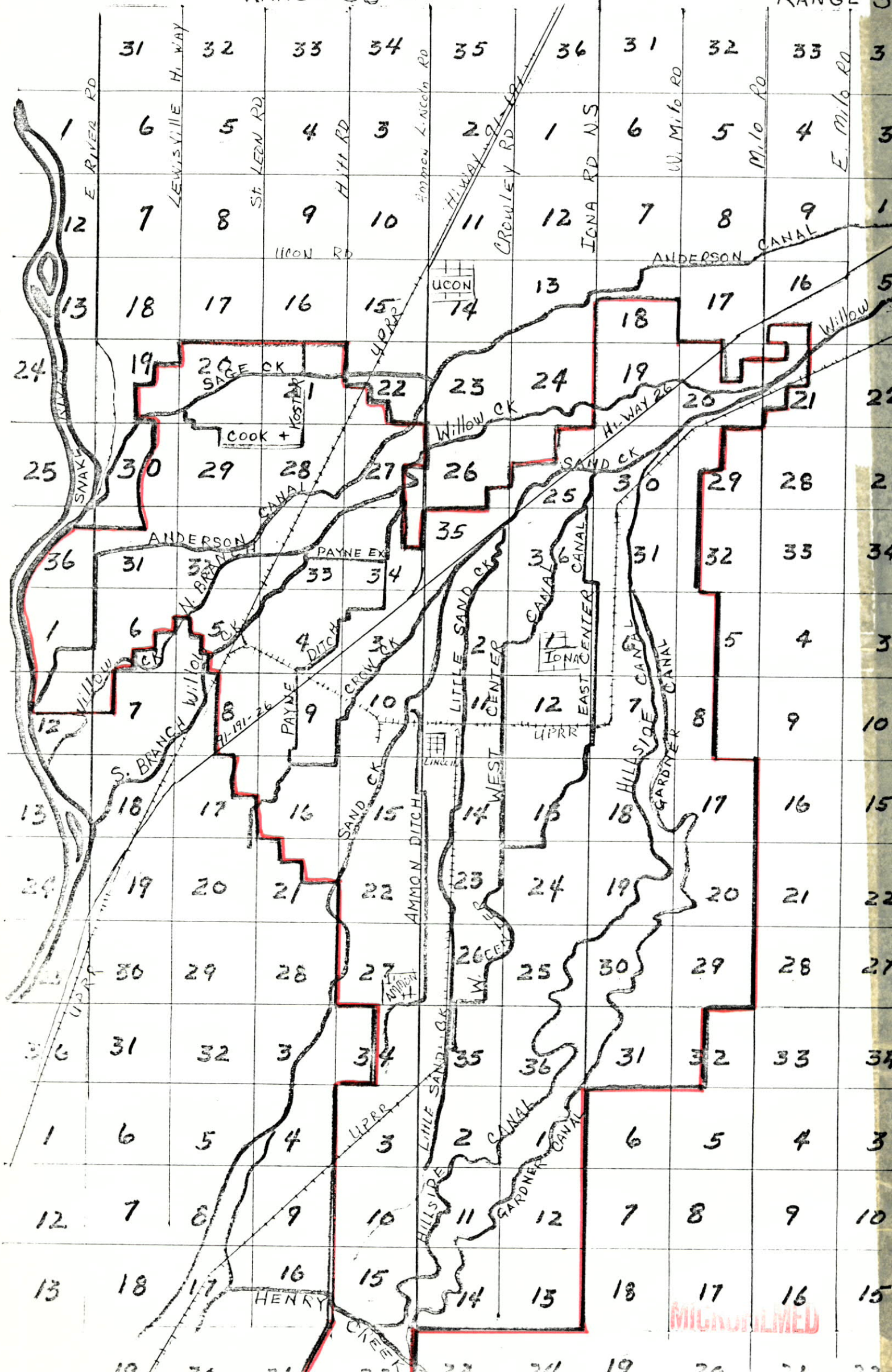


PROGRESSIVE

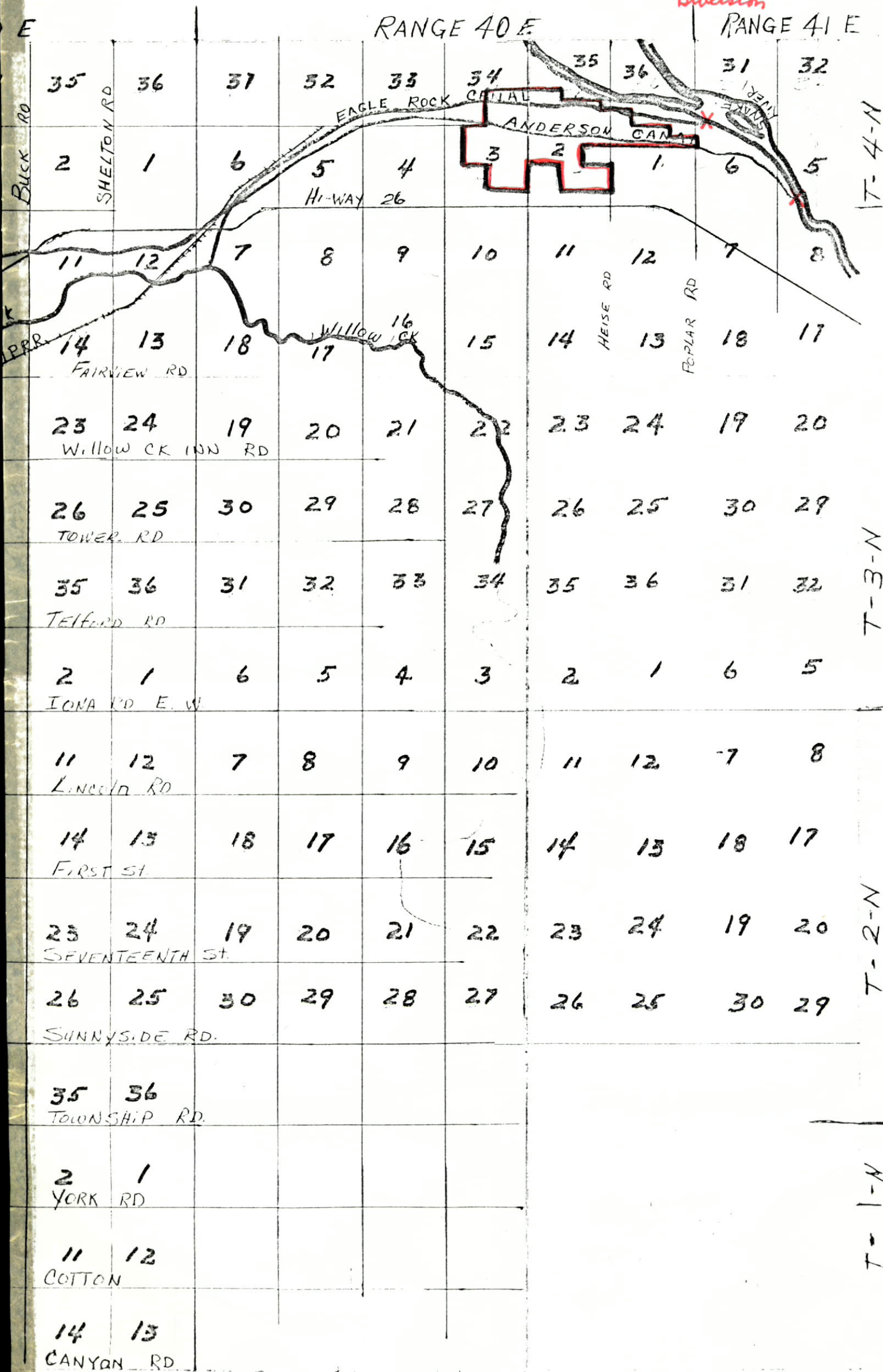
RANGE 38 E

RANGE 39 E



IRRIGATION DIST.

X = Point of Diversion



Affidavit of Publication

THE RIGBY STAR

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:

01-4006

Progressive Irrigation District
P.O. Box 2093
Idaho Falls, Idaho 83401

Source: Snake River, South Fork
tributary to Columbia River
Priority Date: 06/01/1930
Amount: 200.00 CFS
Diversion Point: SWSW Sec 05 T
03N R 41E SWSW Sec 31 T 04N R
41E, Jefferson County
Use: Irrigation (200.00 CFS) from
06/01 to 07/15
Diversion Means: Existing Head-
gates of Anderson & Eagle Rock
Canals
Place of Use: Approximately 33,500
acres irrigated within the district
boundaries of Progressive Irrigation
District

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. Stephen Allred
Director

Published May 23 and 30, 1979

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson 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.

And affiant further says that at the times herein mentioned said
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

Twenty-Third day of May, 19 79

and the last publication on the

Thirtieth day of May, 19 79

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
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Subscribed in my presence and sworn to before me this Thirtieth
day of May, 19 79.

RECEIVED
JUN 4 1979

Department of Water Resources
Eastern District Office

Publication Fee: \$ 14.35

Karl S. Hanosky
Publisher

Evelyn M. F. Taylor
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 7-15, 19 81

MICROFILMED

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 Progressive Irrigation District
(Name of Claimant)
P.O. Box 2093, Idaho Falls, Idaho 83401 Telephone No. 522-3102
(Mailing Address) (Zip Code)

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) 1930, June 1

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)
Snake River (South Fork) tributary to Columbia

(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>200 c.f.s.</u>	Use	<u>irrigation</u>	Period of Use From <u>June 1</u>	To <u>July 15</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) 200 c.f.s. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 5 Twp. 3 N. Rge. 41 E.B.M., County of Jefferson
Additional points of diversion: SW ¼ SW ¼, Sec. 31, T. 4 N., Range 41 E.B.M.

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. established headgates for the Anderson Canal and the Eagle Rock Canal.

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
			District boundaries include 41,000 acres, more or less. Thirty-three thousand five hundred acres, more or less, are being irrigated at this time. See map attached hereto, marked Exhibit A, and made a part hereof.																

No. of acres 33,500 more or less.

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:

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

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[illegible]

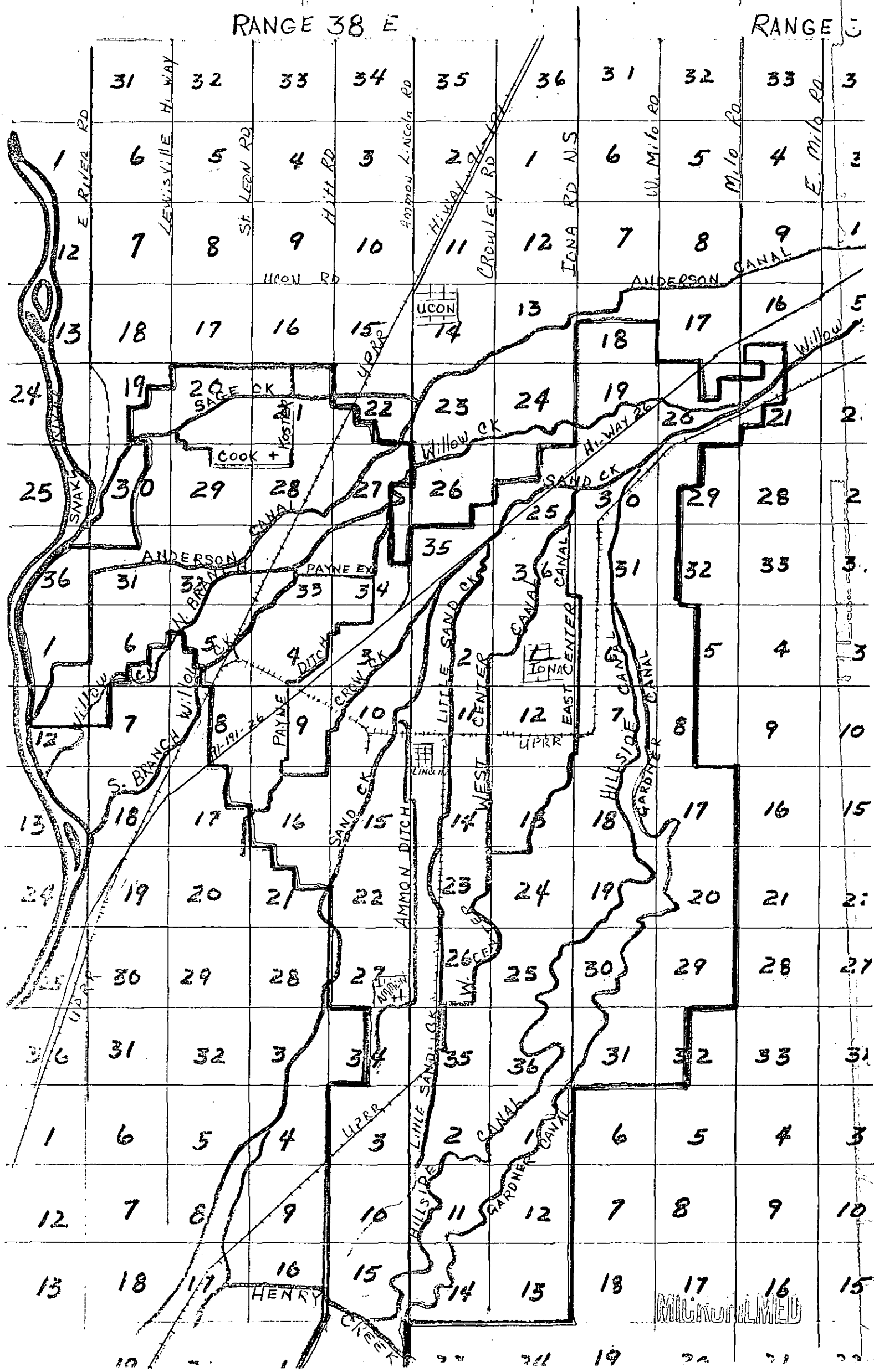
Scale: 2 inches equal 1 mile.

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.

5-14-79 FOR DEPARTMENT USE ONLY				
Received by <u>CW</u>	Date <u>4-27-79</u>	Exception filed by: _____	Fowarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$20.00 fee received by <u>CW</u>	Date <u>4-27-79</u>	#11880		
Published in <u>Rigby Star</u>				
Dates <u>May 24 & 31, 1979</u>				

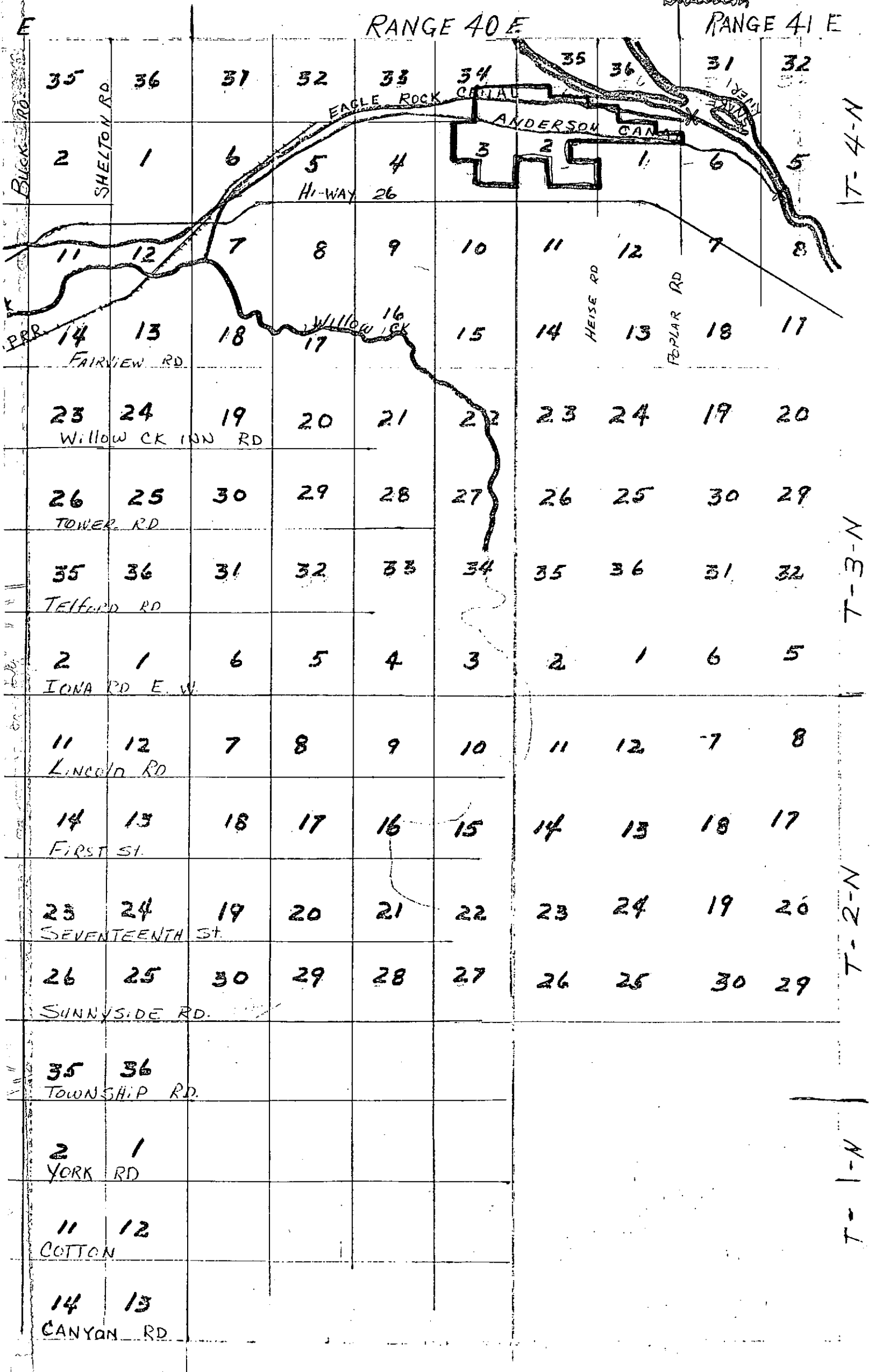
39-1072

PROGRESSIVE



IRRIGATION DIST.

X = Point of Division



Affidavit of Publication

THE RIGBY STAR

**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 benefi-
cial use:

01-4006

Progressive Irrigation District
P.O. Box 2093
Idaho Falls, Idaho 83401

Source: Snake River, South Fork
tributary to Columbia River
Priority Date: 06/01/1930
Amount: 200.00 CFS
Diversion Point: SWSW Sec 05 T
03N R 41E SWSW Sec 31 T 04N R
41E, Jefferson County
Use: Irrigation (200.00 CFS) from
06/01 to 07/15
Diversion Means: Existing Head-
gates of Anderson & Eagle Rock
Canals
Place of Use: Approximately 33,500
acres irrigated within the district
boundaries of Progressive Irrigation
District

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. Stephen Allred
Director

Published May 23 and 30, 1979

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson 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.

And affiant further says that at the times herein mentioned said
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

Twenty-Third day of May, 19 79

and the last publication on the

Thirtieth day of May, 19 79

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
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Karl S. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Thirtieth
day of May, 19 79.

RECEIVED
JUN 4 1979

Department of Water Resources
Eastern District Office

Evelyn M. Flanagan
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires 7-15, 19 81

Publication Fee: \$ 14.35

MICROFILMED

ACT
ION

X-95

N OWNER LAST NAME - PROGRESSIVE IRRIGATION DISTRICT
 N ADDRESS LINE 1 - P. O. BOX 2093
 N CITY - IDAHO FALLS STATE - ID ZIP CODE - 83401
 N SOURCE - SNAKE RIVER, SOUTH FORK TRIBUTARY OF - COLUMBIA RIVER
 N STAGE - STATUTORY CLAIM PRIORITY - 06-01-1930 COUNTY - JEFFERSON TOTAL DIV. RATE - 200.0000CFS
 N WATER DIST. - 01
 N DIVERSION POINT - SWSW 05 03N 41E SWSW 31 04N 41E X-45
 N FROM - 06-01 TO - 07-15 USE - IRRIGATION? USE DIV. RATE - 200.0000CFS
 N REMARKS - APPROXIMATELY 33,500 ACRES IRRIGATED WITHIN THE DISTRICT
 N BOUNDARIES OF THE PROGRESSIVE IRRIGATION DISTRICT.
 N DIVERSION MEANS - EXISTING HEADGATES OF ANDERSON & EAGLE ROCK CANALS

Handwritten signature/initials

IDENT. NO.

[illegible]

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 11, 1979

PROGRESSIVE IRRIGATION DISTRICT
P. O. BOX 2093
IDAHO FALLS ID 83401

RE: Claim No. 01-4006

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

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

MAY 18, 1979

The Rigby Star
P. O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 11, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

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:

Q1-4006

PROGRESSIVE IRRIGATION DISTRICT

P. O. BOX 2093, IDAHO FALLS, ID 83401

Source: SNAKE RIVER, SOUTH FORK tributary to COLUMBIA RIVER

Priority Date: 06/01/1930

Amount: 200.00 CFS

Diversion Point: SWSW Sec 05 T 03N R 41E SWSW Sec 31 T 04N R 41E,
JEFFERSON Co.

Use: IRRIGATION (200.00 CFS) from 06/01 to 07/15

(Insert Place of Use which is listed below)

Diversion Means: EXISTING HEADGATES OF ANDERSON & EAGLE ROCK CANALS

Place of Use: Approximately 33,500 acres irrigated within the district boundaries
of Progressive Irrigation District

Any exception to any claim of water right may be filed with
the Director of the Idaho Department of Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 5/24 & 5/31/79.

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

May 15, 1979

Progressive Irrigation District
P. O. Box 2093
Idaho Falls, Idaho 83401

RE: Claim to Water Right

Gentlemen:

Enclosed is Receipt No. 11880 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

DONNA HENRIQUES
Secretary

Attachment

MICROFILMED

HOPKINS, FRENCH & CROCKETT
LAWYERS

C. TIMOTHY HOPKINS
SEWARD H. FRENCH, III
GREGORY L. CROCKETT
LARRY L. GOINS

SALISBURY BUILDING - 428 PARK AVENUE
P. O. BOX 1219
IDAHO FALLS, IDAHO 83401

TELEPHONE
AREA CODE 208
523-4445

May 11, 1979

Mr. Anthony R. Kozlowski
Sr. Water Resource Agent
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Progressive Irrigation District--Claim to a Water
Right and Application for Permit

Dear Mr. Kozlowski:

Thank you for your letter of May 3, 1979 returning our previously forwarded Claim to a Water Right and Application for Permit filed on behalf of Progressive Irrigation District. You will see that we have again enclosed those documents together with the related fees as outlined in our original letter to you dated April 17, 1979.

You will note that both the Claim and Application have been revised to comply with your request. In answer to your question as to the number of acres benefiting from diversion of the water claimed, as of course you realize the acres served by the District do change through the years, and therefore perhaps the most precise way to indicate the acres benefit would be to say that those acres being served by the Irrigation District during the period since diversion of these waters commenced are the acres which have benefited by diversion and use of the water. In answer to your question as to whether the Claim and Application are filed for the same or different water rights we want you to understand that they are being filed for the same 200 c.f.s., and that fact has now been clearly set out in the remarks section of the Application.

MICROFILMED

Mr. Anthony R. Kozlowski
May 11, 1979
Page 2

While your suggestions and requests for further information will no doubt enhance your understanding of the District's claim we nonetheless were most surprised to receive back both our checks and applications for a telephone call surely would have answered these questions in a much more efficient manner. We believe all of the requirements of law to have been met for your acceptance of the enclosed applications and therefore hereby request that the same be filed immediately upon their receipt.

If further questions arise with respect to the applications as to which we may be of assistance, we would appreciate your calling us at your convenience. Thank you for your assistance in this matter.

Very truly yours,

HOPKINS, FRENCH & CROCKETT

C. Timothy Hopkins

C. Timothy Hopkins

lyl.c.

CTH/lc
Encl.

MINIATURE

May 3, 1979

C. Timothy Hopkins, Attorney
Hopkins, French and Crockett
P. O. Box 1219
Idaho Falls, Idaho 83401

Dear Mr. Hopkins:

Re: Progressive Irrigation District

I recently received a claim to a water right and an application for permit to appropriate the high waters of the South Fork of the Snake River, filed by you in behalf of the Progressive Irrigation District. Unfortunately, I cannot begin processing of these documents at this time as several corrections need to be made. Therefore, enclosed you will find the claim and application, along with two checks in the name of Progressive Irrigation District totaling \$845.00.

Concerning the claim, you need to specify a month, day, and year as to the priority date the irrigation district is claiming. Under Item 2, you should indicate that the South Fork of the Snake River is tributary to the Columbia River. Also, on the map you have included, you should clearly label the points of diversion. Finally, have 33,500 acres received benefit of the 200 c.f.s. of water since the priority the irrigation district is claiming?

Concerning the application for permit, you should again indicate that the South Fork of the Snake River is tributary to the Columbia River. Under Item 7, the minimum time we can accept for submitting proof of beneficial use on the application is one year, and the maximum amount of time is five years.

Finally, in submitting a claim to a water right and an application for permit, it appears the Progressive Irrigation District desires to record the historical use of 200 c.f.s. initiated in 1930, plus appropriate 200 additional c.f.s. for future use. Since our records indi-

May 3, 1979

C. Timothy Hopkins, Atty.

Page 2

cate the irrigation district already holds decreed rights on the South Fork of the Snake River for an amount in excess of the statutory maximum of .02 c.f.s. per acre, justification for the water requested by the applicant will have to be provided before the application can be receipted. If, however, the application concerns the same 200 c.f.s. being claimed, this should be clearly stated on the application to prevent the future confusion in licensing or future litigation by the irrigation district to obtain an adjudicated right.

Thank you for your assistance in this matter.

Very truly yours,

ANTHONY R. KOZLOWSKI
Sr. Water Resource Agent

ARK:dh

Enclosures

Attachments: (2) Checks 92-185/\$825.00, \$20.00

May 3, 1979

C. Timothy Hopkins, Attorney
Hopkins, French and Crockett
P. O. Box 1219
Idaho Falls, Idaho 83401

Dear Mr. Hopkins:

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May 3, 1979

C. Timothy Hopkins, Atty.

Page 2

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Thank you for your assistance in this matter.

Very truly yours,

ANTHONY R. KOZLOWSKI
Sr. Water Resource Agent

ARK:dh

Enclosures

Attachments: (2) Checks 92-185/\$825.00, \$20.00

HOPKINS, FRENCH & CROCKETT
LAWYERS

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 1219

IDAHO FALLS, IDAHO 83401

April 17, 1979

C. TIMOTHY HOPKINS
SEWARD H. FRENCH, III
GREGORY L. CROCKETT
LARRY L. GOINS

RECEIVED
TELEPHONE
AREA CODE 208
523-4445

APR 27 1979

Department of Water Resources
Eastern District Office

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

Re: Progressive Irrigation District--Claim to
a Water Right and Application for Permit

Gentlemen:

You will find that we have enclosed both a Claim to a Water Right form and Application for Permit form prepared for the Progressive Irrigation District. The Application for Permit is accompanied by the appropriate application fee of \$825.00 and the Claim to a Water Right is accompanied by the appropriate fee for such a claim in the amount of \$20.00. We ask that both the application and the claim be accepted for filing.

In the event that questions arise with respect to either of these documents we would appreciate your contacting us at the above address. Likewise we ask that all of your further communications with respect to either the claim or the application be directed to us.

Thank you for your assistance in this matter.
We shall look forward to hearing from you further.

Very truly yours,

HOPKINS, FRENCH & CROCKETT

C. Timothy Hopkins
C. Timothy Hopkins

CTH/lc
Encl.

NOT RECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number _____

Applicant

Progressive Irrigation District

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. NONE

By Ernest Carlson Date 6/11/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jami Date 6/18/79

MICROFILMED