range 44 EBM; Thence West 1055' more or less to the West Boundary line of Section 34, Township 11S, Range 44 EBM; Thence North 830'.

Township 11 - South

RECORDED

ALSO commencing at the W $\frac{1}{4}$ corner of Section 34,
Township 11, Range 44 EBM; Thence South 967'
more or less to Northerly boundary line of County
Road right-of-way. Thence Southwesterly direction
to a point 48' across the County Road right-of-way;
thence west 200' more or less to East boundary line of
Bert Westlake property line.

3. At all times during the irrigation Season, each party shall
be entitled to receive his proportionate share of the waters from Maple
Canyon based upon the ownership of waters hereinabove specified.

4. The parties further agree that the right to use the Spring
run-off or the excess waters from Maple Canyon shall be according to
their respective ownership interests as above specified.

This agreement and the perpetual easement herein granted shall
be binding upon the heirs, administrators, executors and assigns of all
parties hereto.

IN WITNESS WHEREOF the parties have executed this agreement this

30 day of Oct 1969

William Salvesson
Beilla Salvesson
Bert Westlake
Bert Westlake
William B. Crane
Lula Crane
Gavin D. Crane
Dorothy Crane
Warren B. Crane
Donna Wright

State of Idaho)
County of Bear Lake)

Subscribed and sworn to before me this _____ day of _____ 1969

My Commission Expires:

L. Passer
Notary
Residing: Montpelier, Idaho

MICROFILMED

Int # 93564

30 Oct 1969

Recorded —

WRR100
11-4087

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
16-DEC-1985 10:39:24

01 WATER RIGHT NUMBER - 11-4087 02 OLD (D) NUMBER -

LAST NAME
03001 - MAPLE CANYON CK. WATER ASSC.

FIRST NAME
04001 -

ORIG. OWNER
05001 - C

06 ADD LINE 1 - C/O CALVIN CRANE

07 ADD LINE 2 - STAR RT. 2

08 ADD LINE 3 -

09 CITY - MONTPELIER

10 STATE - ID

11 ZIP - 83254

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - MAPLE CANYON CREEK

TRIBUTARY OF
15001 - SINKS

16 DIVERSION MEANS - HOLDING POND, WEIR, HEADBOX, PIPE.

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 12.800

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 - SWNW	23001 - 34	24001 - 11S	25001 - 44E	26001 - 27001 -	28001 - 0	100.0	164.0	0.0 0.0 0.0 0.0 0.0 0 0 0 3.4

29 NON-IRRIGATION USE - S/10 HORSES, 300 HD. CATTLE, SHEEP.

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 11S	32001 - 44E	33001 - 34	34001 - NWSW	35001 - 14	36001 -
30002 - 01 IRRIGATION	31002 - 11S	32002 - 44E	33002 - 34	34002 - SWSW	35002 - 20	36002 -
30003 - 01 IRRIGATION	31003 - 12S	32003 - 44E	33003 - 04	34003 - NENE	35003 - 40	36003 -
30004 - 01 IRRIGATION	31004 - 12S	32004 - 44E	33004 - 04	34004 - NWNE	35004 - 40	36004 -
30005 - 01 IRRIGATION	31005 - 11S	32005 - 44E	33005 - 33	34005 - SWNE	35005 - 40	36005 -
30006 - 01 IRRIGATION	31006 - 11S	32006 - 44E	33006 - 33	34006 - SENE	35006 - 40	36006 -
30007 - 01 IRRIGATION	31007 - 11S	32007 - 44E	33007 - 33	34007 - NESE	35007 - 40	36007 -
30008 - 01 IRRIGATION	31008 - 11S	32008 - 44E	33008 - 33	34008 - NWSE	35008 - 40	36008 -
30009 - 01 IRRIGATION	31009 - 11S	32009 - 44E	33009 - 33	34009 - SWSE	35009 - 40	36009 -
30010 - 01 IRRIGATION	31010 - 11S	32010 - 44E	33010 - 33	34010 - SESE	35010 - 40	36010 -

TOTAL ACRES: 354

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 -	12.800	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER	40002 -	3.500	41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - SOURCES ARE MAPLE CYN. CK. & TRIBUTARIES TRIB. SINKS.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

WRR100
11-4087

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

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

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47	PRIORITY - 6-OCT-1890 ✓	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE -	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 13-NOV-1981	62	DATE_2 -		

3/13/86
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jc

Right Number

11 4087
11-4087

Applicant

Maple Canyon Creek

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

4/04/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Jmi

Date

4/10/80

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 26, 1980

MAPLE CANYON CK. WATER ASSC.
C/O CALVIN CRANE
STAR RT. 2
MONTPELIER

ID 83254

RE: Claim No. 11-4087

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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

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

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

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 28, 1980

The News-Examiner
P. O. Box 278
Montpelier, Idaho 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. 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 billings to this office before MARCH 24, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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 3/6 & 3/13/80.

MICROFILMED

MAPLE CANYON CK. WATER ASSC.

C/O CALVIN CRANE, STAR RT. 2, MONTPELIER, ID 83254

Source: MAPLE CANYON CK. & TRIBUTARIES tributary to SINKS

Priority Date: 10/06/1890

Amount: 12.80 CFS

Diversion Point: SWNW Sec 34 T 115 R 44E, BEAR LAKE Co.

Use: IRRIGATION	(12.80 CFS) from 04/01 to 11/01
STOCKWATER	(3.50 CFS) from 01/01 to 12/31

Place of Use: SWNE SENE NESE NWSE SWSE SESE Sec 33 T 115 R 44E NENE NWNE
Sec 04 T 125 R 44E NWSW SWSW Sec 34 T 115 R 44E
FOR 354 ACRES

Diversion Means: HOLDING POND, WEIR, HEADBOX, PIPE.

MICROFILMED

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]