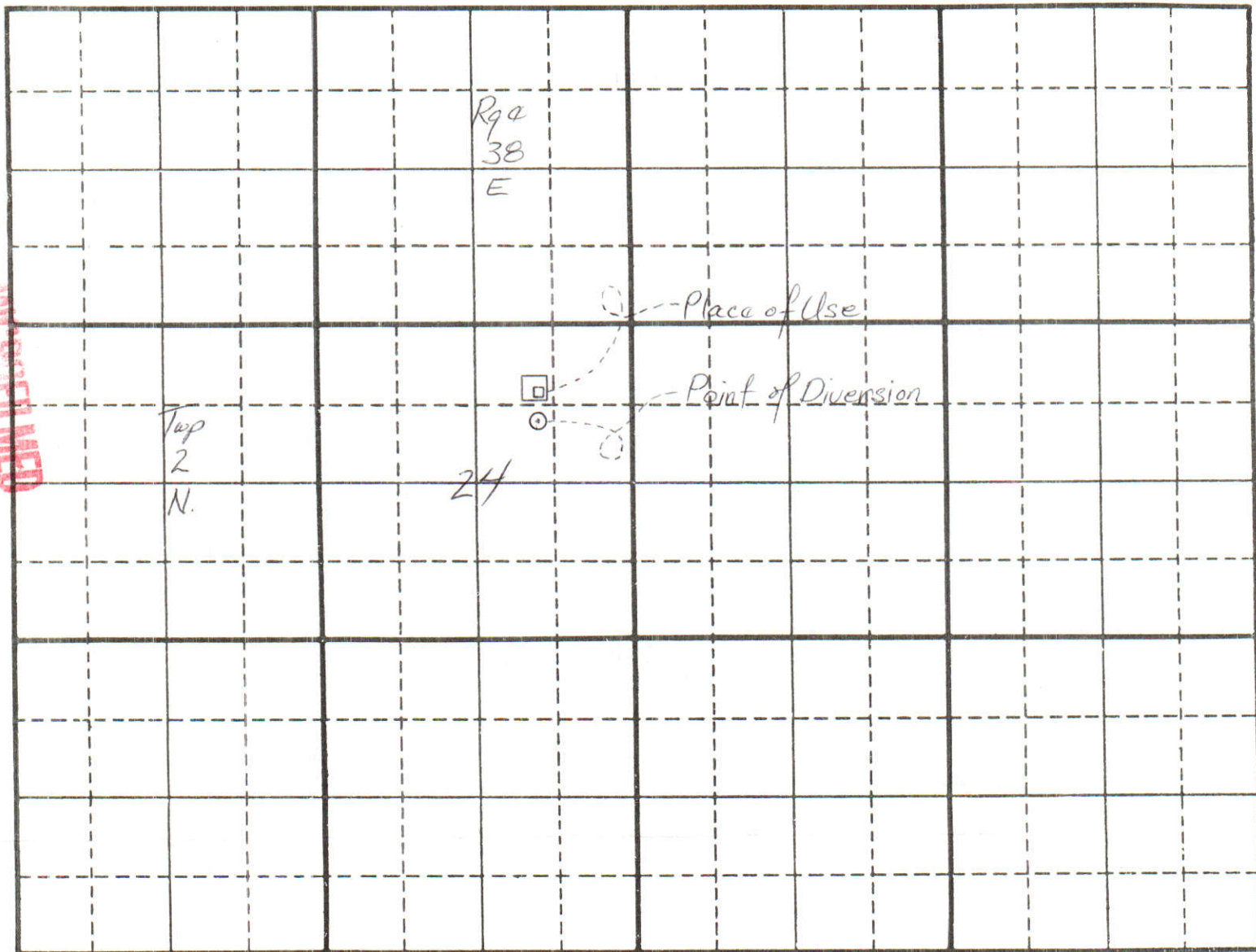


(8) Remarks Claimant has undivided $\frac{1}{2}$ interest in well which is located on the Fred Adams property.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 17th day of June

Eldon Westergard
(Claimant)

Cullen May
Notary Public
Residing at Idaho Falls

My commission expires 6-15-83

FOR DEPARTMENT USE ONLY

Received by EMC Date 6-17-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Jan Date 6-20-83 claimant by: _____
\$30.00 fee received by CW Date 6-17-83 #30736
Published in Post Register
Dates 7/28 - 8/4/83

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 Elden D. Westergard
1279 E. Terry, Pocatello, Idaho 83201 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 232-8308

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) September 1, 1948

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)
groundwater tributary to

(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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	0.04 cfs	Use	domestic	Period of Use From 1/1	To 12/31
Quantity	0.02 cfs	Use	stockwater	Period of Use From 1/1	To 12/31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 24 Twp. 2N Rge. 38E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
well, pump and distribution 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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	38E	24		D/S															

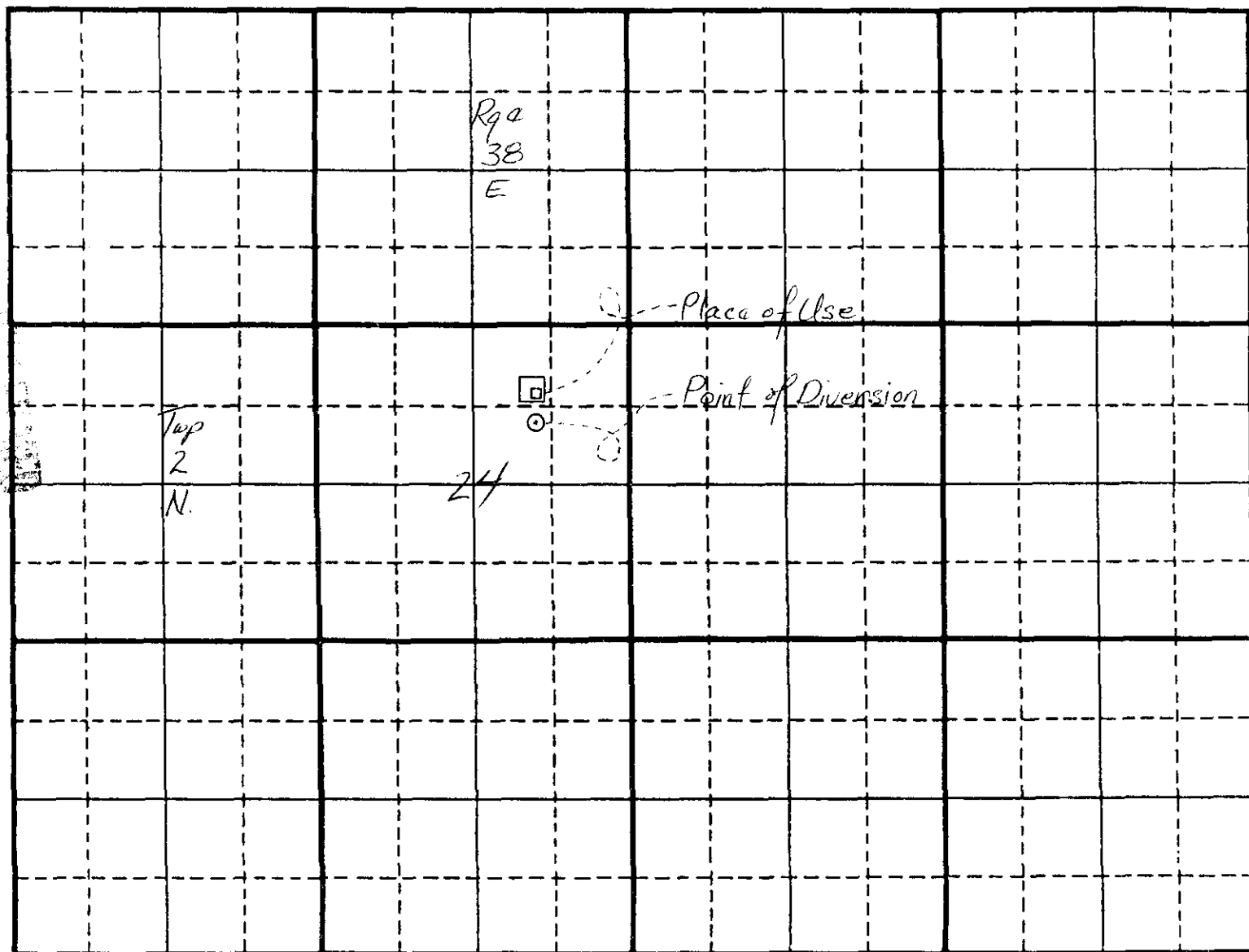
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Culinary water in single home and drinking water for horses & cattle

NOTE: Include here the type and number of stock watered: 20 variable

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

(8) Remarks Claimant has undivided 1/2 interest in well which is located
on the Fred Adams property.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 17th day of June

Eldon Westergaard
(Claimant)

William Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-83

FOR DEPARTMENT USE ONLY

Received by <u>EMC.</u>	Date <u>6-17-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jon</u>	Date <u>6-20-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-17-83</u>			
Published in <u>Post Register</u>	<u>#30736</u>			
Dates <u>7/28 - 8/4/83</u>				

Proof of Publication

The Post-Register

AUG 8 1983

State of Idaho,
County of Bonneville } ss.

Department of Water Resources
Eastern District Office

I, Ted Delezene, first being duly sworn, depose and say: That I am the
Foreman of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 28th day of July, 1983, last publication
having been made on the 4th day of August, 1983, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of August, 1983

Deon K. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water
right(s) created by diversion and beneficial use:

23-4060

FLEMING, JEROME
STAR RT., BOX 120, RIRIE, ID 83443
Source: SQUAW CREEK trib. to SNAKE
RIVER, SOUTH FORK
Priority Date: 05/01/1888
Diversion Pt: NESE Sec 23 T 01N R 43E
Use: IRRIGATION (3.01 CFS); STOCK-
WATER (0.04 CFS)
In: NESE NWSE SWSE SESE Sec 13 T 01N R
43E NWNE NENW Sec 24 T 01N R 43E FOR 97
ACRES

23-4061

SKLENAR, JOE
171 W. 3RD S., SODA SPRINGS, ID 83276
Source: BARNES CREEK trib. to MCCOY
CREEK
Priority Date: 05/01/1971
Diversion Pt: NWSW Sec 33 T 03S R 44E
Use: MINING (1.60 CFS)
In: SWNE Sec 32 T 03S R 44E

25-4224

GUYMON, GUY A.
RT. 2, BOX 300, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 06/15/1942
Diversion Pt: NWNW Sec 02 T 03N R 38E
Use: STOCKWATER (0.04 CFS); DOMESTIC
(0.04 CFS)
In: NWNW Sec 02 T 03N R 38E

25-4225

WESTERGARD, ELDEN D.
1279 TERRY, POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 09/01/1948
Diversion Pt: SWNE Sec 24 T 02N R 38E
Use: STOCKWATER (0.02 CFS); DOMESTIC
(0.04 CFS)
In: NWNE Sec 24 T 02N R 38E

25-4226

LEE, HAROLD M.
RT. 3, BOX 104, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 04/01/1923
Diversion Pt: SESW Sec 30 T 01N R 38E
Use: STOCKWATER (0.02 CFS); DOMESTIC
(0.12 CFS)
In: SESW Sec 30 T 01N R 38E

25-4227

JOHNSON, E. BUD
BOX 386, RIRIE, ID 83443
Source: GROUNDWATER
Priority Date: 10/01/1956
Diversion Pt: SENE Sec 19 T 03N R 40E
Use: IRRIGATION (0.03 CFS); DOMESTIC
(0.08 CFS)
In: SWNE SENE Sec 19 T 03N R 40E FOR 2
ACRES

25-4228

PACK, DEAN L. &/or KATHLEEN
RT. 6, BOX 379, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Priority Date: 03/01/1944
Diversion Pt: SWSW Sec 30 T 03N R 38E
Use: STOCKWATER (0.04 CFS); DOMESTIC
(0.04 CFS)
In: SWSW Sec 30 T 03N R 38E

RECEIVED
SEP 16 1983

Department of Water Resources
Eastern District Office

1729 E. Terry
Pocatello, Idaho
Sept 15, 1983

RECEIVED

SEP 16 1983

Department of Water Resources

Mr. Frank Carlson
Eastern Idaho Supervisor
Idaho Falls, Idaho.

R.F. 25-4225

Gentlemen:

Enclosed you will please
find a copy of the letter enclosed
a copy of the agreement.

Yours truly
Olend Westergaard

MICROFILMED

THIS AGREEMENT ENTERED INTO THIS 28th DAY OF JULY 1949 BETWEEN
HAROLD J BISHOP, PARTY OF THE FIRST PART AND F.H.WESTERGARD, PARTY
OF THE SECOND PART.

IT IS UNDERSTOOD THAT A WELL WAS DRILLED ABOUT 1945 ON THE PROPERTY
OF THE FIRST PARTY. THE EXPENSE OF DRILLING AND EQUIPPING SAID
WELL WAS EQUALLY DIVIDED BETWEEN BOTH PARTIES MENTIONED ABOVE.

SAID WELL IS LOCATED NEAR THE N.E. CORNER OF PROPERTY OF THE FIRST
PARTY KNOWN AS S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ SECTION 24 TP 2N RANGE 38 E.B.M. THE
PROPERTY OF THE SECOND PARTY IS LOCATED JUST NORTH OF THE PROPERTY
DESCRIBED ABOVE. VIZ: N.W. ^{by EW} ~~by EW~~ N.E. $\frac{1}{4}$ SEC 24, TP 2 N RANGE 38 E.B.M.

IT IS UNDERSTOOD THAT THE EXPENSES FOR REPAIRS AND OPERATION OF
SAID WELL SHALL BE DIVIDED EQUALLY BETWEEN THE TWO PARTIES.

IT IS SPECIFICALLY AGREED THAT PARTY OF SECOND PART HAS A $\frac{1}{2}$
INTEREST IN THIS WELL AND THE WATER WHICH COMES THEREFROM, BUT IN
NO WAY GIVES PARTY OF SECOND PART ANY RIGHT OR CLAIM TO ANY OF THE
LAND WHICH SURROUNDS THIS WELL OR LATERALS.

IT IS ALSO AGREED THAT NO OTHER RESIDENCE THAN THE TWO HOMES
OWNED BY THE PARTIES ABOVE MENTIONED CAN CONNECT ON TO THIS WELL
WITHOUT WRITTEN CONSENT OF BOTH PARTIES ABOVE MENTIONED.

SIGNED Harold J Bishop
PARTY OF FIRST PART

SIGNED P.H. Westergard
PARTY OF SECOND PART

On the 28th day of October 1949 personally appeared Harold J. Bishop
and P.H. Westergard known to me to be the parties whose
signature is attached to the instrument above written

Seal

Guyle Hank
Notary Public

RECORDED

201231

THIS AGREEMENT ENTERED INTO THIS 28TH DAY OF JULY 1969 BETWEEN

HANDID 2 BISHOP, PARTY OF THE FIRST PART AND T.H. WESTERGAARD, PARTY

OF THE SECOND PART.

IT IS UNDERSTOOD THAT A WELL WAS DELETED ABOUT 1975 ON THE PROPERTY

OF THE FIRST PARTY. THE EXPENSE OF DRILLING AND EQUIPPING SAID

WELL WAS FINALLY DIVIDED BETWEEN BOTH PARTIES MENTIONED ABOVE.

SAID-HEM IS LOCATED NEAR THE N.E. CORNER OF PROPERTY OF THE FIRST

THE PARTLY KNOWN AS S.W. $\frac{1}{4}$ M.E. $\frac{1}{4}$ SECTION 27 TP 3N RANGE 38 E.T.M.

PROPERTY OF THE SECOND PARTY IS LOCATED JUST NORTH OF THE PROPERTY

DESCRIBED ABOVE. VIS: N.W. 1/4 SEC 24, T. 38 N. R. 38 E. B. 1.

IT IS UNDERSTOOD THAT THE EXPENSES FOR REPAIRS AND OPERATION OF

2. SAID WENT SHALL BE DIVIDED EQUALLY BETWEEN THE TWO PARTIES.

IT IS SPECIFICALLY AGREED THAT PARTY OF SECOND PART HAS A $\frac{1}{2}$

INTEREST IN THIS BILL AND THE WATER WHICH COMES THEREFROM, BUT IN

NO WAY GIVES PARTY OF SECOND PART ANY RIGHT OR CLAIM TO ANY OF THE

LAND WHICH SURROUNDS THIS WELL OR LATERALS.

IT IS ALSO AGREED THAT NO OTHER RESIDENCE THAN THE TWO HOMES

CLAIMED BY THE PARTIES ABOVE MENTIONED CAN CONNECT ON TO THIS WELL

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW

02MG 12

PARTY OF FIRST PART

ST GMD

TRIAL MOORE TO YTHIA

On the day of October 1949 personally appeared Harold J. Bishop

known to me to be the parties whose

...is attached to the instrument above written

Motary i vrbati

STATE OF IDAHO
County of Bonneville

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happily earthy -

[Handwritten signature]

54

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954

287531

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 15, 1983

REC-10

ELDEN D. WESTERGARD
1279 E. TERRY
POCATELLO

ID 83201

RE: Claim No. 25-4225

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

RECEIVED
AUG 30 1983
Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JFM

Right Number 25 4225

Applicant

Elden D. Westergard

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.

Aug 15, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Aug 26, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

8/30/83

3/83

IDENT. NO. 25 4225

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

25-4225

WESTERGARD, ELDEN D.

1279 E. TERRY, POCAHELLO, ID 83201

Source: GROUNDWATER

Priority Date: 09/01/1948

Diversion Pt: SWNE Sec 24 T 02N R 38E

Use: STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NWNE Sec 24 T 02N R 38E

Proofed
by phone
BP 7/26/83