

8101 15
(8) Remarks Some of the land shown on this claim is irrigated through sub-irrigation resulting from the impoundment of water. This has been a beneficial use of this water since it has allowed hay to be grown where only sagebrush grew before.

R 41 E

R 42 C

T
8
N

6

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 16th day of July

James Heddon
(Claimant)

19 75

Ronald D. Carter
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>7-16-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>7/16/75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>7-16-75</u>			
Approved for publication by <u>RW 8-5-75 #4338</u>		<u>Armadillo Canal Co.</u>	<u>MB</u>	<u>8-11-75</u>
Published in <u>Armadillo Herald</u>				
Dates <u>July 24 & 31, 1975</u>				

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Beasey
being first duly sworn, upon her
oath, deposes and says:

That she is the *editor*..
of The Ashton Herald, a news-
paper as defined by Idaho Codes
Annotated, section 58-106, as
amended, and that said newspaper
is a weekly newspaper published
at Ashton, Idaho, in Fremont
County, Idaho, having a general
circulation in said county, and that
said newspaper has been printed
and published as a weekly news-
paper in said county for more than
78 consecutive weeks prior to the
first publication of the attached
notice, advertisement or publi-
cation of *Notice of Claim*

To Water Right.....
21-4018 (Nedrow).

And affiant further says that said
notice, advertisement or publi-
cation, 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 *24*..... day of

July..., 19*75*..,

and the last publication on the

31... day of *July*..

19*75*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least
eight pages of at least four col-
umns each, printed from type
matter, of at least fifteen inches
deep.

Carol Beasey
Subscribed in my presence and

sworn to before me this *4*....

day of *August*.....,

19*75*.

James E. Holcomb

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

RECEIVED
AUG 5 1975

Department of Water Resources
Eastern District Office

MB
**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4018**

Notice is hereby given that James
Nedrow, Ashton, Idaho has filed a claim
to a water right established by diversion
and application to beneficial use of 0.62
cubic feet per second of water from
Spring Creek tributary to Sand Creek
tributary to Henry's Fork with point of
diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T.
8N, R. 41E, B.M., Fremont County.

The water is claimed to be used from
May 1 to Nov. 30 for stockwatering
purposes for 125 cattle within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R. 42E; and
from Apr. 1 to Nov. 1 for the irrigation of
30 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T.
8N, R. 41E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R.
42E, B.M., with a priority of June 15,
1961.

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 Ashton Herald, Ashton,
Idaho on July 24 and July 31, 1975

Microfilm

LEGAL — — AH — —

MB
**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 21-4018**

Notice is hereby given that James Nedrow, Ashton, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.62 cubic feet per second of water from Spring Creek tributary to Sand Creek tributary to Henry's Fork with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 8N, R. 41E, B.M., Fremont County.

The water is claimed to be used from May 1 to Nov. 30 for stockwatering purposes for 125 cattle within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R. 42E; and from Apr. 1 to Nov. 1 for the irrigation of 30 acres within the E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 8N, R. 41E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R. 42E, B.M., with a priority of June 15, 1961.

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

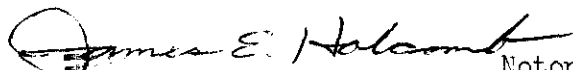
Published in the Ashton Herald, Ashton, Idaho on July 24 and July 31, 1975

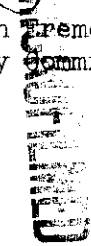
MICROFILMED

STATE OF IDAHO
COUNTY OF FREMONT

BE IT KNOWN, that on the 4th day of August 1975
before the undersigned in and for said county
came Merlin Jenkins & George Nedrow Jr. to me
and who executed the foregoing note.

Subscribed and sworn to me this 4th dat of August 1975


Notary Public
in Fremont county state of Idaho
My Commission expires May 8, 1979.



Ashta - Idaho

July 29, 1975

Idaho Dept of Water Resources
1515 Lincoln Rd.
Idaho Falls, Idaho

RECEIVED
AUG 3 1975

Department of Water Resources
Eastern District Office

Mr. Ronald Carlson,

i.e. the stockholders of the Arcadia Canal
and Reservoir Lintol, an Idaho Corp. do hereby
register and file a protest to claim
of water right by James Richard no 21-4018
on Spring Creek. The reason for this protest
is all existing water on Spring Creek is
used either by Early water right or by
Arcadia Canal Co. by the way of rights
or Adverse Possession, by the use of for
the past 60 yrs.

There is no water that Richard has
used because the creek is normally dry
from May thru Feb. except for sub water

Merlin Jenkins
George Richard Jr.

Signed

President
Sec. & Treasurer
Arcadia Canal Co.

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

CLAIM TO A WATER RIGHT

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

Notice is hereby given that James Nedrow (name of claimant)
of Route #1, Box 73, Ashton, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring Creek
tributary to Sand 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 0.60 Use Irrigation Period of Use: From Apr. 1 To Nov. 1
Amount 0.02 Use Stockwater Period of Use: From May 1 To Nov. 30
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm, ~~acres~~) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: 0.62 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 15, 1961

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

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NE ¼, Sec. 1 Twp. 8N Rge. 41E B. M. County of Fremont
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Self regulating headgate with 300'
earth ditch

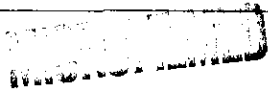
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

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	
8N	41E	1	15			5													20
8N	42E	6	10																10

Total No. of acres 30

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 125 head of cattle within the NE ¼ NE ¼, Sec. 6, T. 8N, R. 42E

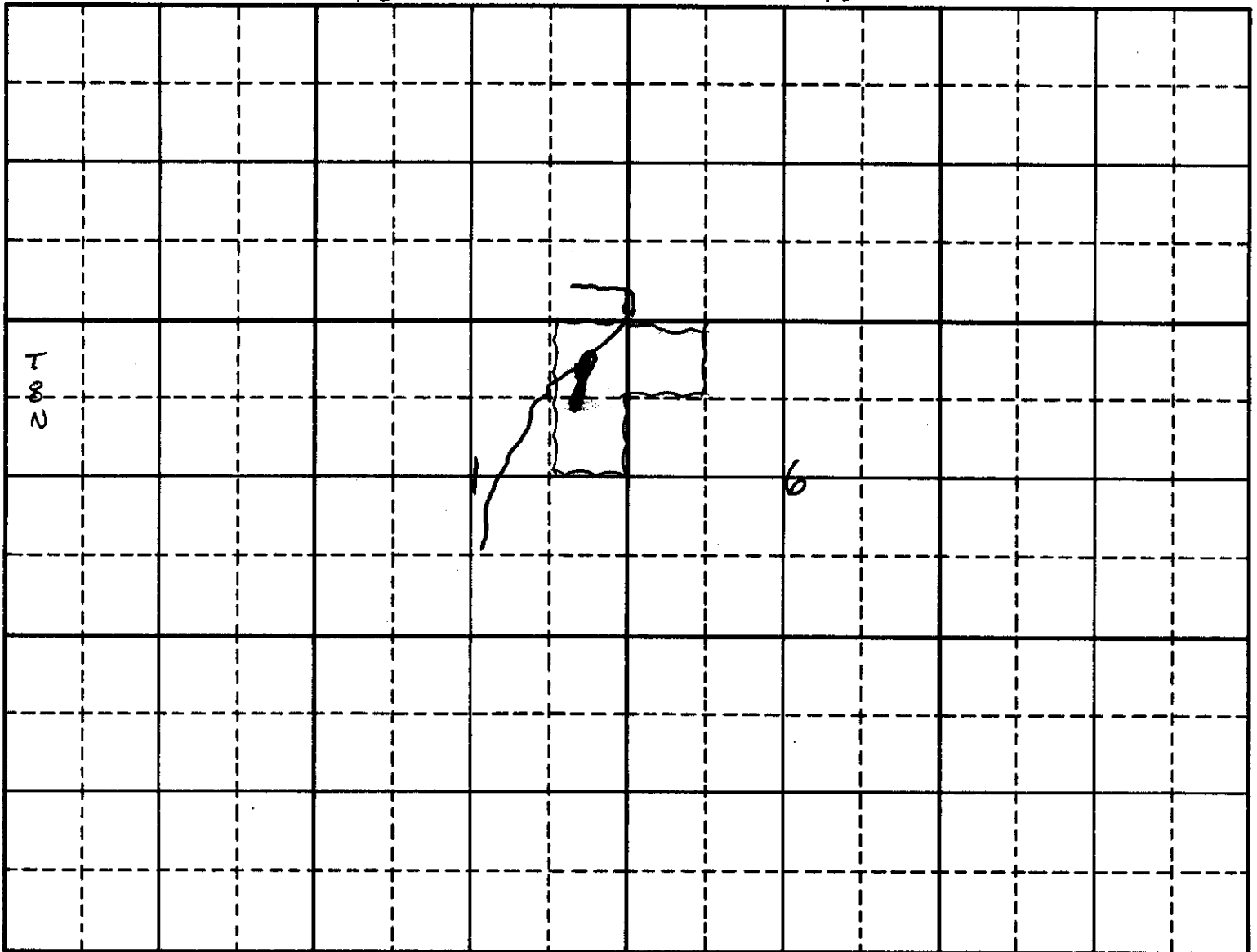
(7) If you are claiming water as a member of an organization, list name of organization: _____



- (8) Remarks Some of the land shown on this claim is irrigated through sub-irrigation resulting from the impoundment of water. This has been a beneficial use of this water since it has allowed hay to be grown where only sagebrush grew before.

R 41 E

12 42 C



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 16th day of July

(Claimant)

19 75

Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by MB Date 7-16-75 Exception filed by: Forwarded to Date
Prelim. check by RDC Date 7/16/75 claimant by:
\$10.00 fee received by MB Date 7-16-75
Approved for publication by fw 8-5-75 #4338 Arcadia Canal Co. MB 8-11-75
Published in Arden Herald
Dates July 24 & 31, 1975

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 news-
paper as defined by Idaho Codes
Annotated, section 58-106, as
amended, and that said newspaper
is a weekly newspaper published
at Ashton, Idaho, in Fremont
County, Idaho, having a general
circulation in said county, and that
said newspaper has been printed
and published as a weekly news-
paper in said county for more than
78 consecutive weeks prior to the
first publication of the attached
notice, advertisement or publi-
cation of *Notice of Claim*

To Water Right.....
#21-4018 (Hobrow).

And affiant further says that said
notice, advertisement or publi-
cation, 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 *24*..... day of

July..., 19*75*..

and the last publication on the

31... day of *July*..
19*75*..

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least
eight pages of at least four col-
umns each, printed from type
matter, of at least fifteen inches
deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this *4*....

day of *August*.....,

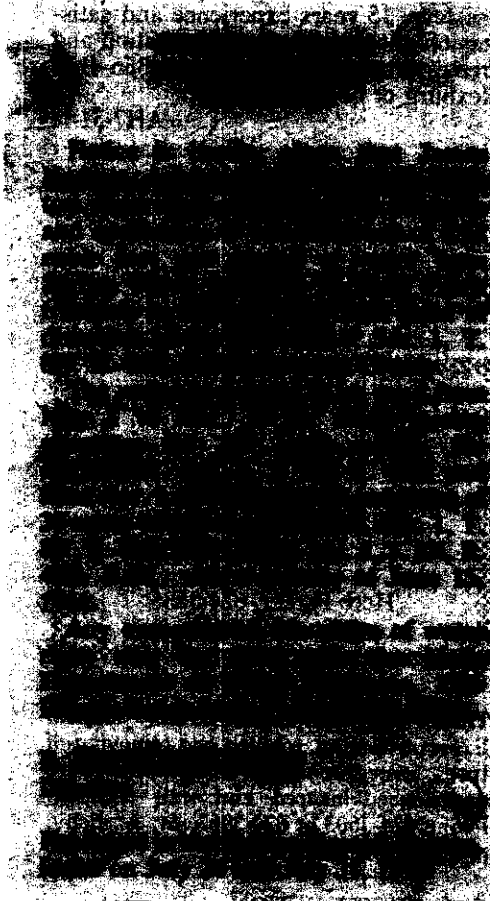
19*75*..

James E. Holcomb

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

RECEIVED
AUG 5 1975

Department of Water Resources
Eastern District Office



RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Ron Carlson

OCT 6 1975

DATE October 3, 1975

TO Darlene

Department of Water Resources

SUBJECT Claim No. 21-4018

Here is a letter Mr. James Nedrow wishes to have included in the file No. 21-4018.

We found an error in the legal description on this claim that needs to be corrected. In Item 6a, the land in Sec. 6 should show 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$.



SIGNATURE

Arthur H. Ho

Oct 2, 1975

Water Resource Administration Board

Gentlemen,

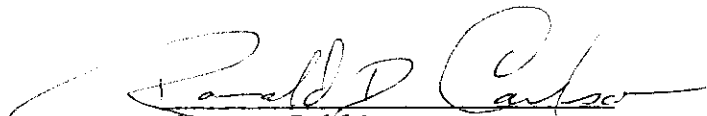
I started this water development on Spring Creek in about 1946 by reinforcing a beaver dam on one of the channels of Spring Creek with dirt put in with a roller scraper and manure loader to impound water for stock watering. Upon seeing the increased pasture created by sub irrigation resulting from this dam I decided to build more dams when possible. In the fall of 1960 I bought a Hustler 4 yard carousel type scraper thus making it practical to do so. In 1961 I built a dirt dam or dike about 4 feet high, wide enough to run the tractor & scraper on top of and about 300 feet long, across the main channel of Spring Creek on my property as described in the claim filed last summer. This dam has been reinforced & improved since then by packing the headgate with gravel to

prevent washing around the culvert and
digging by muskrats & now has a 24 inch
culvert in the headgate plus an 18 inch
culvert at another point to carry the water
out upon a high point about 300 feet and
irrigate out of both sides of this 300 foot long
ditch. I have also created about a 1000 foot
long & about 10 feet wide reservoir in the
excavation made by the dirt removed to
build the dam. This is a continuation of the
dam itself & serves to ~~the~~ spread the water out
& hold it to sub over a larger area. I have
also dammed a dry channel to catch spring
runoff & hold it to sub irrigate with.

I have not attempted to sprinkle irrigate
with the water as the land is sandy & rocky
and the water supply not large enough to pay
the cost of doing so. The system I have
developed takes very little ^{or exp} time to operate &
increases the pasture yield by many times
what it was before, ~~this~~ ^{this} pasture is the
only practical use for this land.

James Nelson

Sworn to before me this 3rd day of OCTOBER, 1975.


Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

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

CLAIM TO A WATER RIGHT

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

Notice is hereby given that James Nedrow (name of claimant)
of Route #1, Box 73, Ashton, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring Creek
tributary to Sand 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 0.60 Use Irrigation Period of Use: From Apr. 1 To Nov. 1
Amount 0.02 Use Stockwater Period of Use: From May 1 To Nov. 30
Amount (cfs, ~~gpm~~ (dom., irri., stock, etc.) Period of Use: From To (both dates inclusive)

(3) Total quantity of water claimed: 0.62 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 15, 1961

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

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NE ¼, Sec. 1 Twp. 8N Rge. 41E B. M. County of Fremont
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Self regulating headgate with 300' earth ditch

(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	41E	1	15			5													20
8N	42E	6	10																10

Total No. of acres 30

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 125 head of cattle within the NE¼NE¼, Sec. 6, T. 8N, R. 42E

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

August 13, 1975

RE: Claim to a Water Right No. 21-4018

Mr. James Nedrow
Route #1, Box 73
Ashton, ID 83420

Dear Mr. Nedrow:

Enclosed please find a copy of the exception filed by the Arcadia Canal Co. in connection with your Claim No. 21-4018. 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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
District Engineer

RDC:MB

Enclosure
cc: IDWR - Boise

August 13, 1975

RE: Claim to a Water Right No. 21-4018

Arcadia Canal Co.
c/o George Nedrow, Jr.
Ashton, Idaho 83420

Gentlemen:

We have received the exception dated July 29, 1975, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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
District Engineer

RDC:MB

cc: IDWR - Boise

August 11, 1975

RE: Claim to a Water Right No. 21-4018

Mr. James Nedrow
Route #1, Box 73
Ashton, Idaho 83420

Dear Mr. Nedrow:

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 files, 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
District Engineer

RDC:MB

Enc: Copy of claim

July 18, 1975

RE: Claim to a Water Right No. 21-4018 NEDROW

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
District Engineer

RDC:MB

Bill submitted 8-15-75 by MB

Enc: Legal Notice

NOTICE OF CLAIM TO A WATER RIGHT

NO. 21-4018

Notice is hereby given that James Nedrow,

Ashton, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.62 cubic feet per second ~~XXXXXX feet per second~~ of water from Spring Creek tributary to Sand Creek tributary to Henry's Fork with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 8N, R. 41E, B.M., Fremont County.

The water is claimed to be used from May 1 to Nov. 30 for stockwatering purposes for 125 cattle within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R. 42E; and from
~~XXXXXX with a priority of~~ Apr. 1 to Nov. 1 for the irrigation of 30 acres
~~XXXXXX the place of use is within the~~ E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 8N, R. 41E;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 8N, R. 42E, B.M., with a priority of June 15, 1961.

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 Ashton Herald, Ashton, Idaho

on July 24 and July 31, 1975

MB-B CW-A