

AFFIDAVIT OF
PUBLICATION

State of Idaho }
County of Fremont } ss.

Raymond F. Nash
being first duly sworn, upon his
oath, deposes and says:

That he is the Editor
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

Notice of Proposed Change

Of Water Right #22-4010

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for 2 consecutive is-
sues thereof; first publication

having been made on the 16..

day of March, 1978.,

and the last publication on the

23 day of March

19 78.

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

Raymond F. Nash
Subscribed in my presence and

sworn to before me this 7

day of April

19 78

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

APR 14 1978

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 22-4010

Notice is hereby given that James
Wayne Larsen, Newdale, Idaho, has ap-
plied to the Department of Water
Resources for a change in the point of
diversion of the waters of a ground-water
source. The right sought to be changed is
evidenced by claim to a water right No. 22-
4010 and is recorded as follows:

AMOUNT: 0.55 cfs; PRIORITY: April,
1961; POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 26, T. 7N, R. 41E, B.M., Fremont
County.

The water is used to irrigate 60 acres
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E,
B.M.

TO BE CHANGED AS FOLLOWS

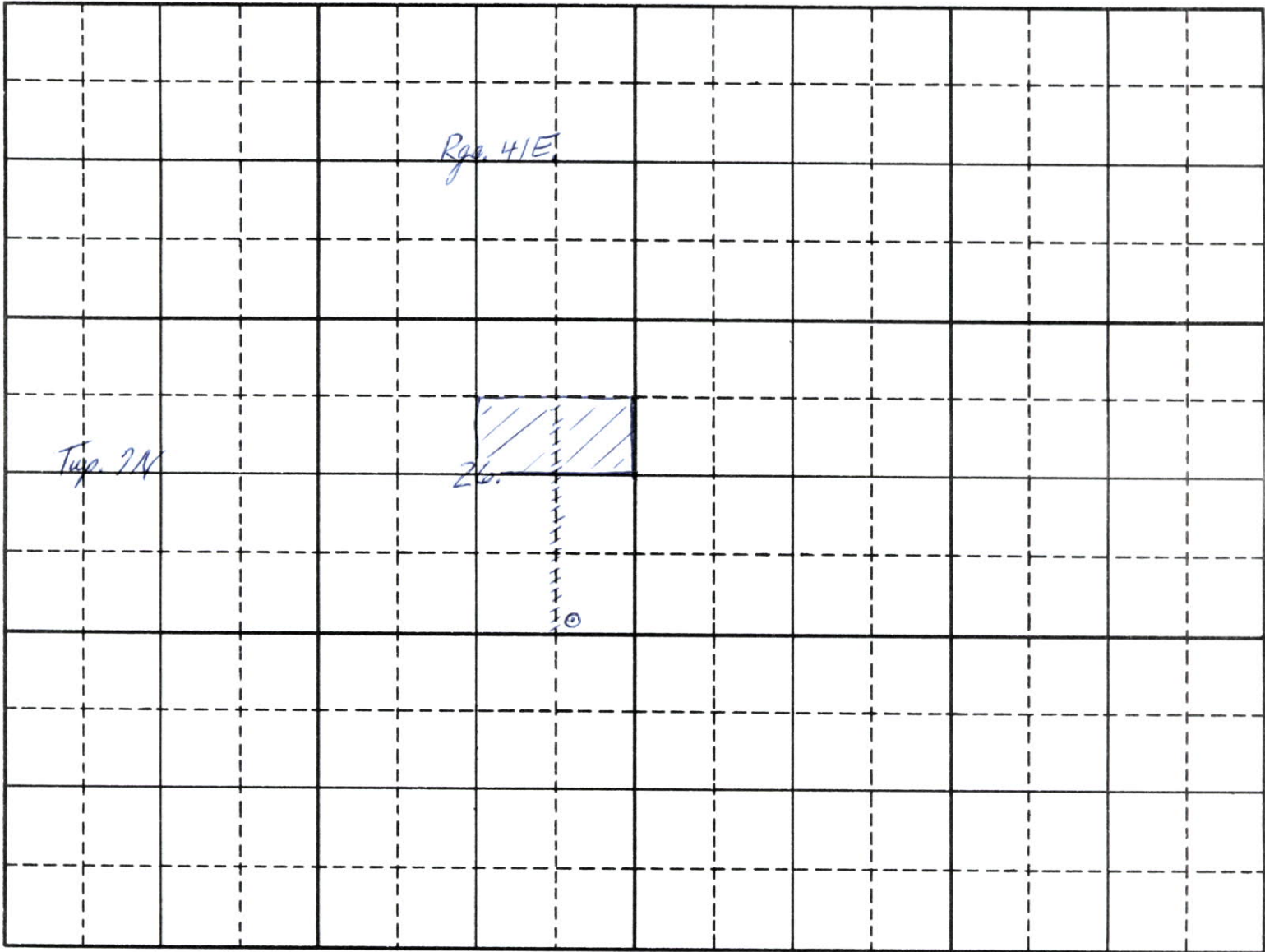
The water will be diverted within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M.,
Fremont County.

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, Idaho, on or before April 3,
1978.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho, on March 16
and March 23, 1978.

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 8th day of March, 1978.

James Wayne Larsen
(Claimant)

Robert Wayne
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

For Department Use Only

Received by <u>CW</u>	Date <u>3-08-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>3-08-78</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>3-08-78</u>			
Approved for publication by <u>me</u>	<u>4-24-78 #9864</u>			
Published in <u>Tremont City Chron.</u>				
Dates <u>Mar 16 & 23 1978</u>				

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County of Fremont

ss.

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ment or publication of

Notice of Claim to A.

Water Right No. 22-4010.

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type matter, of at least seven-
teen and three-fourths inches
deep.

Raymond F. Nash
Subscribed in my presence and

sworn to before me this 31

day of March,

19 78

[Signature]
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

APR 24 1978

Department of Water
Eastern District Office

**NOTICE OF CLAIM TO
A WATER RIGHT
NO. 22-4010**

Notice is hereby given that James
Wayne Larsen, Newdale, Idaho has filed a
claim to a water right established by
diversion and application to beneficial use
of 0.55 cubic feet per second of water from
a ground-water source with point of
diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 7N,
R. 41E, B.M., Fremont County.

The water is claimed to be used from
Apr. 1 to Nov. 1 for the irrigation of 60 acres
with a priority of April, 1961; the place of
use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T. 7N,
R. 41E, B.M.

Any exception to this claim of water
right may be filed with the Idaho Depart-
ment of Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho on March 16
and March 23, 1978.

R	41	E
---	----	---

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7

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AMT
LICENSED
22-2173

26	30	30
	40	40
	40	40

→ AMT CLAIMED 22-4010

AMT IN PROOF TO	
BENEFICIAL USE	SEE
LIC. 22-2173	

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2224	James Wayne Larsen	0.55	0	22-4010

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MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

APPROVED

Name of applicantJames Wayne LarsenPhone458-4354

Post office addressBox 97, Newdale, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 22-4010 on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water ground water tributary to _____
4. Date of priority April 1961
5. Water is used for the following purposes:

amount 0.55 for Irrigation purposes from Apr. 1 to Nov. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day – both dates inclusive)
6. Total amount of water under right: a. 0.55 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE ¼ of SE ¼ of Section 26
Township 7N Range 41E, B.M., in Fremont County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	41E	26			30	30													60

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

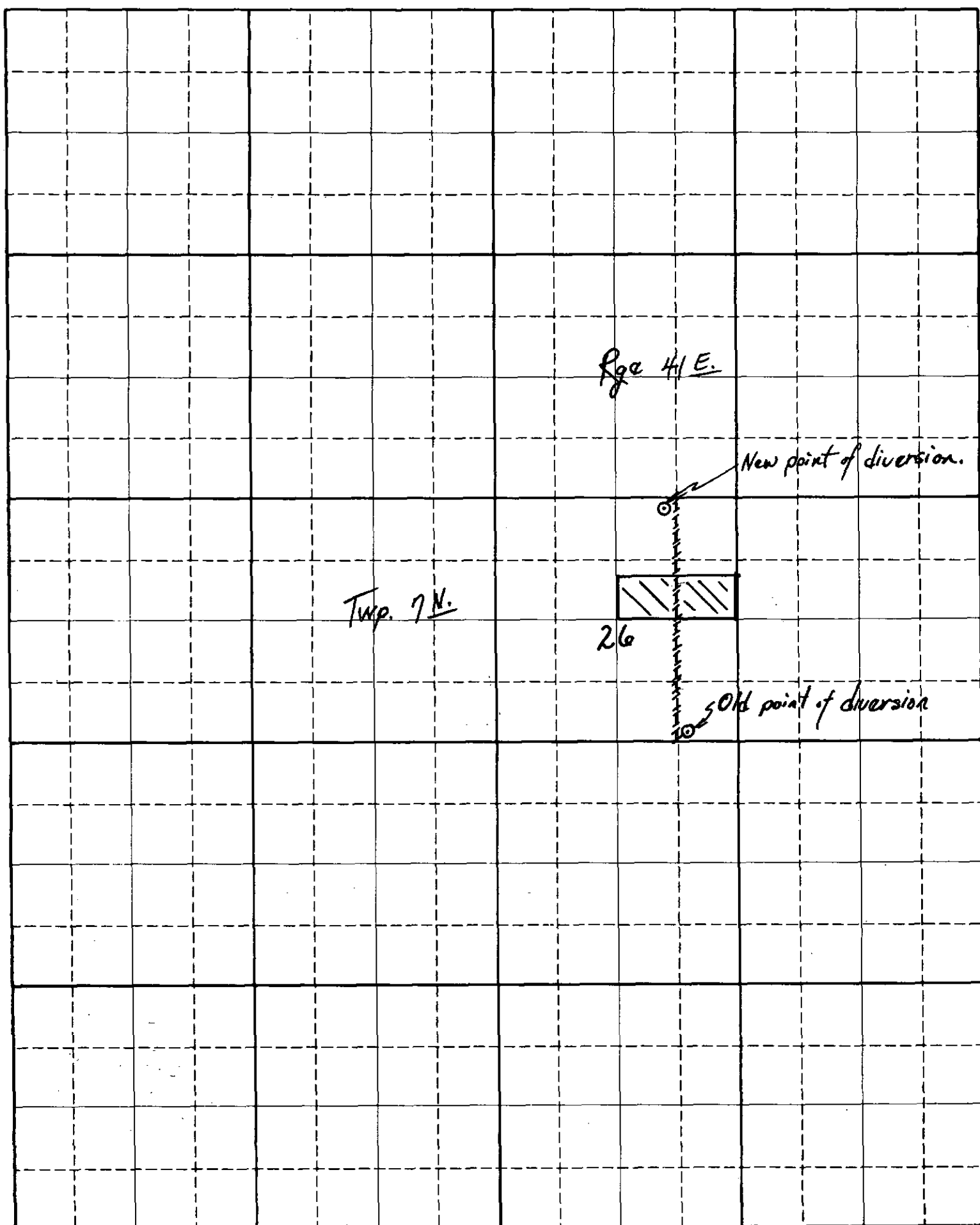
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 0.55 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NE ¼, Section 26 Township 7N
Range 41E, B.M., Fremont County
Additional points _____
- c. Description of diverting works well, 200 Hp motor and pump, buried 10" steel
main & 6 to 8 ½-mile wheel lines
- d. Describe the reasons for applying for a change in the point(s) of diversion Applicant wishes to
transfer Claim No. 22-4010 to a well on his own land.
2. Change in place of use NO CHANGE
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	41E	26			30	30													60

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

James Wayne Larson
(Signature of applicant)

Subscribed and sworn to before me this 8th day of March, 19 78.

Allen Whay
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-4010
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 5th day of June, 19 78.

Norman C Young
Administrator

FOR DEPARTMENT USE ONLY

Received by OW Date 3-08-78 Protest filed by _____

Prelim. check by EMC Fee \$30.00 fee transferred
from T #22-2173 dated _____

Receipted by OW Date 3/31/77 _____

Published in Fremont County Chronicle Copies of protest forwarded by _____

Pub. dates March 16 & 23, 1978 Hearing held by _____ Date _____

Watermaster recommendation requested on N.A. Recommended for approval denial

_____ rec'd. _____ by Ernest M. Nelson 5/7

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County of Fremont

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Of Water Right #22-4010

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sworn to before me this 7

day of April,

19 78

James E. Rose

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

APR 14 1978

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 22-4010**

Notice is hereby given that James
Wayne Larsen, Newdale, Idaho, has ap-
plied to the Department of Water
Resources for a change in the point of
diversion of the waters of a ground-water
source. The right sought to be changed is
evidenced by claim to a water right No. 22-
4010 and is recorded as follows:

AMOUNT: 0.55 cfs; PRIORITY: April,
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Sec. 26, T. 7N, R. 41E, B.M., Fremont
County.

The water is used to irrigate 60 acres
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M.,
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Any protest against approval of the
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Idaho Falls, Idaho, on or before April 3,
1978.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho, on March 16
and March 23, 1978.

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that James Wayne Larsen
(name of claimant)
of Box 97, Newdale, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>0.55</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.55 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April, 1961

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 26 Twp. 7N Rge. 41E B. M. County of Fremont
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. well, pump and sprinkler system

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

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7N	41E	26			30	30													60

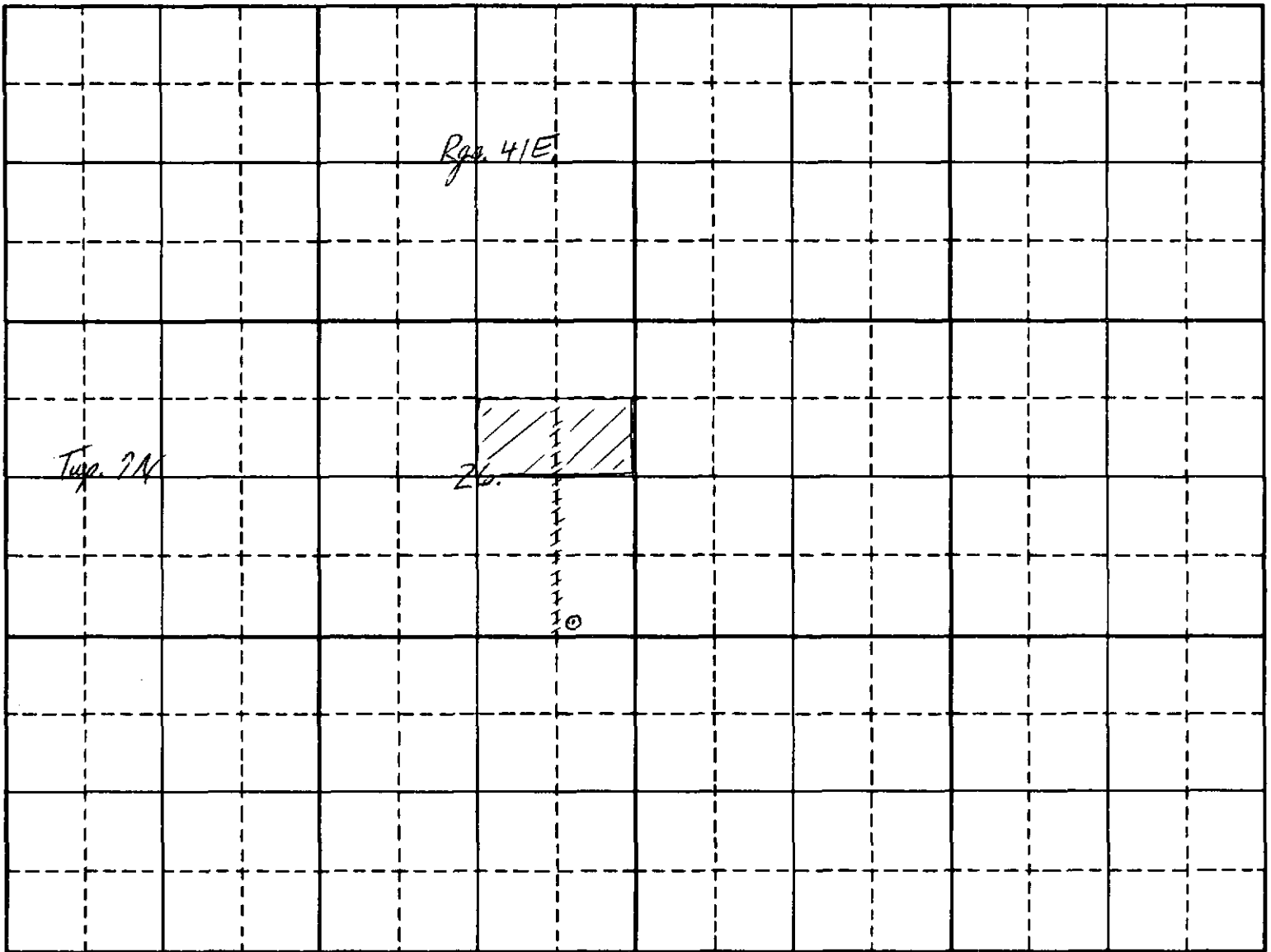
Total No. of acres 60

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

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

MICROFILM

(8) Remarks _____



Scale: 2 Inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 8th day of March, 19 78.

James Wayne Larsen
(Claimant)
William Way
Notary Public

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

For Department Use Only

Received by <u>CW</u>	Date <u>3-08-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>3-08-78</u>		claimant by:	
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Approved for publication by <u>ME 4-24-78 #9864</u>				
Published in <u>Tremont City Chron.</u>				
Dates <u>Mar 16 & 23 1978</u>				

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day of March,

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[Signature]
Notary Public for the
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(SEAL) dence and post office
address: St. Anthony,
Idaho.

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APR 24 1978

Department of Water
Eastern District Office

**NOTICE OF CLAIM TO
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NO. 22-4010**

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Any exception to this claim of water
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C. STEPHEN ALLRED
Director

Published in the Fremont County
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and March 23, 1978.

RECEIVED

June 6, 1978

Re: Transfer of Water Right No. 22-4010

James Wayne Larsen
Box 97
Newdale, ID 83436

Dear Mr. Larsen:

Enclosed is a copy of the approved Application for Transfer of Water Right
No. 22-4010 (Transfer No. 2224).

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

FROM Glen S

DATE June 5, 1978

TO NCY

SUBJECT Brief explon of trans

- Lic 22-2173 ~~off~~ was issued for the use of 6- 40 acre tracts
- Larsen owns 2 of the tracts (S²NE-sec 26) & tried to file trans ~~to~~ based on part to lic st.
- Simmons the licensee objected but said he would have no problem w/ having the lic changed to show only his 4-40's (SE⁴-sec 26) as place of use, then having Larsen file a claim & then a trans on the claim.
- Lic 22-2173 (Simmons) has been amended (reduced) to show only 4-40's as pl. use.
- Field exam on the 2-40's involved in claim & trans not necessary since the ~~trans~~ use of water claimed was evidenced by license.
- Recommend approval.

JLS

SIGNATURE

Jim,

- Has lic 22-2173

Yes / been amended by
dept yet?

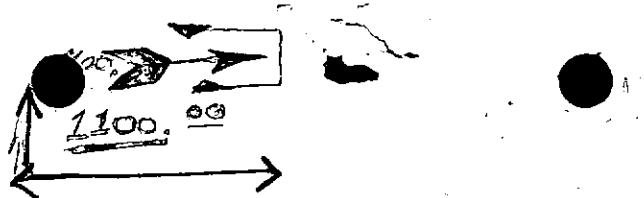
✓^{OK} - a plat would
help explain
the changes
on lic, claim & trans.

DO. - Was a field exam
conducted as
recomm on staff
analysis sheet?

Previously
lic. with
USE is
Established

22-2173

1/11
5-19-76
MICROFILMED



R	41	E
---	----	---

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AMT
LICENSED
22-2173

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→ AMT CLAIMED 22-1010

AMT. IN PROOF	TO
BENEFICIAL USE	SEE
LIC. 22-2173	

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 5/30/78

TO File No. 22-4010

SUBJECT Transfer

The need for a transfer on Claim No. 22-4010 came about because of a water license issued to Garner Simmons which included 60 acres of land owned by James Wayne Larsen. (See Simmons Affidavit) The filing of a claim and subsequent transfer of point of diversion to Larsen land was a necessary prerequisite for correcting the situation. Ennie Carlsen, of Eastern Region, has worked closely with the applicant and did not feel a pre-transfer field examination was necessary.



SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 3, 1978

RE: Claim to a Water Right No. 22-4010
Transfer No. 22-4010 LARSEN

Fremont County Chronicle
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on March 16 and March 23, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Secretary

100-100000

M E M O R A N D U M

TO: Glen Saxton
FROM: Ernie Carlsen *etc*
RE: Changing License No. 22-2173
DATE: March 16, 1978

On March 7, 1978, a conference was held concerning protested application for transfer No. 22-2173. As a result of this meeting the following understandings were agreed to by the applicant, Wayne Larsen, and Garner Simmons who perfected the license No. 22-2173.

1) Garner Simmons would request that License No. 22-2173 be corrected to correspond with proofs of beneficial use submitted on February 6, 1961.

2) Since this would remove the licensed right from Wayne Larsen's land, he agreed to:

- a) withdraw application for transfer 22-2173.
- b) file a claim to a water right, and transfer this claim.

To date, Mr. Larsen has officially requested^{to} the Department for withdrawal of application for transfer No. 22-2173. He has also filed claim to a water right No. 22-4010 listing Mr. Simmons' well as the point of diversion and filed application to transfer the point to his own well.

Now Garner Simmons is requesting the Department correct License No. 22-2173, as stated in the attached cover letter from Mr. Moss and the affidavits of Mr. Gould and Mr. Simmons.

Since Wayne Larsen, the only person affected, has agreed to changing License No. 22-2173 by withdrawing his application for transfer, it is my recommendation that the Department take the necessary steps for compliance with Mr. Simmons' request.

RECORDED

722-4010

PETERSEN, MOSS & OLSEN

ATTORNEYS AT LAW

485 "E" STREET

IDAHO FALLS, IDAHO 83401

GEORGE C. PETERSEN, JR.
REED L. MOSS
DENNIS M. OLSEN
GREGORY P. MEACHAM
JEROLD G. OLDROYD
WM. CHARLES CARR

TELEPHONE
AREA CODE 208
523-4650

March 14, 1978

RECEIVED

MAR 15 1978

Department of Water Resources
Eastern District Office

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention: Ron Carlsen
Regional Supervisor

Re: Garner Simmons
License No. 22-2173

Dear Mr. Carlsen:

Pursuant to the hearing held in St. Anthony on March 7, 1978, and the understandings reached thereat, my client, Garner Simmons, does hereby respectfully request that the Department of Water Resources undertake to correct License No. 22-2173 as now issued, to show that the only land covered by the 2.02 cfs water right established by said license, is the Southeast Quarter of Section 26, Township 7 North, Range 41 E.B.M., in Fremont County, Idaho.

In support of this request, we submit to you herewith the affidavits of Garner Simmons and Vern Gould which bear out the fact that this request is made for the purpose of conforming License No. 22-2173 to the proofs which were submitted on February 6, 1961 and the published notice of proof of application to beneficial use published in December of 1960 and January of 1961.

It is our understanding that this corrected license will show a priority date of October 6, 1959 for 2.02 cfs being applied to the Southeast Quarter of Section 26, Township 7 North, Range 41 E.B.M.

If I can supply any additional or other helpful information, please advise.

Best regards,

PETERSEN, MOSS & OLSEN

Reed L. Moss

Reed L. Moss

RLM/mas
Enclosure

INDEXED

AFFIDAVIT

STATE OF IDAHO)
)
County of Bonneville) ss.

VERN GOULD, being first duly sworn, on his oath deposes and says:

1. He resides in Fremont County, Idaho, and was employed by Garner Simmons during the years 1959 - 1963 (and before and after that time).

2. The facts stated in the affidavit of Garner Simmons, a true copy of which is attached hereto and by this reference is incorporated herein, are true and correct and that the undersigned affiant has personal knowledge of all of said facts as they relate to the dates, times and places of use of water from the Garner Simmons well located on the Southeast Quarter of Section 26, Township 7 North, Range 41 E.B.M. on that land and portions of the Northeast Quarter of Section 26.

DATED this 14 day of March, 1978.

Vern Gould
Vern Gould

Subscribed and sworn to before me this 14th day of March, 1978.

(Seal)

Norma Bean
Notary Public for State of Idaho
Residing at: Teton, Idaho
My Commission Expires: May 7, 1979

MICROFILMED

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

GARNER SIMMONS, being first duly sworn, on his oath
deposes and states:

1. He is the licensee of certain water rights under
License No. 22-2173 (formerly Permit No. G-28200) of the records
of the State of Idaho Department of Water Resources.

2. At all times material hereto he has owned, farmed
and operated the Southeast Quarter of Section 26, Township 7
North, Range 41 E.B.M. and on or about October 7, 1959, filed
an application for a water right for said land and other land.

3. The well which supplied water to the said 160-acre
tract was drilled or installed approximately October 6, 1959.
Thereafter a sprinkler-irrigated system was installed and the
entire 160 acres was irrigated from the well through the
production of 2.02 cfs of water during the crop season 1960
and for all crop seasons thereafter.

4. On or about February 6, 1961, he, together with two
witnesses, Reed Clement and Charles Cope, submitted proof to
the Department of Water Resources of the application to
beneficial use of water from the well (which was located on
said 160 acres) on the said Southeast Quarter of Section 26,
Township 7 North, Range 41 E.B.M.

5. In 1961, he allowed his hired man, Vern Gould, to
lease from one Wayne Larsen, approximately 20 acres located
approximately in the South Half of the Southeast Quarter of the
Northeast Quarter of said Section 26, Township 7 North, Range
41 E.B.M., and permitted him to use some of the water from
this particular well to irrigate the crop on that 20 acres;
but the quantity of the water from the well was not increased.

MICROFILMED

It was only "stretched" by decreasing the frequency of irrigation.

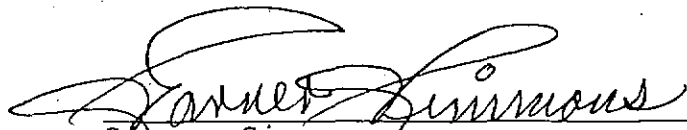
6. Similarly, during the crop season of 1962, he allowed Vern Gould to use the water to irrigate approximately 30 acres in said location on the Wayne Larsen land by similarly "stretching" the water from the well. Also, during the crop season of 1963, he allowed Vern Gould to use some of the water from the well to irrigate approximately 60 acres located generally in the South Half of the Northeast Quarter of said Section 26.

7. In conjunction with the proof supplied as of February 6, 1961, above identified, the Department of Water Resources published on December 15, 22, and 29, 1960 and January 5, 1961, a notice of proof of the application of water to beneficial use. That notice corresponded with the proofs filed by advising the public that the place of water from the said well was used was the Southeast Quarter of Section 26, Township 7 North, Range 41 E.B.M.

8. After the proofs were submitted, the publication was completed, and a field examination was made by the Idaho Department of Water Resources, it is the understanding of this affiant that Idaho Water License No. 22-2173 was issued on or about September 5, 1962. Later, in 1977, this affiant ascertained that the license was inconsistent with the proofs and the notice in that it "spread" the 2.02 cfs water right of said license no. 22-2173 across not only the Southeast Quarter of Section 26, but also 60 acres in the South Half of the Northeast Quarter of Section 26. Consequently this affidavit is given to accompany a request being made by the attorneys for this affiant that the Idaho Department of Water Resources correct license no. 22-2173 to conform to the proofs submitted and the published notice, to provide that the 2.02 cfs water right established by said license apply solely to the Southeast Quarter of Section 26, Township 7

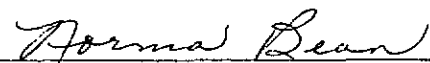
North, Range 41 E.B.M., in Fremont County, Idaho.

DATED this 14 day of March, 1978.


Garner Simmons

Subscribed and sworn to before me this 14th day of March,
1978.

(Seal)


Notary Public for State of Idaho
Residing at: Leton, Idaho
My Commission Expires: May 7, 1979

March 9, 1978

RE: Transfer of Water Right No. 22-4010 LARSEN
Claim to a Water Right No. 22-4010 "

Fremont County Chronicle News
Box 568
St. Anthony, Idaho 83445

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
Supervisor
Eastern Region

Bill submitted _____ by _____

No bill CW 4-14-78

RDC:CD

Enclosure: Legal Notices (2)

MICROFILMED

ivy cn legals

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 22-4010**

Notice is hereby given that James Wayne Larsen, Newdale, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of a ground-water source. The right sought to be changed is evidenced by claim to a water right No. 22-4010 and is recorded as follows:

AMOUNT: 0.55 cfs; PRIORITY: April, 1961; POINT OF DIVERSION: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M., Fremont County.

The water is used to irrigate 60 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M., Fremont County.

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, Idaho, on or before April 3, 1978.

C. STEPHEN ALLRED
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho, on March 16 and March 23, 1978.

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C. STEPHEN ALLRED

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Published in the Fremont County Chronicle, St. Anthony, Idaho, on March 16 and March 23, 1978

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TRANSFER ANALYSIS SHEET

ARK March 7, 1978

Groundwater

Name

James Wayne Larsen

1. Source ~~State to State Transfer~~
2. Right Being Transferred

Right No. _____

a. _____ Decree

_____ License

_____ Use

Transfer No. _____

Claim no. 22-4010

b. ☒ Priorityc. ☒ Location - Original P.D.d. ☒ " - Original P.U.e. ☒ " - New P.D.f. ☒ " - New P.U.g. ☒ Amount☒ All

_____ Part

- 3.
- ☒
- Proof of Ownership of Right

Comment

proof of ownership of right does
not appear to be necessary
See remarks below

- 4.
- ☒
- Expansion of Right

Comment

not applicable

- 5.
- ☒
- Map

The old & new points of diversion need
to be mapped

- 6.
- ☒
- Signature

- 7.
- ☒
- Fee

8. Watermaster's Comments _____

9. Comments

Before this transfer is approved
I recommend a field examination be made
in order to establish the validity of this
claim. ARK

10. Initial Review by _____

Date _____

11. Recommended Action

☒ Approve

_____ Deny

_____ Conditions None

RECEIVED

MAY 8 1978

Department of Water Resources

BY

Ernest Culver

DATE

5/23/78

COPY SENT



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

May 5, 1978

RE: Claim to a Water Right No. 22-4010

Mr. James Wayne Larsen
Box 97
Newdale, Idaho 83436

Dear Mr. Larsen:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern
Region

RDC:CW

Enc: Copy of Claim

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 3, 1978

RE: Claim to a Water Right No. 22-4010
Transfer No. 22-4010 LARSEN

Fremont County Chronicle
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notice was to have been published in your paper on March 16 and March 23, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Secretary

MIC

M E M O R A N D U M

TO: Glen Saxton
FROM: Ernie Carlsen *enc*
RE: Changing License No. 22-2173
DATE: March 16, 1978

On March 7, 1978, a conference was held concerning protested application for transfer No. 22-2173. As a result of this meeting the following understandings were agreed to by the applicant, Wayne Larsen, and Garner Simmons who perfected the license No. 22-2173.

1) Garner Simmons would request that License No. 22-2173 be corrected to correspond with proofs of beneficial use submitted on February 6, 1961.
2) Since this would remove the licensed right from Wayne Larsen's land, he agreed to:

- a) withdraw application for transfer 22-2173.
- b) file a claim to a water right, and transfer this claim.

To date, Mr. Larsen has officially requested ^{to} the Department for withdrawal of application for transfer No. 22-2173. He has also filed claim to a water right No. 22-4010 listing Mr. Simmons' well as the point of diversion and filed application to transfer the point to his own well.

Now Garner Simmons is requesting the Department correct License No. 22-2173, as stated in the attached cover letter from Mr. Moss and the affidavits of Mr. Gould and Mr. Simmons.

Since Wayne Larsen, the only person affected, has agreed to changing License No. 22-2173 by withdrawing his application for transfer, it is my recommendation that the Department take the necessary steps for compliance with Mr. Simmons' request.

March 9, 1978

RE: Transfer of Water Right No. 22-4010 LARSEN
Claim to a Water Right No. 22-4010 "

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Box 568
St. Anthony, Idaho 83445

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An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 4-24-78 by CW

RDC:CD

Enclosure: Legal Notices (2)

RECEIVED

**NOTICE OF CLAIM TO
A WATER RIGHT
NO. 22-4010**

Notice is hereby given that James Wayne Larsen, Newdale, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.55 cubic feet per second of water from a ground-water source with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M., Fremont County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 60 acres with a priority of April, 1961; the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, T. 7N, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on March 16 and March 23, 1978.

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C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Fremont County Chronicle, St. Anthony, Idaho
on March 16 and March 23, 1978

*He. J.
He. H.
He. A.*