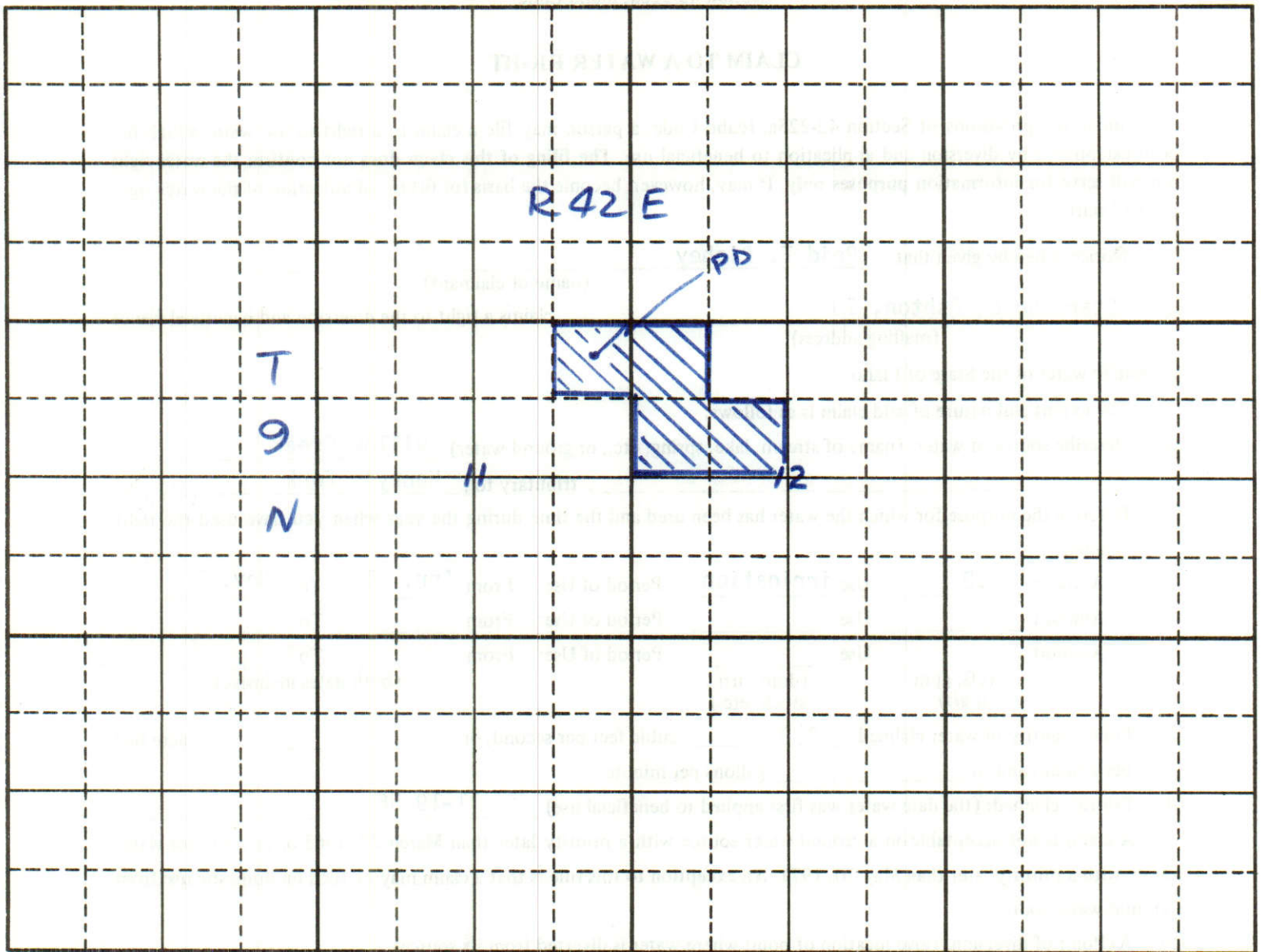


- (8) Remarks permit 26625 was issued on December 10, 1956. Although water has been used in accordance with the permit since that time, the permit appears to have lapsed. This claim is filed to preserve evidence of first right.



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 6th day of May, 1977.

David T. Rieley
(Claimant)

Ronald D. Cohen
Notary Public

Residing at Idaho Falls

My commission expires 2/14/78

For Department Use Only

Received by <u>me</u>	Date <u>5-6-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>5/6/77</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>5-6-77</u>			
Approved for publication by <u>me</u>	Date <u>6-2-77</u>	<u>Alvin R. Rieley</u>	<u>CW</u>	<u>6-08-77</u>
Published in <u>The Ashton Herald</u>				
Dates <u>May 19 + 26, 1977</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*.....

Claim to Water
Right # 21-4026
(Richey).....

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 *19*....

day of *May*....., 19*77*,

and the last publication on the

26....day of *May*.....

19*77*.

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 *31*....

day of *May*.....,

19*77*.

James E. Holcomb

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

RECEIVED

JUN 1 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4026

Notice is hereby given that Reid T.
Richey, Ashton, 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
Willow Creek tributary to Henry's Fork
Snake River with point of diversion in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 9N, R. 42E,
B.M., Fremont County.

The water is claimed to be used from
Apr. 1 to Nov. 1 for the irrigation of 160
acres with a priority of 11-19-56; the
place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
12, T. 9N, R. 42E, 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 Ashton Herald on
May 19 and May 26, 1977.

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4026**

Notice is hereby given that Reid T. Richey, Ashton, 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 Willow Creek tributary to Henry's Fork Snake River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 9N, R. 42E, B.M., Fremont County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 160 acres with a priority of 11-19-56; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 9N, R. 42E, 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 Ashton Herald on
May 19 and May 26, 1977.

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 Reid T. Richey
(name of claimant)
of Star Route, Ashton, ID
(mailing address), claims a right to the diversion and beneficial use of
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) Willow Creek
_____, tributary to, Henry's Fork
- (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>2.0</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: 2.0 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) 11-19-56

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)
NE ¼ NE ¼, Sec. 11 Twp. 9N Rge. 42E 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. 75 HP diesel pump and pipeline 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.

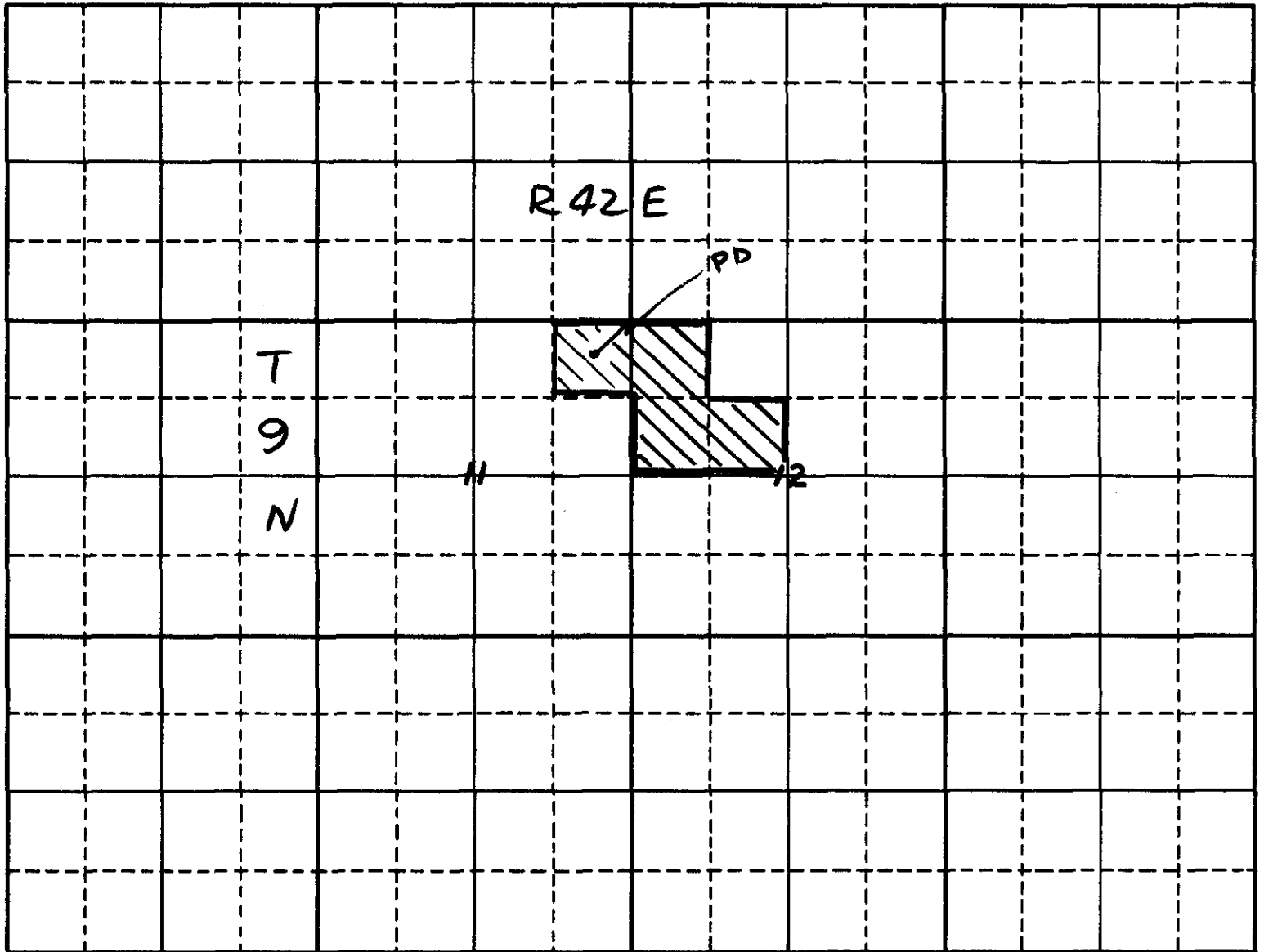
[illegible]

Total No. of acres 160

By 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: _____

- (8) Remarks permit 26625 was issued on December 10, 1956. Although water has been used in accordance with the permit since that time, the permit appears to have lapsed. This claim is filed to preserve evidence of first right.



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 6th day of May

Reid T. Richey
(Claimant)

Ronald D. Carter
Notary Public

Residing at Idaho Falls

My commission expires 2/14/78

For Department Use Only

Received by <u>me</u>	Date <u>5-6-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>5/6/77</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>5-6-77</u>			
Approved for publication by <u>me</u>	Date <u>6-2-77</u>	<u>Minority</u>	<u>cu</u>	<u>6-08-77</u>
Published in <u>The Ashton Herald</u>				
Dates <u>May 19 + 26, 1977</u>				

MAY 25 1977

FILING OF ~~PROTEST~~ ^{Exception} ^{acts}

Department of Water Resources

Eastern District Office

According to the abstracts that are in possession of Hyrum W. Seeley, this water right was filed on in 1893 and recorded in Book A of Water Locations on page 546 records of Fremont County Idaho.

On April 6, 1914, a deed was given for this water right and the land it was attached to by Hyrum P. Spratling to the Ashton and St. Anthony Power Company, a corporation, who built the present Utah Power and Light dam near Ashton. This power company was forced into bankruptcy by Blackfoot City Bank. On December 29, 1922, in district court of Ninth Judicial District of the State of Idaho in and for County of Fremont, the following statement is taken from descriptions and remarks: decrees that the trust deed shown of record in Book 29 of Mortgages on pages 564 to 583 records of Fremont County of Idaho be foreclosed and that the property described therein be sold to satisfy the lien thereof or as much thereof as same will satisfy, together with all water rights, power plant, dams, weirs, canals, machinery etc., signed by James G. Gwinn, district judge of Fremont County.

On February 1, 1923, this property was sold in usual manner by O. Sparkman, sheriff of Fremont County. This judgement was satisfied by sale of property and signed by George W. Edginton, district judge of Fremont County.

Warm Springs Power Company became owners after foreclosure. They in turn sold the remaining 153 A. and water right of original 186 A. to Alvin W. Seeley and Hyrum Cunningham. Due to threatened mortgage foreclosures it became the property of loan companies until 1936 when it was purchased by Hyrum W. Seeley, and was owned by same until January 10, 1972, when it was sold on contract to Alvin, Arnold, and Ernest Seeley operating as Seeley Brothers.

In 1956, Reid and Grant Richey filed on the water in Willow Creek upstream from the present owners point of diversion. He was told by Hyrum W. Seeley that he would face a lawsuit if he tried to use the existing water that was already deeded to his land. Reid Richey, since that time, has never utilized the water in Willow Creek for any type of irrigation purposes.

Hyrum W. Seeley, previous owner of this land and water right, is at present 66 years old and can testify that this water has been used continuously for irrigation purposes as long as he can remember. He resided on the land

and utilized the water continuously until 1972. Many other persons who reside in the area and who are acquainted with the water usage in Willow Creek will also testify to its past use.

In essence, this notification is an ^{Exception} ~~assertion~~ of the Claim to a Water Right # 21-4026 in Willow Creek by Reid T. Richey with a priority date of November 19, 1956.

Seeley Brothers by

Alvin H. Seeley

Subscribed and sworn to before me this 24th day of May, 1977.

[Signature]

NOTARY PUBLIC for IDAHO
Residing at Ashton, Idaho
My Commission Expires 7/31/77

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

Carol Bessy

being first duly sworn, upon ~~his~~ ^{her} oath, deposes and says:

That she is the ~~author~~ ^{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~~ ^{claim to water}.....

Claim to water
Right # 21-4026
(Pichey).....

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 ...*19*....

day of*May*....., 19*77*,

and the last publication on the

26...day of.....*May*.....

19..*77*.

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~~ ^{three} and three-fourths
inches deep.

Carol Bessy

Subscribed in my presence and

sworn to before me this ..*31*....

day of ..*May*.....,

19..*77*.

James E. Holcomb

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

RECEIVED

JUN 1 1977

Department of Water Resources
Eastern District Office





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

June 8, 1977

RE: Claim to a Water Right No. 21-4026

Mr. Reid T. Richey
Star Route
Ashton, Idaho 83420

Dear Mr. Richey:

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 E. CARLSON
Supervisor
Eastern Region

RDC:G

Enclosed Copy of Claim

RECEIVED
JUN 10 1977
WATER RESOURCES
DIVISION



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

June 8, 1977

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

RE: Claim to a Water Right No. 21-4026 REID T. RICHEY

Mr. Alvin Seeley
Ashton,
Idaho 83420

Dear Mr. Seeley:

We have received the exception dated May 24, 1977, 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 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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

June 8, 1977

RE: Claim to a Water Right No. 21-4026

Mr. Reid T. Richey
Star Route
Ashton, Idaho 83420

Dear Mr. Richey:

Enclosed please find a copy of the exception filed by Alvin Seeley, in connection with your Claim No. 21-4026. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

May 13, 1977

RE: Application for Permit No. 21-7115)
Claim to a Water Right No. 21-4026) RICHEY

The Ashton Herald
Box 258
Ashton, ID 83420

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

DOC:ME

Enc: 2 legals

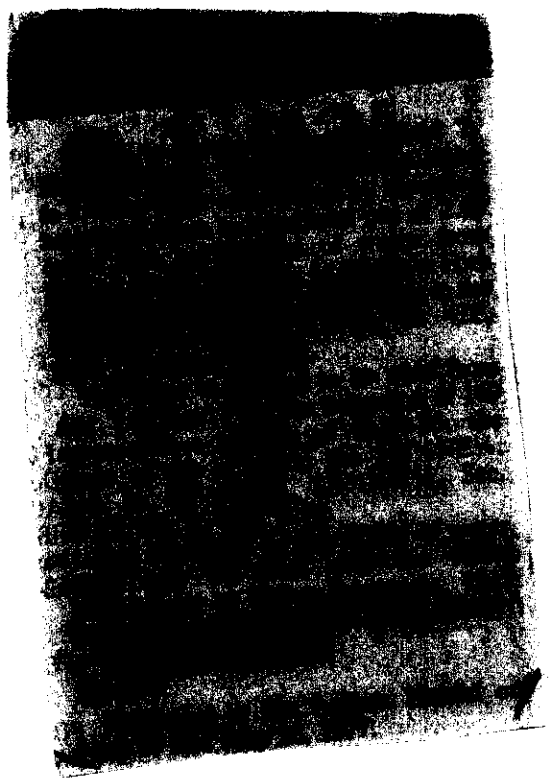
Bill submitted

6-01-77

by

Ced

RECEIVED
MAY 15 1977



NOTICE OF CLAIM TO A WATER RIGHT

NO. 21-4026

Notice is hereby given that **Reid T. Richey,**

Ashton, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.00 cubic feet per second aXXXXXXXXXXXXXXXXXXXX

of water from Willow Creek tributary to Henry's Fork Snake River

with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 9N, R. 42E, B.M.,

Fremont County

The water is claimed to be used from **Apr. 1 to Nov. 1**

for the irrigation of 160 acres

with a priority of 11-19-56 ;

the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 9N,

R. 42E, 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

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Director

Published in the **Fremont County Chronicle, St. Anthony, Idaho**

on **5** May 19 and May 26, 1977.

CPD
C-1

Me. H.
me. A.