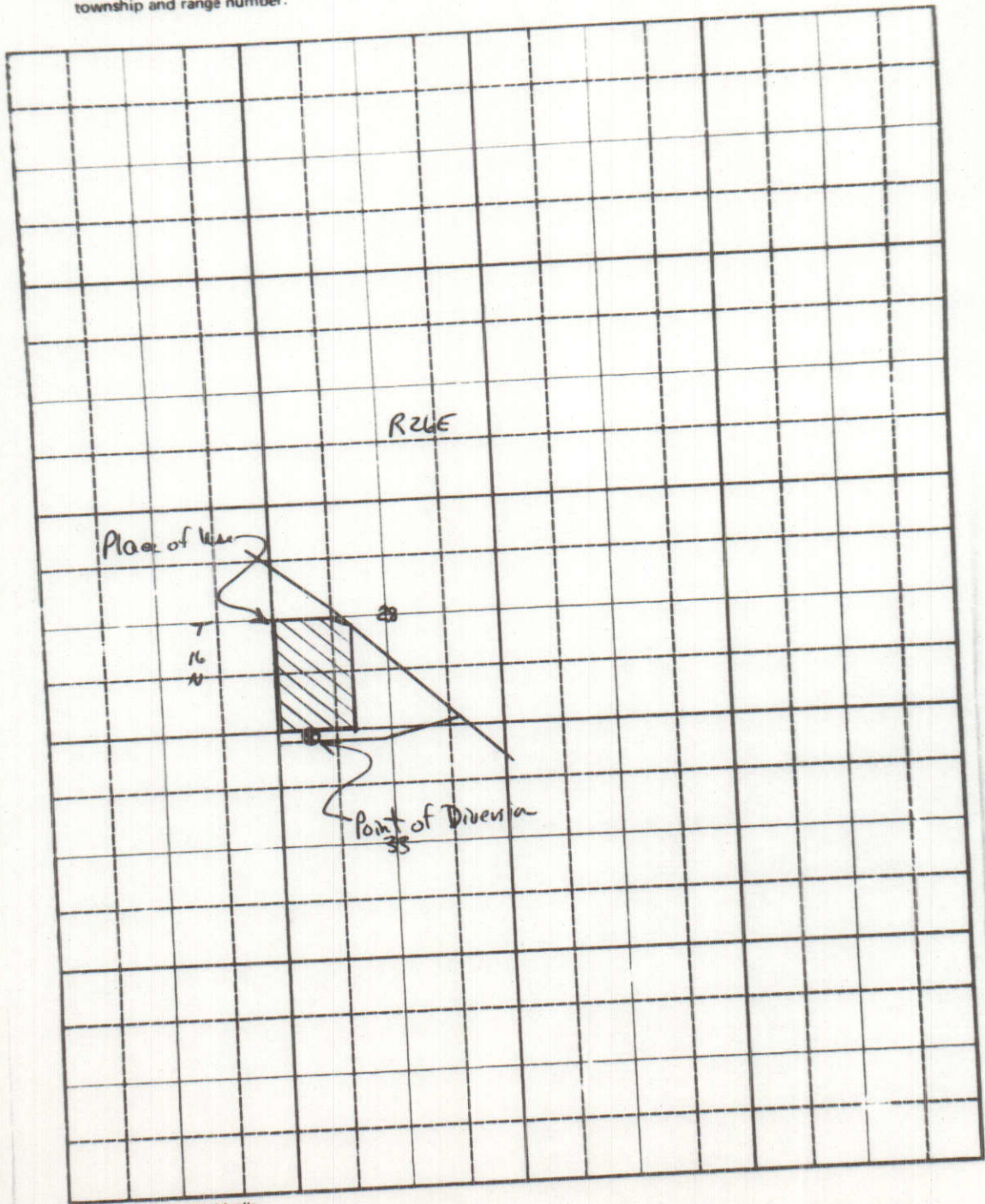


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

Proposed Priority 4-20-83
Received by BP Date 4-20-83 Time 3:30
Preliminary check by EMC Fee \$ 85.00
Receipted by EP Date 4/25/83 # 28089
Publication prepared by BP Date 4/27/83
Published in Bozeman Herald
Publication dates 5/5 - 5/12/83
Publication approved aw Date 5-16-83
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC Re

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 74-7175, and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

A measuring device and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District No. 74 W, Big Timber Creek.

Witness my hand this 13th day of June, 1983.

A. Glen Saxton
Chief, Operations Bureau

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

74-7175

OGDEN, ROGER K. &/or
PENNY J.
P. O. BOX 132, LEAD
ORE, ID 83464
Source: BIG TIMBER
CREEK trib. to LEMHI
RIVER

Date Filed: 04/20/1983
Diversion Pt: NWNW Sec
33 T 16N R 26E
Use: IRRIGATION (2.10
CFS)
In: NESW NWSW SWSW
SESW Sec 28 T 16N R 26E
FOR 105 ACRES

74-7176

PHILLIPS, MARK L.
BOX 804, SALMON, ID
83467

Source: GROUND-
WATER

Date Filed: 04/21/1983
Diversion Pt: NESW Sec
05 T 21N R 22E
Use: IRRIGATION (0.15
CFS)
In: NESW Sec 05 T 21N R
22E FOR 3 ACRES

75-7352

MAXWELL, WILLIAM
ROBERT
BOX 1016, SALMON, ID
83467

Source: WALLACE
CREEK trib. to SALMON
RIVER

Date Filed: 04/20/1983
Diversion Pt: NESE Sec
01 T 22N R 21E
Use: POWER (0.60 CFS)
In: NWSW Sec 06 T 22N R
22E

75-7353

DEBOARD, MORGAN
BOX 32, CARMEN, ID
83462

Source: FREEMAN
CREEK trib. to CARMEN
CREEK

Date Filed: 04/20/1983
Diversion Pt: NWSW Sec
36 T 23N R 22E
Use: IRRIGATION (0.14
CFS)

In: LOT 03 (NENW) Sec
02 T 22N R 22E FOR 7
ACRES

75-7354

BOSSERT, ROY
RT. 1, BOX 166, SAL-
MON, ID 83467

Source: SPRING

Date Filed: 04/18/1983
Diversion Pt: NWNW Sec
09 T 20N R 22E
Use: IRRIGATION (0.12
CFS)

In: NWNW SWNW Sec 09
T 20N R 22E FOR 6
ACRES

75-7355

NANCINO, FRANK J.
BOX 1041, SALMON, ID
83467

Source: LICK CREEK
trib. to SINKS

Date Filed: 04/20/1983
Diversion Pt: SESW Sec
32 T 26N R 22E
Use: MINING (0.12 CFS)

In: NENW Sec 05 T 25N R
22E

Affidavit of Publication

STATE OF IDAHO
County of Lemhi

JERRY G. ROSIN

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

Notice of Application for Water Rights 74-7175,

7176, 75-7352 thru 75-7360

a true
y of which is attached to the margin hereof, has been and was correct-
and published in the regular and entire issue of every number of said
and not in any supplement thereof or thereto for 2
issues, commencing with the issue dated May 5 19 83
with the issue dated May 12 19 83

and sworn to before me, this

twelfth

day of

May

19 83

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

75-7356
TREGLOWN, WILLIAM
H. (TREG)
CN10 BOX 1172, GIB-
BONSVILLE, ID 83463
Source: GROUND-
WATER

Date Filed: 04/21/1983
Diversion Pt: SWNW Sec
01 T 25N R 21E
Use: IRRIGATION (0.09
CFS)
DOMESTIC (0.06 CFS)
In: SWNW Sec 01 T 25N R
21E FOR 3 ACRES

75-7357

COOPER, ARVIN &/or

FRAN
741 HWY 93N, SALMON,
ID 83467

Source: GROUND-
WATER

Date Filed: 04/20/1983
Diversion Pt: NENE Sec
06 T 21N R 22E
Use: IRRIGATION (0.02
CFS)
COMMERCIAL (0.10
CFS)
DOMESTIC (0.08 CFS)
In: NENE Sec 06 T 21N R
22E FOR 1 ACRES

75-7358

ENGLAND, WAYNE &/
or MARGARETTE
BOX 1167, NORTH
FORK, ID 83466

Source: SALMON RIVER,
NORTH FORK trib. to
SALMON RIVER

Date Filed: 04/20/1983
Diversion Pt: SWSW Sec
09 T 24N R 21E

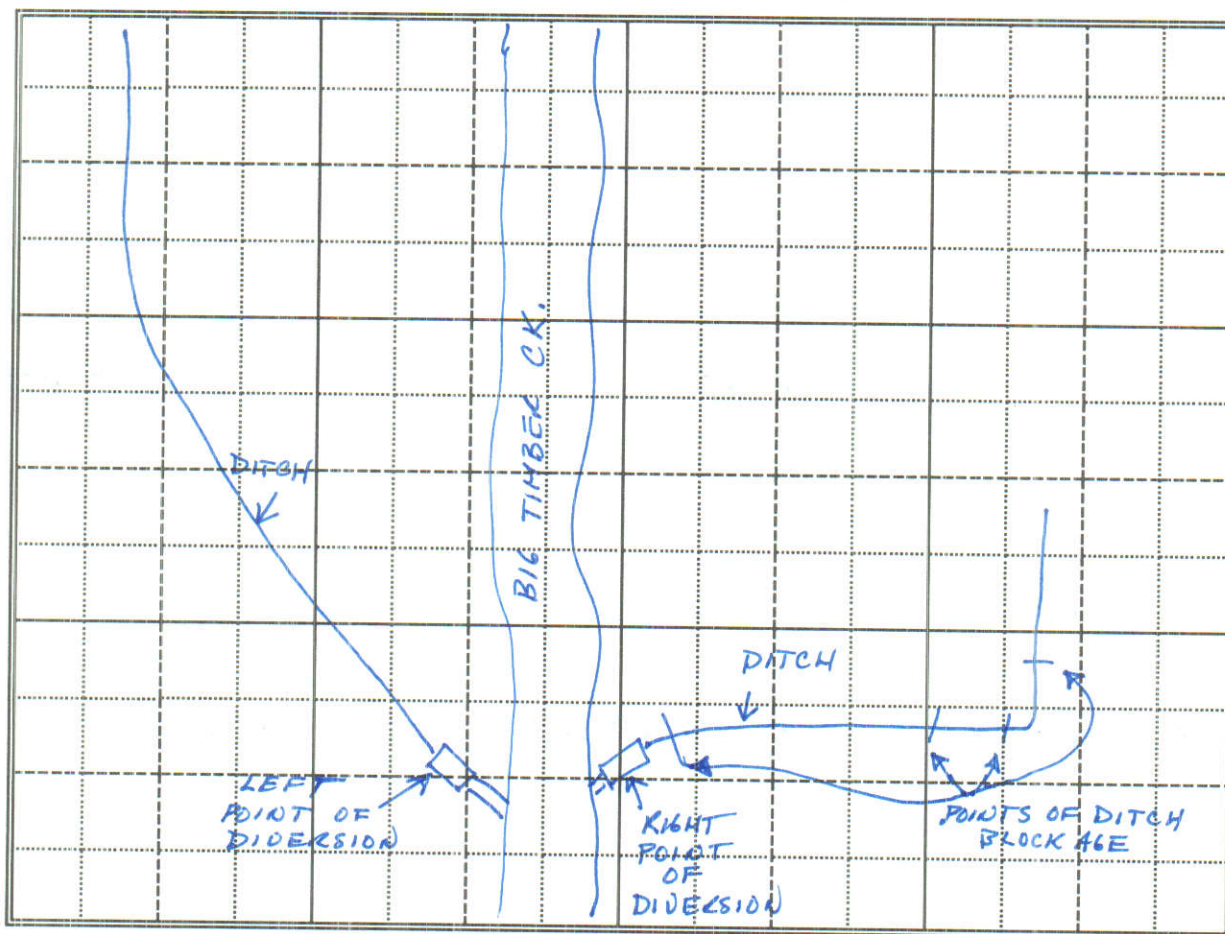
Use: IRRIGATION (0.03
CFS)
FIRE PROTECTION (0.03
CFS)

In: SESE Sec 08 T 24N R
21E FOR 1 ACRES

75-7359

KING, DANNY D. &/or
LINDA L.
206 AUGUSTA, SAL-
MON, ID 83467

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE PHOTOS + MAPS*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

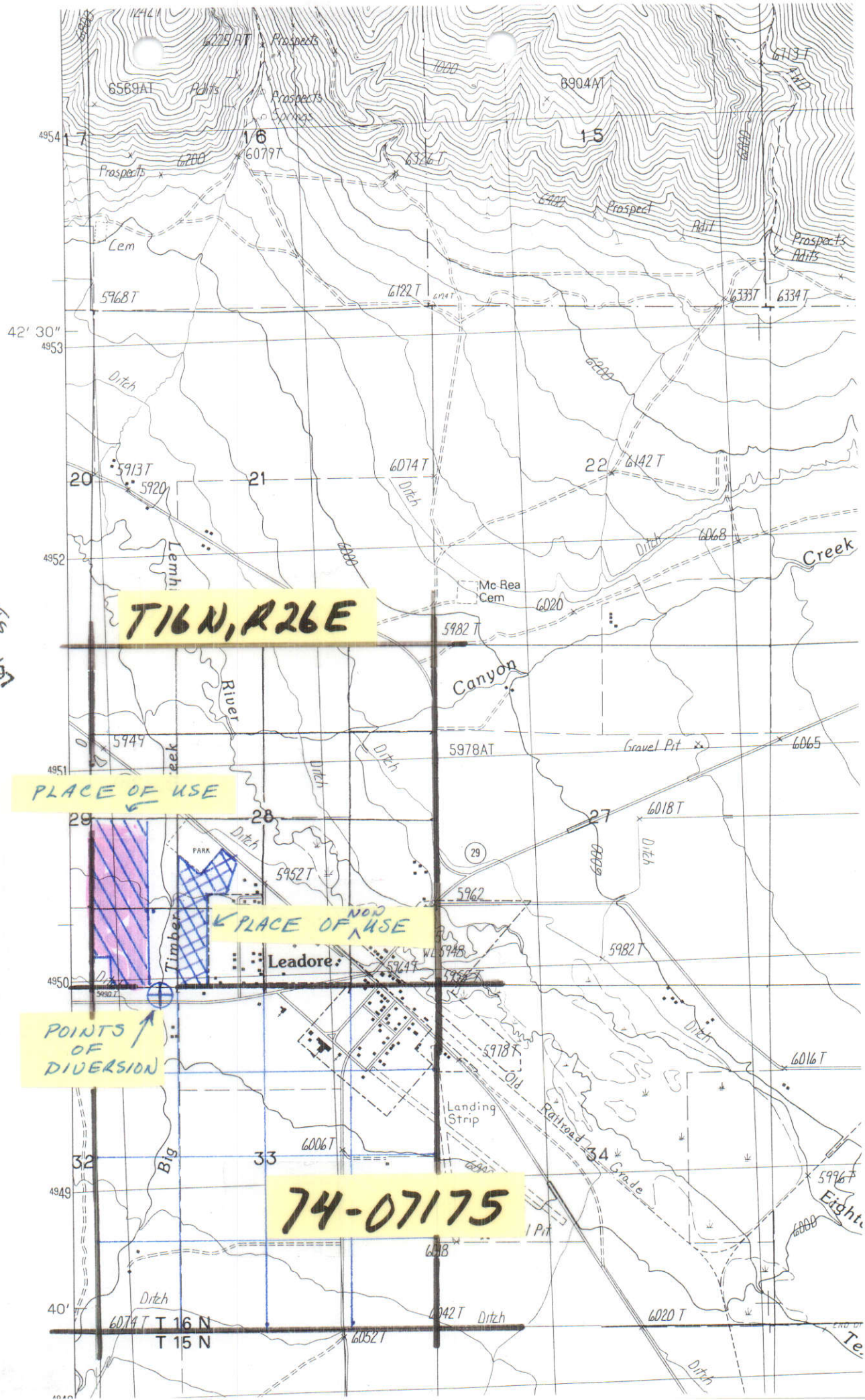
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: *BIG NONE — TIMBER CREEK DRY.*



20 Govt lots
C-3. 4/29/97

↑

PLACE OF USE

← PLACE OF ^{NON} USE

POINTS OF DIVERSION

74-07175

20 21
29 28

7

Canyo

Lemb. River

TKN, R26E

T
16
N
R26E

458
T634
on 458

370
T357 on 458

IRRICATED

Big Timber

NOT IRRIGATED

FS

29 28
32 33

POINTS OF DIVERSION

74-07175

was
A. Purcell?
on 452

Leadore
Idaho

OGDEN
IRRIGATION

(WEST) 1995
LEFT SIDE OF
TIMBEL CREEK
1 of 2



VIEW OF
POORLY
MAINTAINED
DIVERSION
WORKS AND
DITCH.

POINT OF
DIVERSION

74-07175

OGDEN
IRRIGATION

(WEST) 1995
LEFT SIDE OF
TIMBER CREEK

2012



VIEW OF
DIVERSION
DITCH AND
PLACE OF
USE.

← DITCH



VIEW OF
PLACE OF
USE AND
DIVERSION
DITCH

→ DITCH

74-07175

OGDEN

IRRIGATION

1996

WEST SIDE
OF TIMBER CREEK

1A1



VIEW OF
POINT OF
DIVERSION



VIEW OF
DITCH AND
INDICATIONS
OF WATER
FLOW +
USAGE

PERMIT
NUMBER

74-07175

OGDEN
IRRIGATION

1995
RIGHT SIDE OF
TIMBER CREEK

1012



VIEW OF
POORLY
MAINTAINED
POINT OF
DIVERSION
ON BIG
TIMBER CK.



VIEW OF
PLACE OF
USE
NON-USE
OF WATER
BLOCKAGE
OF DIVERSION
DITCH

74-07175

OGDEN

IRRIGATION

1996
RIGHT SIDE (EAST)
TIMBER CREEK

15/1



CONTINUED
LACK OF
USE OF
THIS POINT
OF DIVERSION
AND PLACE
OF USE

PERMIT
NUMBER

74-07175

OGDEN
IRRIGATION

1995
RIGHT SIDE OF
TIMBER CREEK

2 of 2



VIEW OF
PLACE OF
USE LOOKING
AT DITCH
AND BIG
TIMBER CK.



VIEW OF
PLACE OF
USE

74-07175

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
)
NO. 74-7175 IN THE NAME OF)
)
ROGER K. OR PENNY J. OGDEN)
_____)

ORDER OF REINSTATEMENT

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On June 13, 1983, the Director of the Department of Water Resources issued Permit No. 74-7175 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1988.

2. On March 31, 1988 the Department sent a proof due notice to the permit holders.

3. On June 16, 1988 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On July 26, 1990 Proof of Beneficial Use was received by the Department from the permit holders.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received upon

MICROFILMED

SEP 19 1990

submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holder submitted evidence to confirm that water has been put to beneficial use. Evidence includes an affidavit from Frank Hays, an adjacent property owner who assisted in constructing the diverting works, attesting to commencement and beneficial use of the water in 1986. Also included is an affidavit from Penny J. Ogden attesting to construction of diverting works and diversion of water to beneficial use by her late husband in 1986.

7. The permit holder has stated that proof was submitted late due to the death of her husband and permit holder Roger K. Ogden. Mr. Ogden died in March, 1987. Mrs. Ogden had not been directly involved with the permit and apparently overlooked and/or was not aware of the proof of beneficial use requirement.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

RECEIVED

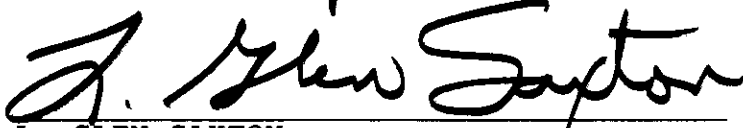
SEP 10 1990

ORDER

IT IS HEREBY ORDERED that Permit No. 74-7175 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to July 26, 1990.

Dated this 23rd day of August, 1990.


L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Roger K. & Penny J. Ogden Phone (701) 594-2046
Post office address P.O. Box 132, Leadore, Id. 83464
2. Source of water supply Big Timber Creek which is a tributary of Lemhi River
3. Location of point of diversion is NW % of NW % of Section 33 Township 16N
Range 26E S.M. Lemhi County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.1 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(for use over 4500 gpm (200 cfs))

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(for use over 4500 gpm (200 cfs))

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(for use over 4500 gpm (200 cfs))

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(for use over 4500 gpm (200 cfs))

5. Total quantity to be appropriated:

a. 2.1 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Headgate to diversion ditch
for flood irrigation
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

- (1) Give the place of use of water: _____ % of _____ % of Section _____ Township _____
Range _____ S.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 105

c. Describe any other water rights used for the same purposes as described above. NONE

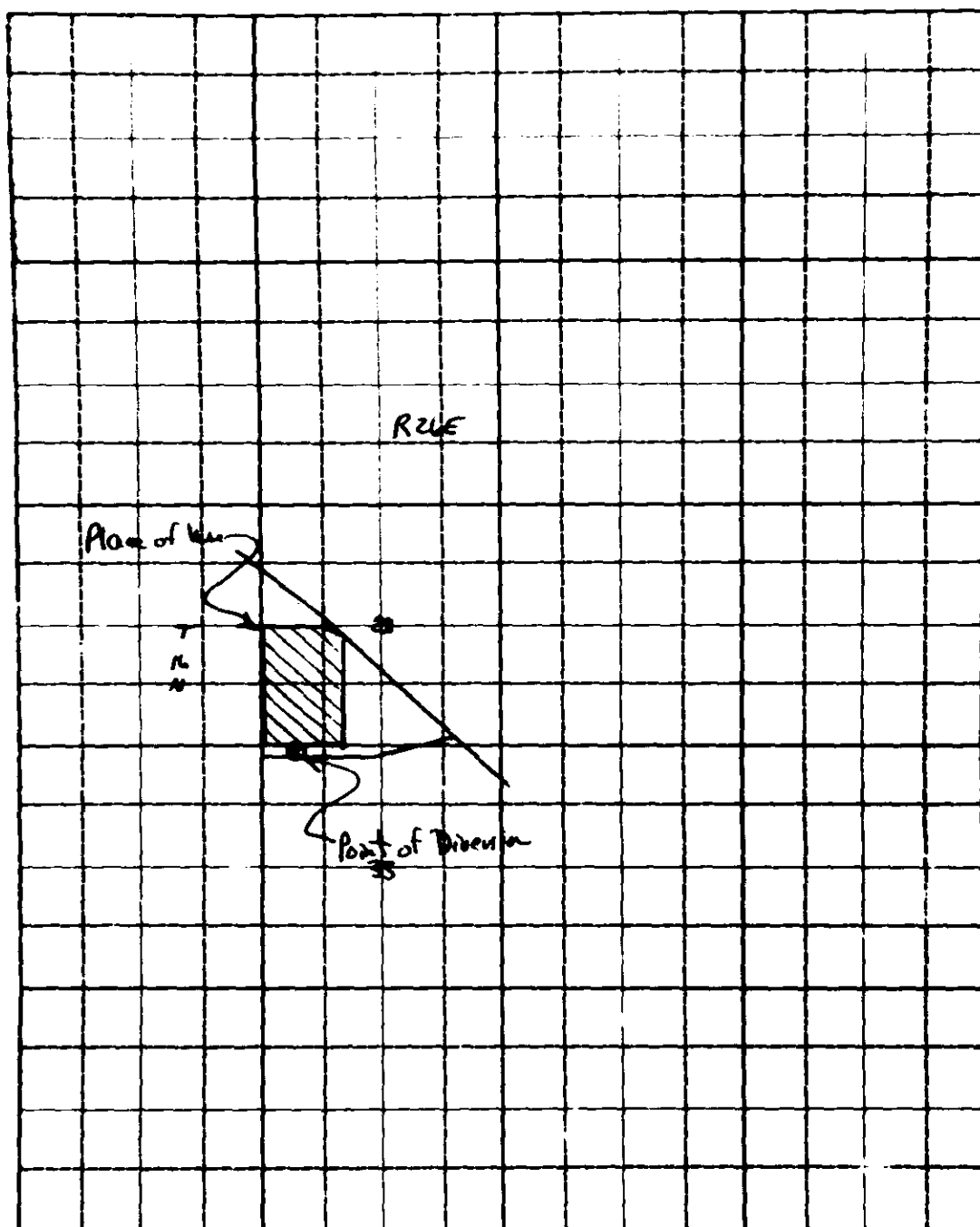
2. a. Who owns the property at the point of diversion Allen Purcell

b. Who owns the land to be irrigated or place of use: Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Agreement with Mr. Russell for diversion
works.

10. Remarks

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert L. Higgins
(Applicant)

Proposed Permit 4-20-83 -
Received by EMC Date 4-20-83 Time 3:30
Preliminary check by EMC Fee \$ 85.00
Received by LF Date 4/25/83 # 68089
Publication prepared by BF Date 4/27/83
Published in RECORD JOURNAL
Publication dates 5/5 - 5/12/83
Publication approved all Date 5-16-83
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denied by EMC Re

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 74-7175, and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1983.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

A measuring device and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained as part of the diverting works.

Use of water under this permit is subject to control by the watermaster of State Water District No. 74 W, Big Timber Creek.

Witness my hand this 13th day of June, 1983.

A. Glen Saylor
Chief, Operations Bureau

**NOTICE OF
APPLICATION FOR
WATER RIGHT**

The following applica-
tions have been filed in
the office of the State of
Idaho:

74-7175

GERRIN, ROGER K. &/or
PERRY J.
P. O. BOX 132, LEAD
ONE, ID 83444
Source: BIG TIMBER
CREEK sub. to LEMAH
RIVER

Date Filed: 04/20/1983
Division Pt: NW1/4 Sec
33 T 28N R 22E
Use: IRRIGATION (2.10
CFS)
In: NW1/4 NW1/4 SW1/4
SW1/4 Sec 20 T 28N R 22E
FOR 105 ACRES

74-7176

PHILLIPS, MARK L.
BOX 804, SALMON, ID
83447

Source: GROUND-

WATER

Date Filed: 04/21/1983
Division Pt: NW1/4 Sec
04 T 28N R 22E
Use: IRRIGATION (0.15
CFS)

In: NW1/4 Sec 04 T 28N R
22E FOR 5 ACRES

75-7352

MAXWELL, WILLIAM
ROBERT
BOX 1004, SALMON, ID
83447
Source: WALLACE
CREEK sub. to SALMON
RIVER

Date Filed: 04/20/1983
Division Pt: NW1/4 Sec
04 T 28N R 22E
Use: FISHING (0.00 CFS)
In: NW1/4 Sec 04 T 28N R
22E

75-7354

BERGAND, MORGAN
BOX 22, CAMDEN, ID
83405
Source: FREEMAN
CREEK sub. to CAMDEN
CREEK

Date Filed: 04/20/1983
Division Pt: NW1/4 Sec
34 T 28N R 22E
Use: IRRIGATION (0.14
CFS)
In: NW1/4 NW1/4 Sec 04
T 28N R 22E FOR 7
ACRES

75-7356

ROBERT, ROY
RT. 1, BOX 144, SAL-
MON, ID 83447
Source: SPRING

Date Filed: 04/19/1983
Division Pt: NW1/4 Sec
09 T 28N R 22E
Use: IRRIGATION (0.12
CFS)
In: NW1/4 NW1/4 Sec 09
T 28N R 22E FOR 6
ACRES

75-7355

MANCINI, FRANK J.
BOX 1004, SALMON, ID
83447

Source: JACK CREEK
sub. to SPRING
Date Filed: 04/20/1983
Division Pt: NW1/4 Sec
34 T 28N R 22E
Use: IRRIGATION (0.12 CFS)
In: NW1/4 Sec 04 T 28N R
22E

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

JERRY O. ROBIN

Being first duly sworn, deposes

that he is one of the printers (publishers) of the RECORDER HERALD
published weekly at Salmon, Lemhi County Idaho and of general
therein.

Notice of Application for Water Rights 74-7175,

7176, 75-7352 thru 75-7360

a true
y of which is attached to the margin hereof has been and was correct-
ly published in the regular and complete issue of every number of said
and not in any supplement thereof or thereto for
issue commencing with the issue dated May 5 1983
with the issue dated May 12 1983

and sworn to before me, this

twelfth

day of

May

1983

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

75-7356
TRICLOWN, WILLIAM
H. (TRIC)
BOX 1172, GIB-
SONVILLE, ID 83445
Source: GROUND-

WATER

Date Filed: 04/21/1983
Division Pt: SW1/4 Sec
04 T 28N R 22E
Use: IRRIGATION (0.09
CFS)
DOMESTIC (0.06 CFS)
In: SW1/4 Sec 04 T 28N R
22E FOR 5 ACRES

75-7357

COOPER, ARVEN &/or

FRAN

PO BOX 904, SALMON,

ID 83447

Source: GROUND-

WATER

Date Filed: 04/20/1983

Division Pt: NW1/4 Sec

04 T 28N R 22E

Use: IRRIGATION (0.02

CFS)

COMMERCIAL (0.10

CFS)

DOMESTIC (0.00 CFS)

In: NW1/4 Sec 04 T 28N R

22E FOR 1 ACRE

75-7358

BERGLAND, WILSON &/

or BERGLAND, WILSON

BOX 1172, GIB-

SONVILLE, ID 83445

Source: JACK CREEK

sub. to SPRING

Date Filed: 04/20/1983

Division Pt: NW1/4 Sec

04 T 28N R 22E

Use: IRRIGATION (0.05

CFS)

FOR PROTECTION (0.05

CFS)

In: NW1/4 Sec 04 T 28N R

22E FOR 1 ACRE

75-7359

KING, DANNY D. &/or

LEIDA L.

204 AUGUSTA, SAL-

MON, ID 83447

74-7175

4/29/97

Photos and narrative indicate
2 weirs on creek; permit is
silent $\therefore$ indicates 1 pd. we
recommend adding 2nd pd by
amendment.

NOTE: MD is required but
not installed. If this condition
is not met, then void permit.
C. J. Johnson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 04 1997

A. GENERAL INFORMATION

Permit No. Department of Water Resources
74-07175

1. Owner: ROGER K. OGDEN PENNY J. OGDEN Phone No. (801) 776-5643 RES.
(801) 777-6223 BUS.

Current Address: 1650 E. 875 S. #A, CLEAFIELD, UTAH 84015

2. Accompanied by: N/A EXAM DATE: 9/5/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: BIG TIMBER CREEK tributary to LEMMI RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 74-07047 (groundwater)

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NW	33	16N	26E	LEMMI	U. S. G. S. TOPO MAP / NAAPP PHOTO

2. Place(s) of Use:

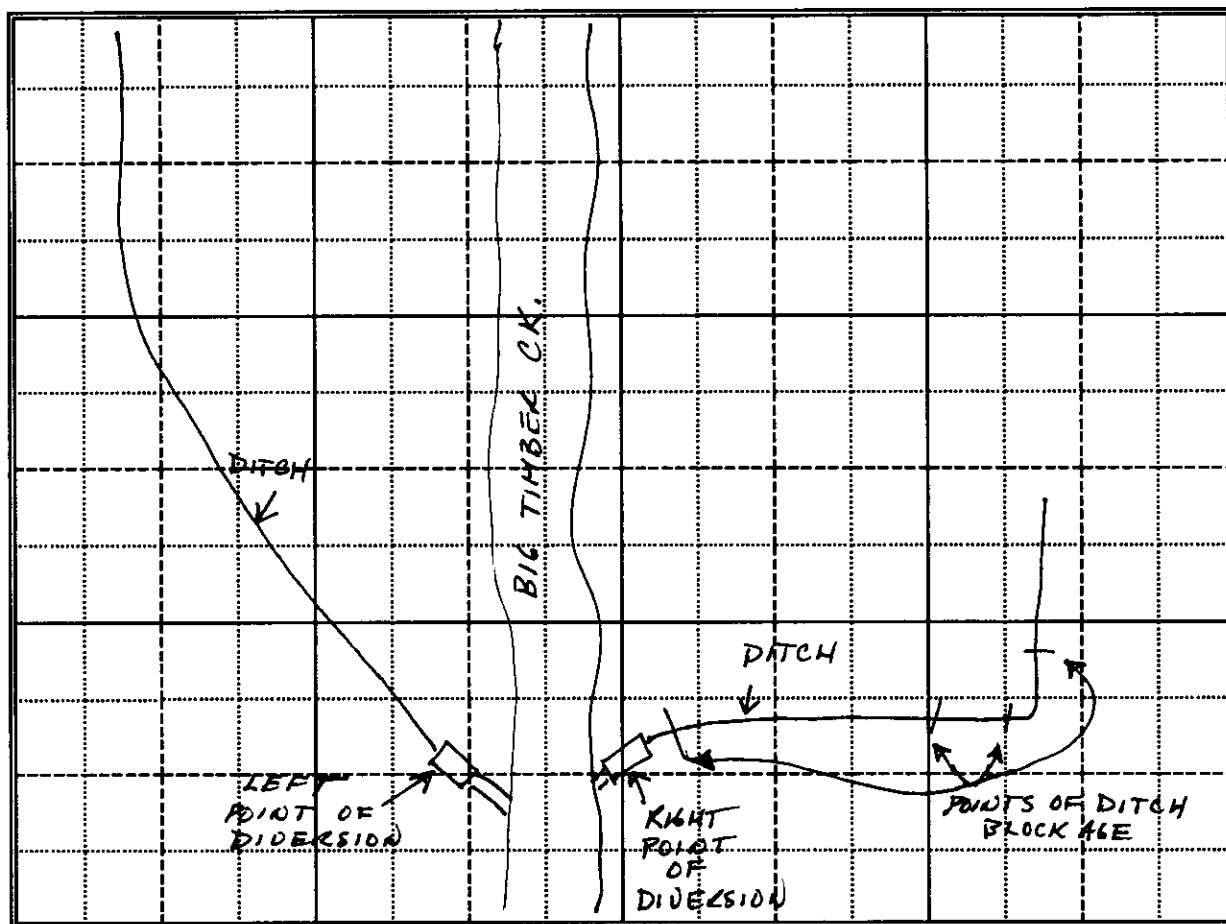
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	26E	28									20	30	30	18.5					83.5
											20	18.5							60
																		TOTAL	83.5

38.5

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE PHOTOS + MAPS



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

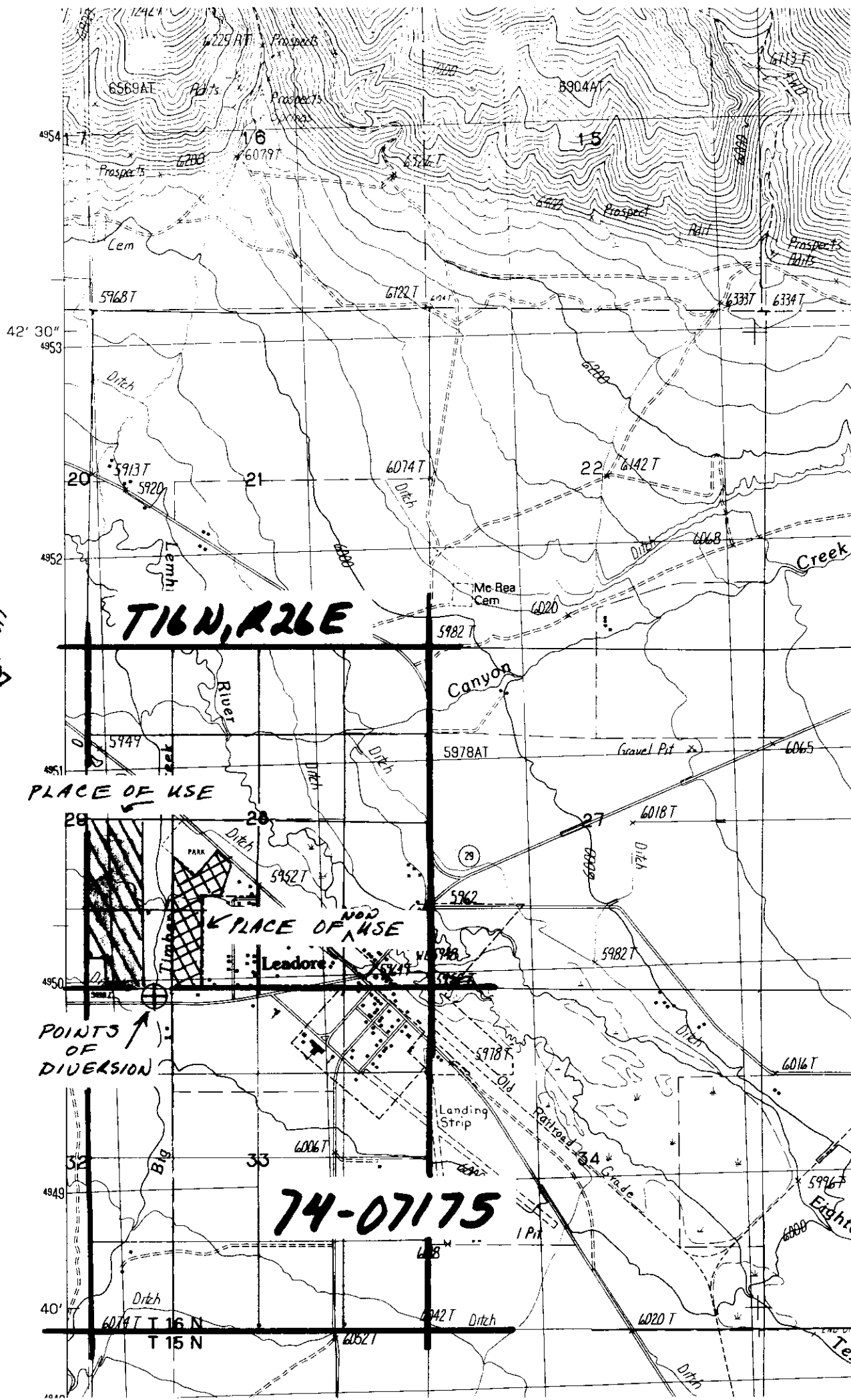
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: DONE — BIG TIMBER CREEK DRY.



No Govt Lds
C.S. 4/29/97



PLACE OF USE

PLACE OF USE

POINTS OF DIVERSION

74-07175

T
16
N
R26E

TKN, R26E

NOT INDICATED

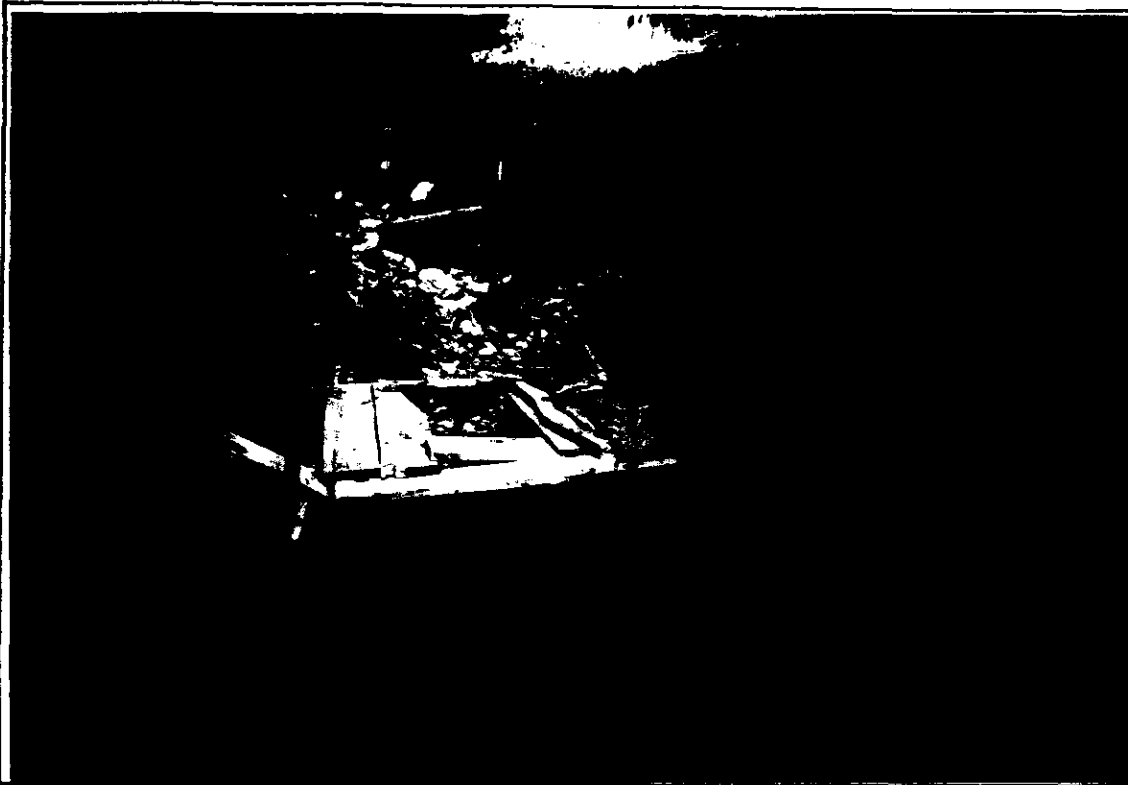
POINTS OF DIVERSION

74-07175

OGDEN
IRRIGATION

1995
(WEST)
LEFT SIDE OF
TIMBER CREEK

1 of 2



VIEW OF
POORLY
MAINTAINED
DIVERSION
WORKS AND
DITCH.

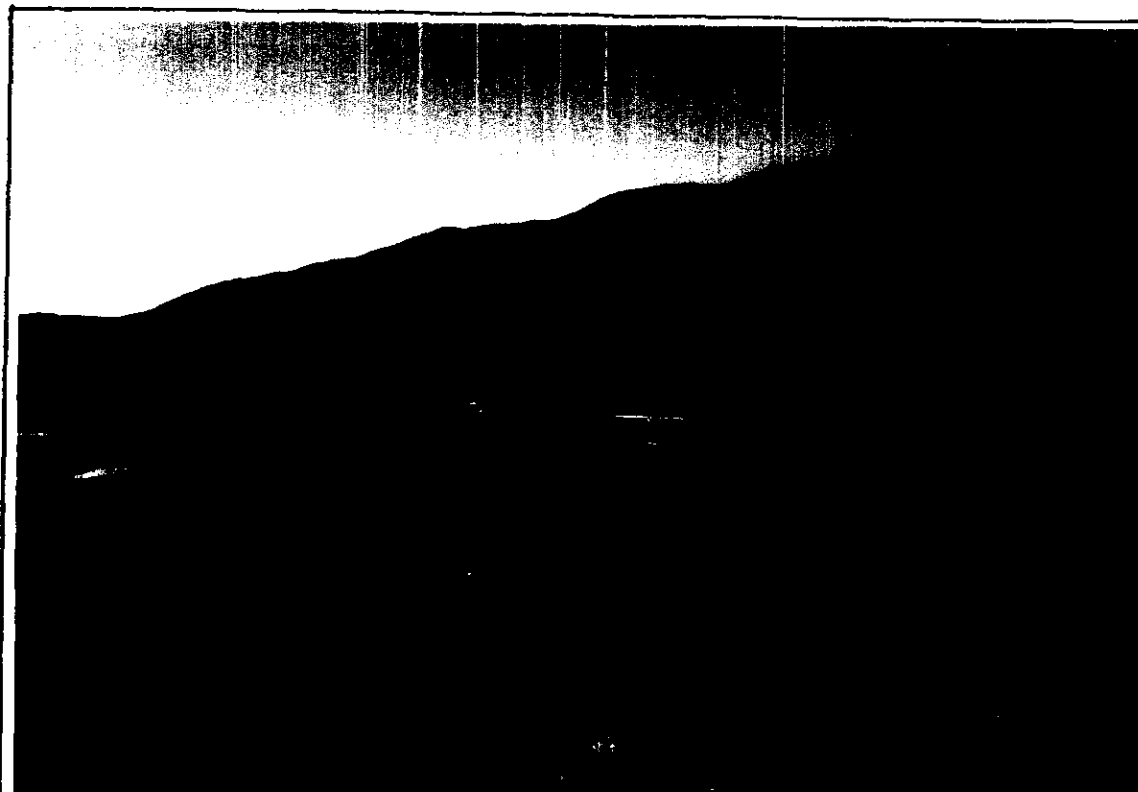
POINT OF
DIVERSION

74-07175

OGDEN
IRRIGATION

(WEST) 1995
LEFT SIDE OF
TIMBER CREEK

2012



VIEW OF
DIVERSION
DITCH AND
PLACE OF
USE.

← DITCH



VIEW OF
PLACE OF
USE AND
DIVERSION
DITCH

→ DITCH

74-07175

OGDEN

IRRIGATION

1996

WEST SIDE
OF TIMBER CREEK

151

VIEW OF
POINT OF
DIVERSION



VIEW OF
DITCH AND
INDICATIONS
OF WATER
FLOW +
USAGE



PERMIT
NUMBER

74-07175

Big Zimbe Ch
Right Leads

Not Used

26" Deep

56" Wide

Left

Used

26" x 56"

See Permit

or Hold

OGDEN
IRRIGATION

1995
RIGHT SIDE OF
TIMBER CREEK

1 of 2

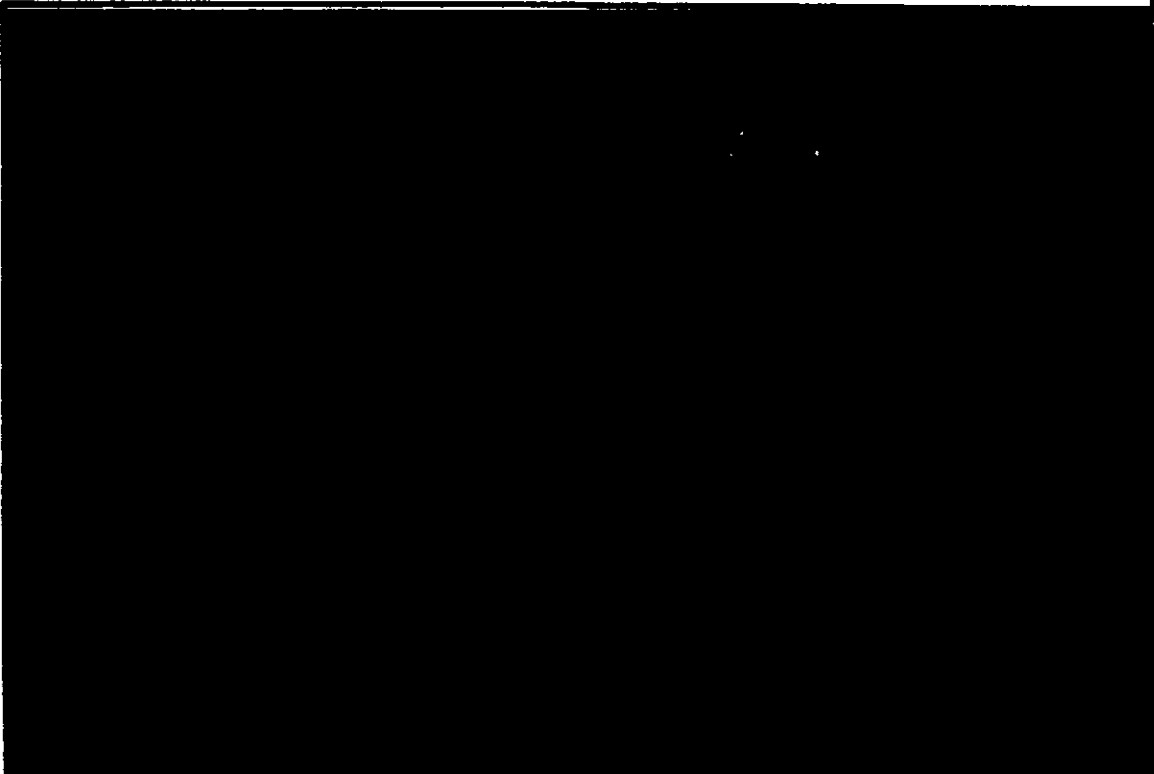


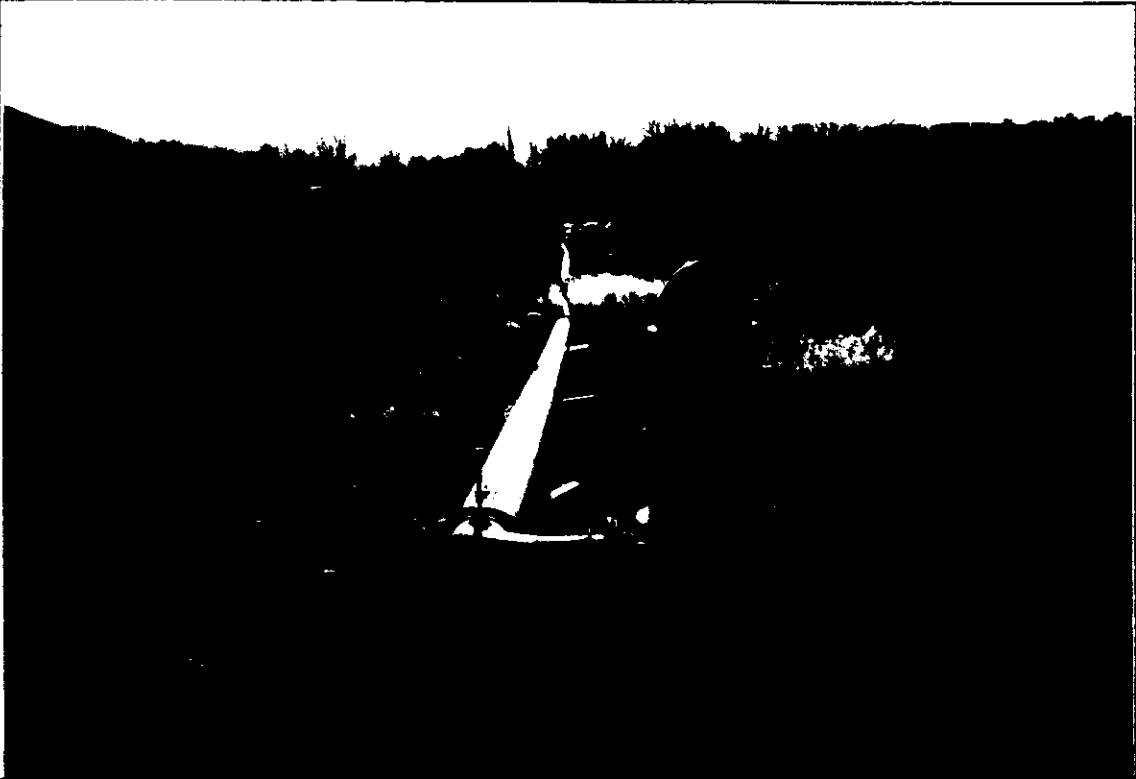
VIEW OF
POORLY
MAINTAINED
POINT OF
DIVERSION
ON BIG
TIMBER CK.



VIEW OF
PLACE OF
USE
NON-USE
OF WATER
BLOCKAGE
OF DIVERSION
DITCH

74-07175

<u>06DEN</u>		1996
<u>IRRIGATION</u>		RIGHT SIDE (EAST) TIMBEL CREEK
	15/1	CONTINUED LACK OF USE OF THIS POINT OF DIVERSION AND PLACE OF USE
PERMIT NUMBER		74-07175

<u>06DEN</u>		1995
<u>IRRIGATION</u>		RIGHT SIDE OF TIMBEL CREEK
		2 of 2
	VIEW OF PLACE OF USE LOOKING AT DITCH AND BIG TIMBEL CK.	
	VIEW OF PLACE OF USE	
		74-07175

E. NARRATIVE/REMARKS/COMMENTS

WATER SUPPLIED FOR THIS PERMIT WOULD ONLY BE AVAILABLE DURING HIGH WATER RUNOFF.

(WEST)
WATER DIVERTED AT POD ON LEFT SIDE OF BIG TIMBER CREEK CAN REACH PLACE OF USE; DITCH IS VERY POORLY MAINTAINED. A NEW DIVERTING WORKS NEEDS TO BE CONSTRUCTED, WATER CAN PASS AROUND STRUCTURE TO LEFT SIDE (SEE PHOTO).

(EAST)
WATER DIVERTED ON RIGHT SIDE OF BIG TIMBER CREEK CANNOT REACH PLACE OF USE DUE TO LACK OF DITCH MAINTENANCE; DITCH HAS BEEN PLOWED IN AT SEVERAL POINTS (SEE PHOTOS). RECOMMEND 10 ACRES IN NESW AND 13.5 ACRES IN SE SW BE DISALLOWED FOR NON-USE.

LEMHI COUNTY LISTS TOTAL ACREAGE AS 90.84.

HEAD GATE DIMENSIONS (BOTH) 26" DEEP X 60" WIDE
(10.83 SQ FT FRONTAL SURFACE AREA)

*
ACRES NOT IRRIGATED: 9.75 AC NESW 528
(POD NOT USABLE) 13 AC SE SW 528 } 27.75 ACRES
5 AC SW SW 528 }

Have conditions of permit approval been met? ☐ yes ☒ no

NO LOCKABLE CONTROL DEVICE

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$60 \text{ ACRES} \times .02 = 1.2 \text{ CFS}$$

BIG TIMBER CREEK DRY

$$38.5 \text{ ACRES} \times .02 = 0.77 \text{ CFS WEST}$$

(HIGH WATER FLOW ONLY)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 38.5 \text{ AC} \times 3.5 = 134.75 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.2 \text{ CFS} \times 183 \times 1.9835 = 435.57$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 134.8 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/15	1.2 CFS 0.77	210 AFA 134.8
Totals:			1.2 CFS 0.77 CFS	210 AFA 134.8 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name SIMPKINS Date 12/1/96

Reviewer [Signature] Date 2-7-96

SEAL

January 2, 1991

Thomsen and Stephens
Curt R. Thomsen
P.O. Box 50560
Idaho Falls, ID 83405

RE: ORDER of Reinstatement of Permit No. 74-07175
In the name of Roger K. or Penny J. Ogden

Dear Mr. Thomsen:

I am enclosing a copy of the Department of Water Resources
ORDER reinstating Permit No. 74-07175 that you requested.

If you need any further assistance, please feel free to
contact our office.

Sincerely,

Brenda Miller
Clerical Specialist

Enc.

Thomsen and Stephens

Law Offices

December 19, 1990

DEC 24 1990

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

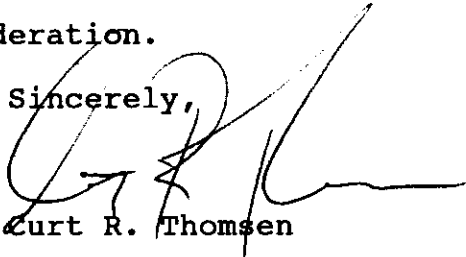
RE: Penny J. Ogden and Roger Kent Ogden Estate
Petition to Reinstate Permit No. 74-07175

Dear Sirs:

In June 1990 Penny J. Ogden, individually and as personal representative of the estate of Roger Kent Ogden, submitted a petition to the Idaho Department of Water Resources to reinstate Permit No. 74-07175 supported by the affidavit of Frank Hays and Penny Ogden. After we submitted the petition, in July 1990 I received a call from an examiner at your department who indicated that the petition to reinstate had been granted. However, since that time, I have not received any official communications from the Department pertaining to the granting of the Ogden petition for reinstatement on this permit. I would appreciate it if you would review your file and send me the appropriate document indicating that our petition has been granted so that I can tie up all the loose ends.

Thank you for your consideration.

Sincerely,


Curt R. Thomsen

CRT:clm
#319

cc: Penny J. Ogden

Curt R. Thomsen
G. Lance Nalder

Alan C. Stephens
Stephen H. Telford

James D. Holman
J. Michael Wheeler

301 A Street
Telephone: (208) 522-1230

P.O. Box 50560 Idaho Falls, ID 83405

Telefax: (208) 522-1277



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 30, 1990

Estate of Roger Kent Ogden
&/or Penny J. Ogden
1650 E. 875 S. #A
Clearfield, UT 84015

RE: Permit No. 74-7175

Dear Permit Holders:

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to July 26, 1990.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at 525-7161.

Sincerely,

Sharla Curtis

for JIM JOHNSON
Water Rights Supervisor

JJ:js

Enclosure

MICROFILMED

SEP 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JUL 26 1990

The Idaho Department of Water Resources will consider this form as a statement that the ~~Department of Water Resources~~ completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 74-07175 Telephone No. (801) 777-6223 (Bus.)
(801) 776-5643 (Res.)

Name(s) of Permit Holder(s): Estate of Roger Kent Ogden/Penny J. Ogden

Post Office Address: 1650 E. 875 S. #A, Clearfield, UT 84015

Source of Water: Big Timber Creek, Lemhi County, Idaho

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation 88 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 1.4 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: Approx. 6-15-86

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No
Presently the measuring device are OR out of wood, but are being upgraded to metal.

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Frank Hays 208-768-2655 or Penny J. Ogden 801-777-6223/801-776-5643

Name

Telephone No.

P.O. Box 87, Leadore, ID 83464

Address

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

9 July 90
Date

Penny Jane Ogden
Signature (and title if on behalf of a company or organization)

Thomsen and Stephens

Law Offices

July 25, 1990

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

ATTN: Rita Fleck

RE: Permit No. 74-07241
Permit No. 74-07175

RECEIVED
JUL 26 1990

Department of Water Resources

Dear Sirs:

Enclosed are the following:

1. Request for extension of time pertaining to Permit No. 74-07241 and a \$15.00 check as the fee for the requested extension. Penny J. Ogden, who is the surviving spouse and personal representative of the estate of Roger Kent Ogden requests the extension of time as she has been unable to complete the house to utilize the domestic portion of the permit. The irrigation portion of the permit has been put into existence. I am not certain whether we need to submit proof of beneficial use pertaining to the irrigation portion of the permit, or simply request an extension of time for all of them. My thinking is that a request for extension of time as to this permit would probably be the most efficacious given the circumstances. Please advise.

2. Proof of beneficial use pertaining to Permit No. 74-07175 and a check in the amount of \$125.00 for the examination fee. Please contact us or Major Ogden concerning the examination. As indicated in the proof of beneficial use, presently the measuring devices are made out of wood. Major Ogden is in the process of having the wooden devices upgraded to metal.

RECORDED

SEP 19 1990

Curt R. Thomsen
G. Lance Nalder

Alan C. Stephens
Stephen H. Telford

James D. Holman
J. Michael Wheeler

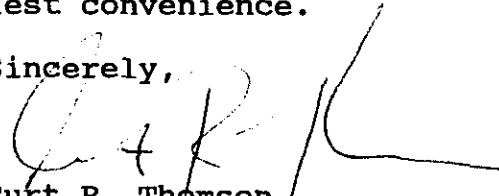
P.O. Box 50560 Idaho Falls, ID 83405
Telephone: (208) 522-1230

Telefax: (208) 522-1277

Idaho Department of Water Resources
July 25, 1990
Page 2

If you have any questions about these items, or you need some additional information or some additional submissions, please contact me at your earliest convenience.

Sincerely,


Curt R. Thomsen

CRT:clm
#319

Enclosures

cc: Penny J. Ogden (w/enclosures)

MICROFILMED

SEP 18 1990

Thomsen and Stephens

Law Offices

June 15, 1990

RECEIVED
JUN 18 1990

IDAHO DEPARTMENT OF WATER RESOURCES
450 W. State
Boise, Idaho 83720

Department of Water Resources

ATTN: Water Right Permits -- Reinstatement

RE: Permit No. 74-07175 -- Penny J. Ogden/Estate of Roger
Kent Ogden

Dear Sirs:

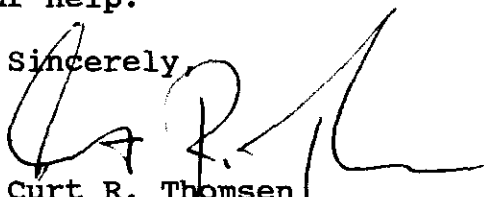
Enclosed with this letter please find the following:

1. Petition to reinstate permit no. 74-07175;
2. Affidavit of Frank Hays; and
3. Affidavit of Penny J. Ogden.

We formally request that permit no. 74-07175 be reinstated and that the Department issue a license for same. As explained in the petition and the affidavits enclosed, Mr. Ogden died in March of 1987 and his last illness and death diverted everyone's attention from the need to submit proof pursuant to the permit by June of 1988. We believe good cause is shown to reinstate the permit and based on the submission of Frank Hays, we would request that the permit be matured into a license to divert high water.

Please contact me if you have any questions concerning this submission. Thank you for your help.

Sincerely,


Curt R. Thomsen

CRT:clm
#319

Enclosures

MICROFILMED
SEP 19 1990

Curt R. Thomsen
G. Lance Nalder

Alan C. Stephens
Stephen H. Telford

James D. Holman
J. Michael Wheeler

P.O. Box 50560 Idaho Falls, ID 83405
Telephone: (208) 522-1230

Telefax: (208) 522-1277

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

Permit No. 74-07175

Penny J. Ogden and the Estate of Roger Kent Ogden, deceased

REQUEST FOR REINSTATEMENT

COMES NOW Penny J. Ogden individually, and as personal representative of the estate of Roger Kent Ogden, and requests that the Department of Water Resources reinstate Permit No. 74-07175 for the following reasons:

1. The permit was approved on June 13, 1983 subject to proof of construction of works and application of water to beneficial use on or before June 1, 1988, and other conditions.
2. Diversion of works and application of water to beneficial use occurred in 1986.
3. Roger Kent Ogden shortly thereafter became afflicted with his last illness and ultimately died on March 23, 1987. As a result of Mr. Ogden's last illness and death, matters pertaining to submitting proof of construction of diversion works and beneficial use of water, were overlooked. Penny J. Ogden is the surviving spouse of Roger Kent Ogden. After she became the personal representative of the estate, the general adjudication notices concerning the Snake River Basin water system came to her attention. At that time she began looking into the question of water rights on their property in Lemhi County. At that time,

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SEP 19 1990

RECEIVED

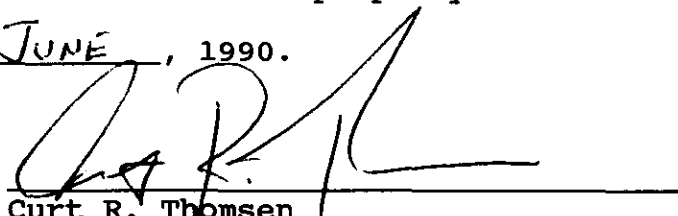
JUN 18 1990

Department of Water Resources

she discovered the permit had lapsed because no proof had been submitted by June 1, 1988. Mrs. Ogden was not actively involved in such matters during the time that her husband was alive. However, upon discovering the omissions that had occurred, she has now gathered proof concerning what occurred, with the help of legal counsel.

Penny J. Ogden individually and as personal representative of the estate of Roger Kent Ogden now requests reinstatement of the permit and submits the affidavit of Frank Hays and her affidavit with this request to show application of water to beneficial use through diversion works on the property.

DATED this 15 day of JUNE, 1990.


Curt R. Thomsen

CRT:clm
319.REQ

2 - REQUEST FOR REINSTATEMENT

MICROFILMED

SEP 19 1990

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

AFFIDAVIT OF FRANK HAYS

RE: REINSTATEMENT OF PERMIT #74-07175

STATE OF IDAHO)
) ss.
County of Lemhi)

Frank Hays, being first duly sworn upon oath, deposes and states:

1. My name is Frank Hays. I reside in Leadore, Idaho. My mailing address is P.O. Box 87, Leadore, Idaho 83464. My telephone number is 768-2655.

2. I own property ^{1/2 mile} ~~adjacent~~ to property owned by Penny J. Ogden and Roger Kent Ogden. Roger Kent Ogden died in March 1987. Penny J. Ogden is Roger Kent Ogden's surviving spouse.

3. In the late spring or early summer of 1986 (about May or June) I assisted Roger Kent Ogden in the construction of diversion works to take high water out of Big Timber Creek pursuant to a permit he had obtained from the Idaho Department of Water Resources. I personally performed bulldozer work in helping to construct the ditches leading to the headgate where high water was to be diverted from Big Timber Creek. ~~I personally observed~~ ^{and sketched} Roger Kent Ogden performing work ~~with me~~. ~~Mr. Ogden~~ was using ^{an} backhoe to assist in constructing the works.

MICROFILMED

SEP 13 1989

RECEIVED

JUN 18 1990

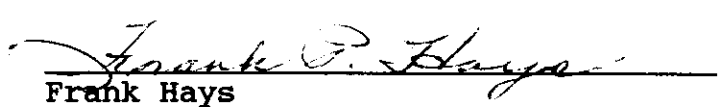
Department of Water Resources

4. In the late spring or early summer of 1986 Mr. Ogden and I constructed the diversion from Big Timber Creek. Roger installed a headgate and, in fact, diverted high water that was running down Big Timber Creek at the time. I recall that Roger and I were working quickly to construct the works and put them in place because there was high water that year and Mr. Ogden wanted to divert the water to irrigate his property.

5. After the diversion works and headgates were in place, I personally observed Mr. Ogden diverting high water from Big Timber Creek. I have experience in irrigating property in this area. ~~I have been irrigating my own property for over ___ years.~~ Based on my experience and my observations, it appeared to me that Mr. Ogden diverted between 60 and 75 miner's inches of water onto his property and irrigated a portion of same, principally that portion on the north and east side of Big Timber Creek.

6. Since 1986, the area has generally experienced low water levels and I have not observed any diversion of high water at the premises. Obviously, Mr. Ogden died in March of 1987. His last illness and ultimate death took the focus away from the property in Leadore. However, there has been no real high water in Big Timber Creek since 1986 for actual diversion.

DATED this 4th day of June, 1990.


Frank Hays

MICROFILMED

SEP 19 1990

SUBSCRIBED AND SWORN to on oath before me this 4th day of
June, 1990.

(SEAL)

Clara E. Ellis
Notary Public for Idaho
Residing at: Leadore
My Commission Expires: 5-1-92

CRT:clm
319.AFF

3 - AFFIDAVIT OF FRANK HAYS

MICROFILMED

SEP 19 1990

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

AFFIDAVIT OF PENNY J. OGDEN

RECEIVED
JUN 18 1990

STATE OF Utah)
County of Carver) ss.

Department of Water Resources

Penny J. Ogden, being first duly sworn upon oath, deposes and states:

1. My name is Penny J. Ogden. I reside at 1650 E. 875 S., Clearfield, Utah. I was married to Roger Kent Ogden. Mr. Ogden died March 23, 1987. After his death I was appointed personal representative of his estate. Attached to this affidavit are copies of the death certificate and letters of administration attesting to the death of Roger Kent Ogden and my appointment as personal representative of the estate of Roger Kent Ogden.

2. In April 1983 my husband applied for a permit to appropriate waters of the State of Idaho, identification no. 74-07175. The purpose of the permit was to appropriate 2.1 cfs of high runoff water from Big Timber Creek in Lemhi County.

3. The permit was approved by the Idaho Department of Water Resources on or about June 13, 1983. The permit was subject to proof of construction of diversion works and application of water to beneficial use on or before June 1, 1988 and other conditions as stated in the permit (copy attached hereto). In 1986, my husband constructed the diversion ditches

RECORDED

SEP 19 1990

and the headgate required to apply the high water of Big Timber Creek to irrigation on our property in Lemhi County. I know from personal observation that the headgate and the other structures were constructed and in place in 1986.

4. Unfortunately, in early 1987 my husband had a myocardial infarction. Roger died March 23, 1987. At the time of his death, as you might expect, things were confused and uncertain. I had not previously been directly involved with any of the matters concerning water rights on our property. I, frankly, did not attempt to look into the matter of the water rights on the property until I received notice of the Snake River Basin Water System adjudication. At that time I first contacted my attorneys and began compiling records relating to the water rights and discovered that the proof of construction of the diversion works and application of water to beneficial use under permit no. 74-07175 had never been submitted. My attorneys began to investigate the matter and have ascertained from Frank Hays that water was actually diverted in 1986 when my husband completed construction on the diversion works. This was previously unknown to me and therefore I did not submit this information to the Department of Water Resources.

5. It is my understanding that since 1986, due to the dry conditions, there essentially has been no high water to divert from Big Timber Creek. I am unaware of any diversion since 1986.

6. Under the circumstances, I would request that the Department of Water Resources reinstate permit 74-07175 and

2 - AFFIDAVIT OF PENNY J. OGDEN

MICROFILMED

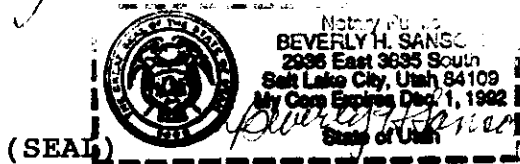
SEP 19 1990

6. Under the circumstances, I would request that the Department of Water Resources reinstate permit no. 74-07175 and accept proof concerning construction of the diversion works and application of water to beneficial use. I ask the Department to issue a license on the basis of the permit, with whatever priority date would be appropriate under controlling law.

DATED this 12 day of June, 1990.

Penny J. Ogden
Penny J. Ogden

June, 1990. SUBSCRIBED AND SWORN to on oath before me this 12 day of



Beverly H. Sanson
Notary Public for Utah
Residing at: 2936 E 3635 S SLC UT.
My Commission Expires: 12-1-92

CRT:clm
319A.AFF

MICROFILMED

SEP 19 1990

Case No. P-1437
District Court, County of Lemhi, State of Idaho
I, Alberta Wiederrick, Clerk of the District Court of the
Seventh Judicial District of the State of Idaho, in and for
the County of Lemhi, do hereby certify that this is a true
and correct copy of the instrument which is on file in
this office.
IN WITNESS WHEREOF, I have hereunto set my
hand and placed the official seal of the Court, this
29th day of May, 1987.
Alberta Wiederrick, Clerk
by *Donald J. Porter*
Deputy

Sherman F. Furey, Jr.
FUREY & FUREY, Chartered
Attorneys at Law
116 N. Center St.
Salmon, Idaho 83467
Telephone: 208/756-2577

FILED
BY COUNTY CLERK OF COURT

MAY 29 1987

LEMHI COUNTY DISTRICT COURT
ALBERTA WIEDERRICK, CLERK

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

In the Matter of the Estate of)	Case No. P-1437
ROGER KENT OGDEN,	)
Deceased.)	LETTERS OF ADMINISTRA-
)	TION AND OATH

Penny J. Ogden is hereby appointed personal
representative of the Estate of Roger Kent Ogden, deceased.

WITNESS, Fred Snook, Magistrate of the above entitled
Court, with the seal thereof affixed, the 29th day of May,
1987.

Fred Snook
Fred Snook
Magistrate of the District Court

STATE OF UTAH)
: ss.
County of WEBER)

I hereby accept the duties of personal representative
of the Estate of Roger Kent Ogden, and do solemnly swear that I
will perform, **MICROFILMED** law, the duties of personal
representative.

SEP 19 1990

Penny J. Ogden
Penny J. Ogden

SUBSCRIBED AND SWORN To before me this 18th day of
May, 1987.

Elizabeth Rothert
Elizabeth Rothert
Residing at Ogden, Utah
My Commission Expires: 11/29/89

STATE OF NEVADA — DEPARTMENT OF HUMAN SOURCES
DIVISION OF HEALTH — SECTION OF VITAL STATISTICS
CERTIFICATE OF DEATH

Sheet A
250837.2

001110

LOCAL FILE NUMBER		STATE FILE NUMBER	
DECEASED—NAME First Middle Last 1 Roger Kent OGDEN		DATE OF DEATH (Month, Day, Year) 2 March 23, 1987	
CITY, TOWN, OR LOCATION OF DEATH 3b Las Vegas		COUNTY OF DEATH 3a Clark	
HOSPITAL OR OTHER INSTITUTION—Name (If not either, give street and number) 3c Sunrise Hospital		INSIDE CITY LIMITS (Specify Yes or No) 3d No	
RACE—(e.g., White, Black, American Indian, etc.) (Specify) 4a White		ETHNIC 4b	
AGE—Last Birthday (Years) 5a 51		UNDER 1 YEAR MOS : DAYS 5b	
DATE OF BIRTH (Mo., Day, Yr.) 6 March 22, 1936		SEX 7 Male	
STATE OF BIRTH (If not U.S.A., name country) 8 Kansas		CITIZEN OF WHAT COUNTRY 9 U.S.A.	
MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) 10 Married		SURVIVING SPOUSE (If wife, give maiden name) 11 Penny Zook	
SOCIAL SECURITY NUMBER 13 545-48-5015		USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired) 14a Contractor	
KIND OF BUSINESS OR INDUSTRY 14b Construction		WAS DECEDENT EVER IN U.S. ARMED FORCES? (Specify Yes or No) 12 Yes	
RESIDENCE—STATE 15a Utah		COUNTY 15b Davis	
CITY, TOWN, OR LOCATION 15c Layton		STREET AND NUMBER 15d 3150 N. 1193 East	
INSIDE CITY LIMITS (Specify Yes or No) 15e			
FATHER—NAME First Middle Last 16 Lawrence OGDEN		MOTHER—MAIDEN NAME First Middle Last 17 Minnie BATES	
INFORMANT—NAME (Type or Print) 18a Penny Ogden - Wife		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip) 18b 3150 North 1193 East, Layton Utah 84041	
BURIAL, CREMATION, REMOVAL, OTHER (Specify) 19a Removal		CEMETERY OR CREMATORY—NAME 19b Yearian Cemetery	
LOCATION City or Town State 19c Leadore Idaho			
FUNERAL DIRECTOR—SIGNATURE (If Person Acting as Such) 20a		NAME AND ADDRESS OF FACILITY 20b Palm Mortuary 1325 North Main St. Las Vegas, Nevada 89101	
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) DATE SIGNED (Mo., Day, Yr.) 21b		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) DATE SIGNED (Mo., Day, Yr.) 22b 3-24-87	
HOUR OF DEATH 21c		HOUR OF DEATH 22c 3:45 A.M.	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) 21d		PRONOUNCED DEAD (Mo., Day, Yr.) 22d 3-23-87	
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (Type or Print) 23 G. Sheldon Green, M.D.- Chief Medical Examiner - 1704 Pinto Lane, Las Vegas, Nev.		PRONOUNCED DEAD (Hour) 22e AT 3:45 A.M.	
REGISTRAR 24a (Signature) Jan Briski, Deputy		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.) 24b MAR 25 1987	
DEATH DUE TO COMMUNICABLE DISEASE 24c YES ☐ NO ☐			
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).) PART I (a) Arteriosclerotic cardiovascular disease DUE TO, OR AS A CONSEQUENCE OF: (b) (c)		Interval between onset and death	
PART II OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not related to cause given in PART I (a)		AUTOPSY (Specify Yes or No) 26 No	
WAS CASE REFERRED TO CORONER (Specify Yes or No) 27 Yes			
ACC. SUICIDE, HOMICIDE, OR PENDING INVEST (Specify) 28a		DATE OF INJURY (Mo., Day, Yr.) 28b	
HOUR OF INJURY 28c		DESCRIBE HOW INJURY OCCURRED 28d	
INJURY AT WORK (Specify Yes or No) 28e		PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify) 28f	
LOCATION 28g		STREET OR R.F.D. No. CITY OR TOWN STATE	

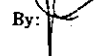
Nº64486

VITAL RECORDS

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Clark County Health District from State certified documents as authorized by the State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE
RAISED SEAL OF THE CLARK
COUNTY HEALTH DISTRICT

OTTO RAVENHOLT, M.D.
Registrar of Vital Statistics

By: 

Date Issued: MAR 27 1987

RECORDED
FILMED
SEP 19 1990

CLARK COUNTY HEALTH DISTRICT
625 Shadow Lane P.O. Box 4426
Las Vegas, Nevada 89127
702-383-1223

I certify that file No. 74-7775 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

R. W. Corby
Signature

6/16/79
Date

OGDEN, ROGER E. & PENNY J.
P.O. BOX 132
LEADORE, ID 83464

June 8, 1968

LAPSE NOTICE

RE: Permit No. 74-7175

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-210a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated March 31, 1968.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

Sincerely,

L. GLEN SEXTON
Chief, Operations Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6-10-68
a copy of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

158461
CERTIFIED MAIL
March 31, 1968

OGDEN, ROGER K. & PENNY J.
P.O. BOX 132
LEADORE, ID 83464

PROOF DUE NOTICE

RE: Permit No. 74-7175

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1968. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

UGOFF, ROGER K. & PENNY J.
P.O. BOX 132
LEADERS, ID 83464

JUNE 21, 1983

RE: PERMIT NO. 74-7175

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS THAT WILL ENABLE THE WATERMASTER TO CONTROL YOUR RATE OF DIVERSION.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTTILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWT

APPLICATION NUMBER: 74-7175

CHECK:

- ☒ Location of diversion.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Acres of land or acres irrigated.
☒ Signature.

Field check by: _____
Date: _____
Comments: _____

- ☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other WD # 74-W CW 4-29-83

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. Parent 74-7047 on property
☒ Yes ☐ No In form for advertising. _____
☐ Yes ☒ No Final date for protests: May 23, 1983 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-13-83 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Measuring device required.
☒ Access port required.
☒ Will water be delivered by watermaster? If yes, what district? 74-W
☒ Date of priority recommended. 4-26-1983
☒ Special conditions of approval or cover letter. _____

By: Ernest Carlson

Date: May 23, 1983

STATE OFFICE REVIEW:

SL/DOB, LWT

01E 26 05

☐ See attached sheet for more information.

By: Deep

Date: 6/7/83

Department of Water Resources

April 29, 1983

RE: Application for Permit No. 74-7175 OGDEN

Rick Brown, Watermaster
Water District No. 74-W
Leadore, Idaho 83464

Dear Mr. Brown:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is May 23, 1983, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MAY 23, 1983.

KEN DUNN, Dir.

Published 5/5 & 5/12/83.

24-2125

OGDEN, ROGER K. &/or PENNY J.

P.O. BOX 132, LEADORE, ID 83464

Source: BIG TIMBER CREEK trib. to LEMHI RIVER

Date Filed: 04/20/1983

Diversion Pt: N4NW Sec 33 T 16N R 26E

Use: IRRIGATION (2.10 CFS)

In: N4SW N4SW S4SW S4SW Sec 28 T 16N R 26E FOR 105 ACRES

NOTICE OF
APPLICATION FOR
WATER RIGHT

The following applica-
tions have been filed to
appropriate the public
waters of the State of
Idaho:

74-7175

OGDEN, ROGER K. &/or
PENNY J.
P. O. BOX 132, LEAD-
ORE, ID 83464
Source: BIG TIMBER
CREEK trib. to LEMHI
RIVER
Date Filed: 04/20/1983
Diversion Pt: N4NW Sec
33 T 16N R 26E
Use: IRRIGATION (2.10
CFS)
In: N4SW N4SW S4SW
S4SW Sec 28 T 16N R 26E
FOR 105 ACRES