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Sec 26

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SE SE NE 26

NW SE 26

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Sec 26

SE SE 26

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MICROFILMED

T. 9 S. 41 E. 42 E.

CARIBOU CO. BEAR LAKE CO.

NATIONAL FOREST

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

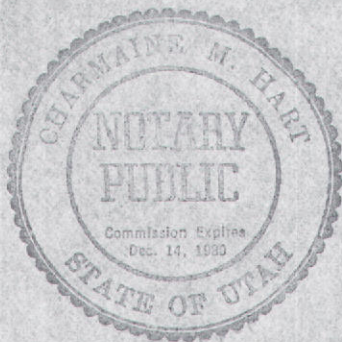
Be it known that the undersigned, being first duly sworn, depose and say that Gayle Dean Hunt and Sandra Fisher are president and secretary-treasurer, respectively, of the Utah Process Agency, Inc., a corporation, and that they made and executed foregoing Claim to Water Right for and in behalf of and as the official act of said corporation by reason and authority of the articles and by-laws of said corporation.

UTAH PROCESS AGENCY, INC.

By *Gayle D. Hunt*
Gayle Dean Hunt, President

Sandra Fisher
Sandra Fisher, Secretary-Treasurer

Subscribed and sworn to before me this ^{4th}~~12th~~ day of November, 1977.



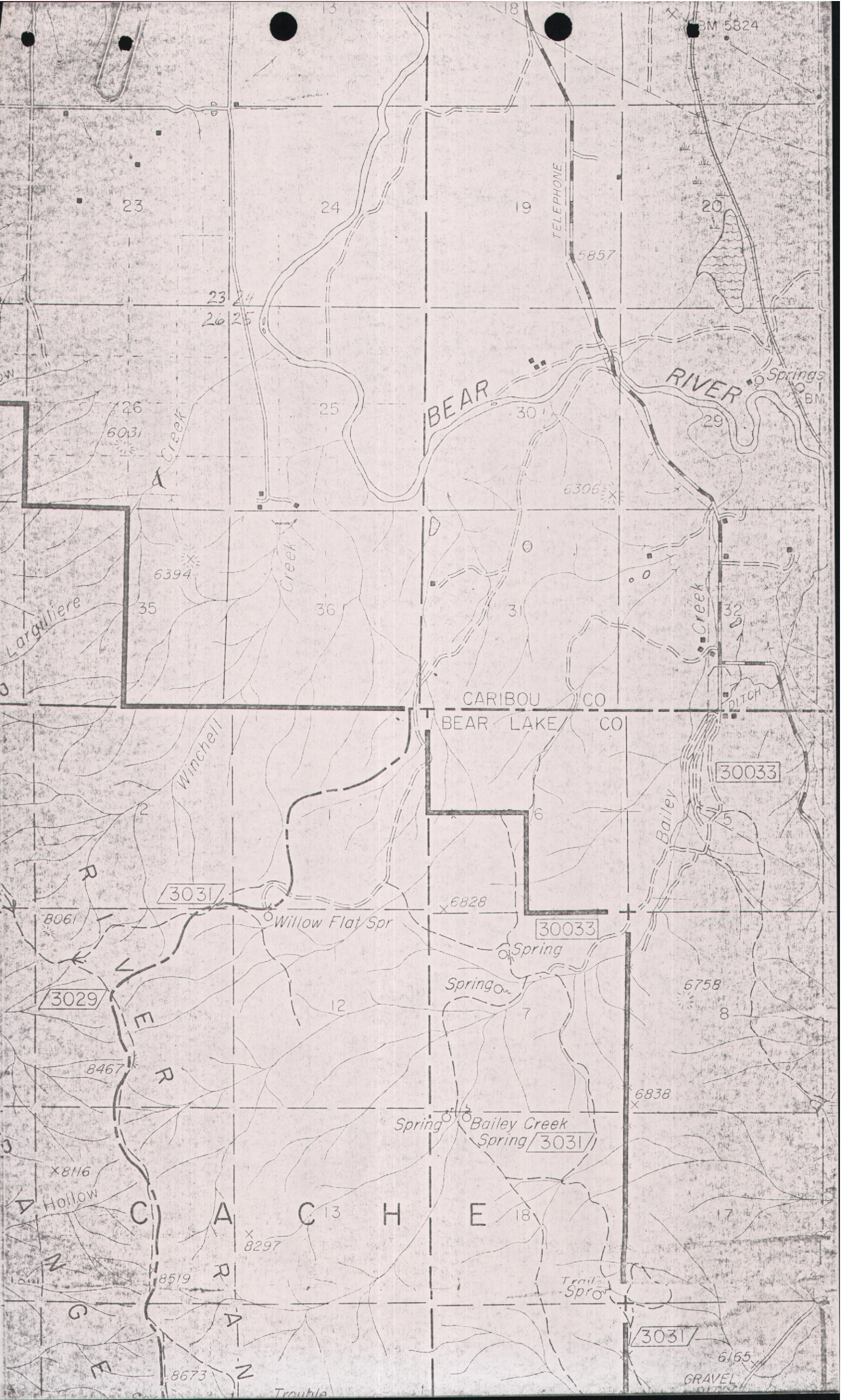
Charmaine M. Hart
Notary Public
Residing in Salt Lake County, Utah
My Commission Expires 12-14-80



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(W²SWNW)

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NESE 26

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NWSE

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.

Betty Largilliere Burke, 2501 Hillway Dr., Boise, ID. 83702, 354-5419;
Linda Largilliere Johnson, 2135 W. Campbell #34, Phoenix, AZ. 274-7592
Notice is hereby given that Zions 1st Nat'l Bank, Trustee of Estate of Evelyn Largilliere Shields,
One So. Main, Salt Lake City, Ut. 84125 524-4806; Utah Process Agency, Inc. % Gayle Dean
Hunt, 2121 So. State, Salt Lake City, Ut. 84115, 486-8701, Telephone No. _____
contract purchaser from Evelyn Largilliere Shields _____

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) June 1, 1899

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)

Winchell Creek tributary to Bear River

- (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>1.2</u>	Use	<u>Irrigation</u>	Period of Use From	<u>April 1</u>	To <u>Oct. 31</u>
Quantity	<u>.05</u>	Use	<u>Stock Water</u>	Period of Use From	<u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>.08</u>	Use	<u>Culinary</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

- (4) 1.33 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

NW ¼ NW ¼, Sec. 36 Twp. 9 S Rge. 41 E B.M., County of Caribou

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion was originally by rock & earth dam. In 1956 & 1957 a dam was constructed across creek forming a reservoir from which the water is now diverted.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	S	41 E	26												5			10	15
			25						10		10	35	35	25					115

No. of acres 130

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

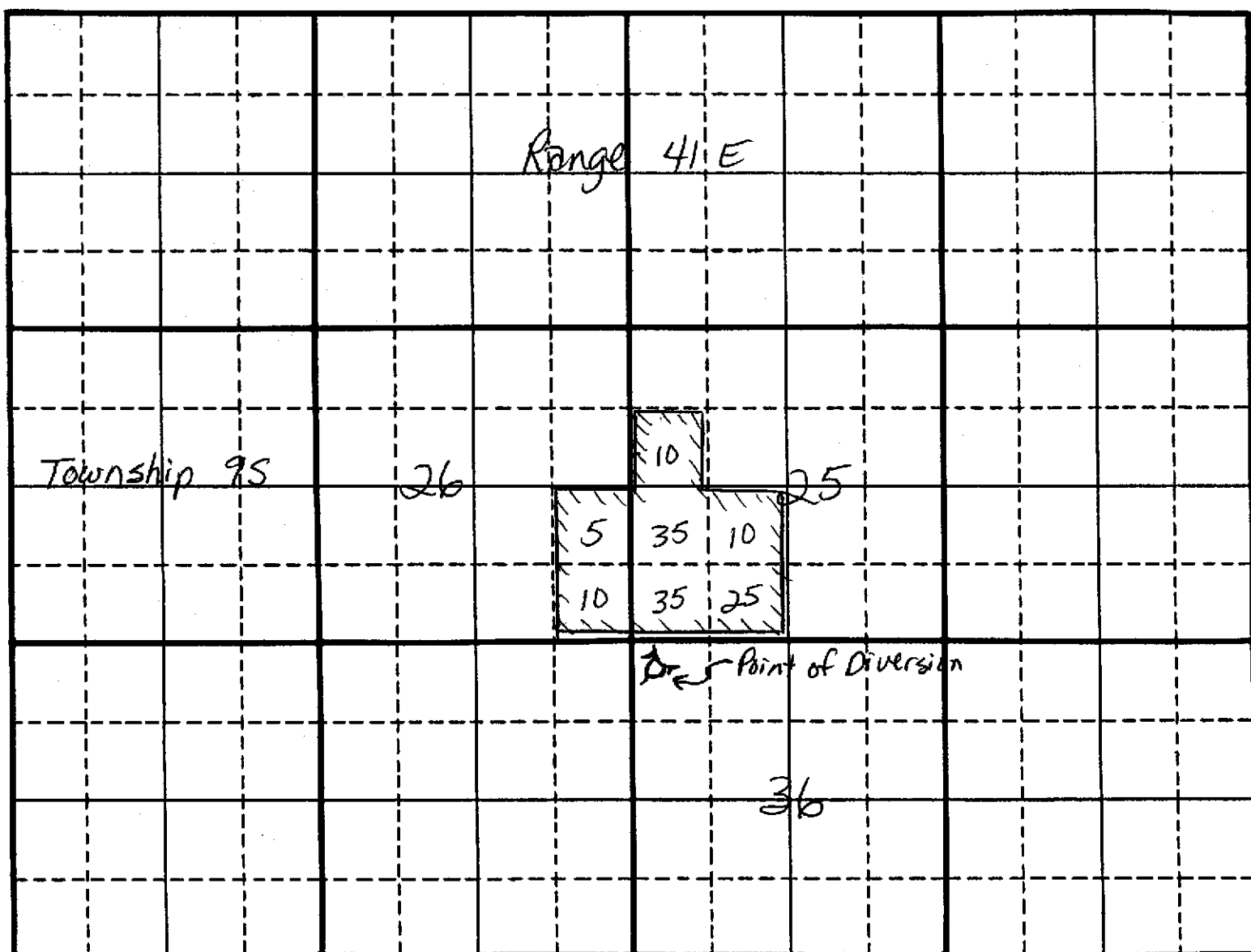
Water is used for culinary purposes in two homes and stock water for approximately 100 head of cattle and sheep

NOTE: Include here the type and number of stock watered: Sheep and cattle totalling 100 head

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

MICROFILMED

(8) Remarks Some areas have been and are now irrigated from both Winchell and
Largilliere Creeks. See claim for water from Largilliere Creek.



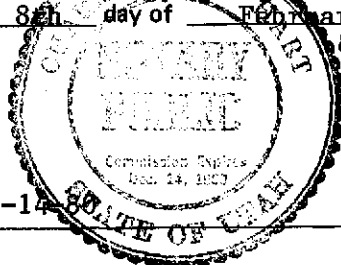
Scale: 2 inches equal 1 mile.

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 ~~KAN~~ Utah)
) ss.
County of Salt Lake)

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 8th day of February, 1979.
Gayle Dean Hunt for Utah Process Agency, Inc., as contract purchaser from Evelyn Largilliere Shields thru Trustee, Zions 1st Nat'l Bank, & for Betty Largilliere Burke & Linda Largilliere Johnson and for said trustee.



Notary Public
Residing at Salt Lake County, Utah

My commission expires 12-14-87

FOR DEPARTMENT USE ONLY

Received by dh Date 2-12-79 Exception filed by: _____ Date _____
Prelim. check by ARK & EMC Date 2-12-79 claimant by: _____
\$20.00 fee received by dh Date 2-12-79 #12878
Published in Caribou County Sun
Dates February 22, March 1, 1979

Sec.

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T9S3

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Sec 26

NE SW NE

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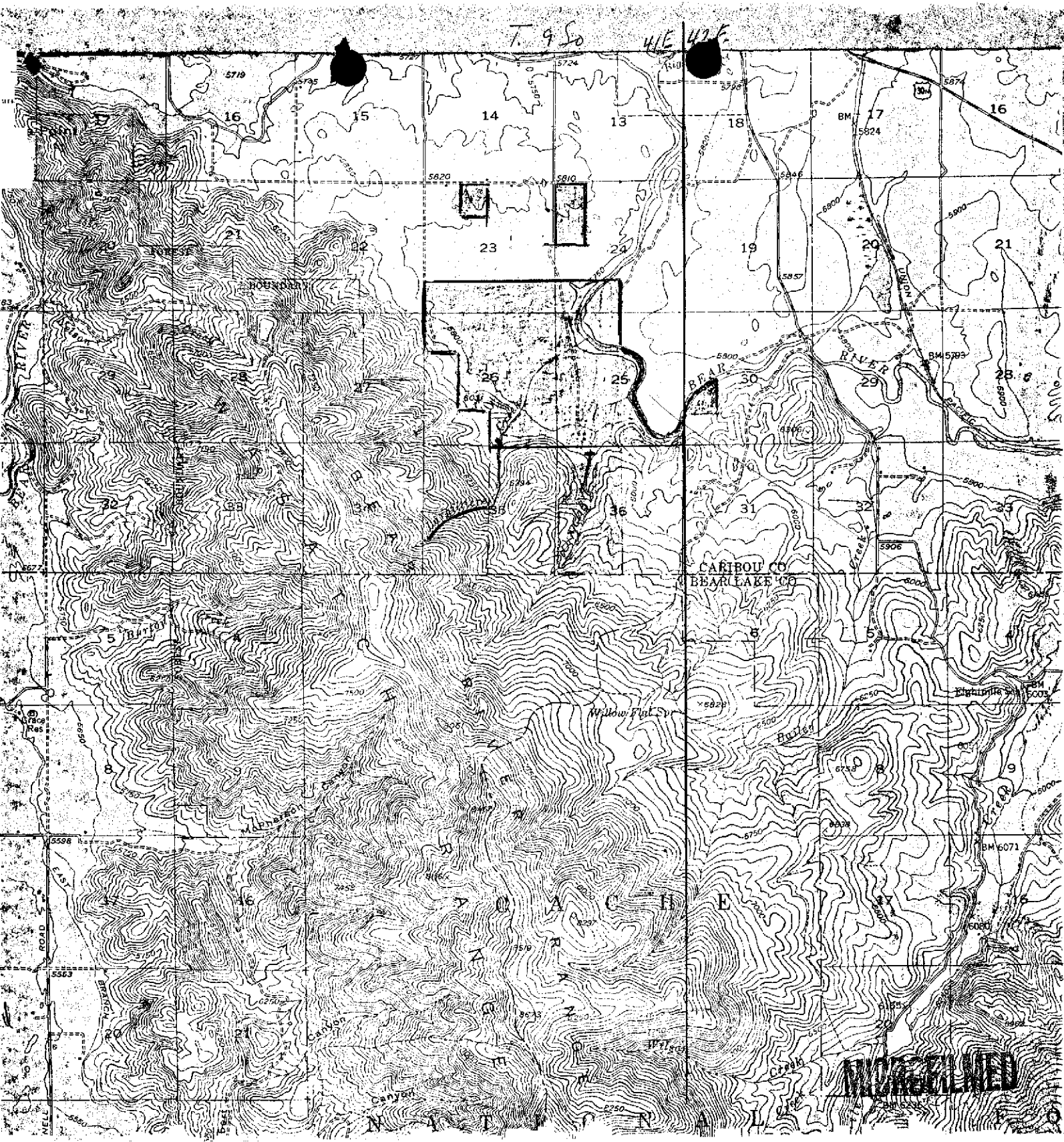
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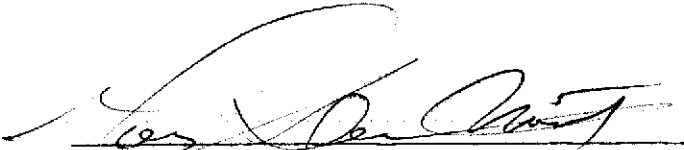


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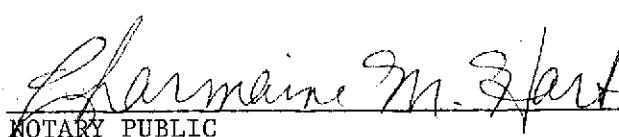
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Gayle Dean Hunt, being first duly sworn, deposes and says that with respect to the attached claim to water right on Winchell Creek, Caribou County, also claim to water right on Largilliere Creek, Caribou County, all of the properties described therein belong to Betty Largilliere Burke, 2501 Hillway Drive, Boise, Idaho 83702, Linda Largilliere Johnson, 2135 West Campbell #35, Phoenix, Arizona, 85015, and to Zions First National Bank, Trustee of the Estate of Evelyn Largilliere Shields, One South Main Street, Salt Lake City, Utah 84125, and to Utah Process Agency, Inc. ~~Gayle Dean Hunt~~, 2121 South State, Salt Lake City, Utah 84115, as contract purchasers from said trustee for Evelyn Largilliere Shields.

DATED June 28, 1978.


GAYLE DEAN HUNT

Subscribed and sworn to before me this 28th day of June, 1978.


NOTARY PUBLIC
Residing in Salt Lake County, Utah

My Commission Expires 12-14-80

RECEIVED
MAR 13 1979

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO WATER RIGHTS

Notice is hereby given that the following claim to water rights have been established by diversion and application to beneficial use:

11-4072

BETTY LARGILLIERE
BURKE, ET. AL.
C-O GAYLE DEAN HUNT,
ATTY., 2121 SOUTH STATE,
SALT LAKE CITY, UT 84115
Source: LARGILLIERE
CREEK tributary to BEAR
RIVER

Priority Date: 01-01-1957

Amount: 15.0 AC-FT

Diversion Point: SWSE Sec 26
T 09S R 41E, CARIBOU Co.

Use: IRRIGATION STORAGE (15.0 AC-FT) from 01-01 to 12-31 IRRIGATION FROM STORAGE (15.0 AC-FT) from 04-01 to 10-31

Place of Use: SWNW NWSW Sec 25 T 09S R 41E SWNE SENE NESE NWSE SWSE SESE Sec 26 T 09S R 41E FOR 90 ACRES

Diversion Means: EARTH & ROCK FILL DAM 13' HIGH, 600' LONG

11-4073

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE

ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.

c-o GAYLE DEAN HUNT,
2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: WINCHELL CREEK tributary to BEAR RIVER

Priority Date: 01-01-1957

Amount: 15.0 AC-FT

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: IRRIGATION STORAGE (15.0 AC-FT) from 01-01 to 12-31 IRRIGATION FROM STORAGE (15.0 AC-FT) from 04-01 to 10-31

Place of Use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SWSW SESW Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: EARTH & ROCK-FILL DAM 600' LONG, 15' HIGH

11-4074

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE

ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS

UTAH PROCESS AGENCY
c-o GAYLE DEAN HUNT,
2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: LARGILLIERE CREEK tributary to BEAR RIVER

Amount: 1.09 CFS
Diversion Point: SWSE Sec 26
T 09S R 41E, CARIBOU Co.
Use: DOMESTIC (0.04 CFS) from 01-01 to 12-31 STOCKWATER (0.05 CFS) from 01-01 to 12-31 IRRIGATION (1.00 CFS) from 04-01 to 10-31
Place of Use: SWNW NWSW Sec 25 T 09S R 41E SWNE SENE NESE NWSE SWSE SESE Sec 26 T 09S R 41E FOR 90 ACRES

Diversion Means: DAM

11-4075

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE

ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.

c-o GAYLE DEAN HUNT, 2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: WINCHELL CREEK tributary to BEAR RIVER

Priority Date: 06-01-1899

Amount: 1.33 CFS

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: DOMESTIC (0.08 CFS) from 01-01 to 12-31 STOCKWATER (0.05 CFS) from 01-01 to 12-31 IRRIGATION (1.20 CFS) from 04-01 to 10-31

Place of use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SWSW SESW Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: DAM

27-4016

CHESTERFIELD LAND & LIVESTOCK COMPANY

c-o DELMO SMITH, PRESIDENT, BANCROFT, ID 83217

Source: GRAVES CREEK tributary to BLACKFOOT RIVER

Priority Date: 06-17-1879

Amount: 6.00 CFS

Diversion Point: NWNW SWNW NWSW SWSW Sec 04 T 05S R 39E NENE SWNE SENE NESW Sec 08 T 05S R 39E NWSW NWSE SWSE Sec 08 T 05S R 39E NENW Sec 09 T 05S R 39E NWNW SWNW NESW SESW Sec 09 T 05S R 39E SWSE Sec 09 T 05S R 39E SWNE NENW SENW Sec 35 T 05S R 39E NESW NWSE Sec 35 T 05S R 39E, CARIBOU Co.

Use: STOCKWATER (0.06 CFS) from 05-01 to 11-01 IRRIGATION (5.94 CFS) from 05-01 to 11-01

Place of Use: NWNW SWNW NWSW SWSW Sec 04 T 05S R 39E NENE SWNE Sec 08 T 05S R 39E NENW NWNW SWNW SENW NESW SESW Sec 09 T 05S R 39E FOR 300 ACRES

Diversion Means: NUMEROUS PORTABLE DIVERSION DAMS & DITCHES

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 Feb. 22 and March 1, 1979 in the Caribou County Sun.

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

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

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

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

22nd day of Feb., 1979

The date of the last publication

being the 1st day of

March, 1979

Subscribed and sworn to before me this 2nd day

of March, 1979

Mark Steele
Notary Public, residing at Soda Springs, Idaho (SEAL)

My Commission expires the

1st day of March, 1980

MICROFILMED

RECEIVED

MAR 20 1978

Department of Water Resources
Eastern District Office

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION RESOURCES

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)

*See detail bottom of Page. 1. Name of claimant Betty Largilliere Burke, 2501 Hillway Drive, Boise, Idaho; Linda Largilliere Johnson; c/o Alease Eldred, Soda Springs, Idaho; Zions First National Bank, Trustee of the Estate of Evelyn Largilliere Shields, South Temple at Main, Salt Lake City, Utah.
Utah Process Agency, c/o Gayle Dean Hunt, 2121 South State Street, Salt Lake City, Utah

2. The point of diversion is in NW 1/4 of NW 1/4 Section 36 Township 9 South
Range 41 East B.M. located on Winchell Creek

(name of source)

tributary to Bear River in Caribou 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:

June, 1899 amount: 1.2 c.f.s. or _____ acre feet
amount: _____ c.f.s. or 15-20 acre feet storage
amount: _____ c.f.s. or _____ acre feet
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 April 1 to October 31 (both dates inclusive)
use Stock Watering period of use from January 1 to December 31 (both dates inclusive)
use Culinary period of use from January 1 to December 31 (both dates inclusive)
use Storage for Irrigation period of use from January 1 to December 31 (both dates inclusive).
as needed to fill reservoir

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of earth and rock
; length is 600 feet; height is 10 - 15 feet;
width at bottom is 75 feet; width at top is 12 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Water was diverted by earth and rock dam until reservoir was constructed then by the reservoir dam with outlet through dam. The entire stream was diverted both before and after reservoir construction.

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 _____

MICROFILMED

Betty Largilliere Burke, 2501 Hillway Drive, Boise, Idaho 83702 Tel. # 345-5419
Linda Largilliere Johnson, 2135 W. Campbell #34, Phoenix, Az. 85015 Tel. # 274-7592
c/o Alease Eldred, Soda Springs, Idaho 83276
Zions 1st Nat'l Bank, Trustee of Estate of Evelyn Largilliere Shields, One So. Main Street
Salt Lake City, Utah 84125 Tel. # 524-4806
Utah Process Agency, Inc. c/o Gayle Dean Hunt, 2121 So. State, SLC, Ut. 84115 Tel. #486-8701
Louis F. Racine, Attorney at Law, Canter Plaza Bldg Box 1391, Pocatello, Id. 83201 232-6101

Conveying works: length of ditch to place of use is 600 feet; width of ditch at top is 8 feet; width of bottom of ditch is 3 feet; depth of water is 1/2 feet; grade of ditch per 1000 feet is 10 + - feet; material through which ditch passes is Loam (soded); maximum length of pipe line to first place of use is 100 feet; diameter of pipe line is 16 inches; type of pipe Corrugated metal; grade of pipe per 1000 feet is 10 + -.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible Main ditch system has remained substantially the same. Lateral head ditches have been changed from time to time.

d. If water is stored: name of reservoir no name ;
total capacity of reservoir is 15 + - acre feet; active capacity of reservoir is 15 + - acre feet;
year construction commenced 1956 ; year completed ; date first used 1956
period of storage is from January 1 to December 31 ; is reservoir drained each year no ;
is reservoir on or off stream on explain

if feeder canal is used give maximum carrying capacity 7 to 8 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 no, if so, give dates and describe _____

[illegible]

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 5 to 10 horses,
50 to 100 cattle, 0 to 500 sheep

7. Where water is used for domestic or municipal purposes give number of families served two
name of town supplied none

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
See affidavits attached.

State of Idaho

County of _____

} 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.

Linda Lurgillier Johnson
Claimant

Sworn to before me this 2 day of April, 1976

Lee Markham
Notary Public

Residing at Phx, Arizona

My commission expires _____

For Department Use Only

Received by <u>CW</u> Date <u>3-20-78</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by _____ Date _____	_____	_____	_____
Fee received by <u>CW</u> Date _____ Fee \$ _____	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in _____ Dates _____	_____	_____	_____

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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	<u> </u>
	Total claimed:		<u>1.2 c.f.s. or</u>	<u> </u>	<u> </u>

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 if 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District

Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District

Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

STATE OF IDAHO

ss

County of Ada

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.

Betty Longshore Burke
Claimant

Sworn to before me this 2nd day of December, 1975.

Caroline Vogel
Notary Public

Residing at Boise, Idaho

My Commission Expires July 18, 1976

STATE OF UTAH

ss.

County of Salt Lake

Be it known that the undersigned, being duly sworn, deposes and says that he subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts herein are true to the best of the affiants knowledge.

Gayle Dean Hunt
Gayle Dean Hunt

Sworn to before me this 12th day of November, 1975.

Daniel Thompson
NOTARY PUBLIC

Residing in Salt Lake County

My Commission Expires 5-6-78

STATE OF UTAH

SS

Salt Lake County

Be it known that the undersigned, being duly sworn, deposes and says that he subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts herein are true to the best of the affiants knowledge.

ZIONS FIRST NATIONAL BANK,
Trustee of the estate of
EVELYN LARGILLIERE SHIELDS

By Elizabeth Lynne
Ass't Trust Officer

STATE OF UTAH

SS

Salt Lake County

Elizabeth Lynne being first duly sworn deposes and says that he made and executed the foregoing claim for and in behalf of Zions First National Bank as Trustee of the Estate of Evelyn Largilliere Shields by reason and authority of and as the official act of said trustee by reason and authority of the trust instrument creating said trust.

Samuel H. Long

Subscribed and sworn to before me November 20, 1975.

Samuel H. Long
NOTARY PUBLIC

Residing in Salt Lake County

My commission expires June 24, 1977

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

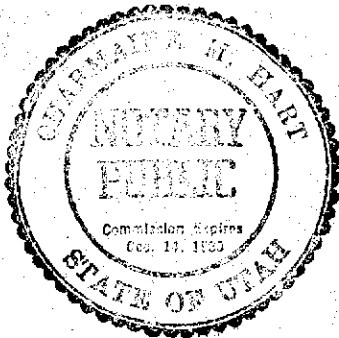
Be it known that the undersigned, being first duly sworn, depose and say that Gayle Dean Hunt and Sandra Fisher are president and secretary-treasurer, respectively, of the Utah Process Agency, Inc., a corporation, and that they made and executed foregoing Claim to Water Right for and in behalf of and as the official act of said corporation by reason and authority of the articles and by-laws of said corporation.

UTAH PROCESS AGENCY, INC.

By *Gayle Dean Hunt*
Gayle Dean Hunt, President

Sandra Fisher
Sandra Fisher, Secretary-Treasurer

Subscribed and sworn to before me this ^{4th} 12th day of November, 1978.



Charmaine M. Hart
Notary Public
Residing in Salt Lake County, Utah
My Commission Expires 12-14-80

AFFIDAVIT REGARDING IRRIGATION WATER

STATE OF IDAHO)
 : ss.
County of Caribou)

FRED LARSON, being first duly sworn, deposes and says that he is 70 years of age, a farmer by trade and occupation and a resident of Caribou County, Idaho, and has been since birth.

That he has, from 1931 to 1970, a period of 40 years, rented, along with his brother DuBoise Larson, the so-called Largilliere Farm in Caribou County, Idaho, located on Largilliere Creek and Winchell Creek in Township 9 South, Range 41 East, Boise Meridian, in Caribou County, Idaho. (Description of Largilliere Farm on Exhibit A attached.)

That from 1931 until the present time he has actually resided on said farm in the home located on Winchell Creek on said property.

That prior to moving into said home in the Largilliere Farm he resided on nearby property and farmed and was, since he was a small child, acquainted with the operation of the so-called Largilliere Farm, both by the Largilliere people and predecessors, and knows of his personal knowledge of the use of the waters from Largilliere Creek and Winchell Creek since his childhood for irrigation purposes on said Largilliere Farm.

That the waters have been variously used to irrigate wheat, barley, alfalfa, pasture, and sugar beets.

Over the years all of the waters of said two creeks have been utilized on said Largilliere Farm; in fact, in order to increase the flow of Winchell Creek, it was customary in the past, and I and my brother Dube Larson made it a practice over the years, of diverting the East Fork of Winchell Creek to the main stream of Winchell Creek to reduce the loss by the waters spurting out and not getting into the main channel. That said diversion is made near the south center or south quarter corner of Township 9 South, Range 41 East.

That approximately 1952, two reservoirs, one on each creek, were constructed by the owners of the Largilliere Farm for impounding for irrigation purposes waters from said two creeks, and waters thus impounded were used to irrigate, the reservoirs providing for larger available

irrigation streams while actually irrigating than the streams would otherwise provide. That at the time of construction of said reservoirs, turnouts, wiers, and other facilities were constructed and are still intact. That at that time this ditch irrigation system was resurveyed and rebuilt for more efficient irrigation. That at that time a sprinkler system was acquired and used over part of the irrigated land.

That at the time of construction of the two reservoirs, the U. S. Soil Conservation Service aided in the specifications and engineering of the dams, also in laying out the irrigation system. That this ditch system largely followed and complied with the then existing ditch system; however, rather extensive leveling was performed northeast of the present home in Section 25, Township 9 South, Range 41 East, in order to provide for efficient surface irrigating.

That for the most part, there was already adequate level land or land sufficiently level and with tolerable grade characteristics to surface or rill and flood irrigate to consume all of the waters from said two creeks, except in heavy or unusual run-off conditions and season.

The sprinkler system mentioned above was largely utilized in the area northwest of the present dwelling house, Sections 25 and 26. That at the time of construction of said reservoirs, extensive leveling was done in Section 25.

DATED this ____ day of August 1972.

Fred Larson

Subscribed and sworn to before me this 27th day of August 1972.

Willy B. Smith
NOTARY PUBLIC

Residing in Caribou County, Idaho

My commission expires 6-1-79

NE 1/4 NW 1/4, S 1/2 S 1/2 Sec. 23; W. 1/2 NW 1/4
S 1/2 SW 1/4, Sec. 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4
SW 1/4, E 1/2 Sec. 26; W 1/2, Sec. 25; all that portion of
S 1/2 NE 1/4 and SE 1/4 Sec. 25 lying West & South of Bear
River, All in Twp. 9 South, Range 41 EBM. Also, all that
part of Lot 3, Sec. 30, Twp. 9 South, Range 42 EBM lying
southeasterly of Bear River;

also --

Idaho State Land Lease covering West 1/2 of Sec. 36,
Twp. 9 South Range 41 East, Boise Meridian.

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

BETTY LARGILLIERE BURKE, being first duly sworn,
deposes and states the following:

My name is BETTY LARGILLIERE BURKE. I am 67
years of age and reside at 2501 Hillway Drive, Boise, Idaho.
I lived from 1929 until 1955 in Soda Springs, Idaho. In
1931, I became married to E. W. Largilliere, who died in 1951.
My husband, E. W. Largilliere, was an owner of a one-half
undivided interest, and after his death I became and still
am the owner of a one-fourth undivided interest in and to
the following described real property near Soda Springs,
Idaho, and located in Caribou County, Idaho:

NE 1/4 NW 1/4, S 1/2 S 1/2 Section 23; W 1/2
NW 1/4 S 1/2 SW 1/4, Section 24; N 1/2 NW 1/4,
SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 Section 26;
W 1/2, Section 25; all that portion of S 1/2
NE 1/4 and SE 1/4 Section 25 lying West and
South of Bear River, all in Township 9 South,
Range 41 E.B.M. Also, all that part of Lot
3, Section 30, Township 9 South, Range 42 E.B.M.
lying southeasterly of Bear River;

comprising a farm approximately four miles south of the town
of Soda Springs, Idaho.

My husband, E. W. LARGILLIERE (EDGAR W. LARGILLIERE)
was the son of AUGUST LARGILLIERE, who acquired the major
portion of the above real property, usually referred to as
the Largilliere Farm, and that in 1928, leaving a one-half
undivided interest in said property to my husband, Edgar
W. Largilliere, and the other one-half undivided interest to
EVELYN LARGILLIERE SHIELDS, a sister of E. W. Largilliere.

I have been acquainted with the farm since 1929.
After I inherited my one-fourth interest I have leased the
farm over the years and I have remained familiar with the
activities on the farm.

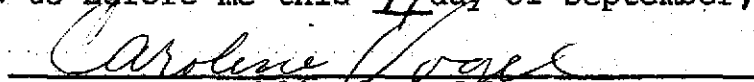
When I first became acquainted with the farm I noticed the water from both Largilliere Creek and what is known as Winchell Creek were diverted by a ditch system and dam to irrigate crops on the farm. Obviously the dam and ditch system had been in use in prior years and have been in continuous use since then. To my present knowledge all the waters from these creeks have been used from time to time to irrigate the farm as described in this affidavit. The amount of water used would vary depending upon crop conditions and rainfall but from time to time all the waters would be used and I, as well as my predecessors in interest, have always claimed rights to this water superior to any other person because of the use to which the water has been put.

There are several irrigation diversion points from Largilliere Creek and after the construction of the reservoir on the property the creek has been diverted near the present reservoir by means of turnouts constructed in connection with the building of the reservoir.

I and my former husband, E. W. Largilliere, and our predecessors in interest, have always considered these water rights a valuable property right attaching to and a part of the above described property. To my own knowledge I know of no other person who has made an adverse claim to the water of the two creeks.


Betty Largilliere Burke

SUBSCRIBED AND SWORN to before me this 14 day of September, 1973.


Notary Public for Idaho
Residing at Boise, Idaho

AFFIDAVIT

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

EVELYN LARGILLIERE SHIELDS, being first duly sworn, deposes and states as follows:

My name is Evelyn Largilliere Shields. I reside at 239 East Capitol Street, Salt Lake City, Utah. I am over the age of 21 years and was from 1905 to 1940 a resident of Soda Springs, Idaho.

I am, subject to the terms of a sale and exchange agreement, a one-half undivided owner of the so-called Largilliere Farm in Caribou County, Idaho, described as follows:

NE 1/4 NW 1/4, S 1/2 S 1/2 Sec. 23; W 1/2 NW 1/4 S 1/2 SW 1/4 Sec. 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 Sec. 26; W 1/2 Sec. 25; all that portion of S 1/2 NE 1/4 and SE 1/4 Sec. 25 lying West and South of Bear River, all in Township 9 South, Range 41 East, Boise Meridian; also, all that part of Lot 3, Sec. 30, Township 9 South, Range 42 East, Boise Meridian, lying southeasterly of Bear River;

Also, Idaho State Land Lease covering West 1/2 of Sec. 36, Township 9 South, Range 41 East, Boise Meridian.

I was born in Soda Springs, Idaho, a daughter of August Largilliere. He acquired a greater portion of said Largilliere Farm, and I received by inheritance at his death, in 1928, a one-half undivided interest, my brother E. W. Largilliere receiving the other one-half undivided interest. His one-half interest, at his death in 1940, was divided one-half of said one-half to his wife, Betty, now Betty Burke, still owner of said one-half of one-half, and the other one-half of one-half to his son, E. W. Largilliere, Jr., who died in 1960. His heirs, his surviving wife, Alease Largilliere, now Alease Eldred, and his daughter, Linda Lee Largilliere, now Linda Lee Largilliere Johnson, received by court decree, and still hold, said one-half of one-half interest. Subject to said agreement to sell and exchange, I still hold and am still holder of a one-half interest in said farm.

1 I have been acquainted with said farm since my earliest recollections,
2 and as a small girl variously lived on said farm and in Soda Springs, Idaho,
3 a few miles away.

4 The farm has been farmed to produce hay, pasture, wheat, oats,
5 barley, potatoes, and at one time, sugar beets.

6 I am and have been, all of my life, intimately acquainted with the
7 exclusive use for irrigation on said property of all of the water comprising
8 the two small creeks, the Largilliere Creek and the Winchell Creek, which
9 flow into said farm from adjoining hills and springs.

10 Between 1923 and 1962 the waters were dammed and diverted by
11 contour ditches and used to irrigate crops.

12 Diversions from the so-called Winchell Creek were approximately
13 where the present reservoir now stands, with laterals going northwesterly
14 along the bottom of the hill and laterals extending from these streambeds
15 westerly along contour slope, with head ditches servicing flood and rill
16 furrow irrigation systems extending (i. e., the water running) northeasterly
17 from such head ditches as the ground slopes.

18 During my recollection, as much as 150 acres have been irrigated
19 from said Winchell Creek, said property located on all sides but principally
20 north and west of old homestead, which was built prior to 1930 and was
21 immediately east of present house shown on photo map attached. Said
22 homestead burned approximately 1955.

23 The properties irrigated over the years would fall in the following:
24 SW 1/4 SW 1/4 of Section 25; N 1/2 SE 1/4 SW 1/4, Section 25; SW 1/4
25 SE 1/4 SW 1/4, Section 25; S 1/2 NE 1/4 SW 1/4, Section 25; S 1/2 NW 1/4
26 SW 1/4, Section 25; N 1/2 SE 1/4 SE 1/4, Section 26; S 1/2 NE 1/4 SE 1/4,
27 Section 26, all in Township 9 South, Range 41 East, Boise Meridian.

28 At the time of my earliest recollections, and as practiced during the
29 years since, the so-called Largilliere Creek was dammed approximately
30 where the dam now is and waters conducted easterly in contour ditches for

1 flooding and rill irrigation along slopes to the north and west. These areas
2 would lie principally in E 1/2 SW 1/4 SE 1/4 of said Section 26.

3 Farther down the stream in approximately NE 1/4 SE 1/4 of said
4 Section 26, the Largilliere Creek was also diverted, both to the north and
5 south, and approximately 50 acres irrigated and located in said 40-acre
6 tract, with portions irrigated S 1/2 SE 1/4 NE 1/4 of said Section 26, also
7 in W 1/2 SW 1/4 NW 1/4 of said Section 25. Little, if any, water from
8 Largilliere Creek ever got away, even during the non-irrigation season,
9 because of the distance from the Bear River and the waters being utilized
10 for irrigation.

11 It has always been my intent as owner, and was the intent of my
12 father, and certainly of my nephew, E. W. Largilliere, Jr., to utilize and
13 claim all of the waters of the said two streams.

14 Actual acreage irrigated from said two streams was varied from year
15 to year depending upon the crops and crop practices, but all of the waters
16 used during the irrigation season. In fact, care and diligence was customarily
17 exercised to see that a minimum of water went to waste.

18 I know of no adverse claims ever having been made to the waters of
19 said two creeks or to the exclusive use of same on the Largilliere farm.

20
21 Evelyn Largilliere Shields
22 EVELYN LARGILLIERE SHIELDS

23 SUBSCRIBED AND SWORN TO before me this 28 day of

24 March, 1973.

25
26 My commission expires:

27 June 21, 1973

28
29 Samuel C. Long
30 Notary Public
Residing at Salt Lake County, Utah



25

35-30

26

AFFIDAVIT

STATE OF UTAH

ss.

County of Salt Lake

GAYLE DEAN HUNT, being first duly sworn, deposes and says that a company, Utah Process Agency, substantially owned by the undersigned, acquired, by sales exchange agreement, a one-half interest in and to the so-called Largilliere Farm, described as follows:

NE 1/4 NW 1/4, S 1/2 S 1/2 Sec. 23; W 1/2 NW 1/4 S 1/2 SW 1/4 Sec. 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 Sec. 26; W 1/2 Sec. 25; all that portion of S 1/2 NE 1/4 and SE 1/4 Sec. 25 lying West and South of Bear River, all in Township 9 South, Range 41 East, Boise Meridian; also, all that part of Lot 3, Sec. 30, Township 9 South, Range 42 East, Boise Meridian, lying southeasterly of Bear River;

Also, Idaho State Land Lease covering West 1/2 of Sec. 36, Township 9 South, Range 41 East, Boise Meridian;

together with water rights and with express representation in the purchase by the seller as to the irrigation water rights, to water from the two creeks, the Winchell Creek and the Largilliere Creek which flow into said farm from adjoining hills and from the two reservoirs built by predecessors in ownership of the farm, one reservoir on a portion of the above described property, to-wit, located in the W 1/2 SW 1/4 SE 1/4 Sec. 26, Township 9 South, Range 41 East, Boise Meridian, and the reservoir on the Winchell Creek located in the N 1/2 NW 1/4 Sec. 36, Township 9 South, Range 9 East, comprising state land leased by the State of Idaho to sellers and their predecessors and upon which property the owners of the farm have an easement in writing, also easement by usage, of the reservoir area.

Said Largilliere Creek Reservoir is approximately 500 feet wide and that on Winchell Creek approximately 600 feet wide. Affiant is informed they were built between 1956 and 1957 with professional engineering assistance and advice.

At the time of acquiring ownership by the undersigned, the reservoirs were full, outlets workable although in need of repair, and the ditch system from said reservoirs workable but in need of repair. The summer following acquisition, i.e., the summer of 1969 and 1970, the waters from Winchell Creek were used to irrigate pasture land located in S 1/2 S 1/2 SW 1/4, said Section 25; also, some grain located in SW 1/4 SW 1/4 Sec. 25.

Lateral ditches had been built from the outlet Wier box at said reservoir, southwest and southeast for irrigation purposes, and these accommodated a rill and flood irrigation system. The undersigned was informed before, and by various people after, said purchase of property that a predecessor in interest, E. W. (Jr.) Largilliere, had instituted substantial leveling operations in the SW 1/4 of said Sec. 25 to refine existing slopes to irrigate sugar beets by rill irrigation. He also was informed that a sprinkler system run with diesel power was used for irrigation in the same area, i.e., SW 1/4 of the said Sec. 25.

Waters from said Winchell Creek, at the time of said acquisition, were being diverted from what would be, except for various diversions over the years, the creek channel, there diversion being in NW 1/4 NW 1/4 of Sec. 36 Township 9 South, Range 41 East also in the NE 1/4 NW 1/4 said Sec. 36 to rill and flood irrigate some eighty acres located in the SW 1/4 of said Sec. 25. Another diversion was and is being made in the SE 1/4 SW 1/4 of Sec. 25, Township 9 South, Range 41 East to irrigate an approximate 30 acre slope in that forty.

These diversion channels or canals are of many decades age and use. Some of them were obviously built at the time of the reservoir as disclosed by their location. Others, including a canal or ditch in the NW 1/4 NW 1/4 Sec. 36 and another in the SE 1/4 SW 1/4 Sec. 25 apparently pre-date the reservoir and improvements of that vintage.

At the time of acquisition, waters from said Largilliere Creek were dammed as above indicated by the reservoir located in the W 1/2 SW 1/4 SE 1/4 Sec. 26. Wier box at opening of said reservoir allowed waters to be diverted for irrigation of slopes located in the E 1/2 SW 1/4 SE 1/4 said Sec. 26. Diversions were being made further down-stream still in the E 1/2 SW 1/4 SE 1/4 for irrigation in that twenty-acre parcel and extending farther East and Northeast into NW 1/4 SE 1/4 SE 1/4; also into NE 1/4 SE 1/4 of said Sec. 26. Vestages of earlier diversions are still observable.

Farther downstream diversions were being made to irrigate portions of SE 1/4 NE 1/4 of said Sec. 26; also SW 1/4 NW 1/4 of said Sec. 25.

Little water from the Largilliere Creek was allowed to go to waste downstream, all waters from that source sinking on the Largilliere farm.

The undersigned is informed that, over the years, irrigation water from said creeks was depended upon for production of grain crops, also pasture and alfalfa crops and, to a limited extent, for sugar beets, potatoes, and lettuce.

A substantial factor and consideration in the purchase by the undersigned of said farm was the fact that irrigation waters were and are available for use on said land. The agricultural background of the undersigned is in connection with irrigated areas in Sevier County, Utah, Davis County, Utah, and Franklin County, Washington, where the principal dependence is upon irrigated farming practices.

Based upon diversion evidences and information supplied by occupants of said land and predecessors in title, and others, approximately 90 acres has been irrigated over the years from Largilliere Creek, that land located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 of Sec. 25; and in the SW 1/4 NE 1/4, SE 1/4 NE 1/4, and in all four quarters of the SE 1/4 of Sec. 26, Township 9 South, Range 41 East.

With respect to the Winchell Creek, it appears that well over one hundred acres has been irrigated from that source, although, not necessarily the same tract every year, the waters being used mostly in the SW 1/4 of said Sec. 25.

It is established that dependence has been made over the years upon irrigation waters from said two creeks, and that an extensive livestock operation has been carried on on said farm except for interruptions occasioned by deaths and resulting changes. At the time of acquisition by the undersigned, said farm was under lease to the Larson brothers who had occupied the same for many years, maintaining an extensive livestock and farming operation and growing, in addition to grain crops, alfalfa, timothy, other grasses and pasture, also sugar beets. During their lease the reservoirs mentioned above were constructed, apparently largely under the supervision of one of the owners, E. W. Largilliere, Jr..

Since acquisition of said farm by the undersigned in 1968, waters from said two creeks have been utilized as much as possible during the irrigation season. During the past six years the undersigned has grown alfalfa, wheat, and barley under rill irrigation from said two creeks, improving and utilizing the old ditch system with modifications and with some installation of metal turn-outs some of them set in concrete, and with some reliance

upon canvas dams so as to keep obstructions at a minimum. The farm comprising a valley with slope to the northeast facilitates the maintenance of contour ditches with rills running north and northeast although on one slope located in NE 1/4 SW 1/4 Sec. 25 and SE 1/4 NE 1/4 Sec. 25 rills run westerly.

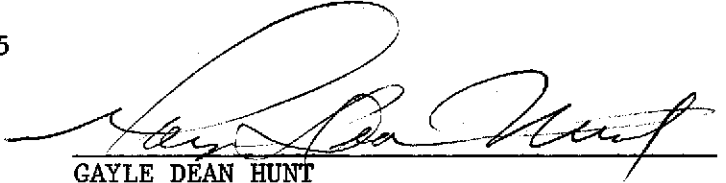
The ditch system now used will take waters from either creek drainage area to the other according to need, and is designed to utilize all waters of both creeks during the irrigation season plus storage time prior thereto and covers approximately 240 acres.

The undersigned, upon acquisition, planned a sprinkler irrigation system for the said farm and this with the assistance and help of the Soil Conservation Service, and private consultants. The sprinkler system will utilize all of the waters from both streams during all of the irrigation season and will irrigate approximately 240 acres expandable to three hundred acres, located in the W 1/2 SW 1/4 said Sec. 25, the E 1/2 SE 1/4 of said Sec. 26 and E 1/2 W 1/2 SE 1/4 Sec. 26. This system has been planned for some years, with installation awaiting financial conclusions.

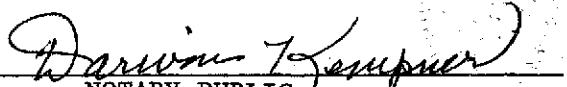
During the ownership of said property by the undersigned, no one has ever indicated to the undersigned that there were any adverse claims to the waters in question, or disclosed any knowledge of anyone who has ever made any claim contrary to the claim of exclusive use of same on the Largilliere Farm above described. In the opinion of the undersigned there have never been any claims adverse to the claims made and asserted by the owners of the said Largilliere Farm to the exclusive use of the waters of the two said creeks for irrigation purposes

It was the intent of the undersigned to acquire said irrigation rights as a part of the acquisition of said farm, and it has always been the intent of the undersigned, as owner, to utilize and claim all of the said waters of the said two streams for irrigation purposes.

DATED: November 11, 1975


GAYLE DEAN HUNT

Subscribed and Sworn to before me, this 11th day of November, 1975/


NOTARY PUBLIC

My commission expires 5-6-78

Residing in Salt Lake County, Utah

AFFADAVIT

STATE OF UTAH

ss.

County of Salt Lake

NORMAN RUUD, being first duly sworn deposes and states the following:

My name is Norman Ruud, I live at 295 North Main Street, Salt Lake City, Utah with my wife and am a resident of Salt Lake County, Utah.

I was born ^{april} in 1895 in ^{Logan Utah} Soda Springs, Idaho and ^{moved to} lived in Soda Springs ^{May 1895 lived there until} until I was eight years old. I lived with my mother and brothers and sisters, my father, Burke Ruud, being a miner and absent from home from time to time.

As a child I visited, from time to time, the Taylor family who then lived in a log home on what is now ^{uninhabited property north of} the so called Largilliere Ranch located at the mouth of Winchell Creek a half mile or so above where Winchell Creek would have emptied into Bear River. The Taylor's had two boys, one approximately my age and one approximately the age of my older brother Lorenzo ^{Colby} who is four years older than I am and still resides in Soda Springs, Idaho. Lorenzo was born in 1892 or 1893.

My mother bought wood from time to time from the Taylors, wood which they apparently cut in the hills South of the ranch house and would deliver to town by sled.

^{occupants of the so-called Largilliere place}
The ~~Taylor~~s had sheep, cattle and horses, I do not know the extent of their livestock holdings. I do not recall their names at this time.

I personally know that when I was five or six years of age, which ^{occupants} would have been approximately 1900, the ~~Taylor~~s irrigated the fields, garden and pasture from Winchell Creek which at that time had been diverted for that purpose.

I do not know the extent of the irrigation they practiced, but they seem to conduct, based upon my recollections, what I would now regard as a substantial farming and livestock operation on the Winchell Creek drainage on what is now the Largilliere Ranch.

I was personally acquainted with Evelyn Largilliere Shields, also personally acquainted with three generations of the Largilliere men, Junior

Largillere, who died approximately 1962, his father, Edgar Largillere, and his father also ^{August} ~~Edgar~~ Largillere. The older Largillere had a farm located near the river bottoms West of Soda Springs, on springs having a soda content, in an area now inundated by the backwaters of the reservoir now called the Soda Points Reservoir.

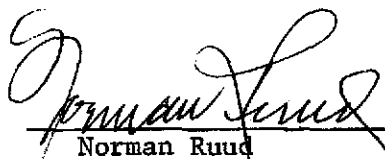
The elder Largillere was connected with an operation where the soda water was bottled and sold.

The Largillere family acquired the Taylor property which made up a substantial portion of the present Largillere Ranch. When the senior Largillere died he left the property to his son Edgar and his daughter Evelyn. I knew them both well.

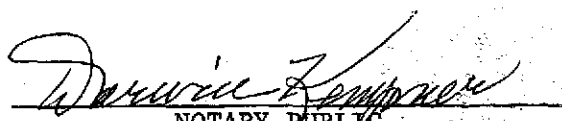
I am well acquainted with the fact that the waters from both the Winchell Creek and the Largillere Creek were diverted and used for irrigation on the Largillere Ranch back over the years.

I am a Realtor by proffession and have been for ^{appt 50 years} many years and at one time I had listed for sale the Largillere Ranch, it being offered for sale by the family some time after the death of Junior Largillere in about 1963.

In representing the Largillere family in their efforts to sell the property in about 1963 I represented to potential buyers, and I believe based upon sound information and premises, that the waters from the two creeks, the Largillere Creek and the Winchell Creek were appurtenant to the Largillere Ranch and owned by the Largillere family as water rights appurtenant to, and used for irrigation on, the Largillere ranch.


Norman Ruud

Subscribed and sworn to before me this 12th day of November 1975.


NOTARY PUBLIC
Residing in Salt Lake County, Utah

My Commission Expires 5-6-78

2

AFFADAVIT

STATE OF OHIO

ss.

County of Summit

GEORGE RUUD, being first duly sworn, deposes and states the following:

My name is George Ruud, I live at 539 Parkview Avenue, ~~Barburton~~,
Barberton
Ohio, outside of Akron, Ohio.

I was born in ~~1885~~ in (should be 1888) Soda Springs, Idaho.

I moved with my mother and brothers to Soda Springs, Idaho in
(Born and raised in
approximately . At that time I was years old. Soda Springs until 1912

As early as , 1897 I was acquainted with the Taylor family
who lived on later came to be called the Largilliere Ranch, about four miles
South of Soda Springs on the foothills where a creek flows Northerly and
when not dammed or diverted into the Bear River. The Taylor's utilized
two streams for irrigation, that creek, which I know to be the Winchell
Creek, also the Largilliere Creek further to the West. Have no recollection of the
Taylors living on the
Largilliere Ranch.

Both of these creeks were utilized by the Taylors in their farming
operation. They raised upwards of 100 cattle and upwards of 500 sheep. Have no
knowledge of this.
My brother, Norman Ruud, now living in Salt Lake, and my brother Lorenzo
Ruud, still living in Soda Springs were also acquainted with this family.

I recall, among other things, that the Taylor people hauled wood
to town for sale. - This is correct.

My earliest recollection of having been at the Taylor place and know
the place to have been irrigated from those streams would have been as early
as 189 . Sorry, but have no knowledge of this irrigation.

I am acquainted with the fact that later on August Largilliere
purchased the Taylor place and it came to be generally known as the Largilliere
Ranch. Have no recollection of this. Was of the opinion Largilliere Always
Owned the ranch.

I was acquainted with both August Largilliere and his son Edgar
Largilliere and am familiar with the fact that they too utilized the waters
from the said creeks in irrigation on the farm. This is correct.

I worked for a time for Edgar Largilliere, both while I lived in Soda
Springs and after we moved from there about 19 , having moved back to Logan,

Utah. From time to time I would return in the summers and work for August Largilliere. Sorry but I never worked for the Largilliere's. My older brother Bert worked for them for years.

At one time I worked for the bottling works North of Soda, which bottled mineral water for shipment here and there. It was called Idanha Mineral. This is correct. As I recall, was employed there from 1910 to 1912.

In summary, I know for fact that the waters from the two creeks, the Largilliere Creek and the Winchell Creek were utilized in irrigation on the so-called Largillier farm or ranch during my acquaintance there which would have been from 1897 to approximately 1912. at which time I left Soda Springs.

George L. Ruud

GEORGE RUUD

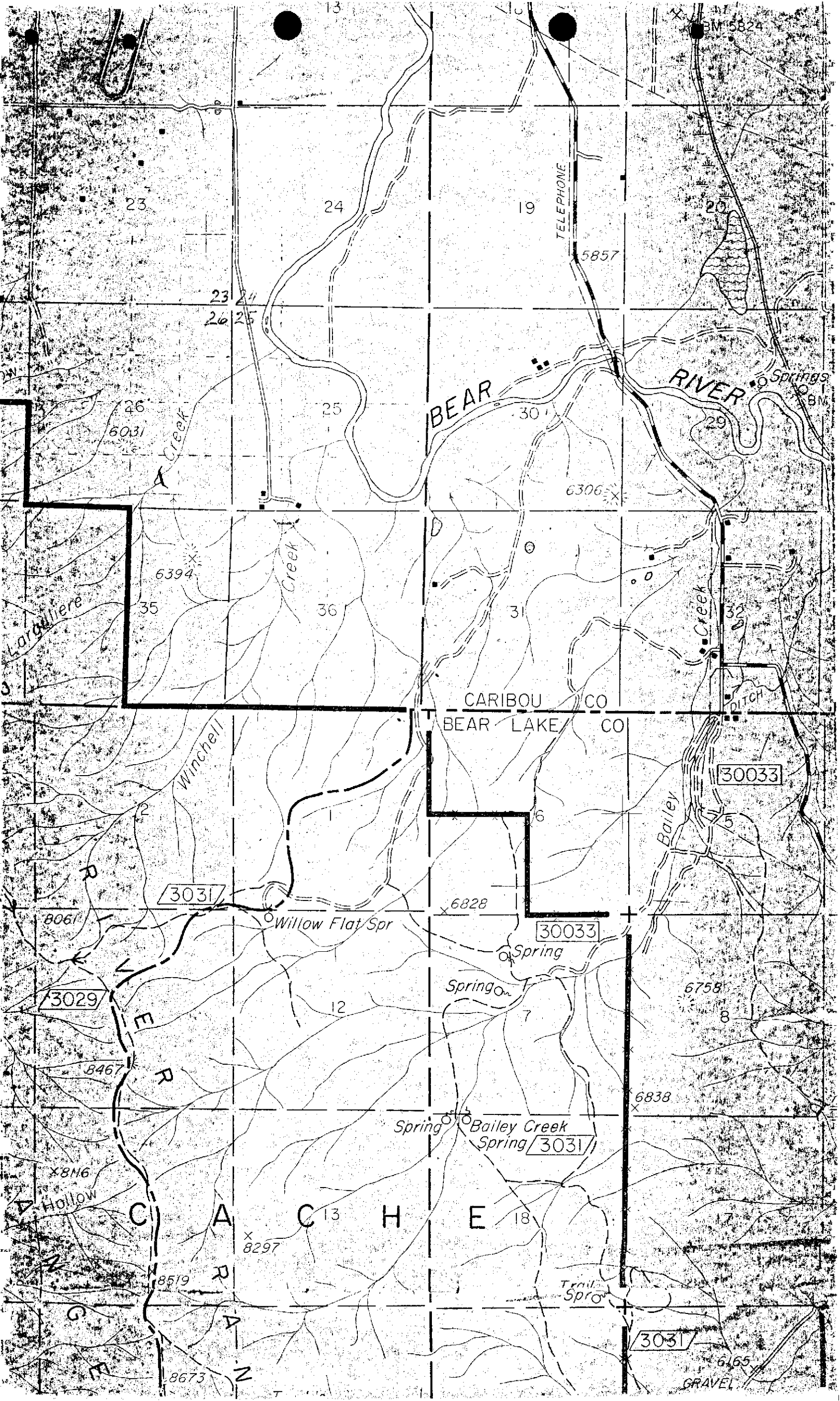
Subscribed and sworn to before me this 11 day of November ¹⁹⁷⁷₁₉₇₅.

Paul O. Baughman
NOTARY PUBLIC

Residing in 528 Parkview Ave

PAUL O. BAUGHMAN
My commission expires Apr. 28, 1979
Notary Public, Summit County, Ohio

Summit County
Barberton, Ohio ✓



23 24
26 25

(NESENE)

SENE

SWNW

(W²SWNW)

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26

NESE 26

NWSE 25

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25

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35 36

NWSE 25



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 11, 1983

RE: Claims to Water Rights Nos. 11-4072, 11-4073, 11-4074 and 11-4075

Gayle Dean Hunt
Attorney at Law
2121 South State
Salt Lake City, UT 84115

Dear Mr. Hunt:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Claims.

In Idaho, a claimed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right claim.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Claims for your records.

If you have any questions please feel free to contact our office.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

MICROFILMED

GAYLE DEAN HUNT
ATTORNEY AT LAW
2121 SOUTH STATE
SALT LAKE CITY, UT 84115
TELEPHONE 466-6701

August 3, 1983

AUG 4 1983

Department of Water Resources
Eastern District Office

RECEIVED

AUG 8 1983

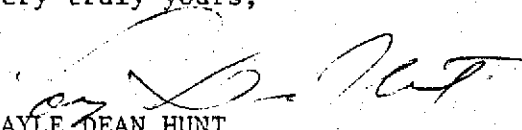
Department of Water Resources

Caribou County Recorder
Soda Springs, Idaho 83276

Dear Sir:

Enclosed herewith for recording is the original of Assignment, Zions First National Bank to Utah Process Agency, Inc., covering water rights appertinent to the property described in the Assignment, together with our check for \$4.

Very truly yours,


GAYLE DEAN HUNT
Attorney at Law

Enc.

✓cc: Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

ASSIGNMENT

RECORDED

Zions First National Bank, a national banking association, as Trustee of the Trust created by Evelyn Largilliere Shields, dated July 1, 1970, hereby transfers and assigns to Utah Process Agency, Inc., a Utah corporation, all of the rights, title and interest possessed by said Trust in water rights or rights in water (ground, irrigation, or otherwise) appurtenant to, or used in connection with, the following described real property in Caribou County, Idaho:

Com

NE 1/4 NW 1/4, S 1/2 S 1/2 Sec. 23; W. 1/2 NW 1/4 S 1/2 SW 1/4, Sec. 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 Sec. 26; W 1/2, Sec. 25; all that portion of S 1/2 NE 1/4 and SE 1/4 Sec. 25 lying West & South of Bear River, All in Township 9 South, Range 41 East, Boise Meridian. Also, all that part of Lot 3, Sec. 30, Township 9 South, Range 42 East, Boise Meridian lying southeasterly of Bear River;

including but not restricted to the extent of said Trust's interest in State of Idaho Department of Water Resources claims as follows:

#11-4075 Claim to 1.33 c.f.s. in Winchell Creek, tributary to Bear River;

#11-4073 to 15 AF storage of water from Winchell Creek, tributary to Bear River;

#11-4074 Claim to 1.09 c.f.s. in Largilliere Creek, tributary to Bear River;

#11-4072 to 15 AF storage of waters from Largilliere Creek, tributary to Bear River;

Zions First National Bank warrants that it was appointed by Evelyn Largilliere Shields as Trustee of the aforesaid Trust

and has authority to execute this assignment on behalf of said Trust. Except as set forth in the immediately preceding sentence, Zions First National Bank as Trustee or otherwise makes this assignment, sale, conveyance, and transfer without warranties, covenants, or representations of any kind.

DATED: June 29, 1983.

ZIONS FIRST NATIONAL BANK, a
National Bank Association,
As Trustee

By

J. Chad Hamilton
Its Vice President & Trust Officer C.Y.

By

Bob Gardner
Its Vice President & Trust Officer

GCN0546P

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On the 29th day of June A.D., 1983, personally appeared before me J. Chad Hamilton of Zions First National Bank, a national banking association, and that said instrument was signed on behalf of said association, as Trustee of the Trust above referred to by authority of a resolution of its board of directors or By-Laws and said J. Chad Hamilton acknowledged to me that said association executed the same, as Trustee of said Trust.

Sandra Fieber
NOTARY PUBLIC

My Commission Expires:

2-2-85

Residing At:

Salt Lake City, Utah

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 29th day of June A.D., 1983, personally appeared before me B. A. Gardner of Zions First National Bank, a national banking association, and that said instrument was signed on behalf of said association, as Trustee of the Trust above referred to by authority of a resolution of its board of directors or By-Laws and said B. A. Gardner acknowledged to me that said association executed the same, as Trustee of said Trust.

B. A. Gardner
NOTARY PUBLIC

My Commission Expires:

2-2-85

Residing At:

Salt Lake City, Utah

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 12, 1979

BETTY LARGILLIERE BURKE
LINDA LARGILLIERE JOHNSON
EVELYN L. SHIELDS ZIONS 1ST NAT'L BANK, TRUSTEE OF ESTATE
UTAH PROCESS AGENCY, INC.
% GAYLE DEAN HUNT
2121 SOUTH STATE
SALT LAKE CITY ID 84115

RE: Claim No. 11-4075

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

mailed to claimant 3/13/79
% Lowmyer

Enclosure

MICROFILMED

February 19, 1979

Russell D. Stoker, Watermaster
Water District # 11
272 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

Re: Claims to Water Rights No's. 11-4072, 11-4073,
11-4074, 11-4075

We are enclosing copies of claims that may be of interest to your water district. Please review the claims and submit any comments you may have to this Department.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7166

FEBRUARY 16, 1979

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 12, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

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:

11-4075-

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE
ZIONS 1ST NAT'L BANK, TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.

% GAYLE DEAN HUNT, 2121 SOUTH STATE, SALT LAKE CITY, ID 84115

Source: WINCHELL CREEK tributary to BEAR RIVER

Priority Date: 06/01/1899

Amount: 1.33 CFS

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: DOMESTIC	(0.08 CFS)	from 01/01 to 12/31
STOCKWATER	(0.05 CFS)	from 01/01 to 12/31
IRRIGATION	(1.20 CFS)	from 04/01 to 10/31

Place of Use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SMSW SESW
Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: DAM

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 ^{2/22}~~1/22~~ & 3/1/79.

MICROFILMED

February 12, 1979

Mr. Gayle Dean Hunt
Attorney at Law
2121 South State
Salt Lake City, Utah 84115

Dear Sir:

Re: 4 Claims to Water Rights - Betty Largilliere Burke, et. al.

Attached herewith is Departmental receipt No. 12878 for the above referenced claims.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

17
Windshell Creek
"Natural Flows"

INITIAL REVIEW BY: ARK

Right Number _____ Applicant Betty Largellen Bucke et al.

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 _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J. J. Date 3/16/79

Pinned

MICROFILMED