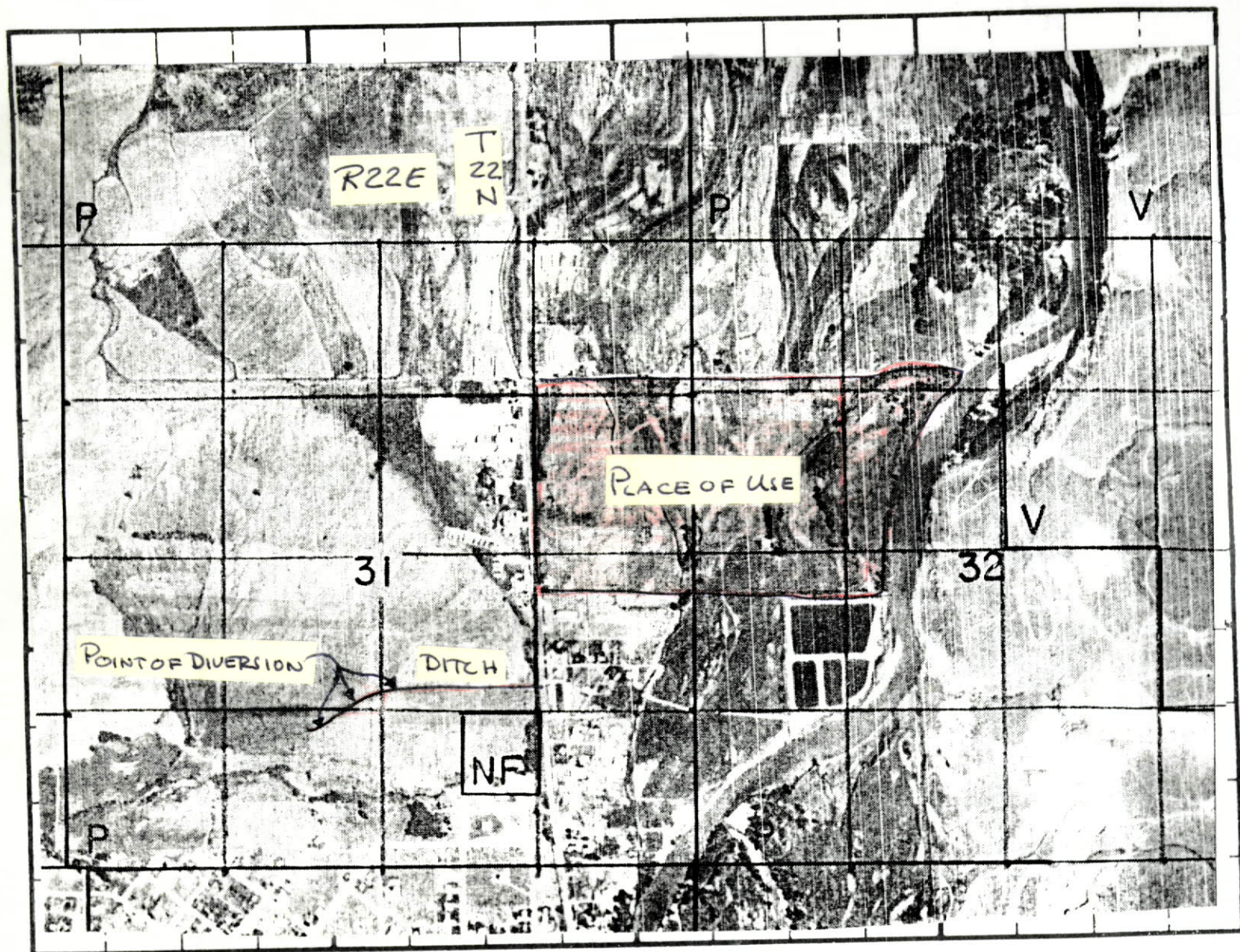


(8) Remarks CLAIMANTS HAVE USED THIS WASTEWATER DITCH TO COLLECT THE WATER AND TRANSPORT THE WATER TO THEIR LAND



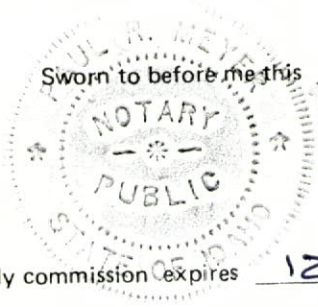
Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 22 day of November



John Austin
(Claimant)

1989

Notary Public
Residing at Idaho Falls

My commission expires 12 Sept. 1994

AMENDED FOR DEPARTMENT USE ONLY

Received by KCW Date 22 NOV 1989 Exception filed by: _____
Prelim. check by _____ Date _____
\$30.00 fee received by N.A. Date _____
Published in Recorder-Herald
Dates 1-4-11-90

Forwarded to _____ Date _____
claimant by: _____

MAR 14 1990

**NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
NO. 75-04471**

Notice is hereby given that Claim to a Water Right No. 75-04471 in the name of John Austin, Salmon, ID, was filed with a priority date of April 1, 1941 for the diversion and application to beneficial use of 2.50 cfs of water from Jesse Creek tributary to Salmon River with the point of diversion within the SWNW Sec. 1, T 21N, R 22E, B.M. County of Lemhi; the water is claimed to be used from April 1 to November 1 for irrigation of 80 acres within the SENE NESE Sec. 31, T 22N, R 22E, B.M.

Claim No. 75-04471, now being amended, proposes to change the source of water to wastewater and the point of diversion to NESW, SESW, NWSE, Sec. 31, T22N, R22E, B.M. The claimant now proposes to change the place of use to within the NENE SENE NESE SEC. 31; NW ¼ N ½ SW ¼ SEC. 32, T22N, R22E, B.M. and the number of acres irrigated to 134.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before January 22, 1990.

R. Keith Higginson,
Director

Published in The Recorder-Herald on January 4 & 11, 1990.

1-4-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JAN 12 1990

Department of Water Resources
Eastern District Office

RICKY G. HODGES

being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Amended Claim to Water Right 75-04471

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Jan. 4, 1990 and ending with the issue dated Jan. 11, 1990.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this eleventh day of January in the year of 1990 before me, A Notary Public, personally appeared known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

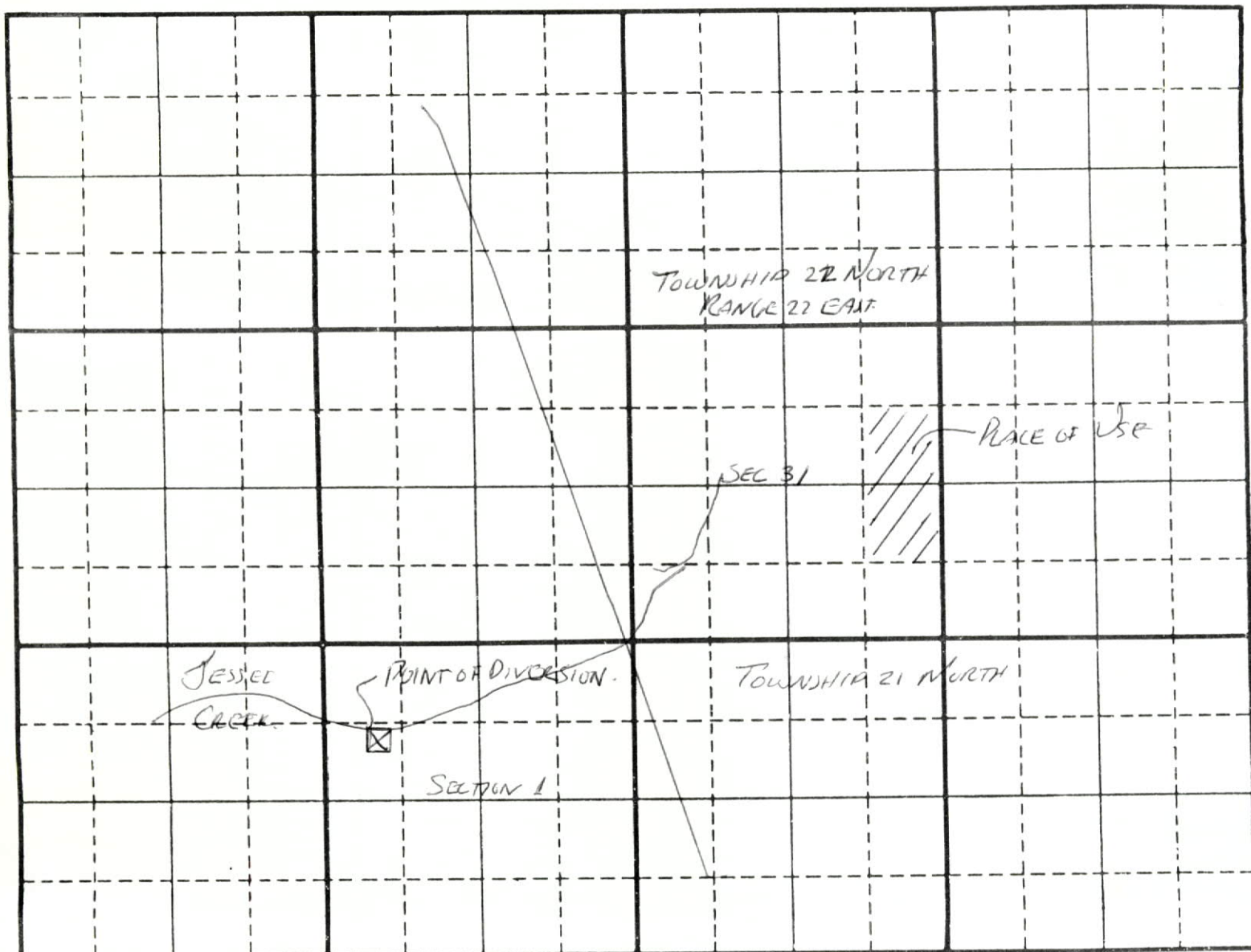
Sheila K. Hodges
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 46.44

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 29th day of June, 19 83.

John Austin
(Claimant)

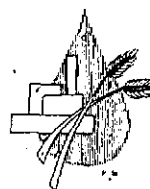
Calvin Alay
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>6-29-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>8-18-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-29-83</u>			
Published in <u>Recorder Herald #25692</u>				
Dates <u>9/15 & 9/22/83</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

AMENDED

AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that JOHN AUSTIN

(Name of Claimant)

1035 North Hwy 93, Salmon Idaho 83467

(Mailing Address)

Telephone No. 756-3472

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1941

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)

Wastewater tributary to Salmon 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	2.5 cfs	Use Irrigation	Period of Use From 4/1	To 11/1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.5 cfs TOTAL QUANTITY USED.
(cfs, af)

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

NE 1/4 SW 1/4, Sec. 31 Twp. 22N Rge. 22E B.M., County of LEMHI

Additional points of diversion: SESW, NWSE Sec 31, T22N, R22E

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. COLLECTION DITCH FOR WASTE WATER THAT ORIGINATES FROM DECREED WATER RIGHTS FROM JESSE CREEK TO DITCHES FOR FLOOD IRRIGATION

- (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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
22N	22E	31	4			40									10				54
		32					4	4	40	17	3	12							80

No. of acres 134

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

NONE

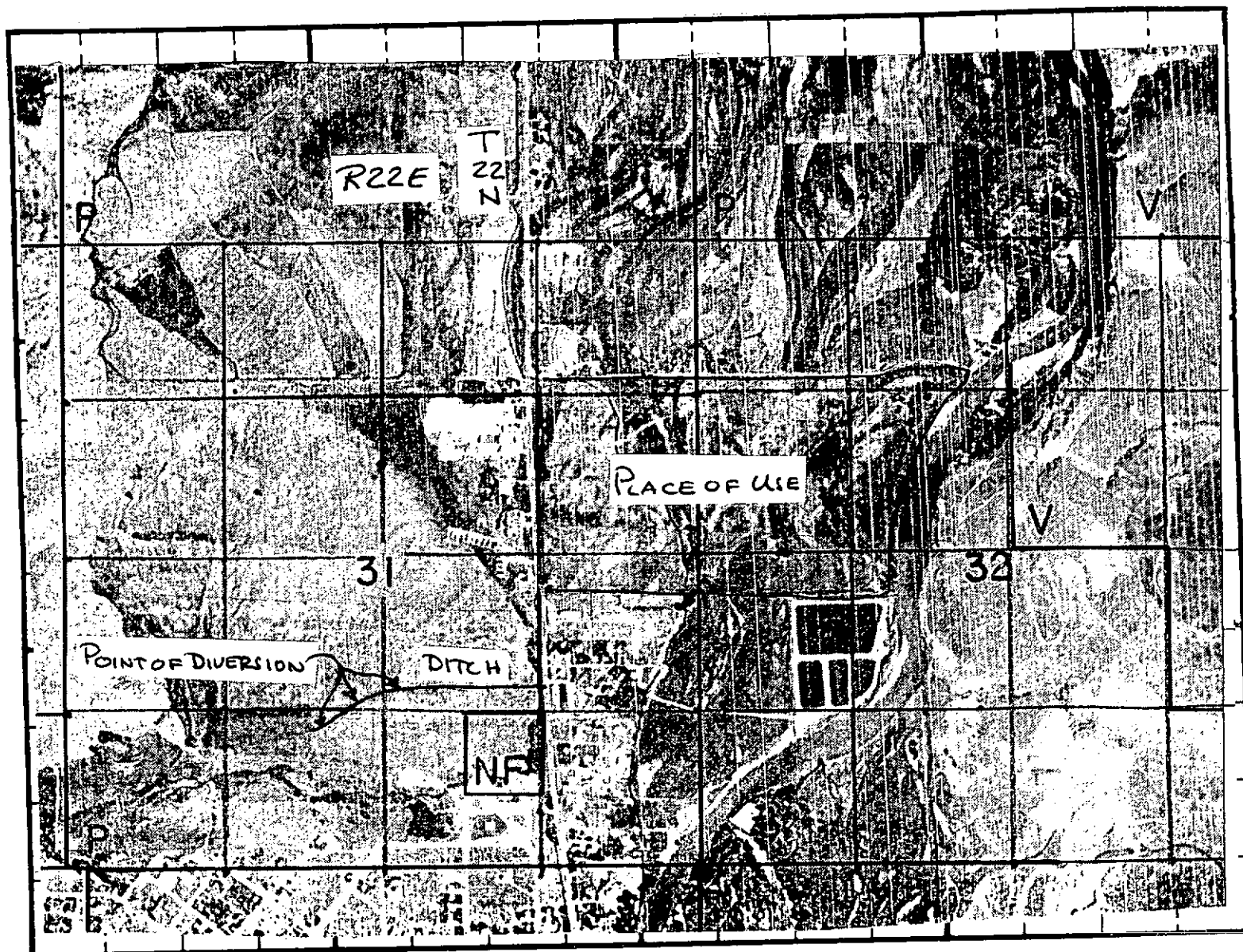
RECORDED

NOTE: Include here the type and number of stock watered:

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

MAR 14 1990

(8) Remarks CLAIMANTS HAVE USED THIS WASTEWATER DITCH TO COLLECT THE WATER AND TRANSPORT THE WATER TO THEIR LAND

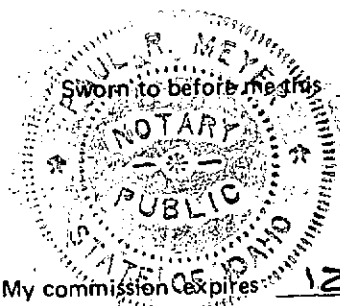


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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



Sworn to before me this 22 day of November

John Austin
(Claimant)

1989

Notary Public
Residing at Long Falls

My commission expires 12 Sept. 1994

AMENDED FOR DEPARTMENT USE ONLY

Received by KCW Date 22 NOV 1989 Exception filed by:
Prelim. check by _____ Date _____
\$30.00 fee received by N.A. Date _____
Published in Recorder-Herald
Dates 1-4-11-80

Filed to
claimant by:
MAR 14 1990 Date

**NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
NO. 75-04471**

Notice is hereby given that Claim to a Water Right No. 75-04471 in the name of John Austin, Salmon, ID, was filed with a priority date of April 1, 1941 for the diversion and application to beneficial use of 2.50 cfs of water from Jesse Creek tributary to Salmon River with the point of diversion within the SWNW Sec. 1, T 21N, R 22E, B.M. County of Lemhi; the water is claimed to be used from April 1 to November 1 for irrigation of 80 acres within the SENE NESE Sec. 31, T 22N, R 22E, B.M.

Claim No. 75-04471, now being amended, proposes to change the source of water to wastewater and the point of diversion to NESW, SESW, NWSE, Sec. 31, T22N, R22E, B.M. The claimant now proposes to change the place of use to within the NENE SENE NESE SEC. 31; NW 1/4 N 1/4 SW 1/4 SEC. 32, T22N, R22E, B.M. and the number of acres irrigated to 134.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402; on or before January 22, 1990.

R. Keith Higginson,
Director

Published in The Recorder-Herald on January 4 & 11, 1990.

1-4-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JAN 12 1990

Department of Water Resources
Eastern District Office

RICKY G. HODGES

being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Amended Claim to Water Right 75-04471

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated Jan. 4, 1990 and ending with the issue dated Jan. 11, 1990.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

MAR 14 1990

On this eleventh day of January in the year of 1990

before me, A Notary Public, personally appeared known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

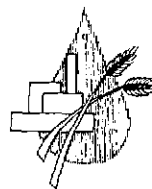
Residing At Salmon, Idaho

Sheila K. Hodges
Notary Public for Idaho

My Commission expires: 9-21-95

Publication Fee \$ 46.44

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that John Austin (Name of Claimant)
1035 North Hwy 93, Salmon, Idaho 83467 Telephone No. _____
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1941

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)
Jessee Creek tributary to Salmon 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.50 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 2.50 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 1 Twp. 21N Rge. 22E B.M., County of Lemhi
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. Headgate and ditch to flood irrigation.

(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	
22N	22E	31				40									40				80

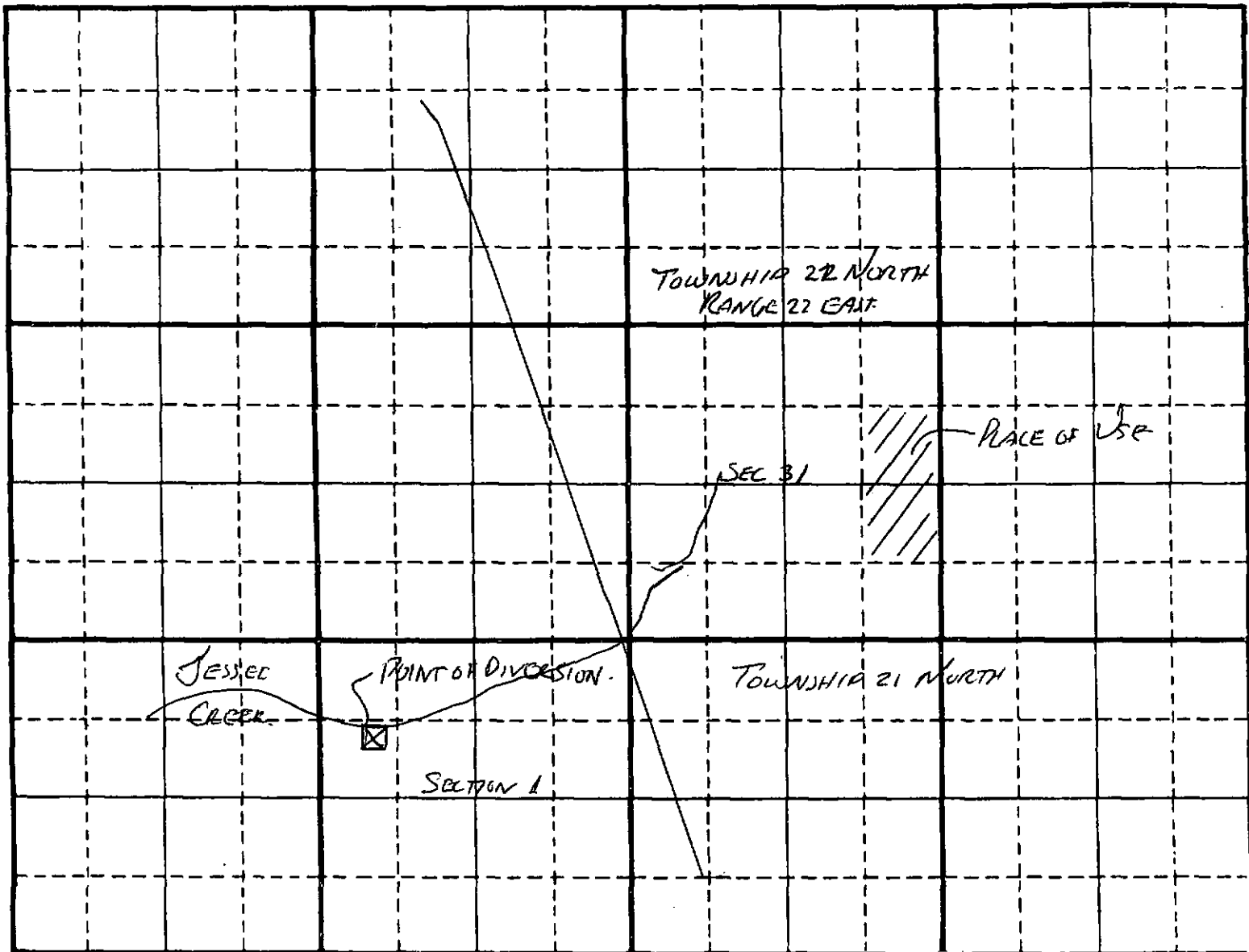
No. of acres 80

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

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 29th day of June, 19 83.

John Austin
(Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>6-29-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>8-15-83</u>		claimant by:	
\$30.00 fee received by <u>CU</u>	Date <u>6-29-83</u>			
Published in <u>Boise Herald</u>	<u>#25622</u>			
Dates <u>9/15 & 9/22/83</u>				

AFFIDAVIT

I, Myrthus Austin being first duly sworn,
deposes and says: I have been using this water since 1941
when I bought the property from my brother Matthias Austin.

WILLIAM

Residing at Idaho Falls
My Commission Expires 6-15-85

75-4464

WHITE, BLAINE J.
BOX 206, SALMON, ID
83467
Source: WASTEWATER
trib. to SALMON RIVER
Priority Date: 05/01/1946
Diversion Pt: NWNW Sec
17 T 21N R 22E
Use: IRRIGATION (0.10
CFS)
In: SWSE Sec 07 T 21N R
22E FOR 10 ACRES

75-4465

MONTANA COAL &
IRON CO.
P.O. BOX 250, SALMON,
ID 83467
Source: COPPER CREEK
trib. to PANTHER
CREEK
Priority Date: 10/15/1955
Diversion Pt: NWNW Sec
28 T 20N R 19E
Use: INDUSTRIAL (3.00
CFS)
MINING (3.00 CFS)
DOMESTIC (0.04 CFS)
In: NENW Sec 28 T 20N R
19E

75-4466

MCCONNELL, JAMES
H.
BOX 2004, SALMON, ID
83467
Source: SPRING trib. to
SALMON RIVER
WASTEWATER trib. to
SALMON RIVER
Priority Date: 07/09/1889
Diversion Pt: NWSE Sec
07 T 21N R 22E
Use: IRRIGATION (0.50
CFS)
STOCKWATER (0.02
CFS)
In: NWSE Sec 07 T 21N R
22E FOR 10 ACRES

75-4467

FIRST FEDERAL SAV.
INGS & LOAN ASSOC.
198 N. MAIN, LOGAN,
UT 84321
Source: LAKE CREEK
trib. to SALMON RIVER
Priority Date: 11/23/1922
Diversion Pt: LOT 10
(SENE) NENE Sec 02 T
19N R 21E
Use: IRRIGATION (1.16
CFS)
In: LOT 01 (NENE) SENE
NESE LOT 05 (SESE) Sec
02 T 19N R 21E LOT 05
(NWNW) LOT 09
(NWSW) SWSW Sec 01 T
19N R 21E FOR 58
ACRES

MILES, CLAUDE A. &/or
CONSELO
703 O. S. HWY. 93 N.,
SALMON, ID 83467
Source: SALMON RIVER
trib. to SNAKE RIVER
Priority Date: 12/26/1893
Diversion Pt: NESW Sec
32 T 22N R 22E
Use: IRRIGATION (0.75
CFS)
STOCKWATER (0.20
CFS)
In: NESW NWSE Sec 32 T
22N R 22E FOR 25
ACRES

75-4469

HENG, CONNIE L.
BOX 1158, NORTH
FORK, ID 83466
Source: SALMON RIVER,
NORTH FORK trib. to
SALMON RIVER
Priority Date: 08/01/1968
Diversion Pt: NESE Sec
11 T 25N R 21E
Use: IRRIGATION (0.04
CFS)
In: NESE Sec 11 T 25N R
21E FOR 3 ACRES

75-4470

USHER, LES &/or MILT.
ON D.
BOX 7, GIBBONSVILLE,
ID 83463
Source: ANDERSON
CREEK trib. to DAHLON-
EGA CREEK
Priority Date: 01/01/1933
Diversion Pt: NESW Sec
25 T 26N R 21E
Use: IRRIGATION (0.25
CFS)
DOMESTIC (0.04 CFS)
In: NESW SWSW SESW
Sec 25 T 26N R 21E FOR 9
ACRES

75-4471

AUSTIN, JOHN
1035 N. HWY 93, SAL-
MON, ID 83467
Source: JESSEE CREEK
trib. to SALMON RIVER
Priority Date: 04/01/1941
Diversion Pt: SWNW Sec
01 T 21N R 22E
Use: IRRIGATION (2.50
CFS)
In: SENE NESE Sec 31 T
22N R 22E FOR 80
ACRES

Exceptions to a claim
may be filed with the
Director, Dept. of Water
Resources, 150 Shoup
Ave., Suite 15, Idaho
Falls, Idaho 83402.

KEN DUNN, Dir.
Published 9/15 & 9/22/

83
9-15-21-83

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

OCT 3 1983

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, depos-
and says that he is one of the printers (publisher) of the RECORDER HERALD
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of gener
circulation therein,

That the Notice of Claims to Water Rights 75-4426, 75-44

75-4437, 75-4439 thru 75-4442, 75-4449 thru 75-4471

a tr
printed copy of which is attached to the margin hereof, has been and was corre
ly printed and published in the regular and entire issue of every number of sc
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated Sept. 15, 1983
and ending with the issue dated Sept. 22, 1983

Subscribed and sworn to before me, this

twenty second

September

day of

83

19

W. E. Armstrong

Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 216.90

RECORDED

June 14, 1990

RECEIVED
MAR 19 1990
Department of Water Resources

RE: Claim to a Water Right No. 75-04471 JOHN AUSTIN

Mr. Robert L. Blackadar
801 Fairmont Street
Salmon, ID 83467

Dear Mr. Blackadar:

We have received the exception filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.--
.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

March 14, 1990

RE: Claim to a Water Right No. 75-04471 Amended

John Austin
1035 North Highway 93
Salmon, Idaho 83467

Dear Mr. Austin:

Enclosed please find a copy of an exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW
Enclosure
cc: IDWR - State Office

RECEIVED

FEB 13 1990

January 31 1990
801 Fairmont St.
Salmon, Idaho 83467
(208)756-4625

Department of Water Resources
Eastern District Office

Mr. R. Kieth Higginson,
Director; Idaho Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83402

Re: Notice of Amended Claim to a Water
Right No. 75-04471 (John Austin)

Dear Mr. Higginson;

I would like to file an official protest to this application to amend the above mentioned individual's water right.

Initially I protest on the grounds that the water right in question is not the individual's water right to amend in the first place, but rather his father's. I have been secretary of the Jesse Creek water district 75-A for the past 10 years and John Austin has never been billed for an assessment in those 10 years. Myrthus Austin, John's father has always been billed for the assessment and there^{fore} he and only he is able to amend the right.

Secondly, I protest to this amendment in that the ditch he plans to use to convey the water to his property originates on my property and I will not allow the ditch to be there since the statute of limitations with regard to previous use has expired. For your information Mr. Director, I took Myrthus Austin to small claims court regarding his trespass on my property to clean this very ditch and Myrthus admitted under oath that he had not used this ditch in question for a period of 20 years. I have a witness who caretakes the Humane Society Animal Shelter that has been located adjacent to my property for 10 years and it was not until 1989 that Mr. Austin supposedly re-established his ditch across the property that is leased from the City of Salmon by The Humane Society of Lemhi County. The conclusions from the court can be provided upon your request.

Finally I protest that there is no waste water to be filed upon in the first place. I am a decreed water user from Jesse Creek too, and both my priority dates supercede the one being amended. I could chose and frequently I do chose to route my irrigation water another direction in order to irrigate more of my acres and therefore not discharge my water at the point the applicant might prefer, but rather at a different point further to the north. Since this protest is filed to meet the time constraint you established, I will have to provide you with the specific maps, priority dates, and any other information you prefer at your request.

Sincerely yours,

Robert L. Blackadar
Robert L. Blackadar

STATE OF IDAHO, COUNTY OF
On this 31 day of January, 1990,
before me, a notary public in and for said State, personally
appeared Robert L. Blackadar
known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Cory Cook

Notary Public

	INITIAL	DATE
Distributed for Staffing	<u>RB</u>	<u>11-27-89</u>
Submitted for Advertising	<u>HWS</u>	<u>11-28-89</u>

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JRM

Right Number 75-04471 Applicant John Austin

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. None required
- ☒ W.D. 75? AMENDMENT

FINAL REGIONAL PROCESSING REVIEW:

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

By HWS Date 1-24-90

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

RECEIVED
JAN 25 1990

Department of Water Resources

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 75-04471

Notice is hereby given that Claim to a Water Right No. 75-04471 in the name of John Austin, Salmon, ID, was filed with a priority date of April 1, 1941 for the diversion and application to beneficial use of 2.50 cfs of water from Jessee Creek tributary to Salmon River with the point of diversion within the SWNW Sec. 1, T 21N, R 22E, B.M. County of Lemhi; the water is claimed to be used from April 1 to November 1 for irrigation of 80 acres within the SENE NESE Sec. 31, T 22N, R 22E, B.M.

Claim No. 75-04471, now being amended, proposes to change the source of water to wastewater and the point of diversion to NESW, SESW, NWSE, Sec. 31, T22N, R22E, B.M. The claimant now proposes to change the place of use to within the NENE SENE NESE SEC. 31; NW1/4 N1/2SW1/4 SEC. 32, T22N, R22E, B.M. and the number of acres irrigated to 134.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before January 22, 1990.

R. Keith Higginson,

Director

Published in the Recorder-Herald on January 4 & 11, 1990.

MICROFILMED

MAR 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 3, 1983

JOHN RUSTIN
1035 N. HWY 93
SALMON

ID 83467

RE: Claim No. 75-4471

Dear Claimant:

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

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

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

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

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

September 19, 1983

RE: Claim to a Water Right No. 75-4471 AUSTIN

Bob Thomas, Watermaster
Water District No. 75-A
Rt. #1, Box 112
Salmon, ID 83467

Dear Mr. Thomas:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

HWS

Right Number

75 4471

Applicant

Austin

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.

Oct. 3, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Oct 13, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

sq

Date

11-1-83

MICROFILMED

RECEIVED
OCT 17 1983

Department of Water Resources

25-4471

AUSTIN, JOHN

1035 N. HWY 93, SALMON, ID 83467

Source: JESSEE CREEK trib. to SALMON RIVER

Priority Date: 04/01/1941

Diversion Pt: SWNW Sec 01 T 21N R 22E

Use: IRRIGATION (2.50 CFS)

In: SENE NESE Sec 31 T 22N R 22E FOR 80 ACRES

75-4471

AUSTIN, JOHN
1035 N. HWY 93, SAL-
MON, ID 83467
Source: JESSEE CREEK
trib. to SALMON RIVER
Priority Date: 04/01/1941
Diversion Pt: SWNW Sec
01 T 21N R 22E
Use: IRRIGATION (2.50
CFS)

In: SENE NESE Sec 31 T
22N R 22E FOR 80
ACRES

Exceptions to a claim
may be filed with the
Director, Dept. of Water
Resources, 150 Shoup
Ave., Suite 15, Idaho
Falls, Idaho 83402.

KEN DUNN, Dir.
Published 9/15 & 9/22/

83.

9-15-2tc

RECORDED