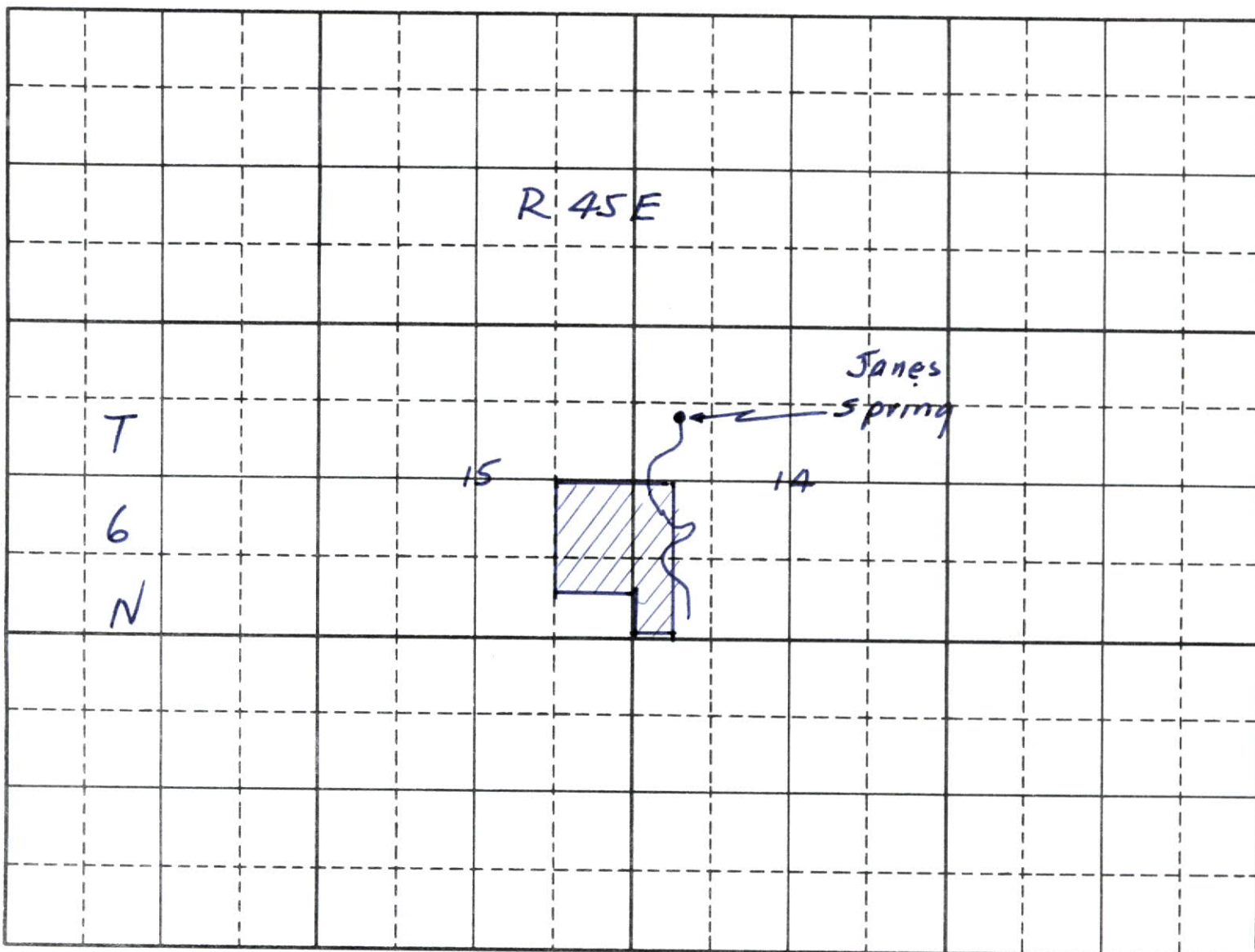


(8) Remarks



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)
) ss.
County of BONNEVILLE)

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 23rd day of FEBRUARY

Royce Kealey
(Claimant)

1977

Ronald D. Carter
Notary Public

Residing at IDAHO FALLS, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by [Signature] Date 2/23/77 Exception filed by: Forwarded to Date
Prelim. check by [Signature] Date 2/23/77 claimant by:
\$10.00 fee received by [Signature] Date 2-23-77
Approved for publication by me 3-22-77 #454 W. Brent Beard (for Amy Beard) [Signature] 3-15-77
Published in Idaho News
Dates Mar. 3 & 10, 1977

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

I, Laura E. Norton
 being first duly sworn depose and say

that I am the publisher
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
 tated, Section 58-106, as amended, and
 that said newspaper is a weekly news-
 paper printed and published at Driggs,
 in Teton County, Idaho, having a gen-
 eral circulation in said county, and that
 said newspaper has been printed in
 said county for more than 78 consecu-
 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Royce Reiley
 # 22-4008

And affiant further says that said
 attached notice, advertisement or pub-
 lication, 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 issues thereof;
 first publication having been made on

the 3 day of March

19 77

and last publication on the 10

day of March, 1977.

And affiant further says that at the
 times herein mentioned said newspaper
 was made up of at least eight pages
 of at least five columns each, printed
 from type matter, of at least sixteen
 and one-half inches deep.

Laura E. Norton
 Subscribed in my presence and sworn

to before me this 21 day of

March, 1977
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20, 1979.

RECEIVED

MAR 22 1977

Department of Water Resources
 Eastern District Office

**NOTICE OF CLAIM
 TO A WATER RIGHT**

NO. 22-4008

Notice is hereby given that
 Royce Reiley, Tetonia, Idaho
 has filed a claim to a water
 right established by diversion
 and application to beneficial
 use of 2.00 cubic feet per sec-
 ond of water from Janes
 Spring tributary to sinks with
 point of diversion in the SW $\frac{1}{4}$
 NW $\frac{1}{4}$, Sec. 14, T. 6N, R. 45E,
 B.M., Teton County.

The water is claimed to be
 used from Apr. 1 to Nov. 1
 for the irrigation of 100 acres
 with a priority of June, 1919
 the place of use is within the
 W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 15, T. 6N, R. 45E, B.M.

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

R. KEITH HIGGINSON
 Director

Published in the Teton Valley
 News, Driggs, Idaho on Mar.
 3 and Mar. 10, 1977.

RECORDED

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 Royce Reiley (Ph: 456-5661)
(name of claimant)
of Tetonia, Idaho 83452, 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) Janes Spring
_____, tributary to, sinks
- (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 2.00 Use Irrigation Period of Use: From Apr. 1 To Nov. 1
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: 2.00 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) June, 1919

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)
SW ¼ NW ¼, Sec. 14 Twp. 6N Rge. 45E B. M. County of Teton
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. Small dam (earth) 6' high by 25' crest length with ditch leading away from dam

- (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	
6N	45E	14									20	20							40
		15												40			20		60

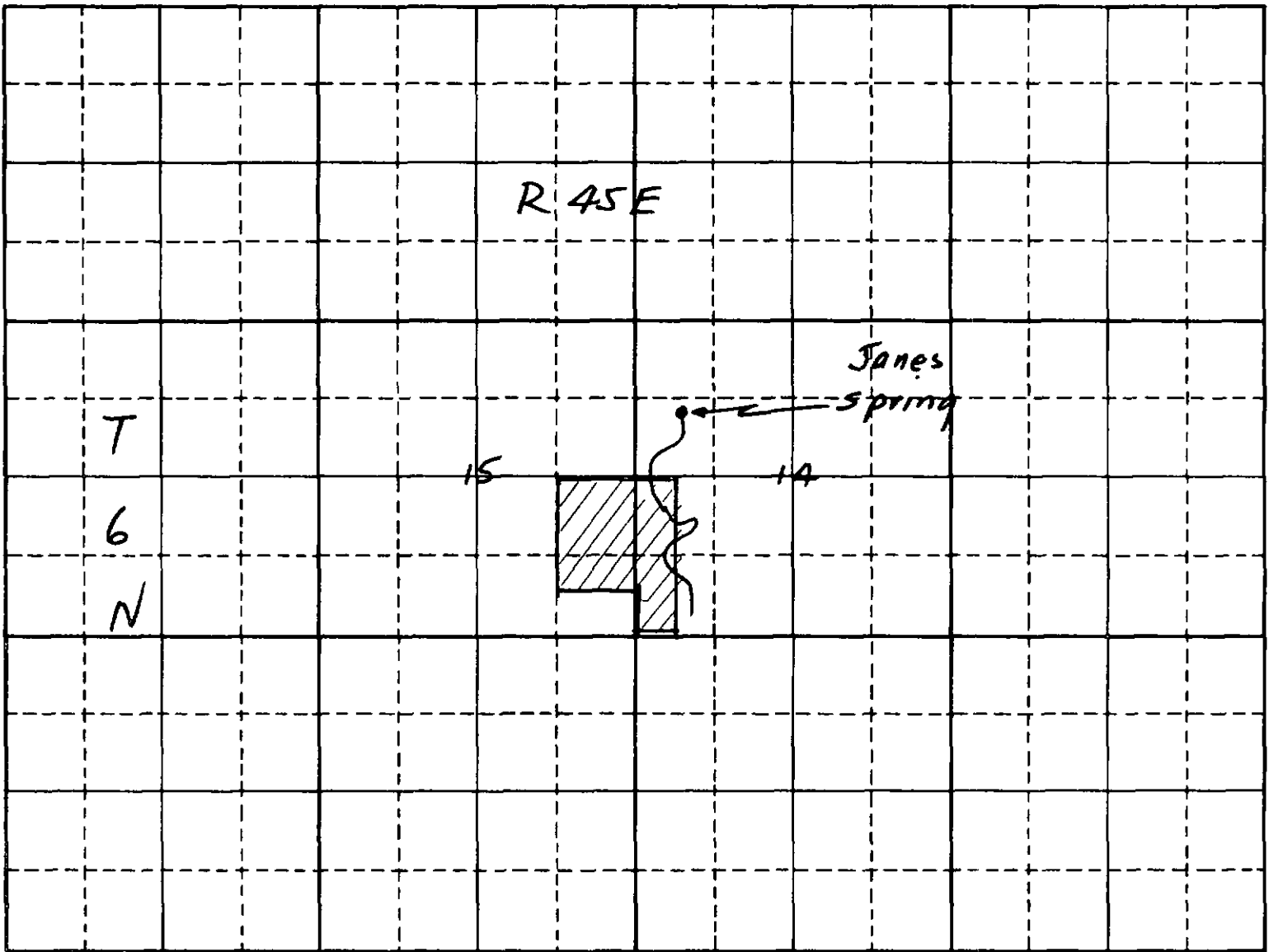
Total No. of acres 100

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

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

MICROFILMED

(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 23rd day of FEBRUARY 1977.

Roy G. Kealey
(Claimant)
Ronald D. Carson
Notary Public
Residing at IDAHO FALLS, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>[Signature]</u>	Date <u>2/23/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[Signature]</u>	Date <u>2/23/77</u>		claimant by:	
\$10.00 fee received by <u>[Signature]</u>	Date <u>2-23-77</u>			
Approved for publication by <u>me 3-22-77 #464</u>		<u>[Signature]</u>	<u>(u)</u>	<u>3-15-77</u>
Published in <u>Idaho News</u>		<u>[Signature]</u>		
Dates <u>Mar 3 & 10, 1977</u>				

W. Brent Eames
JOLLEY, EAMES & FIELDING
Attorneys at Law
39 Professional Plaza
Rexburg, Idaho 83440

(208) 356-7276

RECEIVED

MAR 9 1977

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR) PROTEST
WATER RIGHT NO. 22-4008.)
-----)

Comes now AMY BEARD, by and through her attorney, W. Brent Eames of the firm of Jolley, Eames & Fielding of Rexburg, files a written protest to the above application for Water Right No. 22-4008 filed by Royce Riley.

That this Protest is filed on behalf of Amy Beard of Tetonia, Idaho.

That applicant's claim for water right to the Jaynes Spring Tributary is protested for the following reasons:

1. That the said spring is located wholly upon the lands of protestant Amy Beard; that the spring waters do not flow upon applicant's land, and that therefore the Department of Water Resources is prohibited under 42-212 Idaho Code from issuing a permit or right to divert or appropriate this water of said spring.
2. That the subject spring does not produce 2cfs as claimed by applicant.
3. That the subject spring does not produce water between April and November as claimed by applicant.
4. That the subject spring does not produce sufficient water to irrigate one hundred (100) acres as claimed by applicant.
5. That applicant has not established or legally received any 1919 appropriation rights.

MICROFILMED

WICKFIELD

In the year 1919 a dam was used
to divert the water from the Tanager
Spring with the use of a canal to
bring to the property now owned by
Joyce Reiley.

Lucille Chase Beard
Elmer A Beard

Subscribed and sworn to, before
me, the undersigned, this
22nd day of Feb. 1977.

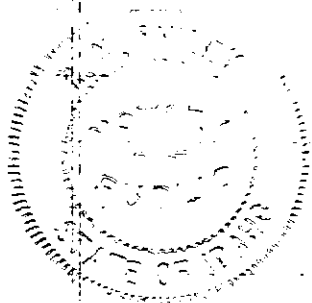
C. Lynn Moses
Notary Public for Idaho
Residing at Driggs

MICROFILMED

Sometimes between the years, 1947-1950.
I was hired by Dave Beard to use my Bulldozer
to dam the Janes spring and build a canal
to the south for the purpose of irrigating the
property owned by Dave Beard.

L. P. Hatch

Before me a notary public in & for the
state of Idaho did personally appear
Lawrence P. Hatch, aka L. P. Hatch &
did acknowledge to me that he did
voluntarily & willingly sign this affidavit.



notary - R. M. Reiley
dated - 2-14-77
expires - life.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

I, Laura E. Norton
 being first duly sworn depose and say

that I am the publisher.....
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
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 that said newspaper is a weekly news-
 paper printed and published at Driggs,
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 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Royce Reiley
 # 22-4008

And affiant further says that said
 attached notice, advertisement or pub-
 lication, as per clipping attached, was
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 regular and entire issue thereof, and
 not in any supplement issue thereof,

for 2 consecutive issues thereof;
 first publication having been made on

the 3 day of March.....

19 77

and last publication on the 10.....

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And affiant further says that at the
 times herein mentioned said newspaper
 was made up of at least eight pages
 of at least five columns each, printed
 from type matter, of at least sixteen
 and one-half inches deep.

Laura E. Norton

Subscribed in my presence and sworn

to before me this 21..... day of

March....., 1977..
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20....., 1979..

RECEIVED

MAR 22 1977

Department of Water Resources
 Eastern District Office

**NOTICE OF CLAIM
 TO A WATER RIGHT**

NO. 22-4008

Notice is hereby given that
 Royce Reiley, Tetonia, Idaho
 has filed a claim to a water
 right established by diversion
 and application to beneficial
 use of 2.00 cubic feet per sec-
 ond of water from Janes
 Spring tributary to sinks with
 point of diversion in the SW $\frac{1}{4}$
 NW $\frac{1}{4}$, Sec. 14, T. 6N, R. 45E,
 B.M., Teton County.

The water is claimed to be
 used from Apr. 1 to Nov. 1
 for the irrigation of 100 acres
 with a priority of June, 1919
 the place of use is within the
 W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 15, T. 6N, R. 45E, B.M.
 Any exception to this claim
 of water right may be filed
 with the Idaho Department of
 Water Resources, 1515 Lin-
 coln Road, Idaho Falls, Idaho,
 83401.

R. KEITH HIGGINSON
 Director

Published in the Teton Valley
 News, Driggs, Idaho on Mar.
 3 and Mar. 10, 1977.

RECEIVED

March 25, 1977

RE: Claim to a Water Right No. 22-4008

Mr. Royce Reiley
Tetonia,
Idaho 83452

Dear Mr. Reiley:

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

RECEIVED
MAR 28 1977

March 21, 1977

RE: Claim to a Water Right No. 22-4008 REILEY

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

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 March 3 and 10, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 15, 1977

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

R. Keith Higginson
Director

RE: Claim to a Water Right No. 22-4008

W. Brent Eames
Attorney at Law
39 Professional Plaza
Rexburg, Idaho 83440

Dear Mr. Eames:

We have received the exception dated March 7, 1977, filed in behalf of Amy Beard against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 15, 1977

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

R. Keith Higginson
Director

RE: Claim to a Water Right No. 22-4008

Mr. Royce Reiley
Tetonia,
Idaho 83452

Dear Mr. Reiley:

Enclosed please find a copy of the exception filed by W. Brent Eames, in behalf of Amy Beard in connection with your Claim No. 22-4008. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED

February 25, 1977

RE: Application for Permit No. 22-7212 RAMMELL
22-7211 BOTT
Claim to a Water Right No. 22-4008 REILEY

Teton Valley News
Driggs,
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,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-22-77 by CW

RDC:CW

Enc: Legal Notice (3)

MICROFILMED

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 22-4008**

Notice is hereby given that Royce Reiley, Tetonia, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.00 cubic feet per second of water from Janes Spring tributary to sinks with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 6N, R. 45E, B.M., Teton County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of June, 1919 the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 45E, 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.

R. KEITH HIGGINSON
Director

Published in the Teton Valley
News, Driggs, Idaho on Mar.
3 and Mar. 10, 1977.

NO. **22-4008**

Published in the Teton Valley News, Driggs, Idaho
on March 3 and March 10, 1977

MICROFILMED

the
the
the
the



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 18, 1977

Mr. Royce Reiley
Tetonia,
Idaho 83452

Dear Mr. Reiley:

We are returning your application for permit and check No. 92-80 in the amount of \$75.00 because the amount of water applied for is in excess of that allowed for the acreage by the Idaho Code.

Also, from the information attached, it appears that you should file a claim to a water right to preserve the priority established when the system was first built in 1947. If the enlargement of the system in 1971 resulted in irrigation of additional land this would have to be covered by an application for permit.

Since this situation is somewhat complex, I would suggest that you visit our Idaho Falls Office so that we can assist you in filing the necessary forms.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Enclosures

Attachment: Check No. 92-80

MICROFILMED