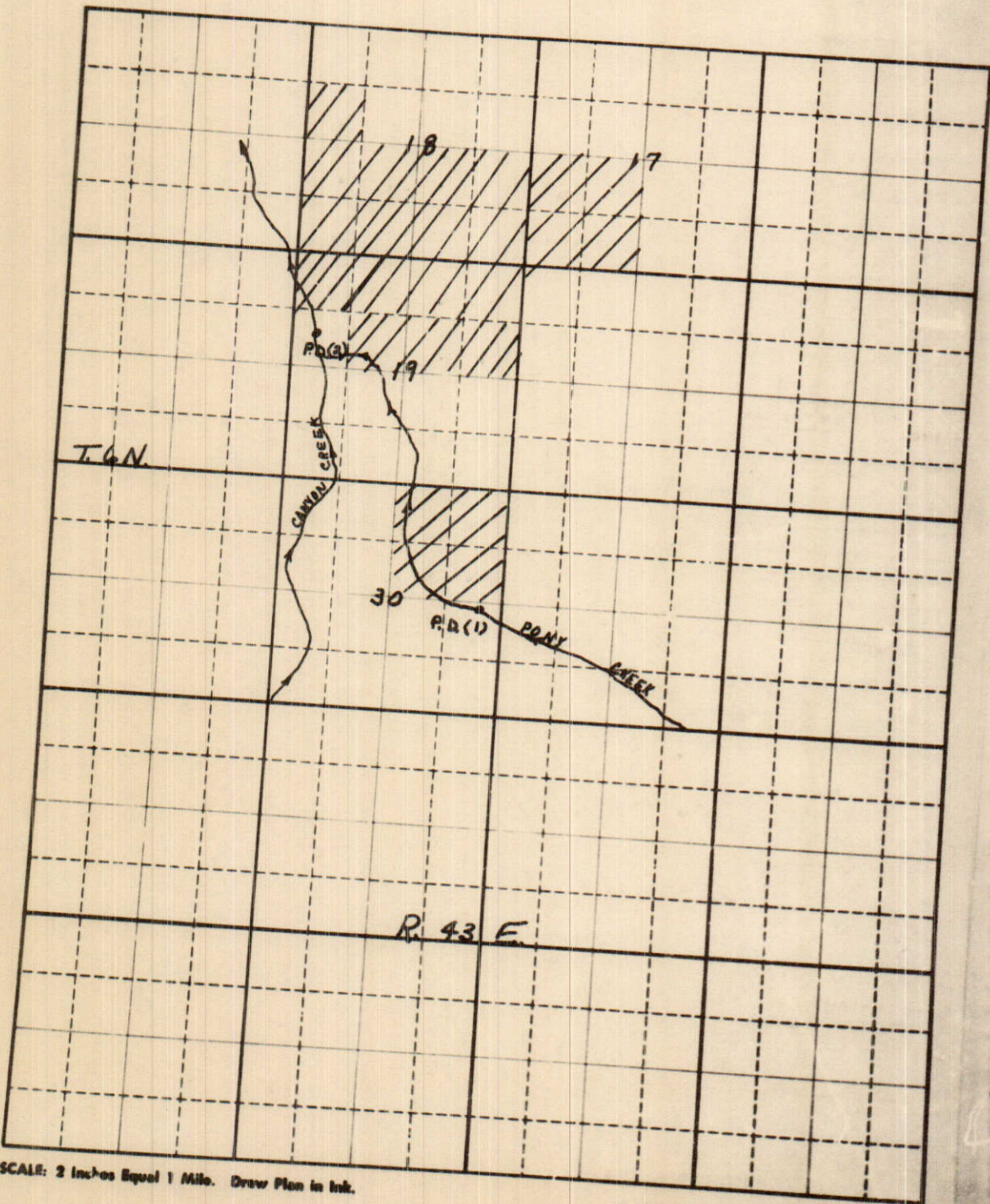
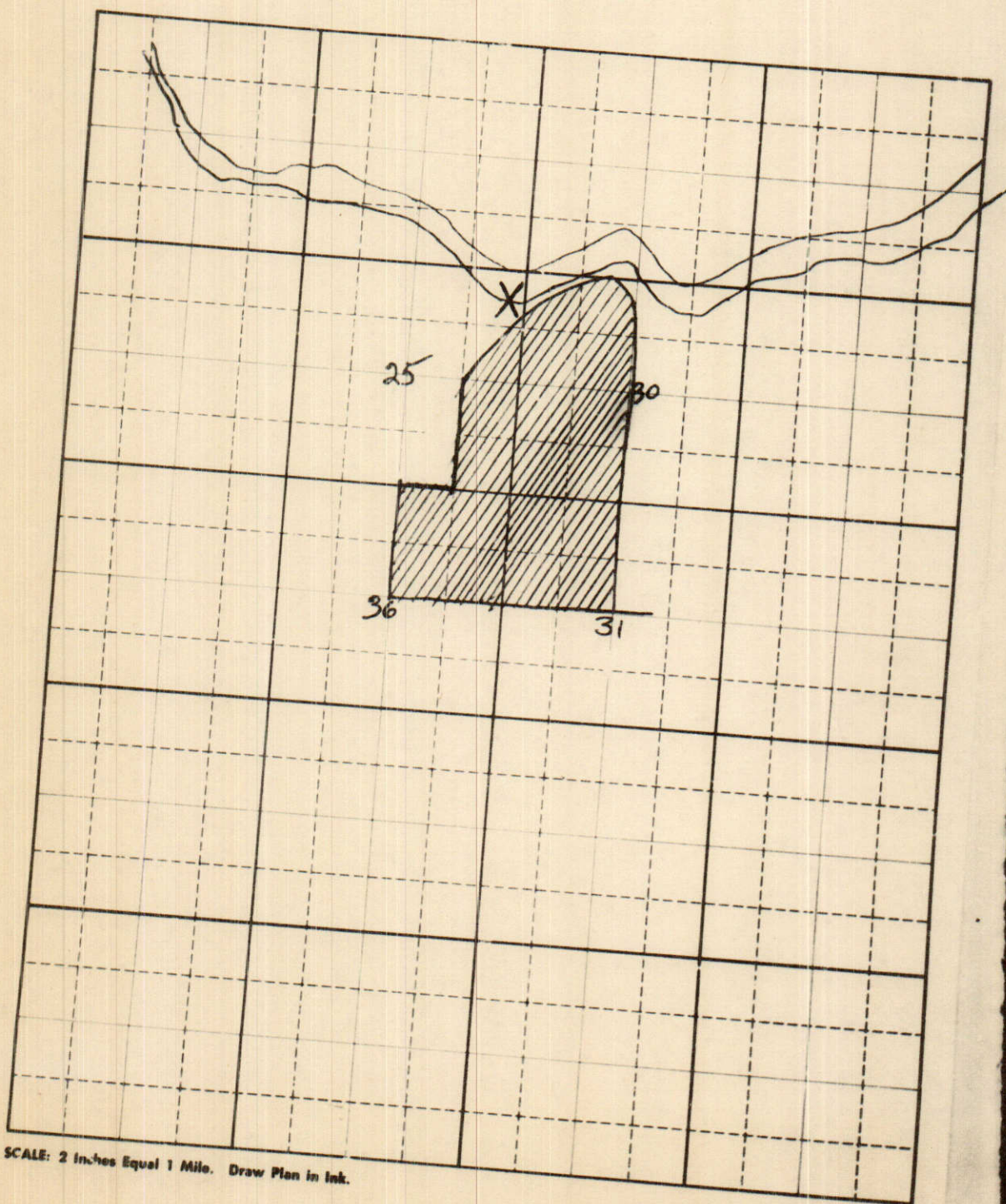


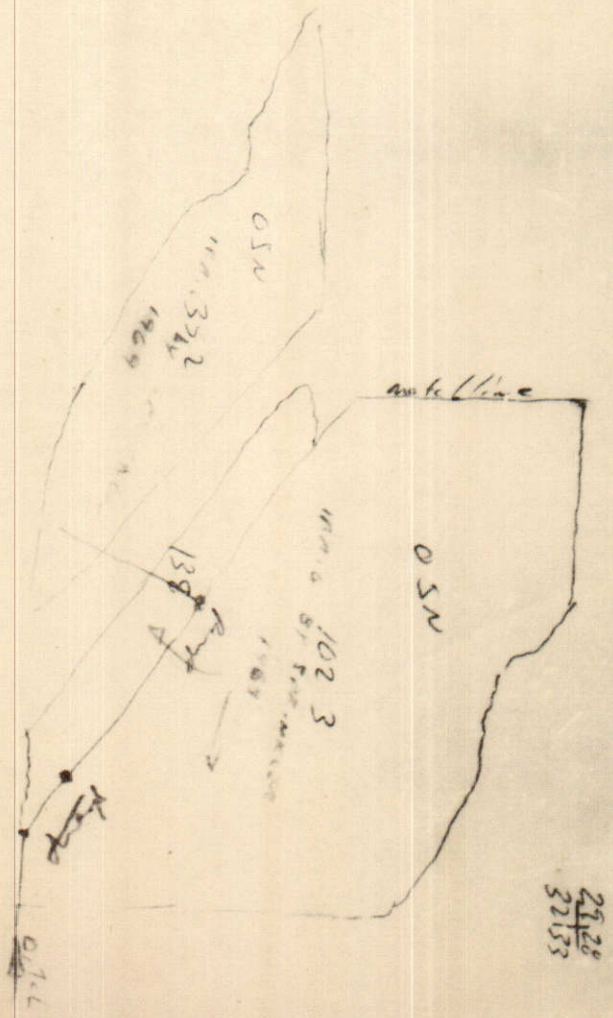
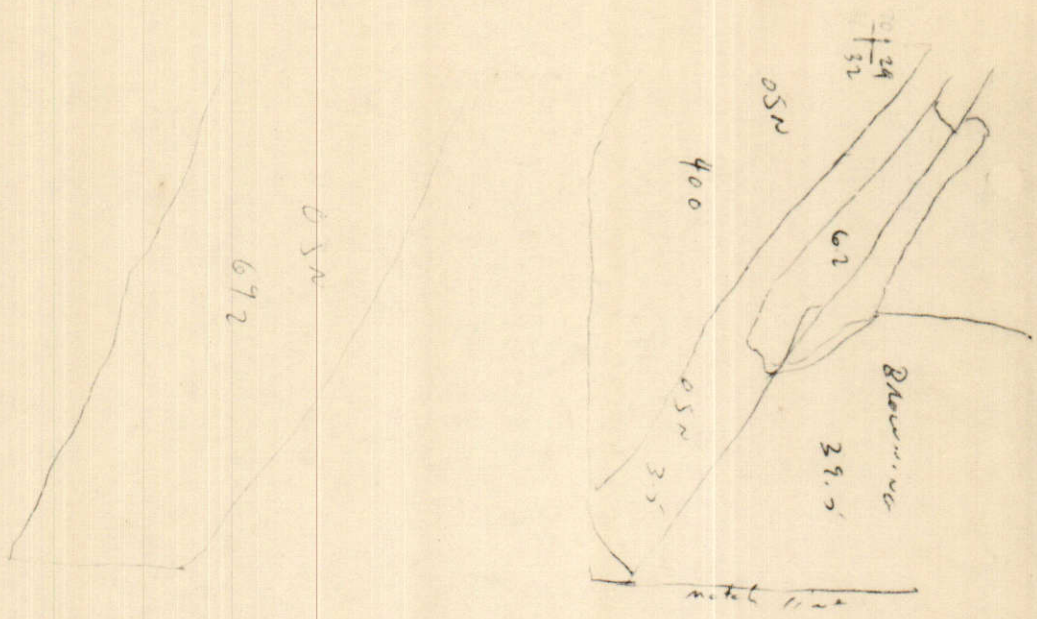


SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

$$\begin{array}{r} 1.32 \\ 6 \overline{) 7.92} \end{array}$$



$$\begin{array}{r} 32.53 \\ 3 \overline{) 103.59} \end{array}$$

+19
30

19+20
30, 29

1136

Farmed

0.5N

Canal

0.5N

0.5N

205'

Farmed

60

Farmed
7.5

M. Verbaue

Farmed

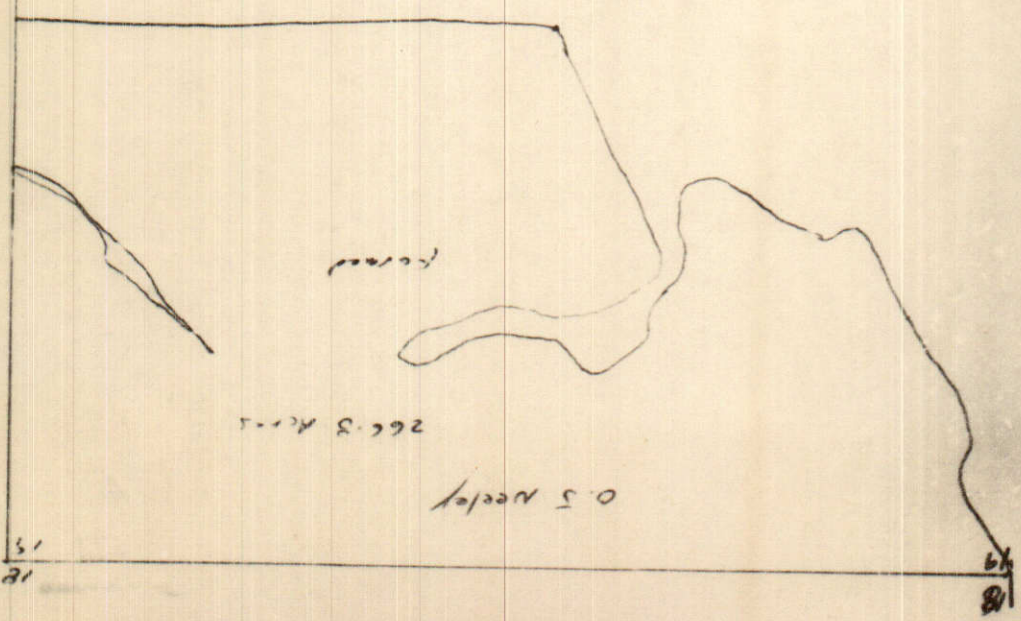
M. Verbaue

IPK. G
SPAINNICK
1969
80 acres

30+29
31, 32

+30
31

T61



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO.)
22-06108 in the name of O. J. NEELEY RANCH, INC.)

MEMORANDUM DECISION
AND ORDER

On September 26, 1974, O. J. Neeley Ranch, Inc., filed with the Department of Water Resources an application to transfer the waters of Pony Creek to a new point of diversion on Canyon Creek located within the SE1/4, Sec. 19, Twp. 6N, Rge. 43E, B.M. On October 9, 1974, the Department received a protest against approval of said application from J. Wayne Stevens. On October 21, 1974, the Department received an additional protest from Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District. A hearing on the matter was held on November 22, 1974, in St. Anthony, Idaho.

Oven J. Neeley was present on behalf of the applicant, O. J. Neeley Ranch, Inc., and was represented by Blair Grover, attorney at law. The protestant, Fremont-Madison Irrigation District was represented by R. Willis Walker, Chairman of the Board of Directors, and Mary Smith, Attorney at Law. The protestant, J. Wayne Stevens was present and represented by Ray Rigby, Attorney at Law.

During the pre-hearing conference, Fremont-Madison Irrigation District withdrew their protest, but the protest by J. Wayne Stevens could not be resolved. A hearing was held to resolve the matter and testimony and evidence in behalf of the applicant and protestant was received into the hearing record. The Department, having reviewed all testimonies and evidence offered for each of the parties, and reviewing all pertinent information in the Department's official records, and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

Findings of Fact

(1) The protestant J. Wayne Stevens, is holder of approved Permit No.'s 22-7069, in the amount of 2.0 cfs; No. 22-7103, in the amount of 8.0 cfs; and Application for Permit No. 22-7114, in the amount of 20.0 cfs; all for the diversion and use of water from Canyon Creek.

(2) Mr. Stevens irrigated 55 acres during 1974 with water pumped from Canyon Creek.

(3) Pony Creek is an intermittent stream which generally ceases to reach

Canyon Creek during the month of June.

(4) Canyon Creek is a continuously flowing stream and becomes intermittent only because of the diversions that are made.

(5) Both Canyon Creek and Pony Creek tend to exhibit diurnal fluctuations in flow.

(6) The proposed point of diversion from Canyon Creek is less than 1/4 of a mile below the confluence of Pony and Canyon Creeks.

(7) The applicant proposes to use water beneficially during the month of May under this transfer.

(8) The applicant has filed with the Department of Water Resources on December 5, 1974, an Application for Permit No. 22-7318 to appropriate 8.0 cfs of water from Canyon Creek at the same point of diversion proposed by this transfer.

Conclusions of Law

(1) The protestant, J. Wayne Stevens, has the right to appropriate the unappropriated waters of Canyon Creek under authority of permits approved by the Department of Water Resources.

(2) The protestant has not completed his project, and therefore, has not used beneficially all of the water requested in his applications to the Department of Water Resources.

(3) The applicant will not interfere with prior water rights during the period of the year that Pony Creek water is flowing into Canyon Creek.

(4) It is possible for water to be beneficially used during the season requested.

Order

IT IS, THEREFORE, ORDERED and Application for Transfer No. 22-06102 is hereby APPROVED subject to the following conditions:

1. That the right being transferred be subject to all prior rights.
2. That the applicant shall install and maintain a measuring device of a type approved by the Department at or near the mouth of Pony Creek. In addition, totalizing measuring devices of a type approved by the Department shall be installed and maintained at both points of diversion listed in the application.
3. This right is subject to the control of the watermaster.

Dated this 25 day of February, 1975.


R. KEITH HUTCHINSON
Director

RDC/HDF: jg

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)	
of Application for Transfer of Water Right)	
No. 22-0610B in the name of O. J. NEELEY)	NOTICE OF CONFERENCE
RANCH, INC.)	AND/OR HEARING
_____)	

On September 26, 1974, O. J. Neeley Ranch, Inc. filed with the Department of Water Resources an application to transfer the waters of Pony Creek. On October 9, 1974, the Department received a protest against approval of said application from J. Wayne Stevens. On October 21, 1974, the Department received an additional protest from Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Friday, November 22, 1974, at 3:00 p.m., in the Community Room, Valley Bank, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 5th day of November, 1974.

Loren O. Holmes
LOREN O. HOLMES

Assistant to the District Engineer

Transfer No. _____

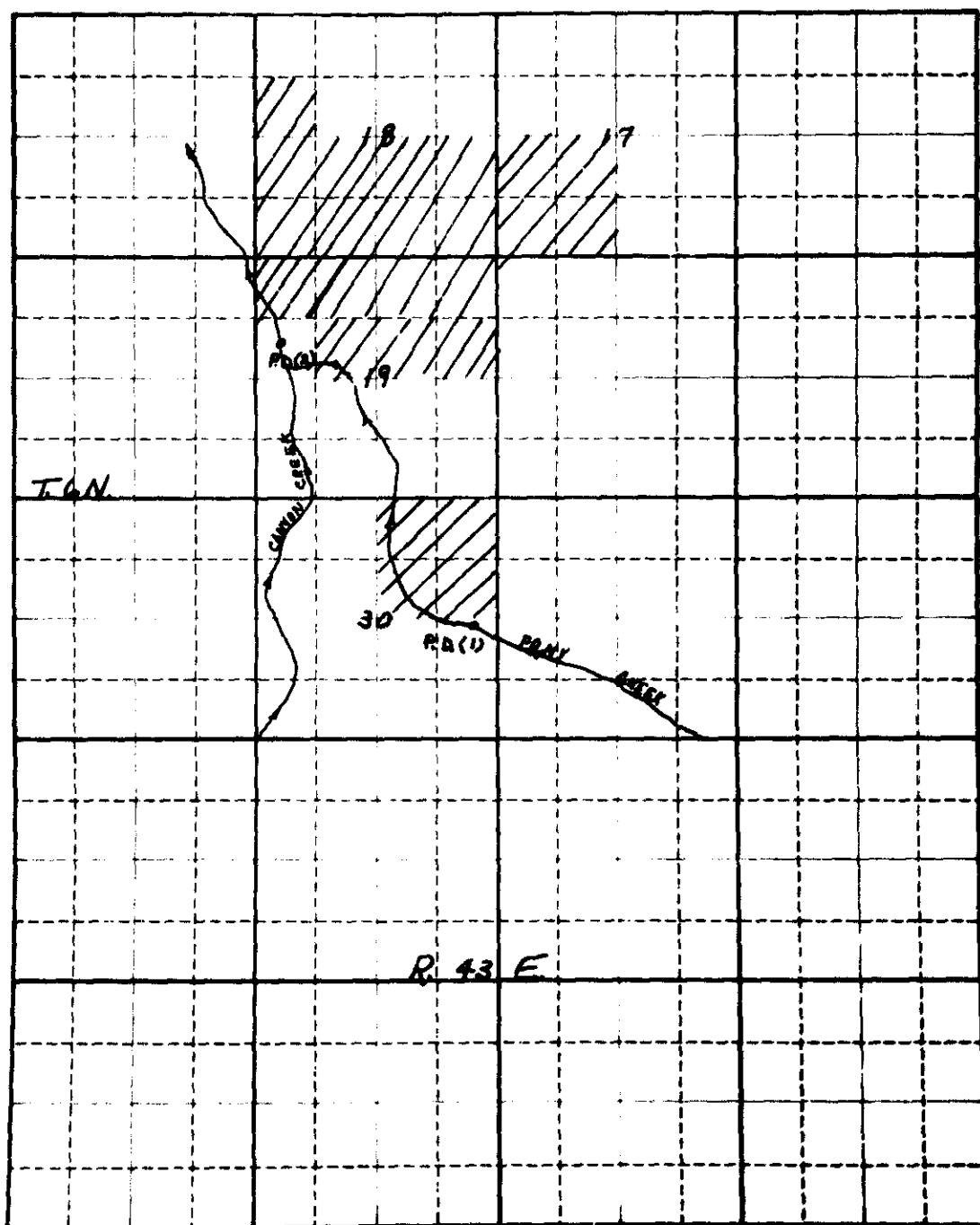
APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

8. Lands presently irrigated or place of use:

[illegible]

Total number of acres presently irrigated..... 846



SCALE: 2 inches Equal 1 Mile. Draw Plan to left.

Acquired with purchase of property from Morris Slaymaker & George Briggs Estate

(1) 1.35

NE SE 30

SW 1/4 NW 1/4, Section 19, Township 6N

43E , Range Madison , B.M.

Description of method of diversion and conveyance from new points of diversion: (1) 75 Hp pump & water winch () 600 Hp motor and pump to underground main to three pivot sprinkler systems, one water winch, & 4 wheel lines,

Yes X No

If not, the place of use should be changed below

Describe the reasons for applying for a change in the point of diversion:

100-42781

Yes _____

Yes _____

h. Indicate on the above plot the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated 846

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
Lands in N $\frac{1}{2}$, Sec. 19 & NE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, will still be irrigated.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Curtis J. Hickey
(signature of applicant)
Subscribed and sworn to before me this 26th day of Sept, 1974
Frank D. Dyer
(notary public)

My commission expires Aug 16, 1977

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 22-06108
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:
Pursuant to the Memorandum Decision and Order of February 25, 1975.

2. Denial of said application is for the following reasons: _____

Witness my hand this 25 day of February, 1975

R. K. Hickey
DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 2-26-74

Prelim. check by JF Date 9-26-74

Fee received by MB Date 9-27-74 \$ 2.30

Approved for publication by MB 10-15-74

Published in Sub. 10-15-74 Date Oct 31, 1974

Hearing held _____

Watermaster Recommendation W.D. #01 Not Examined

Protest Filed by: _____ Date _____

J. H. Hickey 10-9-74

W. H. Hickey 10-21-74

RECEIVED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO } ss.
County of Madison }

I, John A. Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

proposed change of water right
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on October 3, 1974
and the last publication having been made

on October 10, 1974

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

John A. Porter

Subscribed to and sworn to before me

this October 11, 1974
Ray A. Tarta
(SEAL) Notary Public.

My commission expires 8-5-77

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0610

Notice is hereby given that O.J. Neeley Ranch, Inc., Rexburg, Idaho, has applied to the Idaho Department of Water Resources for a change in place of use and point of diversion of the waters of Pony Creek. The right sought to be changed is evidenced by decrees to O. J. Neeley & Myrtle Neeley in case of O. J. Neeley & Myrtle Neeley and George Browning & Phoebe Browning and Morris Slaymaker & Thelma Slaymaker, dated in Ninth Judicial District Court, Madison County and is recorded as follows:

AMOUNT: 8.7 cfs

PRIORITY: June 15, 1900

DECREED POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 43E, B.M. Teton County

The water is used to irrigate 846 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 32, N $\frac{1}{2}$, Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, B.M.

TO BE CHANGED AS FOLLOWS

Only 1.35 cfs will be diverted at the first point of diversion within the NE $\frac{1}{4}$, Sec. 30; and 7.35 cfs will be diverted at the second point of diversion within the SE $\frac{1}{4}$, Sec. 19, T. 6N, R. 43E, B.M., Madison County. The water will be used on 846 acres within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, NE $\frac{1}{4}$, Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$, Sec. 31, SE $\frac{1}{4}$, Sec. 17, T. 6N, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, 83404, on or before October 21, 1974.

R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho, on October 3 and October 10, 1974.

Identification No. 22 0610
Transfer No. Withdrawn

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

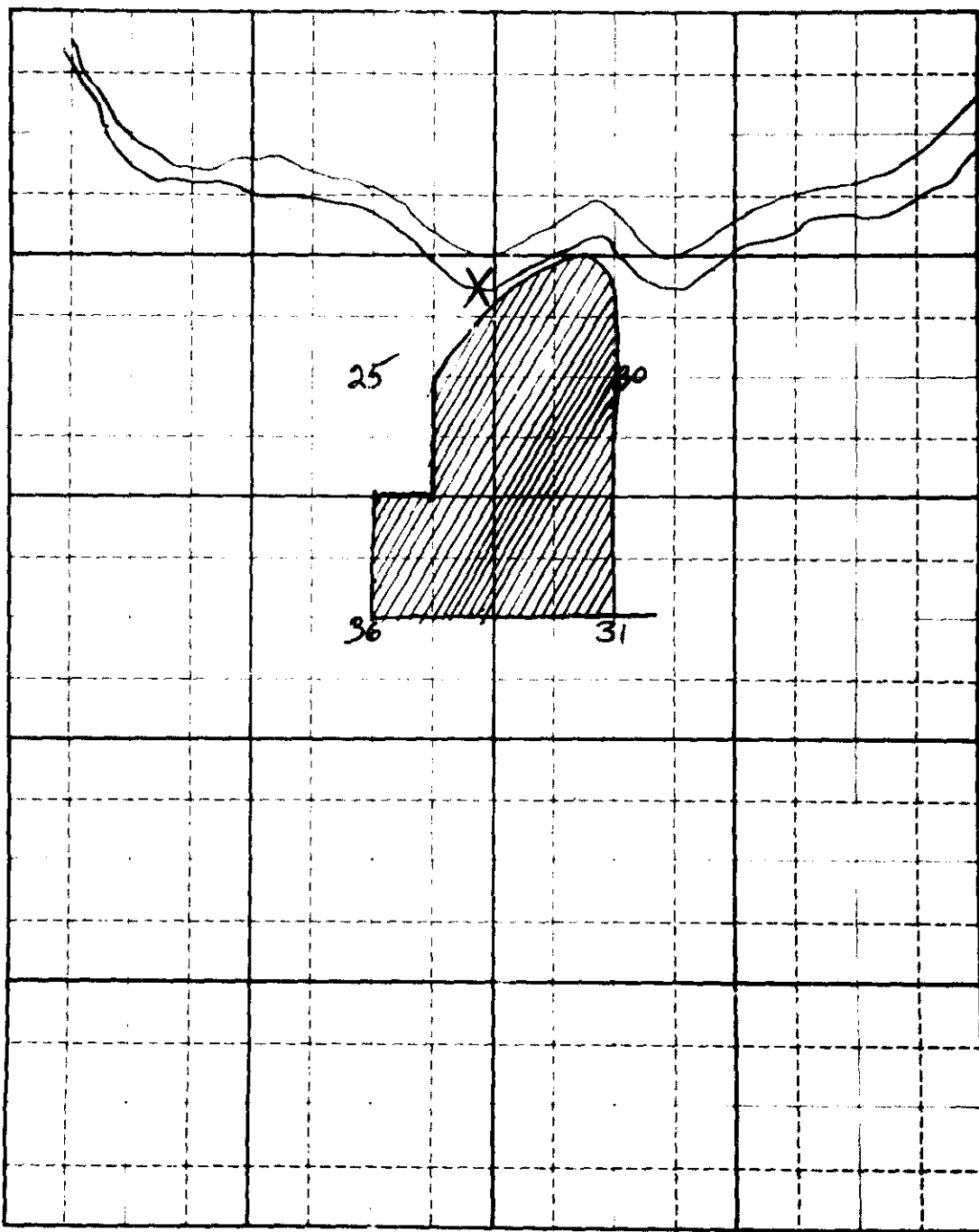
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and or the Place of Use

- 1 Name of Right Holder OWEN J. NEELEY RANCH, INC.
Post office address P. O. Box 425, Rexburg, Idaho 83440
- 2 Right obtained by:
a Decree to O. J. Neeley & Myrtle Neeley Case of O. J. Neeley and Myrtle Neeley, his wife vs George Browning and Phebe Browning his wife, and
vs Morris Slaymaker and Thelma Slaymaker, his wife, (Name of Court)
Court County of Madison
b License No. _____ issued by the State of Idaho, Department of Reclamation.
- 3 Source of water Pony Creek tributary to _____
(Name of stream or source)
- 4 Date of Priority June 15, 1900
- 5 Amount of water a. 0.7 c.f.s. and/or
b. _____ acre feet/annum
- 6 Water is used for irrigation from May to July
(Month, Day) (Month, Day)
- 7 Original location of point of diversion is SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32-33,
Township 6 N, Range 43 E, B.M. in Teton County;
Additional points of diversion, if any _____

B. Lands presently irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	32	25	35	40	40			36	40									216
		19	40	40	40	40	40	40	40	40									320
		31						40											40
		30	40	25		25					40			20	35	15	30	40	270

Total number of acres presently irrigated 846



SCALE: 2 inches Equal 1 Mile. Draw Plan in ink.

9. If applicant was not the original holder of this right explain how it was acquired: Acquired with purchase of property from Morris Slaymaker and George Briggs Estate

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 8.7 c.f.s. and/or acre feet
- b. New point of diversion: SE SE 1/4 Section 24 Township 7 N
42 E 43 E B.M. MADISON COUNTY
- c. Description of method of diversion and conveyance from new points of diversion: pump directly out of Teton River
- d. Is water to be conveyed to the lands previously irrigated? Yes No X
- If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
In order that applicant might make better use of the water.
The lands previously irrigated were for pasture which was steep and rocky. At the new point of diversion, there is good land suitable for crops.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
7N	43E	30					15	25	40	40	40	40	40	40					280
7N	42E	25			25										30			40	95
7N	42E	36	40	40	40	40													160
7N	43E	31					60	40	40	40									160

Total number of acres to be irrigated 695

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No, this land will still be used as pasture, however there will be no water diverted on these lands.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

O. J. NEELEY RANCH, INC.

President

(signature of applicant)

Subscribed and sworn to before me this 1966 day of March, 19 74

(notary public)

Residing at Rexburg, Idaho

My commission expires 12/4/74

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____

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

2. Denial of said application is for the following reasons:

Witness my hand this _____ day of _____, 19 _____

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by RB Date 3/22/74

Protest filed by: _____ Date _____

Prelim. check by RDC Date 3/22/74

Grant Hildreth 4/23/74

Fee received by RB Date 3/22/74 Fee \$20.00

Approved for publication by Deputy

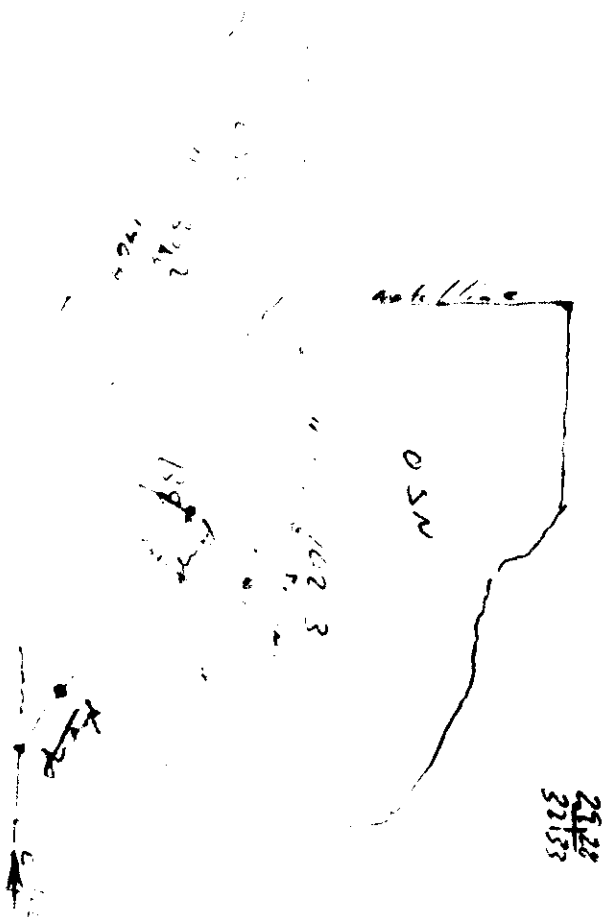
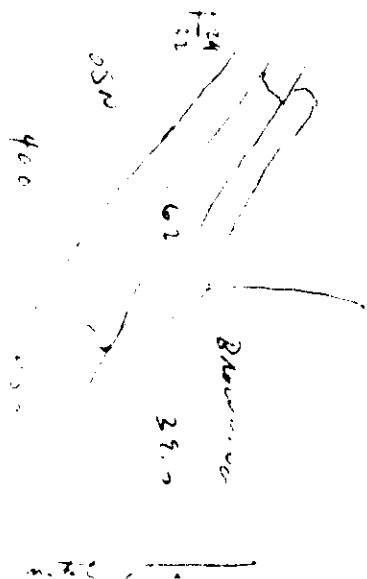
Published in Idaho Statesman 4/4+11/74

Hearing held _____

Watermaster Recommendation sent to O. J. Neeley Ranch

3/4/74
126

6/5



22/23

+19
30

1420
30, 29

186

10000

0.32

+30
31

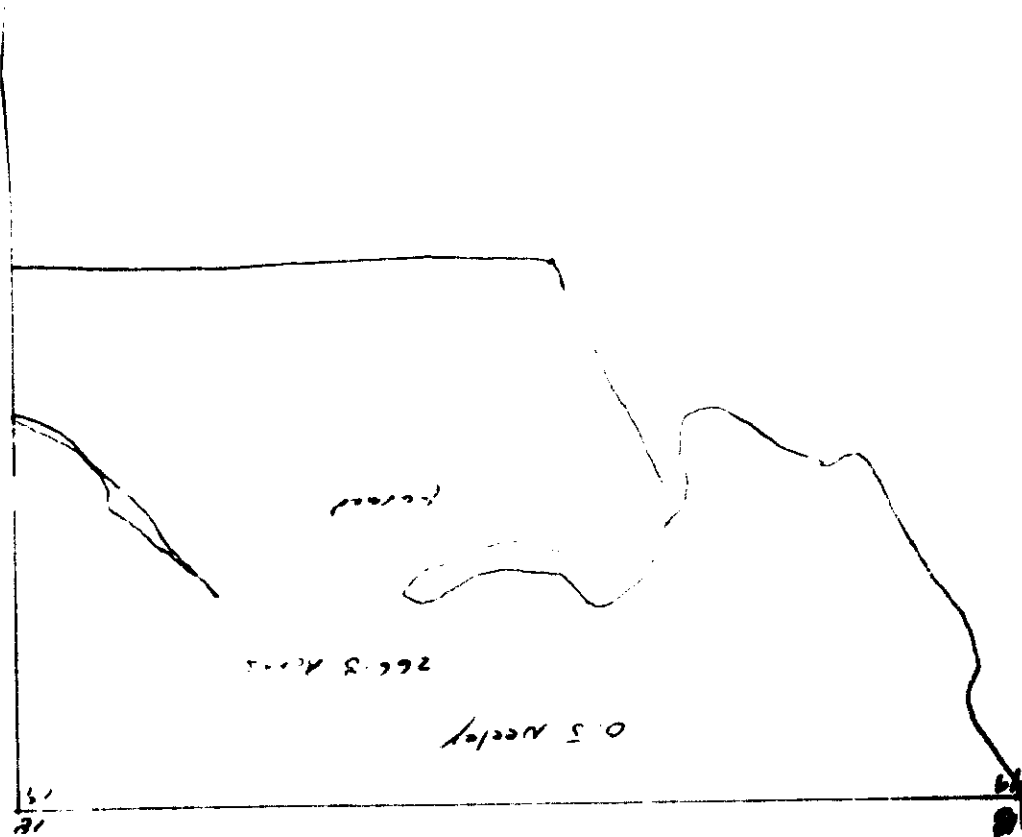
60

171.4
51.1
1969

30429
31.32

M. Weber

731



**The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO**

RECEIVED

APR 2 1974

AGENCY OF NEWSPAPERS
CAREY DISTRICT OFFICE

Affidavit of Publication

STATE OF IDAHO { ss.
County of Madison

I, **John A. Porter**
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho, and I do solemnly swear
that the

Notice of Proposed Change
of water right
a copy of which notice appears attached
hereto was published in the regular and
entire issue of said newspaper, and in an

any supplement issue thereof for two
consecutive issues, the first publication hav-
ing been made on April 11, 1974
and the last publication having been made

on April 18, 1974.
Further, that said newspaper is one of
general circulation in said county, that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes, that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion, and that it has been continuously and
uninterruptedly published in said county dur-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me

this 10th day of April, 1974

[Signature]
Notary Public.
(SEAL)

My commission expires 8-5-77

[Faint, mostly illegible text from a document or stamp on the right side of the page.]

County of Tarrant

that I am the owner of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 22-102, an associate and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 75 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seven-teen and three-fourths inches deep.

My Canadian studies

Notice is hereby given that

Published in the Tulsa World
News, Tulsa, Oklahoma, on March
4 and April 11, 1964.

**NOTICE OF PROTEST AGAINST
CHANGE OF WATER RIGHT
NO. 28042**

Notice is hereby given that Owen J. Neeley Ranch Inc., P.O. Box 425, Rexburg, Idaho, has applied to the Department of Water Administration for a change of the point of diversion and place of use of the waters of Pony Creek. The right sought to be changed is evidenced by decree to O.J. Neeley and Myrtle Neeley in Case of O.J. and Myrtle Neeley, his wife, vs- George Browning and Phoebe Browning, his wife, and Morris Slaymaker and Thelma Slaymaker, his wife, dated May 21, 1964 in 5th Judicial District Court, Madison County and is recorded as follows:

Amount: 8.7 cfs

Priority: June 15, 1908

Point of diversion: SE¹/₄, Sec. 32, T. 6N, R. 43E, B.M., Teton County;

The water will be used for the irrigation of 846 acres within the NE¹/₄, S¹/₂NW¹/₄, Sec. 32, N¹/₂, Sec. 19, NW¹/₄, NW¹/₄, Sec. 31, E¹/₂NE¹/₄, NW¹/₄, NE¹/₄, E¹/₂ SW¹/₄, SE¹/₄, Sec. 30, T. 6N, R. 43E, B.M. TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE¹/₄NE¹/₄, Sec. 25, T. 7N, R. 43E, B.M. Teton County; and will be used for the irrigation of 605 acres within the W¹/₂, Sec. 30, NW¹/₄, Sec. 31, T. 7N, R. 42E, SE¹/₄NE¹/₄, E¹/₂SE¹/₄, Sec. 25, NE¹/₄, Sec. 36, T. 7N, R. 42E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 22, 1974.

R. KEITH HIGGINSON
Director

Published in the Teton Valley News, Driggs, Idaho, on April 6 and April 11, 1974.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval of)
Application for Transfer of Water Right)
No. 22-0610 in the name of OWEN J. NEELEY)
RANCH, INC.)

NOTICE OF CONFERENCE
AND/OR HEARING

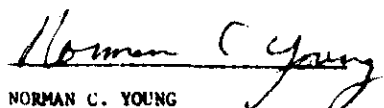
On March 22, 1974, Owen J. Neeley Ranch, Inc. filed with the Department of Water Administration an application to transfer the public waters of the State of Idaho. On April 23, 1974, the Department received a protest against approval of said application from Fremont-Madison Irrigation District.

The Department has set the matter of protest for conference and/or hearing for Tuesday, June 25, 1974, at 2:00 p.m., in the Courtroom of the Madison County Courthouse, Rexburg, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 11th day of June, 1974.


NORMAN C. YOUNG

C O N F E R E N C E M E M O R A N D U M

RE: Conference on Application for Transfer of Water Right No. 22-0610

A conference was held at Rexburg, Idaho, on June 25, 1974, to consider the protest against issuance of the above referenced application.

The applicant, O. J. Neeley was present and represented by Attorney, W. Brent Eames. Protestant, Fremont-Madison Irrigation District was present and represented by Attorney, Mary Smith and several members of the Board of Directors. During the informal discussion, it was determined that water from Pony Creek does indeed flow into Canyon Creek in sufficient quantities up to about July 1 on many years. O. J. Neeley said he could put the water to beneficial use prior to July. Fremont-Madison appeared to be willing to agree that no injury would be caused if pumping were limited to the time that Pony Creek reached Canyon Creek. It was agreed that Brent Eames would draft a proposed agreement to satisfy both the applicant and protestant, submit it to Mary Smith for Fremont-Madison's signature to release the protest. This agreement is to be forwarded to this office.

Several necessary changes were made to the application. Because of the nature of the changes, the Department indicated a willingness to continue processing without advertising.

NCY
NORMAN C. YOUNG
District Engineer

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 15, 1974

Mr. Brent Eames
Attorney at Law
Box 306
Rexburg, Idaho 83440

Dear Mr. Eames:

The Department has been delaying final action on application for transfer No. 22-0610 (Owen J. Neeley) and application for permit No. 21-7039 (Perry V. Dietrich) in anticipation of stipulated agreements pursuant to the conferences held in June and July of this year. The Department feels it would be in everyone's best interest if final action is taken on these applications as soon as possible.

If the department can do anything to expedite the completion of these agreements, please let us know.

Very truly yours,

RONALD B. CARLSON
Assistant to the
District Engineer

RDC:eb

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR MADISON COUNTY

O. J. MEKLEY and MYRTLE MEKLEY,
his wife,

Plaintiffs,

VS:

GEORGE BROWNING and PHEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

RECEIVED

MAR 27 1974

DEPARTMENT of Water Administration
Eastern District Office

The above entitled cause came on regularly to be heard and tried by the Court on the 21st day of May, 1954, the plaintiffs appearing in person and by their attorney, Ray W. Rigby, of Rexburg, Idaho, and the defendants appearing in person and by their attorney, Leonard O. Kingsford, of Rexburg, Idaho, and it appearing to the Court that the parties hereto have stipulated and agreed as to their respective rights and interests in the water rights which are the subject matter of this litigation; and evidence, oral and documentary, having been offered and introduced and proof being made to the satisfaction of the Court, the Court finds:

1. That said Stipulation is fair, reasonable, proper and acceptable;
2. That the plaintiffs are the owners of that certain property described in Paragraph IV of their Amended Complaint;
3. That the defendants, George Browning and Phebe Browning, his wife, are the owners of that certain property set forth in Paragraph IV of the Answer to Amended Complaint;
4. That the defendants, Morris Slaymaker and Thelma Slaymaker, his wife, are the owners of that certain property set forth in Paragraph VI of the Answer to Amended Complaint;
5. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;

6. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the years;

22-0608 7. That said parties are entitled to an interest therein based on 435 miners inches to plaintiffs out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 300 miners inches to defendants, George Browning and Phebe Browning, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 225 miners inches to defendants, Morris Slaymaker and Thelma Slaymaker, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

8. That domestic use of water should have priority over any other use during seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

9. That each of the parties hereto should be liable for expenses of maintenance of the irrigation system used in common by such parties, on the basis of the share of water owned by such party;

10. That each party should bear his own costs herein incurred;

11. That the parties are entitled to the relief prayed for in their Amended Complaint and Answer and Cross Complaint, all filed herein.

NOW, THEREFORE, BY REASON AND VIRTUE OF THE LAW AND THE PREMISES, ON MOTION OF COUNSEL FOR THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the Stipulation on file herein is hereby allowed and approved;

2. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;

3. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year;

SECRET

79 1804-2 22-0610
4. That the plaintiffs, O. J. Neeley and Myrtle Neeley be and they are hereby vested with title to 435 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

5. That the defendants, George Browning and Phoebe Browning be and they are hereby vested with title to 300 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

6. That the defendants, Morris Slaymaker and Thelma Slaymaker be and they are hereby vested with title to 225 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

7. That domestic use of water shall have priority over any other use during the seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

8. That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties on the basis of the share of water owned by such party;

9. That each party shall bear his own costs herein incurred.

Dated this 21st day of May, 1954.

Henry S. Martin
Judge of the Ninth Judicial District
of the State of Idaho

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR MADISON COUNTY

O. J. HEELEY and MYRTLE HEELEY,
his wife,

Plaintiffs,

vs.

DECKEN

GEORGE BROWNING and PHOEBE BROWNING,
his wife, and MORRIS SLAYMAKER and
THELMA SLAYMAKER, his wife,

Defendants.

The above entitled cause came on regularly to be heard and tried by the Court on the 21st day of May, 1954, the plaintiffs appearing in person and by their attorney, Ray W. Rigby, of Rexburg, Idaho, and the defendants appearing in person and by their attorney, Leonard O. Kingsford, of Rexburg, Idaho, and it appearing to the Court that the parties hereto have stipulated and agreed as to their respective rights and interests in the water rights which are the subject matter of this litigation; and evidence, oral and documentary, having been offered and introduced and proof being made to the satisfaction of the Court, the Court finds:

1. That said Stipulation is fair, reasonable, proper and acceptable;
2. That the plaintiffs are the owners of that certain property described in Paragraph IV of their Amended Complaint;
3. That the defendants, George Browning and Phoebe Browning, his wife, are the owners of that certain property set forth in Paragraph IV of the Answer to Amended Complaint;
4. That the defendants, Morris Slaymaker and Thelma Slaymaker, his wife, are the owners of that certain property set forth in Paragraph VI of the Answer to Amended Complaint;
5. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;

6. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year;

7. That said parties are entitled to an interest therein based on 435 miners inches to plaintiffs out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 300 miners inches to defendants, George Browning and Phoebe Browning, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time; and on 225 miners inches to defendants, Morris Slaymaker and Thelma Slaymaker, his wife, out of such maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

8. That domestic use of water should have priority over any other use during seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

9. That each of the parties hereto should be liable for expenses of maintenance of the irrigation system used in common by such parties, on the basis of the share of water owned by such party;

10. That each party should bear his own costs herein incurred;

11. That the parties are entitled to the relief prayed for in their Amended Complaint and Answer and Cross Complaint, all filed herein.

NOW, THEREFORE, BY REASON AND VIRTUE OF THE LAW AND THE PREMISES, ON MOTION OF COUNSEL FOR THE PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the Stipulation on file herein is hereby allowed and approved;

2. That for over five years last past, the various parties hereto, amongst them, have diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes;

3. That the maximum flow so diverted is approximately 960 miners inches of water, and that such flow decreases during the summer months of the year;

4. That the plaintiffs, O. J. Nealey and Myrtle Nealey be and they are hereby vested with title to 435 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

5. That the defendants, George Browning and Phoebe Browning be and they are hereby vested with title to 300 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

6. That the defendants, Morris Slaymaker and Thelma Slaymaker be and they are hereby vested with title to 225 miners inches of the waters of Pony Creek, based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time;

7. That domestic use of water shall have priority over any other use during the seasons when the total supply of water is inadequate to cover all needs of the parties hereto;

8. That each of the parties hereto shall be liable for expenses of maintenance of the irrigation system used in common by such parties on the basis of the share of water owned by such party;

9. That each party shall bear his own costs herein incurred.

Dated this 21st day of May, 1954.

/s/ Henry S. Martin

Judge of the Ninth Judicial District
of the State of Idaho

J. KENT JOLLEY
W. BRENT EAMES

LAW OFFICES
JOLLEY & EAMES
P. O. BOX 306
REXBURG, IDAHO 83440

39 PROFESSIONAL PLAZA
TELEPHONE (208) 856-7276

April 30, 1974

RECEIVED
MAY 2 1974

WATER ADMINISTRATION
Area Office

Mr. Ron Carlson
Assistant to District Engineer
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED
MAY 1 1985

RE: Owen J. Neeley Ranch, Inc.

Dear Mr. Carlson:

I am enclosing a copy of a Stipulation Agreement between O. J. Neeley Ranch, Inc., and George Browning, wherein Mr. Browning withdraws protest of Neeley's application for transfer of water right.

This agreement also provides that the Brownings agree to allow Neeley Ranch the use of all the waters of Pony Creek during the spring up until Mr. Browning begins to irrigate his hay.

I received a copy of Notice of Protest by the Fremont-Madison Irrigation District. We would like a hearing held in this matter as soon as possible.

Thank you for your assistance.

Yours very truly,

JOLLEY & EAMES


W. Brent Eames

MICROFILMED

W. Brent Eames
JOLLEY & EAMES
Attorneys at Law
P. O. Box 306
Rexburg, Idaho 83440

RECEIVED
MAY 2 1974

WATER ADMINISTRATION
Area Office

RECEIVED
MAR 1 1965

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION FOR
THE STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR) STIPULATION AGREEMENT
TRANSFER CLAIM TO WATER RIGHT)
#22-4003 IN THE NAME OF O. J.)
NEELEY RANCH, INC.)

The applicant, O. J. NEELEY RANCH, INC., having filed with this department an application to change the point of diversion and place of use of the above claim to a water right, and George H. Browning having filed a protest against approval of said application for the purpose of clarifying the ownership of the waters in Pony Creek;

The parties involved, O. J. Neeley Ranch, Inc., and George Browning and Phebe Browning stipulate and agree to the following:

1. The parties acknowledge and hereby refer to a decree dated May 21, 1954, wherein it was decreed that the maximum flow of Pony Creek was approximately 960 miner's inches of water; that O. J. Neeley and Myrtle Neeley were vested with title to 435 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time. And that George Browning and Phebe Browning, husband and wife, were vested with title to 300 miner's inches of water, such interest to be decreased proportionately with a decrease in the total flow.

MICROFILMED

And that Morris Slaymaker and Thelma Slaymaker were vested with 225 miner's inches of the waters of Pony Creek, such interest to be decreased proportionately to any decrease in the total flow.

2. That the applicant, O. J. NEELEY RANCH, INC., has purchased all title and interest to the waters of Pony Creek which were vested in O. J. Neeley and Myrtle Neeley, husband and wife, and in Morris Slaymaker and Thelma Slaymaker, husband and wife.

3. That George Browning and Phebe Browning continue to have all right, title and interest in and to 300 miner's inches out of the maximum flow of 960 inches, such interest to be decreased proportionately to any decrease in the total flow of water at any given time.

4. That George Browning and O. J. Neeley Ranch, Inc., have for over five years last past diverted and used the full flow of the waters of Pony Creek for domestic and agricultural purposes.

5. That as between the parties, except as provided in paragraph 6, O. J. Neeley Ranch, Inc., is vested with title to 660 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, or 11/16ths of the flow at any given time, such interest to be decreased proportionately to any decrease in the total flow of water at any given time, and that George Browning and Phebe Browning are vested with title to 300 miner's inches of the waters of Pony Creek based on a maximum flow of 960 inches, or 5/16ths of the flow at any given time, such interest to be decreased proportionately to any decrease in the total flow of water at any given time.

6. That George Browning and Phebe Browning agree to allow O. J. Neeley Ranch, Inc., the use of all the waters of Pony Creek during the spring of each year up until the time that the Brownings begin to irrigate. When the Brownings begin to irrigate then each

MICROFILMED

of the parties shall have the right to use their respective shares as provided in paragraph 5. At that point in time when the waters of Pony Creek no longer reach Canyon Creek, then the Brownings shall have full use of said waters except for what O. J. Neeley Ranch, Inc., needs to water its stock. It is further agreed that O. J. Neeley Ranch, Inc., shall open a roadway to the point of diversion of said waters for the use by both parties and shall install a dividing gate at the point of diversion in order that the waters may be divided as agreed herein.

7. That George Browning and Phebe Browning withdraw the protest filed against the application of O. J. Neeley Ranch, Inc. for the transfer of water right, No. 22-4003, ²²⁻⁰⁶¹⁰ and waiver further protest on the condition that their water rights are ^{GHB} not lost or injured in any way by said transfer.

8. That the parties agree to be bound according to the above referenced decree regardless of whether any rights under the decree are transferred.

Dated this 18th day of February, 1974.

O. J. NEELEY RANCH, INC.

By Owen J. Neeley
Its President

George Browning
George Browning

Phebe Browning

STATE OF IDAHO,)
 SS.
County of Madison.)

On this 18th day of February, 1974, before me, the undersigned, Notary Public in and for said State, personally appeared

RECORDED

OWEN J. NEELEY, known to me to be the President of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 10/8/74

STATE OF IDAHO,)
 SS.
County of Madison.)

On this 25th day of ^{April}~~February~~, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE BROWNING ~~and PHEBE BROWNING~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.



Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 10/8/74



February 26, 1978

Re: Transfer No. 22-06108

O. J. Haeley Ranch, Inc.
Box 425
Rimbury, Idaho 83440

Gentlemen:

Enclosed is a copy of your approved Application for Transfer No. 22-06108. We direct your attention to the conditions of approval as listed on the Memorandum Decision & Order.

Be sure to note that a special condition requiring you to install and maintain a measuring device has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEMMER
Chief, Water Rights

BDF:jfr

Enclosure

cc: Art Larsen, Watermaster
Box 1000
Idaho Falls, Idaho 834

Encl: Copy of Permit and
Memo. Dec. & Order

cc: Protestants and attorneys

Encl: Copy of Memo. Dec. & Order

MEMORANDUM

TO: Bob Fleenor
FROM: Ron Carlson
RE: Memorandum Decisions for 22-0610B, 22-7114, 22-7118
DATE: February 13, 1975

Department of Water Resources

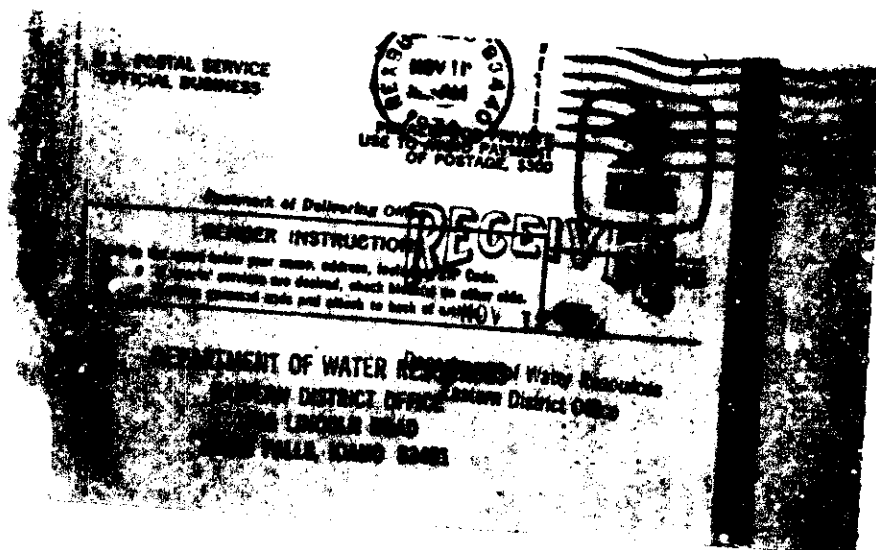
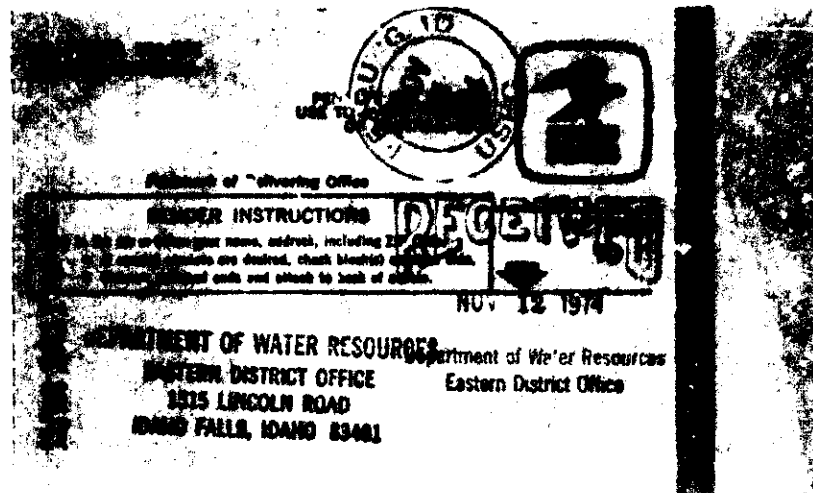
Just a word of explanation on the proposed memorandum decisions for 22-0610B, 22-7114, and 22-7118. One of the issues that I felt was never resolved at the hearing on 22-0610B was: Can O. J. Neeley use the water from Pony Creek beneficially? Some of those who testified said Pony Creek would be dry by the second week in June. There is also testimony that the Canyon Creek Canal does not begin to divert water until around June 15. I really wonder how much irrigating Neeley can get done if he must quit when other farmers are starting. This is the reason I included condition #4 of the Order.

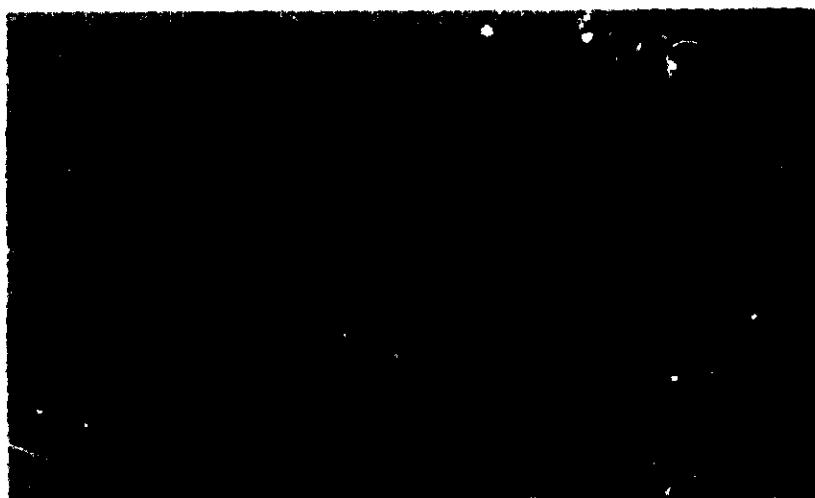
As a condition of approval for 22-7118, I have limited the time period that proof can be submitted to the period March 1, 1980 to March 1, 1981. Since Stevens has the earliest priority it would be unfair for Neeley to submit proof and receive a license if there actually is not water available to fill his right.

Finally, I had the decisions prepared for Ken's signature since there is a good chance they may be appealed. It may allow Keith a little more flexibility than he would have had he signed the approval orders. That is my reasoning for what it is worth.

I have been called twice by Blair Grover asking when the decision on Neeley's applications will be out. He says Neeley has to tell the power company which way to go with the power. I told Blair Grover I would do what I could to expedite processing.

Ken





1 **RECEIVED**

NO. 3 1974

APPLICATION FOR TRANSFER OF WATER RIGHT

Dept of Water Resources
Boise Idaho 83725

NO. 22-0610

RECOMMENDATION OF WATERMASTER

I, Arthur L. Law, watermaster of Snake River,
of Water District No. 01, County of Blaine, Fremont, etc, State of Idaho,
whose address is P.O. Box 1099, Idaho Falls, Idaho
have read the attached copy of the application for transfer of water right for
O. J. Neely Ranch, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: Applicant's rights are in Piny Creek only, and his
proposed diversion from Canyon Creek must be limited to the
flow from Piny Creek into Canyon Creek. Therefore, at no time is he
entitled to water other than that contributed by Piny Creek
within applicant's 6/15/1900 OR right thereof. Administration will be very

B. I do not endorse approval of the above numbered Application for Transfer as requested
for the following reasons: _____

Dated at Idaho Falls, Idaho, this 29th day of November, 1974.

Arthur L. Law
(signature)

22-0610B - O. J. Neeley Ranch, Inc.

Community Room, Valley Bank, St. Anthony, Idaho

November 22, 1974 - 3:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Norman Waller	Ashton	Fremont Madison
Reverend Walker	Reynolds	St. Anthony
J. E. Macari	St. Anthony	Fremont Madison
Mary Smith	St. Anthony	Fremont Madison
Donna Martinson	St. Anthony	Fremont Madison
J. E. Macari	St. Anthony	Fremont Madison
Robert Smith	St. Anthony	Fremont Madison
Walter Smith	St. Anthony	Fremont Madison
Grant Hargis	Nevada	Canyon Creek Club
Geo Browning	Nevada	Canyon Creek Club
Joe H. Hargis	Nevada	Canyon Creek Club
Grove Browning	Nevada	Canyon Creek Club
Sarah Hargis	Nevada	Canyon Creek Club
Bob Hargis	Nevada	Canyon Creek Club
Joe Hargis	Nevada	Canyon Creek Club

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

RETURNED CERTIFIED RECEIPTS

DEPARTMENT OF COMMERCE
BUREAU OF CUSTOMS
WASHINGTON, D.C. 20540

Indicate type of mail:
☐ Registered ☐ Registered ☒ Registered

Adm. stamp here if used as certificate of origin of this bill of lading, and date of receipt.

8

LINE NO.	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	YES	NO	DATE	REMARKS
1	510 J. J. Brown, General Building, 1000 14th St. N.W.	10	30	15		21-3-40
2	511 Mayfield Bldg. 300 14th St. N.W.	20	30	15		21-3-40
3						21-3-40
4	512 P. J. White, 1000 14th St. N.W.	20	30	15		21-3-40
5						21-3-40
6	513 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
7	514 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
8	515 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
9	516 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
10	517 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
11	518 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
12	519 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
13	520 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
14	521 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
15	522 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
16	523 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
17	524 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40
18	525 J. J. Brown, 1000 14th St. N.W.	10	30	15		21-3-40

TOTAL NO. OF AT P.O. 16 APPLICATION FOR REGISTRATION OR CERTIFICATION (Batches are not required on international registered mail)

October 30, 1974

Valley Bank
50 West Main
St. Anthony, ID 83445

Attention Evelyn

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, November 21, 1974, starting at 9:00 a.m. and on Friday, November 22, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

October 23, 1974

Re: Application for Transfer of Water Right No. 22-0610R O. J. Neeley Ranch, Inc.

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

This is to acknowledge receipt of the protest against the above referenced application for transfer of water right which you submitted on behalf of Fremont-Madison Irrigation District. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:NR

cc: Fremont-Madison Irrigation Dist.

October 23, 1974

Re: Application for Transfer of Water Right No. 22-0610B

Mr. O. J. Neeley
O. J. Neeley Ranch, Inc.
P.O. Box 425
Rexburg, ID 83440

Dear Mr. Neeley:

Enclosed please find a copy of the protest filed by Attorney Mary Smith on behalf of Fremont-Madison Irrigation District against the issuance of the above referenced transfer application.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MS

Enclosure

RECEIVED

OCT 21 1974

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF	:	
O. J. NEELEY RANCH, INC., NUMBER	:	PROTEST OF THE FREMONT-
22-0610, for a change of the point	:	MADISON IRRIGATION
of diversion and place of use of	:	DISTRICT.
the waters of Pony Creek.	:	
	:	

Comes now the Fremont-Madison Irrigation District a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that O. J. Neeley Ranch, Inc., made application No. 22-0610 to change the point of diversion and place of use of the waters of Pony Creek, and makes the following Protest against the approval of such application:

1. That the supply of water in Pony Creek is not sufficient to warrant a change of point of diversion and place of use of the waters of Pony Creek.
2. That the anticipation of the applicant to change the point of diversion and place of use of the waters of Pony Creek is speculative because of the lack of water in Pony Creek, and any such attempt will reduce the quantity of water under existing water rights at the proposed point of diversion.
3. That the property is not within the boundaries of the Fremont-Madison Irrigation District, and any storage water cannot be delivered outside the boundaries of the District.

Reveries Walker
Chairman, Board of Directors,
Fremont-Madison Irrigation
District.

STATE OF IDAHO,)
 (SS
County of Madison.)

R. WILLIS WALKER , being first duly sworn, says that
he is Chairman of the Board of Directors of the Fremont-
Madison Irrigation District and he makes this verification for
and on behalf of said District; that affiant has read the foregoing
Protest and knows the contents thereof and as to the matters and
things therein alleged, affiant believes the same to be true.

Willis Walker

Subscribed and sworn to before me this 18th day of
October, 1974.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires June 25, 1975.

(Seal)

F.W:

12/18/74

Drent Barnes called
on this. He wants
hearing set as soon
after Oct. 21 as
possible. Please
advise him.

Callen

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 10, 1974

Re: Application for Transfer of Water Right No. 22-06108

Mr. J. Wayne Stevens
B4 176
Tetonis, ID 83452

Dear Mr. Stevens:

We acknowledge receipt of your protest against the above referenced application for transfer of water right. You should be aware that the following are the items we must consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance please contact us.

Very truly yours,

RONALD B. CARLSON
Acting District Engineer

RBC:MB

I hereby protest Application for Transfer of Water Right No. 22-06108 in the name of O. J. Neesley Ranch, Inc. I feel that my right would definitely be affected by this transfer since the original right is water that doesn't exist only in high water or until June, and then it is less than the requested amount.

RECEIVED

William E. Stevens

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 10, 1974

Re: Application for Transfer of Water Right No. 22-0610B

Mr. Owen J. Nealey
O. J. Nealey Ranch, Inc.
P. O. Box 425
Rimborg, ID 83440

Dear Mr. Nealey:

Enclosed please find a copy of the protest filed by J. Wayne Stevens against the issuance of the above referenced transfer application.

You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

ADMINISTRATIVE & RESOURCES

September 30, 1974

Re: Application for Transfer of Water Right No. 22-0610

Mr. Art Larson, Watermaster
Water District No. 01
P.O. Box 1099
Yamho Falls, ID 83401

Dear Mr. Larson:

We have enclosed a Recommendation of Watermaster form to be completed concerning the above referenced application. Please complete the form and return it to this office on or before October 21, 1974.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 27, 1974

Re: Application for Transfer No. 22-0610 O. J. Neeley Ranch, Inc.

Rexburg Journal
23 South 1st East
Rexburg, ID 83440

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 time for you to submit us a galley proof for 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. 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.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

Bill submitted 10-15-74 by MB

RDC:MB

Enc: Legal Notice (1)

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 1, 1974

Re: Application for Transfer of Water Right No. 22-0610A

Mr. Owen J. Neeley
P.O. Box 425
Rexburg, ID 83440

Dear Mr. Neeley:

This is to acknowledge receipt of the withdrawal of the above referenced application for transfer and our records have been marked accordingly.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 1, 1974

Re: Application for Transfer of Water Right No. 22-0610A Owen J. Neeley Ranch, Inc.

Ms. Mary Smith
Smith & Hancock
Attorneys at Law
30 South Second West
Rexburg, Idaho 83440

Dear Ms. Smith:

On September 26, 1974, Owen J. Neeley visited this office and withdrew the above referenced application for transfer, in which he proposed to transfer 8.7 cfs of water from Pony Creek to be diverted from the Teton River for the irrigation of 695 acres. Mr. Neeley then filed a new application for transfer which is numbered 22-0610B transferring 8.7 cfs of water from Pony Creek to a new point of diversion within the SWQW, Sec. 19, T. 6N, R. 43E, B.M. on Canyon Creek. The withdrawal of the first transfer will make the stipulated agreement that the Department has been waiting to receive unnecessary. The new application for transfer will be advertised on October 3 and 10, 1974, in the Rexburg Journal, Rexburg, Idaho.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

cc: George Browning

XXXXXXXXXXXXXXXXXXXXX RESOURCES

October 1, 1974

Re: Application for Transfer of Water Right No. 22-0610A

Mr. Brent Eames
Jolley & Eames
Attorneys at Law
39 Professional Plaza
Rexburg, Idaho 83440

Dear Mr. Eames:

On September 26, 1974, Owen J. Neeley visited this office and withdrew his application for transfer of water right #22-0610A in which he proposed to transfer 8.7 cfs of water from Pony Creek to be diverted from the Teton River for the irrigation of 693 acres. Mr. Neeley then filed a new application for transfer which is numbered 22-0610B transferring 8.7 cfs of water from Pony Creek to a new point of diversion within the NE 1/4, Sec. 19, T. 6N, R. 43E, S.M. on Canyon Creek. The withdrawal of the first transfer will make the stipulated agreement that the Department has been waiting to receive unnecessary. The new application for transfer will be advertised on October 3 and 10, 1974, in the Rexburg Journal, Rexburg, Idaho.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

I hereby withdraw application for transfer
of Water Right number 22 66108

Carla J. Hickey

9-26-74

Subscribed and sworn to before me this 26th day of SEPT, 1974

Ronald D. Calum
(notary public)

Residing at EIRTH, IDAHO

My commission expires 3/14/78

J. KENT JOLLEY
W. BRENT EAMES

LAW OFFICES
JOLLEY & EAMES
P. O. BOX 808
REXBURG, IDAHO 83440

30 PROFESSIONAL FEES
TOLSON (200) 500-7070

August 16, 1974

RECEIVED

AUG 16 1974

Department of Water Resources
Falls, Idaho

Mr. Ronald D. Carlson
Assistant to District Engineer
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Thank you for your letter of August 15. I have sent Proposed Stipulation Agreements to Mary Smith on the Owen J. Neeley application and to Willis Benjamin on the Dietrich application. I sent the Stipulation to Mary Smith some time ago and the one to Willis Benjamin just two or three days ago. You may wish to inquire of these attorneys. Thank you kindly.

Yours truly,

JOLLEY & EAMES


W. Brent Eames

r

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 15, 1974

RE: Application for Transfer No. 22-0610

Ms. Mary Smith
Attorney at Law
10 E. 2nd W.
Burzburg, Idaho 83440

Dear Ms. Smith:

The Department has been delaying final action on application for transfer No. 22-0610 (Owen J. Neeley) in anticipation of a stipulated agreement pursuant to the conference held in June of this year. The Department feels it would be in everyone concerned's best interest if final action is taken on this application for transfer as soon as possible.

If the Department can do anything to expedite the completion of this agreement, please let us know.

Very truly yours,

RONALD D. CARLSON
Assistant to the
District Engineer

RDC:cb

June 25, 1974

Re: Application for Transfer of Water Right No. 22-0610

Mr. Brent Jones
Attorney at Law
20 Professional Plaza
Rexburg, ID 83440

Dear Brent:

Enclosed is the copy of the altered Application for Transfer for O. J. Keeley Ranch, Inc. Further processing on this application will be withheld until we receive the copy of the agreement with Madison-Fremont Irrigation District withdrawing the protest.

Also before the Department can take final action on the application, it will be necessary to supply us with a copy of the easement or special use permit from the Bureau of Reclamation allowing access to the point of diversion, assuming that the camp will be located below the take-line of the Teton River.

If you have any questions, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

Edward J. Jorgensen
Secretary

22-0610 - Owen J. Neeley Ranch, Inc.

Courtroom, Madison County Courthouse, Rexburg, Idaho

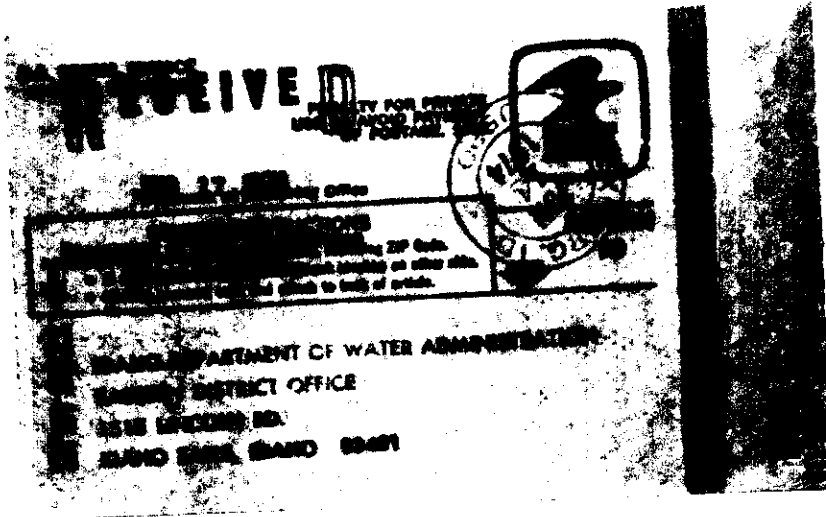
June 25, 1974 - 2:00 p.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Initials</u> <u>Representing</u>
Ernest Walker	Rexburg	
LeRoy Mortensen	Rexburg	LeRoy Mortensen
Mary Smith	Rexburg	Fremont Madison
J. Leigh Chantrell	Newdale	Fremont Madison
St. Ruders	Felton	✓
Jed Neeley	Newdale	
Gert James	Rexburg	Neeley

After dinner, I was I found in conditions of nothing in the address of captain of this ship.





PLEASE PRINT OR TYPE (Do not follow instructions on other side) *22-468*

NAME (PRINT) (Last, first, middle initial) INDICATED BY OTHERS (Last, first, middle initial)

☐ Show Address ☐ Delivery ONLY

RECEIPT
Received the numbered article described below

NUMBERED ARTICLE: *3/1* SIGNATURE OR NAME OF ADDRESSEE (Last, first, middle initial)

SIGNATURE OF ADDRESSEE'S SIGN, NAME: *David H. Hays*

DATE RECEIVED: *14 1974*

PLEASE PRINT OR TYPE (Do not follow instructions on other side) *22-468*

NAME (PRINT) (Last, first, middle initial) INDICATED BY OTHERS (Last, first, middle initial)

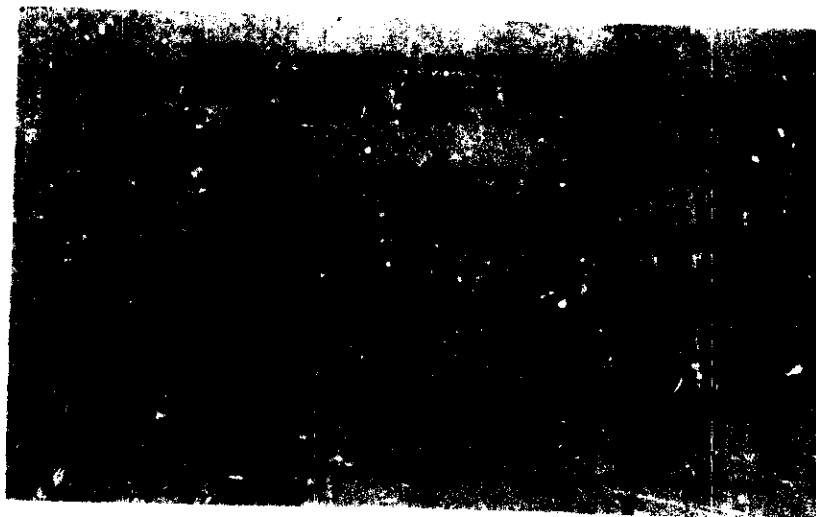
☐ Show Address ☐ Delivery ONLY

RECEIPT
Received the numbered article described below

NUMBERED ARTICLE: SIGNATURE OR NAME OF ADDRESSEE (Last, first, middle initial)

SIGNATURE OF ADDRESSEE'S SIGN, NAME: *R. H. Hays*

DATE RECEIVED: *14 1974*



Following cards
belong in
Folder 22-0610A

June 11, 1974

Madison County Courthouse
Clark of the District Court
Rexburg, Idaho 83440

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, June 25, 1974, at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

WILLIAM C. YOUNG
District Engineer

WCY:MB

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

April 24, 1974

C
Re: Application for Transfer of Water
Right No. 22-0610

U
Mrs. Mary Smith
Attorney at Law
20 South 2nd West
Salt Lake City, UT 84140

Re: Mrs. Smith:

Y
This is to acknowledge receipt of the protest which you submitted on behalf of R. Willie Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District against the above referenced application for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

- (1) Are other water rights injured by the transfer?
- (2) Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

REC:MS
cc: R. Willie Walker

April 24, 1974

**Re: Application for Transfer of Water
Right No. 22-0610**

**Mr. Brent Eames
Attorney at Law
30 Professional Plaza
Rexburg, ID 83440**

Dear Mr. Eames:

Enclosed please find a copy of the protest filed by R. Willis Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District against the above referenced transfer application.

You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- (1) Are other water rights injured by the transfer?
- (2) Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

**RONALD D. CARLSON
Asst. to the District Engineer**

**RDG:MB
cc: Owen J. Newley**

RECEIVED

APR 23 1974

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION
Department of Water Administration
Eastern District Office

IN THE MATTER OF THE APPLICATION OF :
OWEN J. NEELEY RANCH, INC., :
NO. 22-0610, for a change of the : PROTEST OF FREMONT-MADISON
point of diversion and place of use :
of the waters of Pony Creek. : IRRIGATION DISTRICT.
:

Comes now the Fremont Madison Irrigation District,
a quasi-municipal corporation of the State of Idaho, with its
office and post office address at St. Anthony, Idaho, and in
response to notice given that Owen J. Neeley Ranch, Inc. made
application No. 22-0610 to change the point of diversion and
place of use of the waters of Pony Creek, and makes the following
Protest against the approval of such application:

1. That the supply of water in Pony Creek is not
sufficient to warrant a change of point of diversion and place
of use of the waters of Pony Creek.
2. That the anticipation of the applicant to change
the point of diversion and place of use of the waters of Pony
Creek is speculative because of the lack of water in Pony Creek,
and any such attempt will reduce the quantity of water under
existing water rights at the proposed point of diversion.

R. Willis Walker
R. Willis Walker, Chairman of
the Board of Directors of the
Fremont-Madison Irrigation District.

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1965-1969)

80 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-856-6698

RECEIVED

April 22, 1974

APR 23 1974

Department of Water Administration
Eastern District Office

Mr. Norman C. Young, District Engineer
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Young:

RE: Application No. 22-0610, For a Change
of the Point of Diversion and Place
of Use of the Waters of Pony Creek.

Pursuant to our telephone conversation, I am enclosing
herewith the protest of Fremont-Madison Irrigation District
regarding the above numbered application.

Kindest regards,

Mary Smith
Mary Smith

fo

Enclosure

STATE OF IDAHO,)
 (SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 21st day of April, 1974.

Henry Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires June 25, 1975.

(Seal)

April 22, 1974

C
Re: Application for Transfer of Water Right No. 22-0610 NEELY

C
Nashua Journal
23 South First East
Nashua, ID 83440

Gentlemen:

C
Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on April 11 and April 18, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Y
HERMAN C. YOUNG
District Engineer

HCY:MB

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 22-0610

RECEIVED

APR 23 1974

RECOMMENDATION OF WATERMASTER

Department of Water Administration
Eastern District Office

I, Arthur L. Larson, watermaster of Snake River,
of Water District No. 01, County of Madison, Fremont & Latah, State of Idaho,
whose address is P.O. Box 1099, Idaho Falls, Ida.,
have read the attached copy of the application for transfer of water right for _____
Owen J. Neely Ranch, Inc., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Administration approve the transfer subject
to the following conditions: _____

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: Applicant proposes to transfer his decree
from a source that reportedly does not reach "live water" after flood
season, to a source that would ordinarily be regulated after about mid-
season. Without adequate stored water, which he does not now possess,
he would be injuring his own right.

Dated at Idaho Falls, Idaho, this 19th day of April, 1974.

Arthur L. Larson
(signature)

April 5, 1974

Re: Application for Transfer of Water Right No. 22-0610 NEELEY

The Rexburg Journal
23 South First East
Rexburg, ID 83440

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 time for you to submit us a galley proof for 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. 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.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 4-24-74 by MB

NCY:MB
Enc: Legal Notice (1)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0610

Notice is hereby given that Owen J. Neeley Ranch, Inc., P. O. Box 425, Burdick, Idaho, has applied to the Department of Water Administration for a change of the point of diversion and place of use of the waters of Pony Creek. The right sought to be changed is evidenced by decree to O. J. Neeley & Myrtle Neeley in Case of O. J. and Myrtle Neeley, his wife, -vs- George Browning and Phoebe Browning, his wife, and Morris Slaymaker and Thelma Slaymaker, his wife, dated May 21, 1954 in 9th Judicial District Court, Madison County and is recorded as follows:

Amount: 8.7 cfs Priority: June 15, 1900

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 6N, R. 43E, B.M., Teton County

The water will be used for the irrigation of 346 acres within the NE $\frac{1}{4}$, Sec. 32, T. 6N, R. 43E, B.M., Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 7N, R. 43E, B.M., Teton County; and will be used for the irrigation of 695 acres within the NW $\frac{1}{4}$, Sec. 31, T. 7N, R. 43E, B.M., NW $\frac{1}{4}$, Sec. 31, T. 7N, R. 43E, B.M., SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, NE $\frac{1}{4}$, Sec. 36, T. 7N, R. 43E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Boise Falls, Idaho, 83401, on or before April 22, 1974.

R. KEITH HIGGINSON

Director

Published in the Teton Valley News, Driggs, Idaho, on April 4 and April 11, 1974.

101542

State of Ill.
County of Franklin
Subscribed by
Ray R. Ruff
at 1 June 1964
O. C. 1
d. June 1964
at 66
of Franklin Prec. 289
N. 1
of 1 to
Ray R. Ruff
Deputy
Ray R. Ruff
Deputy

CERTIFICATE
I HEREBY CERTIFY THAT THE
SUBSCRIBER IS A QUALIFIED
ELECTOR OF THE STATE OF
ILLINOIS AND IS
ELIGIBLE TO VOTE IN
SAID Precinct 289, 1974
IN THE
ELECTION FOR
SAY 1974
BY
Ray R. Ruff
Deputy

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0610

Notice is hereby given that Owen J. Neeley Ranch, Inc., P. O. Box 425, Rexburg, Idaho, has applied to the Department of Water Administration for a change of the point of diversion and place of use of the waters of Pony Creek. The right sought to be changed is evidenced by decree to O. J. Neeley & Myrtle Neeley in Case of O. J. and Myrtle Neeley, his wife, -vs- George Browning and Phebe Browning, his wife, and Morris Slaymaker and Thelma Slaymaker, his wife, dated May 21, 1954 in 9th Judicial District Court, Madison County and is recorded as follows:

Amount: 8.7 cfs Priority: June 15, 1900

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 6N, R. 43E, B.M., Teton County;

The water will be used for the irrigation of 846 acres within the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 32, T. 6N, R. 43E, B.M., NW $\frac{1}{4}$, Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 6N, R. 43E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 7N, R. 43E, B.M., Teton County; and will be used for the irrigation of 695 acres within the W $\frac{1}{2}$, Sec. 30, NW $\frac{1}{4}$, Sec. 31, T. 7N, R. 43E, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, NE $\frac{1}{4}$, Sec. 36, T. 7N, R. 42E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 29, 1974.

R. KEITH HIGGINSON

Director

March 29, 1974

Re: Application for Transfer of Water Right No. 22-0510 NEELEY

Teton Valley News,
Briggs,
Idaho 83422

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 time for you to submit us a galley proof for 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. 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.

Very truly yours,

ROBERT C. YOUNG
District Engineer

Bill submitted 4-18-74 by MS

RCY:PB
Enc: Legal Notice (1)

CONVERSATION MEMORANDUM

DATE 3/22/74

FILE

NAME OF PARTY Brent Finner

EMPLOYEE Ken Carlson

RE: Mr. Finner said, per telecon, that
he had forgotten that the decree
specifically specified the amount
of water to which Mr. Neely
was entitled, and should therefore
be changed, rather than fail to
amend it to the decree.

March 22, 1974

C
Jolley & Eames
Attorneys at Law
Pocatello, Idaho 83440

Gentlemen:

Attached herewith is departmental receipt No. 12801 in the amount of \$30.00 for the application submitted for Owen J. Neeley which was received in this office under the above date.

Very truly yours,

P
NORMAN C. YOUNG
District Engineer

Y
WCY:CS

Attachment