

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } S.S.

Department of Water Administration

.....~~Phyllis Ringe~~..... being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 or advertisement 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 publica-
tion being the 23rd day of Sept., 1971
the date of last publication being the

.....30th... day of Sept., 1971

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

.....1... day of Oct, 1971

Robert J. Eddy
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

Notary Public
Residing at Am. Falls, Idaho
My Commission Expires
Aug. 20, 1973

LEGAL NOTICE

Published in the Power County
Press, American Falls, Idaho
on Sept. 23 and Sept. 30, 1971.

NOTICE OF CLAIM TO A WATER RIGHT

No. 41-4002

Notice is hereby given that
Grant Udy, Rockland, Idaho
has filed a claim to a water
right established by diversion
and application to beneficial
use of 0.1 cubic feet per second
or water from Udy Spring
with point of diversion in the
NE1/4NW1/4, Sec. 23, T.
11S. R. 31E, B. M., Power
County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic purposes with a
priority of April 11, 1942;
the place of use is within
the NE1/4NW1/4, Sec. 23, T.
11S, R. 31E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho.

R. KEITH HIGGINSON
Director

41 4002

See paragraph no. 1 on next
to last page of enclosed decree.

41 4002

Identification No. _____
Claim No. 41-4002
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant Grant Udy
post office address Rockland, Idaho 83271
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 23 Township 11S
Range 31E B.M. located on Udy Spring
(name of source)
tributary to _____ in _____ Power _____ 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:
April 11, 1942 amount: 0.1 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ 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 domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of concrete
collection Box in spring; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet, explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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

c. Conveying works: length of ditch to place of use is 3/4 mi. feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 3/4 mi. feet; diameter of pipe line is _____ inches; type of pipe cement & galvanized; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

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

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

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

[illegible]

Total number of acres to be irrigated _____

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 _____
HEAD BEEF (150)

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

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 _____

State of Idaho

County of Adair

ss.

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

Sworn to before me this 10 day of Sept, 1971.

X Grant V. dy
Claimant

Donald W. Ellis
Notary Public

Residing at 311 E. 1st

My commission expires 2-15-74

For Department Use Only

Received by	Date	Exception filed by	Forwarded to claimant by	Date
<u>1)</u>	<u>9-16-71</u>			
Prelim. check by	<u>1)</u> Date <u>9-16-71</u>			
Fee received by	<u>1)</u> Date <u>9/13/71</u> Fee \$ <u>10.00</u>			
Approved for publication by	<u>1)</u>			
Published in	<u>Lower City Press</u> Dates <u>9-23 + 9-30-71</u>			

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

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to 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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

DEC 2 1964

Department of Water Administration

41-4002

ARTHUR TAYSOM, N. P. ANDERSON,
JOHN MANDARINO and HENRY MOSS,

VS.

Defendants. (

IT IS ORDERED, ADJUDGED AND DECREED that the rights of said plaintiff Arthur Taysom, and the rights of N. P. Anderson, and the rights of John Mandarino and Henry Moss, and their predecessors in interest, as well as their successors in interest are as follows:

STATE OF IDAHO }
COUNTY OF POWER } ss.

I, W. L. Keefe, Clerk of the District Court of Power County, Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of the original. W. L. Keefe

as the same appears of record in my office

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 30th day of November, 1901.

By W. J. Ferguson Clerk
Deputy

Law Offices
O. R. Baum
Pocatello, Idaho

41 4002

That the plaintiff N. P. Anderson acquired the rights referred to in the following quoted paragraphs of the Decree and award, and that at all times since the initial entry, and at all times since the said award, all the waters referred to in said paragraphs have been and now are utilized by the said plaintiff N. P. Anderson and his said predecessors in interest, and applied to the lands to which they were originally awarded as appurtenant to:

"In 1879, John Gibbs made settlement on S.W. $\frac{1}{4}$, Sec. 4, Tp., 11, S.R. 31 E., containing 160 acres; that on the 17th day of May, 1880, Gibbs with other parties made a ditch from the west side of south fork of Rock Creek to and upon said lands and irrigated a crop thereon; said ditch was 2 $\frac{1}{2}$ feet wide by 10 inches deep; that in the early spring of 1881 S.N. Morris purchased the right of Gibbs to said land and water right; in 1881 said Morris cultivated and irrigated on said land 8 acres of grain and about 40 acres of hay land, in 1882 and each and every year subsequent thereto the said Morris has increased his acreage, in grain, lucerne and natural meadow until now he has in cultivation thereon about 100 acres; that said Morris has resided on said tract of land and now has homestead receipt dated July 27th, 1880.

That in the year 1879, James Frodsham settled upon the N.W. $\frac{1}{4}$ of Sec., 9 Tp., 11 S.R., 31 E. and continued to reside thereon and obtained patent therefor and continued to reside thereon until about two years ago, when he sold to S. N. Morris a portion thereof to whom he subsequently made deed dated Sept., 19th., 1889; said land described as follows: Commencing at the corner of the N.W. $\frac{1}{4}$ of Sec., 9 Tp., 11 S.R. 31 E; running thence south 78 rods; thence east, 92 rods; thence west 11 rods; thence N. 1 rod thence east $1\frac{1}{2}$ rods; thence south 12 rods; thence east 67 rods thence N. 73 rods thence west 160 rods to place of beginning, containing 78 acres; that on the 17th., day of May, 1880 the said James Frodsham constructed a ditch on the east side of the channel of south fork of Rock Creek and conveyed the same to and upon the land above described and also constructed a ditch on the west side of the channel of said stream to and upon the said land, and used said water upon said land for the purpose of irrigation during said season and each and every season thereafter until he sold to the said S. N. Morris by the deed above referred; said deed conveying one-half the water right so acquired by the said James Frodsham; that since said purchase by the said S. N. Morris, he the said S. N. Morris has used said water upon the lands last described each and every season for irrigating his crops and now has in cultivation upon said last mentioned tract about 60 acres that he now has in cultivation on both described tracts about 50 acres of grain and lucern and about 100 acres of wild hay; that in the year 1883 he the said S. N. Morris, together with other parties constructed a ditch from Landen Creek, a

tributary of south fork of Rock Creek to and upon said lands by means of which water was appropriated on same; That the said Samuel N. Morris is entitled to the flow at all times of 150 inches of the water of the said south fork of Rock Creek, measured under a four inch pressure, except during the months of July and August when he is entitled to the flow at all times of 60 inches of water measured as aforesaid, the same to be taken through the ditches from said stream on the east and west side of same and from the ditch leading from Landen Creek the water taken at any time from either or all of said ditches not to exceed in the aggregate the amount above stated; his right of appropriation to date from the 17th day of May 1880."

That the plaintiff Arthur Taysom acquired the rights referred to in the following quoted paragraphs of the Decree and award, and that the said waters so referred to in said quoted paragraphs have been at all times since the date of said award and are now being utilized by the said plaintiff Arthur Taysom, or his said predecessors:

"Andrew Allen, on Oct., 27., 1879, made settlement upon the following described tract of land, to wit: N.W. $\frac{1}{4}$ of Sec., 4, Tp., 11, S.R., 31, E. containing 159.68 acres; homestead patent for same dated March 29th, 1889; that all of said land was fenced by him during the year 1880; that on May 14th, 1880 he completed a ditch from the south fork of Rock Creek, about 40 rods long on the West side of said creek about 2 feet wide and 2 feet deep by means of which he irrigated 7 acres of grain and about 45 acres of meadow; that since said time he has increased the area of said land cultivated until he now has about 100 acres of said land under cultivation, all being meadow land and has used the water each year since the appropriation; that about the year 1883, he and other constructed a ditch about 4 miles in length from what is known as Landen Creek the same being a tributary of south fork of Rock Creek to and upon his said land and has used the same each and every year since for the purpose of irrigating the above described tract of land; that said land and the crop grown thereon require to be irrigated in order to produce a valuable crop up to the 1st., of July of every season.

That the said Andrew Allen is entitled to the flow of 100 inches of the waters of said south fork creek at all times from the beginning of the irrigating season of each year except from the 1st, day of July to the 1st day of September of each year upon said land for the purpose of irrigating the said land; said water to be taken from the ditch on the west side of the stream above mentioned and the ditch leading from Landen Creek above mentioned; but in case both ditches are used at the one and the same time, they shall not convey to the said A. Allen in the aggregate more than the aforesaid 100 inches, said water to be measured under a 4 inch pressure, and the right to the use thereof to date from the 14th, day of May, 1880."

That the plaintiffs, John Mandarin and Henry Moss, acquired the rights referred to in the following quoted paragraphs, and that all of the waters referred to have been used by said plaintiffs:

"Hyrum Frodsham and James Frodsham made settlement on the land heretofore described, sold by James Frodsham to S. M. Morris and S. C. Hatch in the fall of 1879 and on May 17th, 1880 by means of a ditch constructed from the east side of said stream and from a ditch constructed on the west side of said stream in the spring of 1881, conveyed water to and upon said land and continued the use of said water jointly until the fall of 1883, when the said Hyrum Fordsham removed therefrom and made settlement on the following described tract: S.W. $\frac{1}{4}$ Sec., 33 Tp., 11 S.R., 31 E., containing 160 acres, and has continued to reside thereon ever since and has used thereon the water before acquired by him on the James Frodsham claim and now has in cultivation 7 acres of grain, 16 acres of lucern and 22 acres of wild hay; and he also claims the right to the use of said water to be conveyed through what is known as the Landen ditch. That he is entitled to a flow at all times to 40 inches of the water of said south fork for the purpose of irrigating the tract of land last above described, the same to be used through the ditch last above described; the use through said ditches not at any time to exceed in the aggregate 40 inches of water, his right to date from May, 17th., 1880."

That the rights of the said plaintiffs and each of them are superior in time to the rights of the defendants to the extent of 90 inches of water in Landen Creek at its diversion point where it leaves the defendants' lands; and it further appearing to the court that the said order issued by this court under date of May 11, 1942, was and is as follows:

"ORDER"

"This matter coming on for hearing this 8th day of May, 1942, upon the order to show cause why the Restraining Order heretofore issued should not remain in full force and effect and upon a motion for modification thereof, the plaintiffs being present in person and by their counsel, O. R. BAUM and BEN PETERSON, and the defendants being present in person and by their counsel, BLACK AND BLACK, and after submission of the same, and a discussion with the Court, and it appearing that the rights of the plaintiffs herein are superior in time to the rights of the defendants herein to the extent of 90 inches of water of Landen Creek at its diversion point where it leaves the defendants' lands, and it further appearing to the court that the method of diversion of said waters by the defendants herein as proposed by their pipe line should be changed in those particulars hereinafter mentioned, and it further appearing to the Court that defendants herein have upon said lands and receive waters in the normal flow in a reservoir and that during the low water period that said reservoir should be opened when there is less than 90 inches of water in said Landen Creek at its said point of diversion by the plaintiffs' lands so that the normal supply or flow of water through said dam should be normal during such periods and proper controls and measuring devices placed thereon. Also it further appearing that new plans and specifications for the construction of the spring house particularly with reference to its outlets and controls should be submitted to plaintiffs and the defendants paying the cost thereof not exceeding thirty dollars and such plans shall be submitted to the Court for the Court's approval;

NOW, THEREFORE, IT IS ORDERED that the restraining order heretofore issued continue in force and effect until further order of the Court, provided, however, defendants may proceed to the completion of their proposed pipe line and diversion works and do each and all and everything necessary for the diversion of the above waters through the same, save and except the actual diversion of the waters and save and except the construction of the spring house and as to these two matters, the restraining Order shall remain in force and effect until the plans for said spring house are approved by the Court and until the further order of the Court after such approval.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendants shall at all times have permission to divert not exceeding 2 inches of said waters of said spring from which said pipe line leads into and through said pipe line to their dwelling house, providing, however, that such use shall at all times be subject to the prior rights of the said plaintiffs to-wit: 90 inches of water aforementioned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants and each of them and their agents and employees be and are hereby permanently enjoined from interfering with the operation of said spring house and the valves thereon and from interfering with the use of the said water or waters except as herein provided, the use of the defendants being junior and inferior to the right of the plaintiffs herein; and as and when there is not 90 inches of the water aforementioned at a point where said water in Landen Creek leaves said defendants' lands, then said defendants and each of them are perpetually enjoined from the use of any of the said water of said Landen Creek until said stream has again increased in supply so that there is an amount in excess of 90 inches of water at the said point herein referred to.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when there is not sufficient water in Landen Creek at the point where said plaintiffs divert their said water, to-wit; that certain diversion point referred to in the decreed Water Rights Pamphlet of Rock Creek and its tributaries, and the said decree having been entered of record in Book 1, Page 47, Records of Power County, Idaho, then and in that event the said control valve and said pipe line and spring house shall be locked by the said Water Master and remain so during such period of insufficient water supply.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said water rights and the lands referred to herein are those that are referred to in said decreed Water Rights of Rock Creek and its tributaries, recorded as aforementioned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendants and each of them are restrained from interfering with the operation of certain spring house valves and control valves and outlets, and that the same shall at all times be subject to the direction of said Water Master, and likewise, at all times be closed in the event said water so decreed to plaintiffs herein is not in the said Bonanza Creek and available at the point of diversion as herein referred to.

IT IS FURTHER ORDERED that the court has expressly, by agreement of counsel, omitted all reference to the waters in the said reservoir referred to in such order.

IT IS FURTHER ORDERED that the defendants herein shall pay to said plaintiffs the sum of \$ 30.00, the amount referred to in said order for the services of an engineer.

Decree entered this 6th day of November, 1947

L. E. Hannon
DISTRICT JUDGE

IT IS FURTHER ORDERED that plans for said spring house shall as soon as possible be submitted by the defendants herein to the Court for further consideration by the court and the plaintiffs, and,

IT IS FURTHER ORDERED that as and when the said plans are satisfactory to the court as outlined herein and when the spring house and control gates are installed in accordance therewith, then and in that event, an appropriate order and decree may enter decreeing that the defendants herein have the permission to complete the said diversion works and divert through the same not exceeding two inches of said waters of said spring referred to in the pleadings herein and to use said water subject, however, to the prior rights of the plaintiffs by their decree heretofore entered and it is further ordered that during low water periods, when there is 90 inches or less of water in Landen Creek, at the diversion point of plaintiffs, the defendants shall leave the reservoir on their land open so as to permit the normal flow and normal flow waters to pass from such reservoir.

IT IS FURTHER ORDERED that such decree shall provide, among other things, that when there is not sufficient water in Landen Creek at the point where plaintiffs divert their said water to supply each of their rights, as in the original decree provided, that the spring house control valve to the pipe line and spring house shall be locked by the water master and remain so during such period of such insufficient water supply and the decree shall also provide as to injunctive relief to carry out the terms of such decree.

IT IS FURTHER ORDERED that the Decree and Order herein shall be in conformity with the provisions of the Decree known as the Decree of Rock Creek and its tributaries.

Dated this 11 day of May, 1942.

JAY L. DOWNING
DISTRICT JUDGE "

And it further appearing to the Court that it has been stipulated and agreed by and between the parties that all reference to waters in the said reservoir referred to in said order shall be eliminated, and that no order shall be made thereon.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the rights of the plaintiffs herein, and each of them, all as herein above set forth are superior in title to the rights of the defendants, and each of them, to the extent of 90 inches of water of said Louden Creek, and that said plaintiffs and each of them, and their successors in interest and each of them, are entitled to divert at the diversion point of said water where it leaves defendants' lands a total of 90 inches of water, and that the defendants' right to the use of waters through the said pipe line referred to in said order is junior and inferior to the rights of said plaintiffs to the extent of 90 inches of water aforementioned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendants shall construct a spring house over the spring upon the said lands and at a point where said pipeline of said defendants takes out and that the same shall be so constructed that its outlets have controls thereon and be in such condition as to be locked so that the said water master of said Rock Creek and its tributaries shall have complete supervision thereof; and it is further ordered that the said spring house so constructed during the pendency of this action comply with the conditions set forth in this paragraph and the same is hereby approved; and it is further ordered that said spring house shall be maintained by the defendants and at their own costs, and at all times be maintained and kept in repair as to comply with the conditions of this paragraph.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} S.S.

.....~~Phyllis Ringe~~..... being first duly sworn
on oath, states:

That she..... is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 or advertisement 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 publica-

tion being the 23rd..... day of Sept......, 1971

the date of last publication being the

.....30th... day of Sept......, 1971

(Signed) *Phyllis Ringe*

Subscribed and sworn to before me this

.....1..... day of Oct......, 1971

.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

Notary Public
..... day of 19.....
Residing at Am. Falls, Idaho
My Commission Expires
Aug. 20, 1973

Power County
Idaho
on Sept. 23, 1971.

NOTARY PUBLIC TO A

Notary Public given that
Grant, Power County, Idaho
has filed a claim to a water
right established by diversion
and application to beneficial
use of 10.0 cubic feet per second
of water from the spring
with point of diversion in the
NE1/4 of Sec. 24, T.
11S. R. 2E. E. M., Power
County.

The claim is claimed to be
used from Dec. 31
for purposes with a
priority date of Feb. 11, 1942,
the date of use is within
the period of Dec. 31, 1971.

The claim is in this claim
of water right. Now be filed
with the Idaho Department of
Water Conservation, State
house, Boise, Idaho.

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

December 13, 1971

Mr. Dana Muir
26 Trail Creek
Pocatello, Idaho 83201

Dear Mr. Muir:

Attached herewith is your receipt No. 8569 in the amount of \$ _____
for copy _____
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

41 4002

7 DEC 1971

Dear Mr. Hamilton,

Thank you for taking care of the matter relating to file No. 41-4002, and putting a copy of the Tayson weekly Decellin it.

Enclosed is my check for \$2.25 to cover your charge.

Very truly yours,

Lana Muir

RECEIVED

DEC 9 1971

41 4002

December 6, 1971

Mr. Dana Muir
26 Trail Creek
Pocatello, Idaho 83201

Dear Mr. Muir:

We have received a certified copy of the Taysom vs. Udy decree and are putting a copy of it in Claim for a Water Right file No. 41-4002 as requested by you during your recent visit.

There are nine pages of this decree and our charge is 25¢ per page, making a total of \$2.25, which you may remit to this office.

If I can be of further assistance, please advise.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enclosure

41 4002

December 6, 1971

Mr. Dana Muir
26 Trail Creek
Pocatello, Idaho 83201

Dear Mr. Muir:

We have received a certified copy of the Taysom vs. Udy decree and are putting a copy of it in Claim for a Water Right file No. 41-4002 as requested by you during your recent visit.

There are nine pages of this decree and our charge is 25¢ per page, making a total of \$2.25, which you may remit to this office.

If I can be of further assistance, please advise.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enclosure

41 4002

November 26, 1971

Re: 41-4002

Clerk of the District Court
Power County
American Falls, Idaho 83210

Dear Sir:

In accordance with Section 42-1403 of the Idaho Code, would you please send us a copy of the court decree entitled "Taysom vs. Udy, et al, Case No. 3046."

Thank you.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

41 4002

October 18, 1971

Re: Claim to a Water Right No. 41-4002

Grant Udy
Rockland, Idaho 83271

Dear Mr. Udy:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

41 4002

October 8, 1971

Re: Claim to a Water Right No. 41-4002

Mr. Wallace Hayes
Rockland,
Idaho 83271

Dear Mr. Hayes:

We have received your letter of October 3, 1971, concerning Mr. Grant Udy's claim to an existing water right.

Perhaps this matter can be clarified by an explanation of the claim procedure. This procedure was instituted by the State Legislature to record the historic uses of the waters of this state. By filing this claim to a water right, Mr. Udy has simply put on record what he claims has been his beneficial use of water in the past. The filing of this claim by Mr. Udy does not confirm a water right or establish a new water right, but will preserve and record information that may be used for future adjudication of the water rights by the court.

Idaho Code, Section 42-225b, does not provide for an hearing concerning claims, but it does provide the opportunity for a person who disagrees that a right has been established as set forth in the claim, to file an exception to that claim at any time. Any exception submitted should indicate the particular portion of the claim that is disagreed with. Since you did not include any specific objections in your October 3, 1971 letter, I will not consider it as an exception, but will enter it in the file for information purposes.

If you have questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Bbbby D. Fleenor
Assistant Director

BDF:cs

41 4002

October 8, 1971

Re: Claim to a Water Right No. 41-4002

Mr. Dana Muir
26 Trail Creek
Pocatello, Idaho 83201

Dear Mr. Muir:

We have received your letter of October 3, 1971, concerning Mr. Grant Udy's claim to an existing water right.

Perhaps this matter can be clarified by an explanation of the claim procedure. This procedure was instituted by the State Legislature to record the historic uses of the waters of this state. By filing this claim to a water right, Mr. Udy has simply put on record what he claims has been his beneficial use of water in the past. The filing of this claim by Mr. Udy does not confirm a water right or establish a new water right, but will preserve and record information that may be used for future adjudication of the water rights by the court.

Idaho Code, Section 42-225b, does not provide for an hearing concerning claims but it does provide the opportunity for a person who disagrees that a right has been established as set forth in the claim, to file an exception to that claim at any time. Any exception submitted should indicate the particular portion of the claim that is disagreed with. Since you did not include any specific objections in your October 3, 1971 letter, I will not consider it as an exception, but will enter it in the file for information purposes.

If you have questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Bobby D. Fleenor
Assistant Director

BDF:cs

41-4002

3 October, 1971

Re: Notice of Claim to
a Water Right
No. 41-4002
Grant Udy

RECEIVED
OCT 6 1971

Department of Water Resources

To R. Keith Higginson, Director
Idaho Dept. of Water Administration
State House
Boise, Idaho

Dear Sir:

The undersigned, Dana Muir, Arthur Anderson, Wallace Hayes, and Mrs. Arthur Taysom, all owners of water rights on the South Fork of Rock Creek, Power County, Idaho, and Dean Nelson and Gene Nelson, lessees of Mrs. Arthur Taysom, wish to enter formal objection to the granting of a water right to Grant Udy as per his application, and request a hearing on this matter to determine the equities therein.

Please send notices of all further proceedings in this matter to Dana Muir, 26 Trail Creek, Pocatello, Idaho 83201, and Wallace Hayes, Rockland, Idaho, 83271.

Very truly yours,

Dana Muir Arthur Anderson Dean Nelson
Mrs. Arthur Taysom Wallace Hayes
Dean Nelson

The water in question falls under the 1903 Decree of Rock Creek Waters, and the water in the spring in question was the subject of further litigation in 1942 in the District Court in Power County, "Taysom et al vs. Udy et al" Case No. 3046. The judgment, order and decree in this case will be pertinent in this matter.

D. M.

Dana Muir
26 Trail Creek
Pocatello, Idaho 83201



CERTIFIED

No 737099

MAIL

R. Keith Higginson, Director
Idaho Dept. of Water Administration
State house
Boise, Idaho 83707

41 40812

September 15, 1971

Re: Claim No. 41-4002 - Grant Udy

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Donald W. McKidowney
Appropriation Supervisor

Bill submitted 10-6-71 By CR

DWM:CR

Enc: Legal Notice

41 4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 41-4002

Notice is hereby given that Grant Udy, Rockland, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second ~~xxxxxx~~ of water from Udy Spring

with point of diversion in the NE 1/4, Sec. 23, T. 11S, R. 31E, B.M.,
Power County

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic purposes

with a priority of April 11, 1942;
the place of use is within the NE 1/4, Sec. 23, T. 11S, R. 31E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Power County Press, American Falls, Idaho
on Sept. 23 and Sept. 30, 1971.

41 4002

September 13, 1971

Grant Udy
Rockland,
Idaho 83271

Dear Mr. Udy:

Attached herewith is your receipt No. 8244 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure