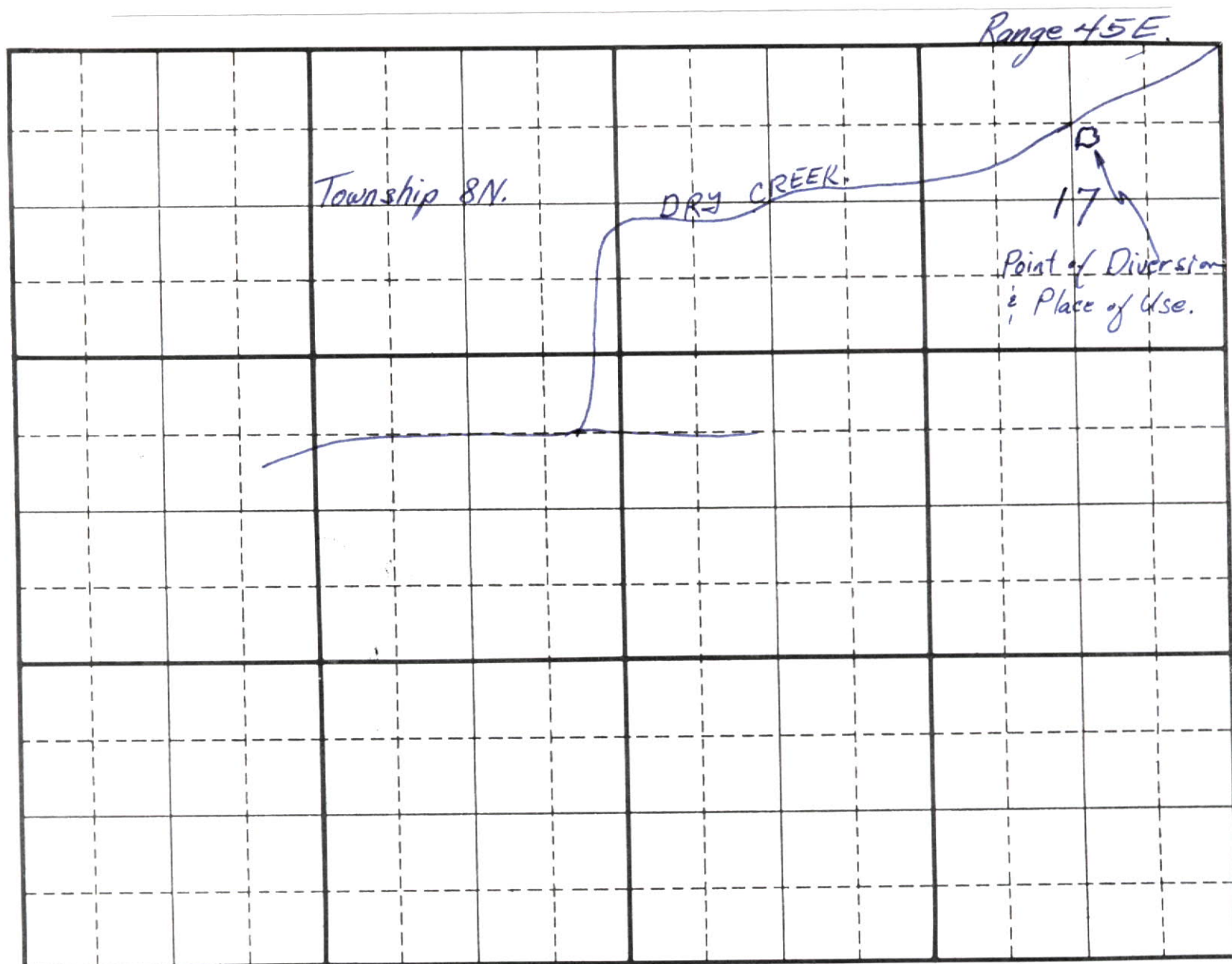


(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 16th day of November, 19 79.

Leo House
(Claimant)
William A. Gray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>Cal</u>	Date <u>11-16-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>emc</u>	Date <u>11-16-79</u>		claimant by:	
\$20.00 fee received by <u>Cal</u>	Date <u>11-16-79</u>			
Published in <u>Ashton Herald</u>	<u>#13797</u>	<u>Dale S. Clark</u>	<u>emc</u>	<u>12/18/79</u>
Dates <u>11/29 & 12/06/79</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Ira House
441 So. Milton Avenue, Shelley, Idaho 83274 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 357-7576

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

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1921

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

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dry Creek tributary to Fall River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.02 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1-01</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.02 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 17 Twp. 8N Rge. 45E 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. Describe any changes in the system and give the date of the change. ditch and pond

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N	45E	17			X														

No. of acres _____

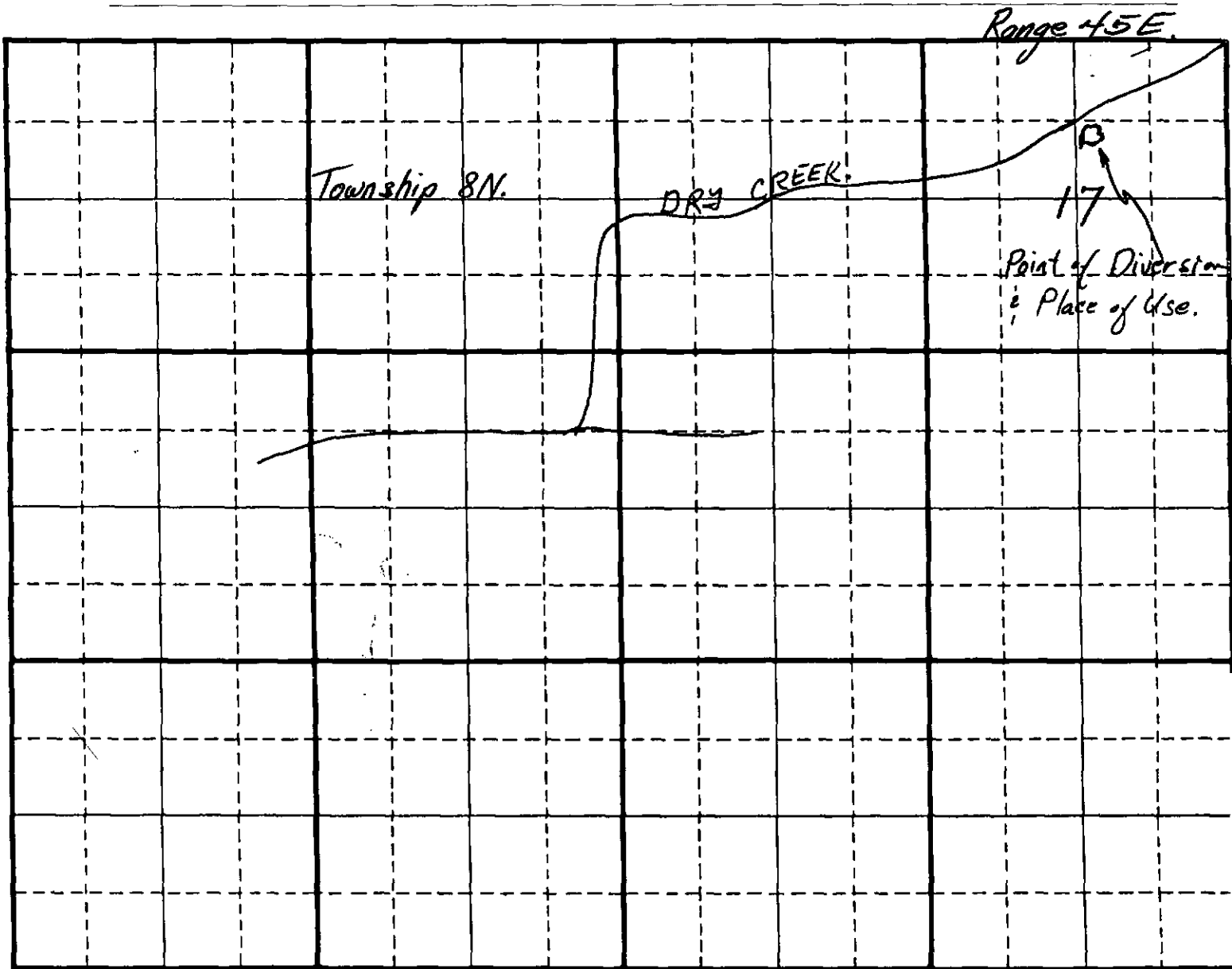
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 30 head of cattle

(7) 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 affiant's knowledge.

Sworn to before me this 16th day of November, 19 79.

Leo House
(Claimant)
William A. Gray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>11-16-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>11-16-79</u>		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>11-16-79</u>			
Published in <u>Ashton Herald</u>	<u>#13797</u>	<u>Dale S. Clark</u>	<u>CW</u>	<u>12/18/79</u>
Dates <u>11/29 & 12/06/79</u>				

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey

being first duly sworn, upon his
oath, deposes and says:

That she is the editor
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of Notice of
Claims of Water
rights #21-4049
and 21-4050

And affiant further says that said
notice, advertisement of publica-
tion, 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 29
day of November, 1979,
and the last publication on the
6 day of December
1979.

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

Carol Bessey
Subscribed in my presence and
sworn to before me this 11
day of December,
1979.

James E. Helmont

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following
claim(s) to water right(s) have been established
by diversion and application to beneficial use:

21-4049

HOUSE, IRA

441 SO. MILTON AVENUE, SHELLEY, ID
83274

Source: DRY CREEK tributary to FALL RIVER

Priority Date: 06/01/1921

Amount: 0.02 CFS

Diversion Point: SWNE Sec 17 T 08N R 45E,
FREMONT Co.

Use: STOCKWATER (0.02 CFS) from
01/01 to 12/31

Place of Use: SWNE Sec 17 T 08N R 45E

Diversion Means: DITCH AND POND.

21-4050

HOUSE, IRA

441 SO. MILTON AVENUE, SHELLEY, ID
83274

Source: UNNAMED SPRINGS tributary to DRY
CREEK

Priority Date: 06/01/1921

Amount: 0.06 CFS

Diversion Point: NWNE Sec 17 T 08N R 45E,
FREMONT Co.

Use: DOMESTIC (0.04 CFS) from 01/01
to 12/31

STOCKWATER (0.02 CFS) from 01/01
to 12/31

Place of Use: NWNE Sec 17 T 08N R 45E

Diversion Means: POND, PUMP AND
PIPELINE.

Any exception to any claim of water right may
be filed with the Director of the Idaho Depart-
ment of Water Resources, 1515 Lincoln Road,
Boise, Idaho 83709.

C. STEPHEN ALLRED
Director

Publ. Nov. 29 and Dec 6, 1979AH

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DEC 12 1979

Department of Water Resources
Eastern District Office

MICROFILMED

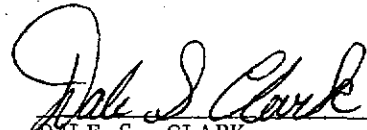
DEC 11 1979

OPPOSITION TO CLAIM OF WATER RIGHTS

Notice is hereby given that DALE S. CLARK, Route 2, Ashton, Idaho, 83420, hereby objects to the claim to divert and apply water to beneficial use such claim filed as claim Number 21-4049 and 21-4050, such claim filed by Ira House of 441 South Milton Avenue, Shelley, Idaho 83274..

This exception and objection to the claim of water right is filed upon the knowledge and belief that claimant has no lawful right to the water through a claim of diversation and application to beneficial use nor of priority to the waters claimed in the claims file 21-4049 and 21-4050.

DATED this 5th day of December, 1979.

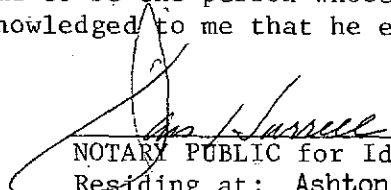

DALE S. CLARK

STATE OF IDAHO)

ss.

County of Fremont)

Personally appeared before me, the undersigned a Notary Public in and for said State, Dale Clark known to me to be the person whose is subscribed to the within instrument and acknowledged to me that he executed the same.


NOTARY PUBLIC for Idaho
Residing at: Ashton, Idaho
Comm. Expires: Lifetime

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JC

Right Number 21-4049 Applicant Lra Howe

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 12/18/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Qmi Date 12/20/79

MICROFILMED

Dear Sirs

Please add these documents
to the file of claim to water right numbers
21-4049 and 21-4050 as additional
supporting evidence of water usage

Thank You

Lee Thomas

1-9-80

4-enclosures

RECEIVED

JAN 10 1980

Department of Water Resources
Eastern District Office

To the best of my knowledge and recollection, this affidavit is a verification of the history of the use of spring water and water running in Dry Creek on the property known to me as the Minnie Shields Estate, both for domestic culinary use and for stockwater dating back to (year) 1923 when this property was either owned or occupied by See Below

The legal description of said property being: NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec 17, Twp 8N, Rge. 45 E B-M county of Fremont.

RECEIVED

Signed John House
Date 1 Jan 1980

JAN 10 1980

Department of Water Resources
Eastern District Office

Lester Moore ^{and family} occupied above place 1923 to 1924.
Boat Johnston and family occupied it for some time
after this exact date not known 1927, 28, & 29.
John Trowbridge family were on the property
for a year or two between 1929 and 1932.
Hank House family were on property 1932 to about
1934.

James M Jessen family from 1934 until his death.
Minnie his widow managed the place for about
two years she remarried Henry Shields. they
lived on the place for several years. Henry passed
away in 1964. after this time Minnie farmed the
place for ^{off} three years then rented same to
John House whom farmed it three years at
which time it was rented to John Marsden
& Gary Marsden who farmed it until to date.

The Place is a Homestead Homesteaded
by James Moore Date unknown
from the original owner. Above
said Spring and other spring along Dry
Creek were use for Domestic and Stock
water except for some dry years when
the flow was too light to be of use.

Right up to the present Date it was in use
almost all the time or at least every year
for either Domestic and or Stock water
one or both of above

Spring has been kept cleaned and in operation
all the years above mentioned.

John House

To the best of my knowledge and recollection, this affidavit is a verification of the history of the use of spring water and water running in Dry Creek on the property known to me as the Minnie Shields Estate, both for domestic culinary use and for stockwater dating back to (year) 1943 when this property was either owned or occupied by Minnie Shields

The legal description of said property being: NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec 17, twp 8N rge. 45 E B-M county of Fremont..

Signed

John M. Larson

Date

12-27-79

DR Muir 12-27-79
Bonneville County, Idaho

RECEIVED

JAN 10 1980

Department of Water Resources
Eastern District Office

To the best of my knowledge and recollection, this affidavit is a verification of the history of the use of spring water and water running in Dry Creek on the property known to me as the Minnie Shields Estate, both for domestic culinary use and for stockwater dating back to (year) 1923 when this property was either owned or occupied by Mr. and Mrs. Lester Moore

The legal description of said property being: NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec 17, twp 8N rge. 45 E B-M county of Fremont.

Signed Margaret Waddell

Date 1-2-80

RECEIVED

JAN 10 1980

Department of Water Resources
Eastern District Office

RECEIVED

JAN 10 1980

Department of Water Resources
Eastern District Office

The United States of America

Blackfoot, 019072

To All to Whom these Presents Shall Come—Greeting:

WHEREAS, a Certificate of the Register of the Land Office at *Blackfoot, Idaho* has been deposited in the General Land Office, whereby it appears that, pursuant to the act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Manford H. Moore
has been established and duly consummated, in conformity to law, for the
east half of the northeast quarter and the east half of the southeast quarter of Section seventeen in Township eight North of Range forty-five east of the Boise Meridian, Idaho, containing one hundred sixty acres.

according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE, by the Surveyor General:

NOW, KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, *Woodrow Wilson*

President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the *Tenth* day of *December*, in the year of our Lord one thousand nine hundred and *Twenty* and of the Independence of the United States the one hundred and *Forty-Fifth*

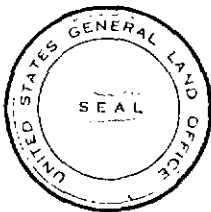
BY THE PRESIDENT: *Woodrow Wilson*

By *M. P. Le Roy* Secretary.

Recorded: Patent Number *785-747* *L. D. Le Roy* Recorder of the General Land Office.

Filed for record at the request of *First Natl Bank of Ashton* at _____ minutes
past *10* A. M., *June 29th*, 192*4*

By _____ Deputy. *L. D. Le Roy* Recorder.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 18, 1979

IRA HOUSE
441 SO. MILTON AVENUE
SHELLEY

ID 83274

RE: Claim No. 21-4049

Dear Claimant:

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

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

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

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

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

December 12, 1979

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

C. Stephen Allred
Director

RE: Claim to a Water Right No. 21-4049 and 21-4050 IRA HOUSE

Mr. Dale S. Clark
Rt. #2
Ashton, Idaho 83420

Dear Mr. Clark:

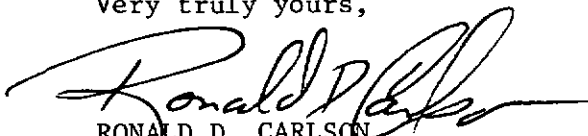
We have received the exception dated December 5, 1979, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----
.....
.At any time after filing a claim under the provisions of this sections, 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
Eastern Region Supervisor

RDC:kw

RECEIVED
DEC 13 1979
IDAHO FALLS



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

December 11, 1979

RE: Claim to Water Right No. 21-4049 and 21-4050

Mr. Ira House
441 So. Milton Avenue
Shelley, Idaho 83274

Dear Mr. House:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:kw

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 11/29 & 12/06/79.

MICROFILMED

21-4049_

HOUSE, IRA

441 SO. MILTON AVENUE, SHELLEY, ID 83274

Source: DRY CREEK tributary to FALL RIVER

Priority Date: 06/01/1921

Amount: 0.02 CFS

Diversion Point: SWNE Sec 17 T 08N R 45E, FREMONT Co.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 17 T 08N R 45E

Diversion Means: DITCH AND POND.

MICROFILMED