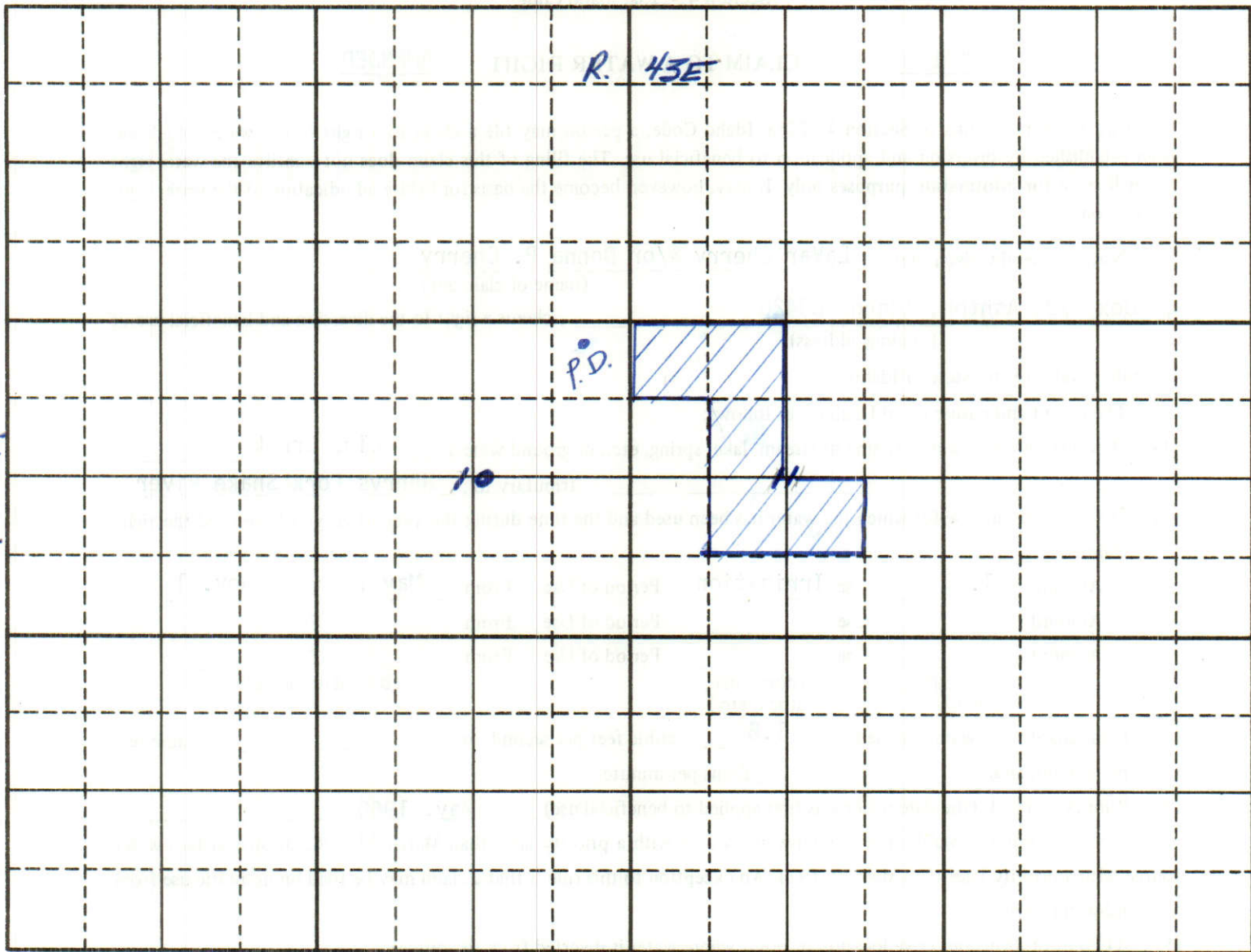


(8) Remarks _____



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 May, 1977.

Loren O'Halloran
(Claimant)
Loren O'Halloran
Notary Public
Residing at Idaho Falls, Id.

My commission expires March 21, 1979

For Department Use Only

Received by <u>AW</u>	Date <u>5-23-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>5-23-77</u>		claimant by:	
\$10.00 fee received by <u>NA</u>	Date <u>5-23-77</u>			
Approved for publication by <u>Me</u>	Date <u>6-17-77</u>			
Published in <u>Idaho Falls Herald</u>				
Dates <u>June 24-9-1977</u>				

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
being first duly sworn, upon ~~his~~^{her}
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 Amended Claim to a Water Right*.....

Amended Claim to a Water Right
21-4025 (Cherry)

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 *2*.....

day of *June*....., 19*77*,

and the last publication on the

9.....day of *June*.....

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 *14*.....

day of *June*.....,

19*77*.

James E. Holcomb

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

RECEIVED

JUN 17 1977

Department of Water Resources
Eastern District Office

NOTICE OF AMENDED
CLAIM TO A WATER RIGHT
No. 21-4025

Notice is hereby given that Claim to a
Water Right No. 21-4025 in the name of
LaVar Cherry &/or Donna P. Cherry,
Ashton, Idaho was filed claiming 1.83
c.f.s. of water from Blue Creek tributary
to Henrys Fork Snake River with point of
diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
10, T. 9N, R. 43E, B.M., Fremont
County; to be used for the irrigation of
166 acres from Apr. 1 to Nov. 1 within
the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N,
R. 43E, B.M., with a priority date of
May, 1960.

The claimants are now amending
Claim to a Water Right No. 21-4025
changing the point of diversion to the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E,
B.M., Fremont County and the place of
use to the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N,
R. 43E, B.M., making a total of 101 acres
to be irrigated.

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,
Ashton, Idaho, on June 2 and June 9,
1977.

MICROFILMED

(8) Remarks _____

					R43E									
				3			2							
T					PD									
9														
N				10			11							

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 25th day of March 1977

Deanna P. Chepsey
(Claimant)
Ronald D. Cooper
Notary Public
Residing at IDAHO Falls

My commission expires 2/14/78

For Department Use Only			
Received by <u>CW</u>	Date <u>3-25-77</u>	Exception filed by:	Forwarded to
Prelim. check by <u>RPC</u>	Date <u>3-25-77</u>		claimant by:
\$10.00 fee received by <u>CW</u>	Date <u>3-25-77</u>		
Approved for publication by <u>me</u>	Date <u>4-13-77</u>		
Published in <u>Ashton Herald</u>			
Dates <u>Mar 31 - Apr 7-1977</u>			

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

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

That ~~he~~^{she} is the ~~editor~~^{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 a water right
21-4025

(cherry)

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~~³ consecutive
issues thereof; first publication

having been made on the *31*

day of *March*, 19*77*,

and the last publication on the

7 day of *April*

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 *12*

day of *April*,

19*77*.

Notary Public

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

RECEIVED

APR 13 1977

Department of Water Resources
Eastern District Office

NOTICE OF A CLAIM
TO A WATER RIGHT
NO. 21-4025

Notice is hereby given that LaVar
Cherry &/or Donna P. Cherry, Ashton,
Idaho have filed a claim to a water right
established by diversion and application
to beneficial use of 1.83 cubic feet per
second of water from Blue Creek
tributary to Henrys Fork Snake River
with point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E,
B.M., Fremont County.

The water is claimed to be used from
Apr. 1 to Nov. 1 for the irrigation of 166
acres with a priority of May, 1960; the
place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E,
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.

Director

Published in the Ashton Herald,
Ashton, Idaho on March 31 and April 7,
1977

MICROFILMED

NOTICES

NOTICE OF AMENDED CLAIM TO A WATER RIGHT No. 21-4025

Notice is hereby given that Claim to a Water Right No. 21-4025 in the name of LaVar Cherry &/or Donna P. Cherry, Ashton, Idaho was filed claiming 1.83 c.f.s. of water from Blue Creek tributary to Henrys Fork Snake River with point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County; to be used for the irrigation of 166 acres from Apr. 1 to Nov. 1 within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., with a priority date of May, 1960.

The claimants are now amending Claim to a Water Right No. 21-4025 changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County and the place of

use to the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., making a total of 101 acres to be irrigated.

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, Ashton, Idaho, on June 2 and June 9, 1977.

Public Notice

NOTICE OF A CLAIM TO A WATER RIGHT NO. 21-4025

Notice is hereby given that LaVar Cherry &/or Donna P. Cherry, Ashton, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 1.83 cubic feet per second of water from Blue Creek tributary to Henrys Fork Snake River with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 166 acres with a priority of May, 1960; the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, 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.

Director

Published in the Ashton Herald, Ashton, Idaho on March 31 and April 7, 1977

Section 42-225a, Idaho Code

AMENDED

(name of claimant)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (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>1.83</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>May 1</u>	To	<u>Nov. 1</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)			(both dates inclusive)		

- 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. 10 Twp. 9N Rge. 43E 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. 90 Hp. stationary gasoline engine with centrifugal pump, mainline and 5-hand laterals

- (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]

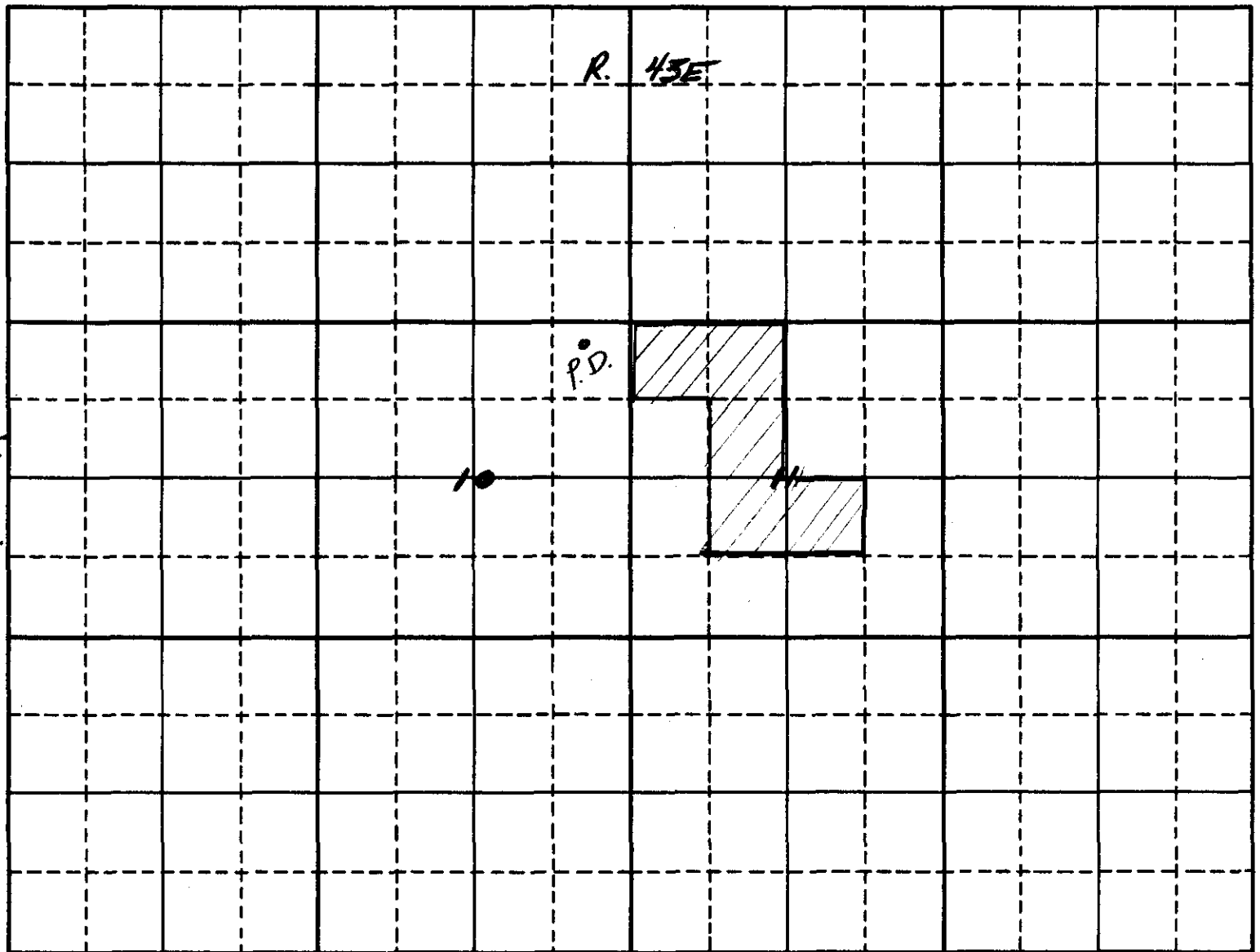
Total No. of acres 101

- 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)
) 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 May, 1977.

John A. Cherry
(Claimant)
Loren O. Halmer
Notary Public
Residing at Idaho Falls, Id.

My commission expires March 21, 1979

For Department Use Only

Received by <u>AW</u>	Date <u>5-23-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>5-23-77</u>		claimant by:	
\$10.00 fee received by <u>NA</u>	Date <u>5-23-77</u>			
Approved for publication by <u>me</u>	Date <u>6-17-77</u>			
Published in <u>Idaho Falls</u>				
Dates <u>June 24 9-1977</u>				

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey

being first duly sworn, upon her 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*.....

*Amended Claim to
Water Right
21-4025 (Cherry)*

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 *2*.....

day of *June*....., 19*77*,

and the last publication on the

9.....day of *June*.....

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 *14*.....

day of *June*.....

19*77*.

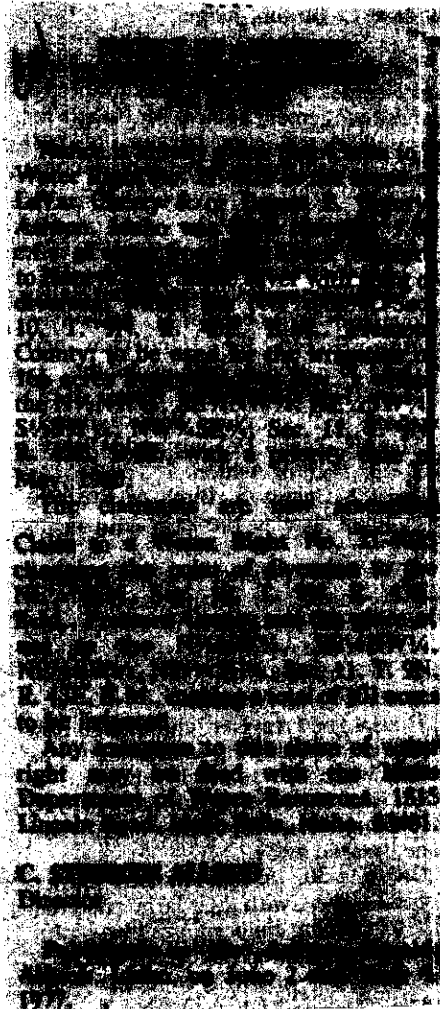
James E. Holcomb

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

RECEIVED

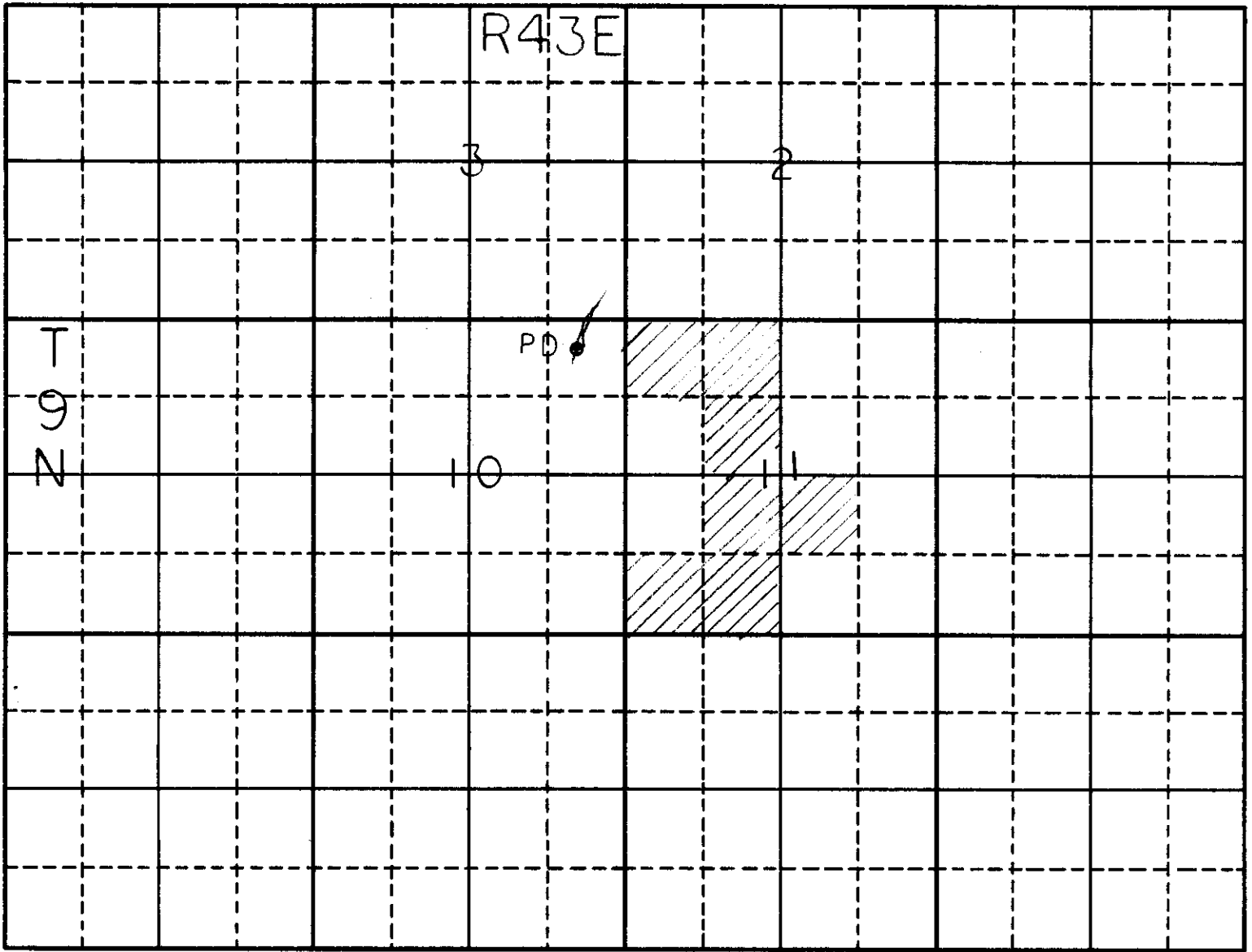
JUN 17 1977

Department of Water Resources
Eastern District Office



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 25th day of March

Danna P. Cherry
(Claimant)

Ronald D. Carson
Notary Public
Residing at IDAHO Falls

My commission expires 2/14/78

For Department Use Only

Received by <u>CW</u>	Date <u>3-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>3-25-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>3-25-77</u>			
Approved for publication by <u>me</u>	<u>4-13-77 #64199</u>			
Published in <u>Ashton Herald</u>				
Dates <u>Mar 31 & Apr 7-1977</u>				

NAME _____

12-31-61

SCHEDULE OF DEPRECIATION

[illegible]

METHOD:	S.L. - STRAIGHT LINE
	D.B. - DECLINING BALANCE
	S.D. - SUM OF DIGITS

MICROFILMED



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 17, 1952

RE: Permit No. 21234

Mrs. LaVar A. Cherry
Rexburg
Idaho

Dear Mrs. Cherry:

In answer to your letter of October 13, 1952, in regard to proving beneficial use on the above numbered permit.

Since you have made completion of works proof on the above numbered permit and state that the land to be irrigated under said permit is all in cultivation, we see no reason why you should not complete your beneficial use proof, based on the available water supply.

We are enclosing another form for permit in case you care to file on the waters of Blue Creek for an additional water right.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Roy W. Thompson
Roy W. Thompson

Supervisor of Water Distribution

RWT:fg

Enc.

P.S. Unless we hear from you to the contrary, within the next few days, we will go ahead with the publication notice and set a date for making beneficial use proof.

Stunt.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

ROBERT E. SMYLLIE
GOVERNOR

BOISE

October 2, 1956

RE: Permit No. 23234

Mr. LaVar A. Cherry
Rexburg
Idaho

Dear Mr. Cherry:

We enclose, herewith, Dismissal of Protest filed by Thos. B. Hargis, E. L. Hargis and W. D. Hargis against issuance of a License in connection with your Permit No. 23234.

We now have on file the report of our field engineer on examination for beneficial use on your Permit which shows that you have used 0.6 second foot of water from Blue Creek with points of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 9 North, Range 43 East, B.M., for irrigation of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, same Township and Range.

However, since your original permit only described one point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, the enclosed Application for Amendment will have to be executed and recorded in this Department.

Upon receipt of this Amendment together with the statutory license fee of \$2.00, a License and Certificate of water Right can be issued and sent you for 0.6 cubic foot per second of water.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Antledge
Chief Clerk

R:hll
Enc.

MICROFILMED

WILLIAM S. HOLDEN
ROBERT B. HOLDEN
R. VERN KIDWELL
REED A. WILLIAMS

HOWARD R. STINSON (1905-1957)
FRED J. HAHN
ALONZO S. DAVIS

LAW OFFICES
HOLDEN, HOLDEN & KIDWELL
IDAHO FIRST NATIONAL BANK BUILDING
IDAHO FALLS, IDAHO

JACKSON 3-0620

OF COUNSEL:
ARTHUR W. HOLDEN

JULY 6, 1961

MR. LAVAR CHERRY
REXBURG, IDAHO

DEAR MR. CHERRY:

WE ARE WRITING ON BEHALF OF MR. E. HARGIS,
ASHTON, IDAHO, WITH RESPECT TO DIFFICULTIES EN-
COUNTERED IN THE USE OF WATERS OF BLUE CREEK.

AS WE UNDERSTAND THE PROBLEM, THERE WAS AN
AGREEMENT REACHED AT ONE TIME TO THE EFFECT THAT
ONE-HALF OF THE WATERS OF BLUE CREEK WOULD BE PER-
MITTED TO GO ON DOWN STREAM FOR THE PURPOSE OF
FURNISHING STOCK WATER AS IT HAD FOR MANY, MANY
YEARS LAST PAST. APPARENTLY, DIFFICULTIES HAVE
BEEN ENCOUNTERED.

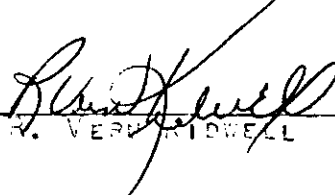
WE WOULD APPRECIATE THE OPPORTUNITY TO DIS-
CUSS THIS MATTER WITH YOU SO THAT AN AMICABLE SETTLE-
MENT CAN BE REACHED, IF AT ALL POSSIBLE.

IF YOU PLAN ON BEING IN THE IDAHO FALLS AREA
IN THE NEAR FUTURE WE CERTAINLY WOULD APPRECIATE
THE OPPORTUNITY TO TALK THIS MATTER OVER WITH YOU.

VERY TRULY YOURS,

HOLDEN, HOLDEN & KIDWELL

BY


R. VERN KIDWELL

RVK:KH

MICROFILMED

Weber County Wild Life Federation

PRESIDENT

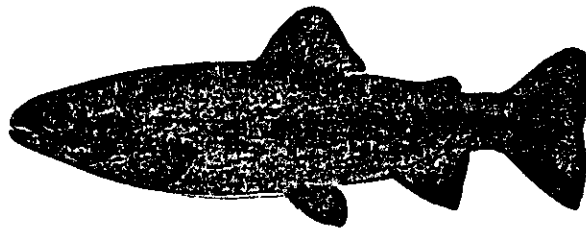
W. E. WHITE
GEO. A. LOWE CO.

VICE PRESIDENT

R. F. WARRALL
361 28TH STREET

SECRETARY-TREASURER

JOHN I. DAVIS
2861 MARILYN DRIVE



Ogden, Utah

DIRECTORS

FRANK M. BROWNING
BROWNING CHEVROLET CO.
CLIFFORD HUSS
2343 KIESEL AVE.
C. N. WOODS
REGIONAL FORESTER
ORMOND KONKLE
231 27TH STREET
STANLEY ROBINS
FRED J. KIESEL ESTATE
WARD ARMSTRONG
ARMSTRONG SPORTING GOODS

Dear Mr Holden

July 10, 1961

Your letter of ^{July 7} (date) received and
in reply will say I have no knowledge of
any agreement other than that established
by my water rights which states that
some water for domestic use
is allowed to go down the stream
bed. I have always allowed
sufficient water to pass and
will continue to do so.

Owing to the recent dry years
water has no doubt been lost
thru seepage but Mr Hargis
should take care of the water
as there has been plenty for domestic
use

A SOCIETY FOR THE CONSERVATION OF WILD LIFE

MICROFILMED

In view of ^{this} I see no reason to
call on you in Idaho Falls

MICROFILMED

Ashton, Idaho
July 17, 1961.

To W. L. Hargis
Ashton, Idaho

I will start my pump on Blue
Creek to begin irrigating Tuesday
July 18, 1961 at 6 A. M.

There will be water in the dam,
with headgate below my pump that
I built to store water for your cattle
last summer.

I suggest that you take care
of and regulate it as needed.

Sincerely
LaVar A. Cherry

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessing

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

That ~~she~~ ^{she} is the *editor* of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont 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 publication of *Notice of Claim to a Water Right # 21-4025 (Cherry)*

And affiant further says that said notice, advertisement of 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 issues thereof; first publication

having been made on the *31*

day of *March*, 19*77*,

and the last publication on the

7 day of *April*, 19*77*.

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 seventeen and three-fourths inches deep.

Carol Bessing
Subscribed in my presence and sworn to before me this *12*

day of *April*, 19*77*.

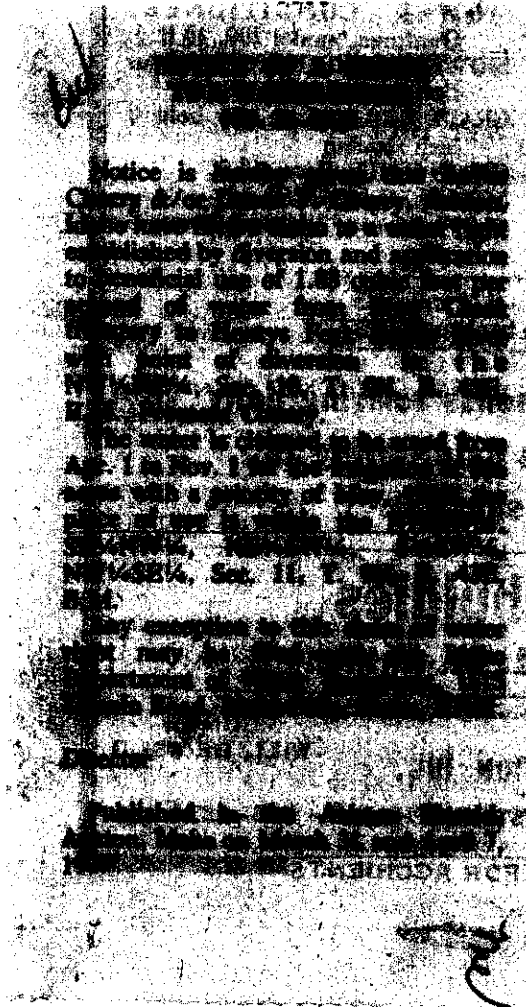
Notary Public

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

RECEIVED

APR 13 1977

Department of 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 27, 1977

RE: Claim to a Water Right No. 21-4025

Mr. & Mrs. LaVar Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. & Mrs. Cherry:

The Department of Water Resources has completed the processing of your amended 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 amended 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 amended 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 amended claim number when corresponding with this office.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

Enc: Copy of amended claim

MICROFILMED

Law Offices

LEE, RIRIE & GROVER
Chartered Professional Association

T. HAROLD LEE
JAMES A. RIRIE
BLAIR J. GROVER
ALLEN SIMS

RECEIVED

JUN 14 1977

Department of Water Resources, BOX 36
RIGBY, IDAHO 83442
Eastern District Office (208) 745-6653

330 SHOUP AVENUE, ROOM 201
IDAHO FALLS, IDAHO 83401
(208) 524-2650

RIGBY, IDAHO 83442

June 10, 1977

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

Re: Exception to Amended
Claim No. 21-4025

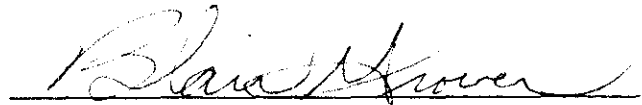
Gentlemen:

Heretofore, Mr. Forrest Howell has submitted an Affidavit in response to the original notice of a water right.

This letter is simply to inform you that the amended notice does not change any of the statements by Mr. Howell in the Affidavit and that it applies fully to the amended notice.

Yours very truly,

LEE, RIRIE, GROVER & SIMS



BG:pa
cc: Forrest Howell

MICROFILMED

May 27, 1977

RE: Amended Claim to a Water Right No. 21-4025 CHERRY
Application for Permit No. 21-7119 NEDROW
21-7120 "
21-7121 HENRY
21-7122 "
21-7123 CHERRY

Ashton Herald
Box 258
Ashton, Idaho 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,

MICROFILMED
RONALD D. CARLSON
Supervisor,
Western Region
RDC: LW

Bill submitted 6-17-77 by Ced

Enc: Legal Notice (6)

**NOTICE
CLAIM TO WATER RIGHT
No. 21-4025**

Notice is hereby given that Claim to a Water Right No. 21-4025 in the name of LaVar Cherry &/or Donna P. Cherry, Ashton, Idaho, was filed claiming 1.83 c.f.s. of water from Blue Creek tributary to Henrys Fork Snake River with point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County, to be used for the irrigation of 166 acres from Apr. 1 to Nov. 1 within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., with a priority date of 1977-1980.

The claimants are now amending Claim to a Water Right No. 21-4025 changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County and the place of

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., making a total of 101 acres to be irrigated.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 151 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on June 2 and June 9, 1977.

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 21-4025

Notice is hereby given that Claim to a Water Right No. 21-4025 in the name of LaVar Cherry &/or Donna P. Cherry, Ashton, Idaho was filed claiming 1.83 c.f.s. of water from Blue Creek tributary to Henrys Fork Snake River with point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County; to be used for the irrigation of 166 acres from Apr. 1 to Nov. 1 within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., with a priority date of May, 1960.

The claimants are now amending Claim to a Water Right No. 21-4025 changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M., Fremont County and the place of use to the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 9N, R. 43E, B.M., making a total of 101 acres to be irrigated.

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, Ashton, Idaho, on June 2 and June 9, 1977.

MICROFILMED

He. L.
He. H.
He. A.



BDF

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

April 21, 1977

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

C. Stephen Allred
Director

RE: Claim to a Water Right No. 21-4025

LaVar Cherry &/or Donna P. Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. & Mrs. Cherry:

Enclosed please find a copy of the exception filed by Attorney Blair Grover, in behalf of Forrest Howell in connection with your Claim No. 21-4025. 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

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 21, 1977

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

C. Stephen Allred
Director

RE: Claim to a Water Right No. 21-4025 CHERRY

Mr. Blair Grover
Attorney at Law
P.O. Box 36
Rigby, Idaho 83442

Dear Mr. Grover:

We have received the exception dated April 19, 1977, filed in behalf of Forrest Howell 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 A. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

Law Offices

LEE, RIRIE & GROVER

Chartered Professional Association

T. HAROLD LEE
JAMES A. RIRIE
BLAIR J. GROVER

ALLEN SIMS

RECEIVED

APR 20 1977

Department of Water Resources
Eastern District Office

Rigby, Idaho 83442

P.O. Box 36
Rigby, Idaho 83442
(208) 745-6653

330 Shoup Ave.
Room 201
Idaho Falls, Idaho 83401
(208) 524-2650

April 19, 1977

Mr. Ronald D. Carlson, Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

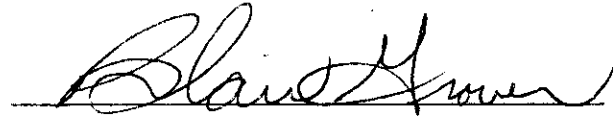
Re: Claim to a Water Right
No. 21-4025 - Cherry

Dear Ron:

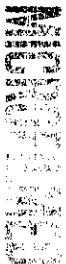
As per your request in your letter of April 8, 1977,
enclosed please find an Affidavit signed by Forrest Howell.

Yours very truly,

LEE, RIRIE, GROVER & SIMS



BG:Pa
Enclosure
cc: Forrest Howell



A F F I D A V I T

APR 20 1977

Department of Water Resources
Eastern District Office

STATE OF IDAHO)

ss

County of Fremont)

Re: CLAIM TO WATER RIGHT
NO. 21-4025, Cherry

FORREST HOWELL, being first duly sworn upon oath, deposes and states:

1. Affiant is a farmer in Ashton, Idaho, and has a right to water from Blue Creek under License No. 1071/21-2012, and is personally familiar with the facts stated herein.

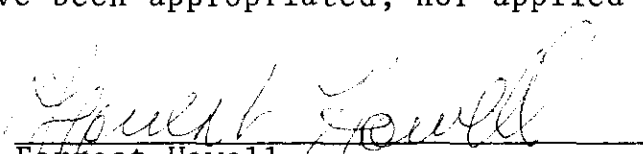
2. Affiant has read the Notice of Claim to a Water Right No. 21-4025 published by LaVar Cherry and/or Donna P. Cherry on March 31 and April 7, 1977. Affiant takes exception to that notice for the following reasons:

A. Cherrys have not used 1.83 cubic feet of water as claimed in said notice, and therefore have not established by diversion an application for that amount of water.

B. Cherrys have not used the water from April 1 to November 1, but usually begin use on or about June 1, and terminate use some time in August.

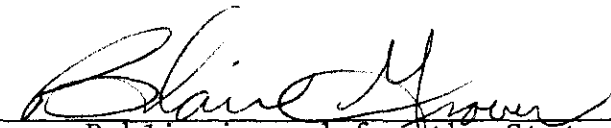
C. Cherrys have not irrigated the 166 acres described in the Notice of Claim. From time to time various parts of said acreage may have been irrigated but not all of it in any continuous or consistent manner.

D. For a good portion of the time since 1960, the claimant pumped the water with a small pumping device incapable of irrigating and/or delivering the amount of water claimed in said notice. There is simply no way that much water could have been appropriated, nor applied to a beneficial use.


Forrest Howell

Subscribed and sworn to before me this 19th day of April, 1977.

(seal)


Notary Public in and for the State
of Idaho, Residing at: Rigby, Idaho
My Commission Expires: Non-Expiring

April 18, 1977

RE: Claim to a Water Right No. 21-4025

LaVar Cherry &/or Donna P. Cherry
Box 472
Ashton, Idaho 83420

Dear Mr. & Mrs. Cherry:

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
APR 21 1977
FBI - IDAHO

April 8, 1977

RE: Claim to a Water Right No. 21-4025 CHERRY

Mr. Blair Grover
Attorney at Law
P.O. Box 36
Rigby, Idaho 83442

Dear Blair:

We find it necessary to return the exception you filed on behalf of Forrest Howell because in its present form it does not fulfill the necessary conditions to be acceptable as an exception.

Please have your secretary prepare it in affidavit form and have Forrest Howell sign it.

As you are aware, the statutes do not specify any time period for submitting an exception so you can return it to this office at your convenience.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosure

RECEIVED
APR 11 1977
FBI - RIGBY

March 25, 1977

RE: Claim to a Water Right No. 21-4025)
Application for Transfer No. 21-2045) CHERRY

Ashton Herald
Box 258
Ashton, Idaho 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,

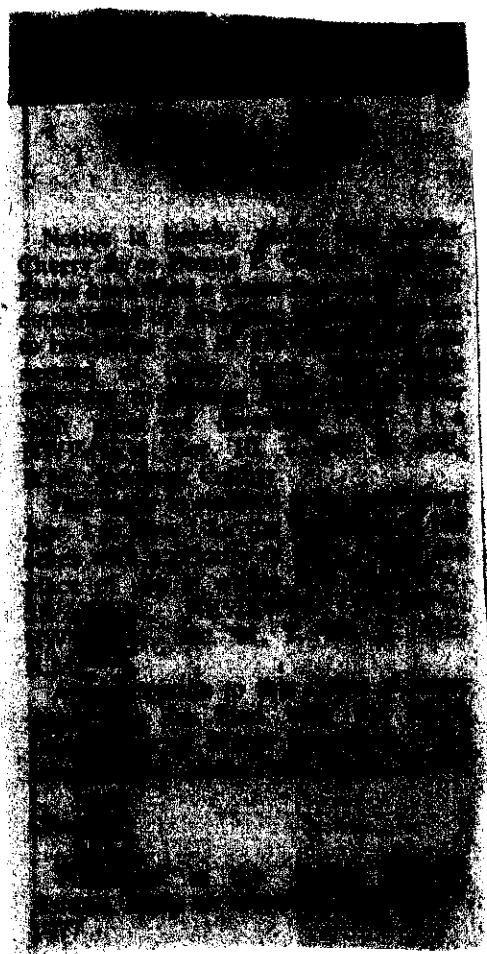
RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-13-77 by CW

RDC:CW

Enc: Legal Notice (2)

MICROFILMED



NOTICE OF CLAIM TO A WATER RIGHT

21-4025

NO. _____

Notice is hereby given that LaVar Cherry &/or Donna P. Cherry,
Ashton, Idaho

have ~~???~~
has filed a claim to a water right established by diversion and application
to beneficial use of 1.83 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXXX~~ acre feet per annum
Blue Creek tributary to Henrys Fork Snake River
of water from _____

with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 9N, R. 43E, B.M.,
Fremont County

The water is claimed to be used from Apr. 1 to Nov. 1
for the irrigation of 166 acres

with a priority of May, 1960;
the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
11, T. 9N, R. 43E, 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.

XXXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director
Ashton Herald, Ashton, Idaho

Published in the March 31
on _____ and April 7, 1977

RECORDED

me. J.
me. H.
me. C.