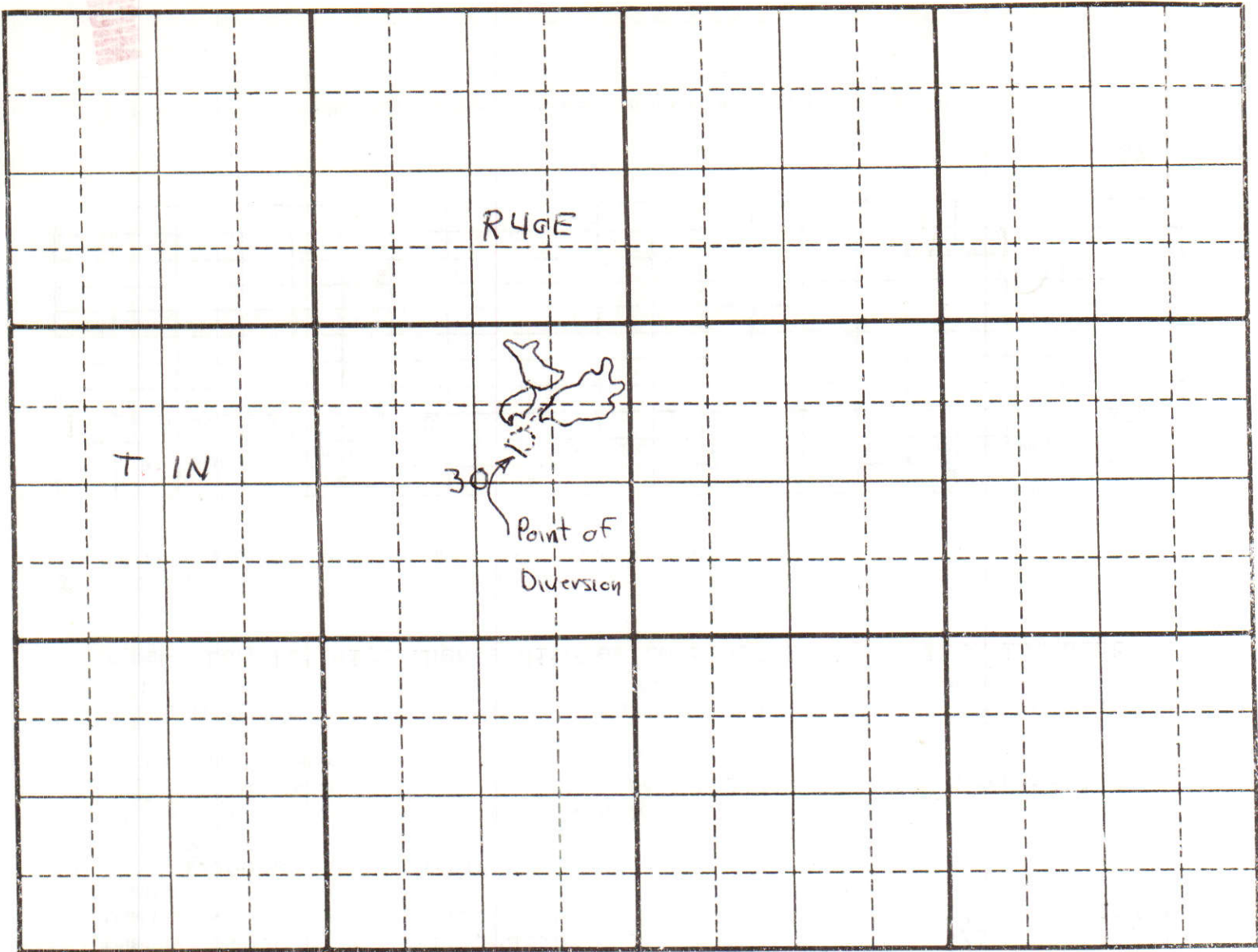


(8) Remarks _____



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 Bingham) 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 9th day of February, 1982.

Brent Elkington
(Claimant)
Ronald D. Carlson
Notary Public
Residing at Firth, Idaho

My commission expires 2/14/82

FOR DEPARTMENT USE ONLY
Received by HWS Date 2-9-82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by PA. Date 2-9-82
Published in Post Register
Dates 2/25 + 3/04/82

Proof of Publication

The Post-Register

RECEIVED
MAR 10 1982
Department of Water Resources
Eastern District Office

State of Idaho, {
County of Bonneville { ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 25th day of February, 1982, last publication having been made on the 4th day of March, 1982, 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 8th day of March, 1982.

Leon L. Napier
Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 25-4110

Notice is hereby given that claim to a water right No. 25-4110 in the name of Keith &/or Brent Elkington, Idaho Falls, Idaho, was filed with a priority of July 1, 1924 for the diversion and application to beneficial use of water from Jan. 1 to Dec. 31 for 40.0 AF for storage for irrigation and 0.02 for stock water for 300 head cattle; and from May 1 to Nov. 1 for 40.0 AF for irrigation from storage and 1.00 cfs for the irrigation of 37 acres within the NE¼, Sec. 30, T. 1N, R. 40E, B.M.

The claimant now proposes to amend claim No. 25-4110 amending only the priority to January 17, 1886 and the amount of water for irrigation to 5.00 cfs with a total quantity used of 5.00 cfs.

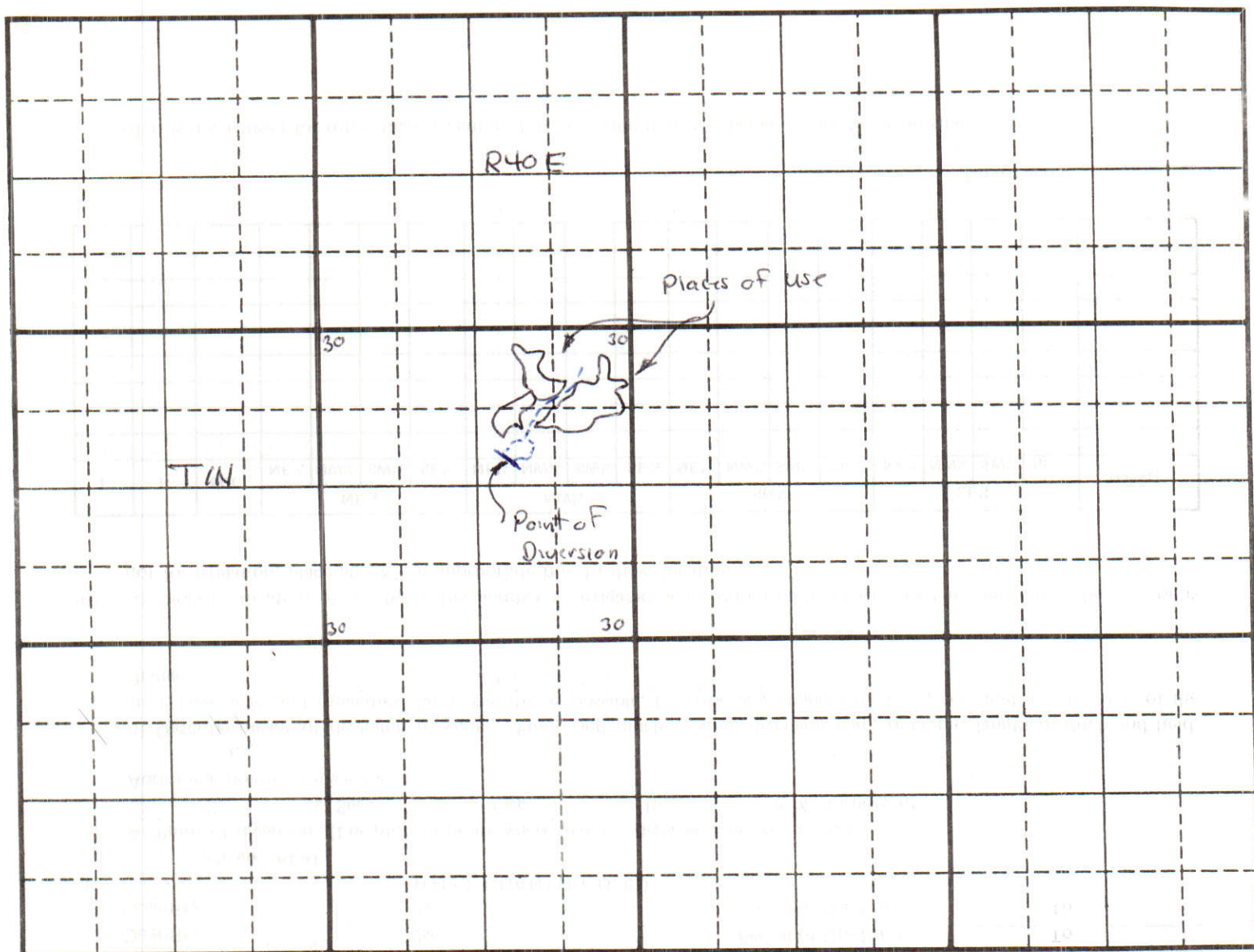
Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN
Director

Published: February 25, March 4, 1982

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 Donnerville) 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 12th day of Nov.

Brent Elkington
(Claimant)

19 81

Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/85

Drafted by HWJ

Received by HWJ

Prelim. check by Kaw

\$30.00 fee received by HWJ

Published in Post Register

Dates 11-26 & 12-3-81

FOR DEPARTMENT USE ONLY

Date 11-12-81

Date 11-12-81

Date 11-12-81

19153

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Proof of Publication

The Post-Register

RECEIVED

DEC 10 1981

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 26th day of November, 1981, last publication having been made on the 3rd day of December, 1981, 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 3rd day of December, 1981

J. Robb Brady
Don R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

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:

25-4111

ELKINGTON, BRENT
ELKINGTON BROTHERS PARTNERSHIP

RT. 7, BOX 92, IDAHO FALLS, ID 83401

Source: SPRINGS tributary to SINKS

Priority Date: 08/01/1950

Amount: 0.05 CFS

Diversion Point: SESE Sec 13 T 01S R 39E Bonneville Co.

Use: STOCKWATER (0.05 CFS from 01/01 to 12/31

Place of Use: SESE Sec 13 T 01S R 39E

Diversion Means: SPRING

25-4110

ELKINGTON, KEITH &/or BRENT
RT. 7, BOX 92, IDAHO FALLS, ID 83401

Source: ROCK CREEK tributary to WILLOW CREEK

Priority Date: 07/01/1924

Amount: 1.00 CFS 40.0 AC-FT

Diversion Point: SWNE Sec 30 T 01N R 40E LOT 00 (2720) Sec 47 T 800 R 010 BONNEVILLE Co.

Use: IRRIGATION (1.00 CFS) from 05/01 to 11/01; IRRIGATION STORAGE (40.0 AC-FT) from 01/01 to 12/31; IRRIGATION FROM STORAGE (40.0 AC-FT) from 05/01 to 11/01; STOCKWATER (0.02 CFS) from 01/01 to 12/31
Place of Use: NENE NWNE SWNE SENE Sec 30 T 01N R 40E FOR 37 ACRES

Diversion Means: DAM & DITCHES TO FLOOD IRRIGATION

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: November 26, December 3, 1981

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED

CLAIM TO A WATER RIGHT

AMENDED

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 KEITH &/OR BRENT ELKINGTON
(Name of Claimant)
Rt. #7, Box 92 Idaho Falls, Id. 83401 Telephone No. 522-8551
(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) 1/17/1886

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)
ROCK CREEK tributary to WILLOW CREEK

(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	<u>40.0 AF</u>	Use	<u>Storage for Irrig.</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
Quantity	<u>40.0 AF</u>	Use	<u>Irrig. from Stor.</u>	Period of Use From	<u>5/1</u> To <u>11/01</u>
Quantity	<u>5.00cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>5/1</u> To <u>11/01</u>
Quantity	<u>.02cfs</u>	Use	<u>Stockwater</u>	Period of Use From	<u>1/1</u> To <u>12/31</u>
Quantity	<u>5.00cfs</u>	Use	<u>TOTAL QUANTITY USED.</u>	Period of Use From	To

(4) 5.00cfs (cfs, af)
(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 30 Twp. 1N Rge. 40E 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. Dam 12' high then 2 ditches to flood irrigate land in question

(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	
1N	40E	30	16	9	4	8													37

No. of acres 37

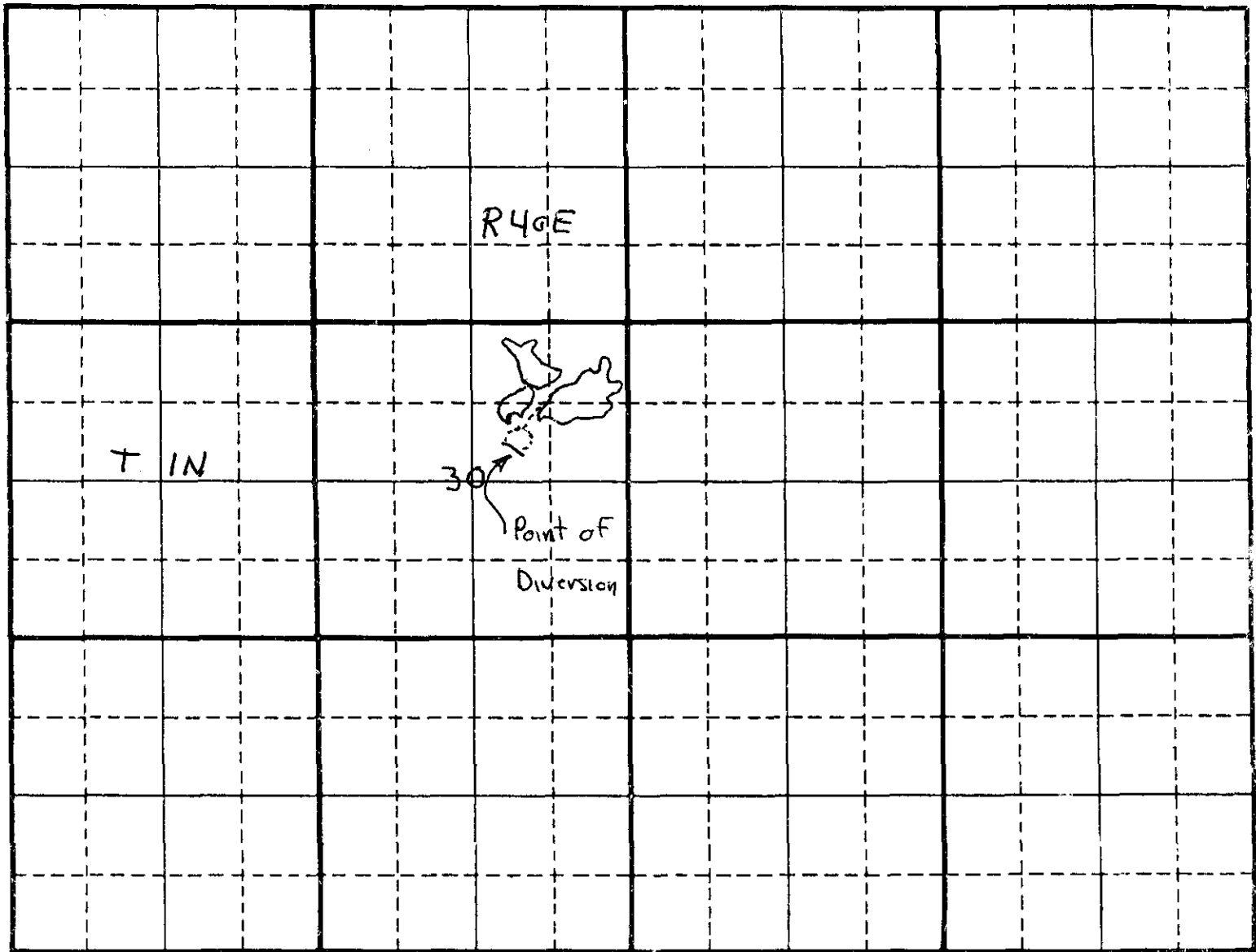
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 300 head cattle

(7) 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)
County of Bingham) 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 9th day of February, 1982.

Brent Elkington
(Claimant)

Ronald D. Carson
Notary Public
Residing at Firth, Idaho

My commission expires 2/14/82

FOR DEPARTMENT USE ONLY

Received by <u>HWS</u>	Date <u>2-9-82</u>	Exception filed by:	Forwarded to	Date
Preliminary check by	Date		claimant by:	
\$300 fee received by <u>PA.</u>	Date <u>2-9-82</u>			
Published in <u>Post Register</u>				
Dates <u>2/25 + 3/04/82</u>				

SCHEDULE B

This policy does not insure against loss by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured in Paragraphs numbered 3 and 4 on page 1 of this policy.

1. Rights or claims of persons in possession or claiming to be in possession, easements, liens or incumbrances including material or labor liens, which are not shown by the public records; reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.

2. Questions of location, boundary and area; overlaps and encroachments by improvements belonging to these or adjoining premises; all dependent upon actual survey for determination.

3. Assessments which are not shown as existing liens by the public records; taxes not yet payable; pending proceedings for vacating, opening or changing streets or highways preceding entry of the final ordinance or order therefor.

4. Any laws, governmental acts or regulations, including but not limited to zoning ordinances, restricting, regulating or prohibiting the occupancy, use or enjoyment of the land or any improvement thereon, or limiting the height of improvements, or prohibiting a reduction in the dimensions or area, or separation in ownership, of any lot or parcel of land; or the effect of any violation of any such restrictions, regulations or prohibitions.

5. Five cubic feet of water being water from Smith Creek, by the union of the waters of Rock and Moon Creek, and also springs of Smith Creek property, as disclosed in Water Location recorded on January 17, 1886, in Book A of Water Locations, at page 9, records of Bonneville County, Idaho.

6. Contract and Grant of Easement dated July 19, 1955, executed by and between Orland E. Robison and Florence E. Robison, husband and wife, to United States of America, recorded on December 3, 1955, in Book 15 of Lease & Contracts, at page 236, records of Bonneville County, Idaho, as follows:

For the consideration hereinafter expressed, Vendor does hereby grant unto the United States and its assigns, the right, privilege, and easement to construct, operate, and maintain an electric transmission line, with all poles, crossarms, cables, wires, guys, supports, fixtures and devices, used or useful in the operation of said line, through, over and across the above described premises.

7. Mortgage dated May 26, 1965, executed by Karl M. Brown and Nellie Brown, husband and wife; and Merle V. Brown and Zelda Brown, husband and wife, to The Federal Land Bank Of Spokane, a corporation, to secure payment of \$16,500.00 and interest; recorded on June 14, 1965, under Instrument No. 348677, records of Bonneville County, Idaho.

This policy is issued simultaneously with Mortgagee's Policy No. 24174, in the amount of \$16,500.00 and any payment by the company on said Mortgagee's Policy shall reduce pro tanto the liability of the company under this policy.

MICROFILMED

FORM 101

RECEIVED

FEB 1962

Department of Resources
Bonneville County Office

Continuation of Abstract of Title

No. 5- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Andrew D. Smith,

Grantor.

TO

Whom Concerned,

Grantee.

Character of Instrument Water Location
 Date January 16, 1896
 Recorded January 17, 1896 at 9:10 A.M.
 Book "A" of Water Loc. Page 9
 Records of Bonneville County, Idaho.
 Transcribed from Book "E" at Page 10
 Records of Bingham County, Idaho.
 Consideration XX

Acknowledgement.
 Subscribed and sworn to:
 Date January 16, 1896
 Before R. Rounds, Notary Public
 In and for Bingham County, State of Idaho
 Is Official Seal Affixed? yes
 Is Acknowledgement regular? yes
 Does Acknowledgement show separate examination of wife?

Granting Words.
 Covenants.
 Does wife join throughout instrument?
 Are there any irregularities or defects?
 Are there any conditions, limitations or recitals?

State of Idaho
 County of Bingham

TO ALL CONCERNED NOTICE IS HEREBY GIVEN:

1st. That I, Andrew D. Smith of Taylor Precinct, hereby claim the use of the waters of Smith Creek formed by the union of the waters of Rock and Noon Creeks and also springs of Smith Creek property to the extent of five cubic feet per second.

2nd. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows:

A point of said Creek about one mile above where the said Smiths Creek empties into Wilson Creek, said point being in the S $\frac{1}{2}$ of Section 30 in unsurveyed Township 1 North, Range 40 E.B.M.

3. The purpose for which said water is intended to be used is for irrigation of land. The place of intended use is on lands bordering on Smiths Creek between point of diversion and mouth of Creek.

4. It is intended to divert said water by means of two ditches each about 3 ft. wide and on either side of said creek.

The general course of the proposed ditches east of North.

The length of the proposed ditches are about $\frac{1}{2}$ to $\frac{3}{4}$ of a mile each.

It is intended to use said water for irrigating the following described land, portions of unsurveyed Sections 29 and 30, in Twp. 1 North Range 40 E.B.M. (Over)

MICROFILMED

FEB 5

Continuation of Abstract Title

No. 6- The Bonneville Abstract Company, Ltd., Idaho Falls, Idaho

Andrew D. Smith,

Grantor.

TO

Rebecca Keplinger,

Grantee.

Quitclaim

Character of Instrument **Deed**
 Date **October 26, 1905**
 Recorded **February 5, 1906 at 11 A.M.**
 Book **"W"** of Deeds at Page **82**
 Records of Bonneville County, Idaho.
 Transcribed from Book **#6** at Page **163**
 Records of Bingham County, Idaho.
 Consideration **\$1.00**

Acknowledgement.

Date **October 26, 1905**
 Before **Otto E. McCutcheon, Notary Public**
 In and for **Bingham** County, State of **Idaho**
 Is Official Seal Affixed? **yes**
 Is Acknowledgement regular? **yes**
 Does Acknowledgement show separate examination of wife?

Granting Words, Demise, release and forever quitclaim
 Covenants. To have and to hold
 Does wife join throughout instrument?
 Are there any irregularities or defects?
 Are there any conditions, limitations or recitals?

Conveys a certain water location dated January 16, 1896 and recorded in the Recorder's Office in and for Bingham County, Jan. 17, 1896 at 9 o'clock and ten minutes A.M. in Book "E" of Water Locations at page 10, and claiming the use of the waters of Smith Creek formed by the union of Rock and.....Creeks and also springs of Smith Creek proper, the point of diversion being described in said record as follows:

"A point on said Creek about one mile above where the said Smith Creek empties into 'Wilson Creek' and the same being in certain unsurveyed lands in Twp. 1 North of Range 40 East, the purpose of said location being the irrigation of lands bordering on said Smith Creek and being the same land now occupied by the party of the second part under Desert Entry No. 3467, also all ditches and diversion work connected with said location.

MICROFILMED

FLB 6

))))))))

FEB 9 1962
Department of Defense
Eastern District Office

State of Idaho)
County of)

deposes and says: I, Karl M. Brown and my brother, Merle V.

We sold this property to Elkington Bros. in Dec. 1972.

Carl M. Brown
(Signature)

Subscribed and sworn to before me this 8th day of February, 1982

N. Kirk Hart
(Notary Public)

Residing at Barnstable County
My Commission Expires 2-13-85

MICROFILMED

Proof of Publication

The Post-Register

MAR 10 1982

Deposited for mailing
Postpaid at Idaho Falls, Idaho

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 25th day of February, 1982, last publication having been made on the 4th day of March, 1982, 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 8th day of March, 1982

Neon R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF ASSIGNED CLAIM
The undersigned, being duly sworn, depose and say that the following is a true and correct copy of the notice of assigned claim as published in the Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho, on the 25th day of February, 1982, and on the 4th day of March, 1982, 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.

The undersigned further depose and say 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.

The undersigned further depose and say 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.

Published: February 25, March 4, 1982

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 Keith &/or Brent Elkington

(Name of Claimant)

Rt. #7, Box 92, Idaho Falls, Idaho 83401

(Mailing Address)

Telephone No. 522-8551

(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) July 1, 1924

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)

Rock Creek tributary to Willow Creek

(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)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	40.0 AF	Use	Storage for Irrigation	Period of Use From 1/1	To 12/31
Quantity	40.0 AF	Use	Irrig. from Storage	Period of Use From 5/1	To 11/01
Quantity	1.00 cfs	Use	Irrigation	Period of Use From 5/1	To 11/01
Quantity	0.02 cfs	Use	Stockwater	Period of Use From 1/1	To 12/31
Quantity	1.00 cfs	Use	TOTAL QUANTITY USED.	Period of Use From	To

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NE ¼, Sec. 30 Twp. 1N Rge. 40E 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. Dam 12' high then 2 ditches to flood irrigate land in question.

(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	
1N	40E	30	16	9	4	8													37

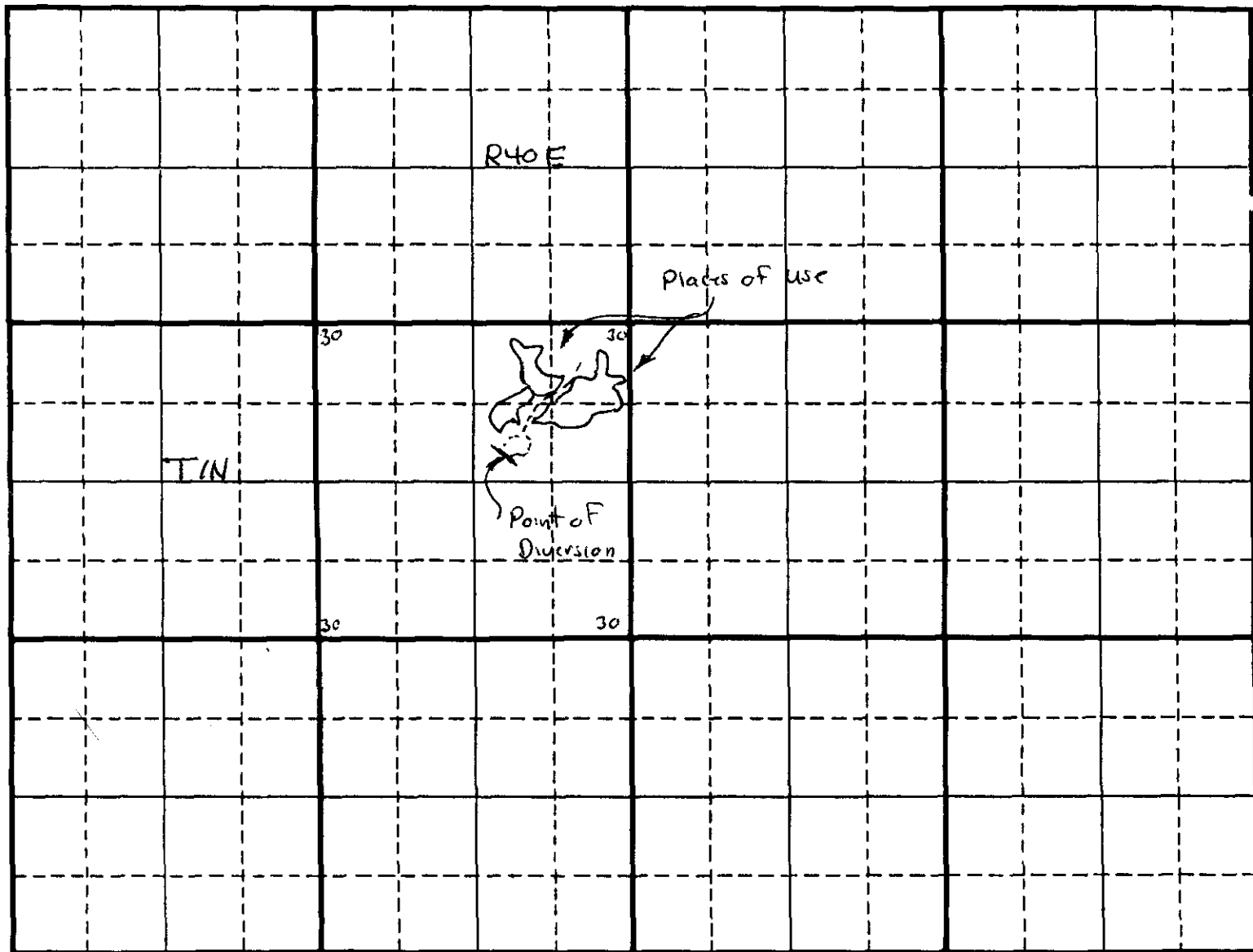
No. of acres 37

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: 300 head cattle & horses

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

(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 Lemhi) 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 12th day of Nov.

Brent Elkinson
(Claimant)

19 81

Notary Public
Residing at Idaho Falls, Id

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY			
Drafted by <u>HWT</u>	Date <u>11-12-81</u>	Exception filed by:	Forwarded to
Received by <u>HWT</u>	Date <u>11-12-81</u>		claimant by:
Prelim. check by <u>KW</u>	Date <u>11-12-81</u>		
\$20.00 fee received by <u>CW</u>	Date <u>11-12-81</u>		
Published in <u>Hot Register</u>	<u>#19153</u>		
Dates <u>11-26 & 12-3-81</u>			

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

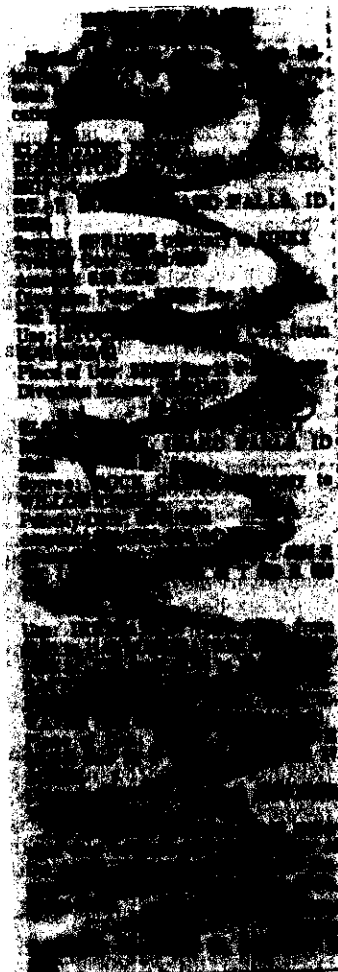
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 26th day of November, 1981, last publication having been made on the 3rd day of December, 1981, and that the 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 3rd day of December, 1981.

Dean K. Napier
Notary Public

My commission expires September 30, 1984.

B10, 1M,



March 22, 1982

RE: Amended Claim to a Water Right No. 25-4110

Keith &/or Brent Elkington
Rt. #7, Box 92
Idaho Falls, Idaho 83401

Gentlemen:

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 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 amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

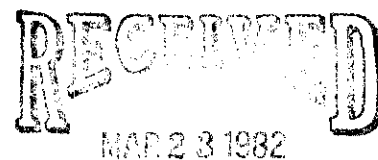
We are enclosing, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure



Department of Water Resources

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 25-4110

Notice is hereby given that claim to a water right No. 25-4110 in the name of Keith &/or Brent Elkington, Idaho Falls, Idaho, was filed with a priority of July 1, 1924 for the diversion and application to beneficial use of water from Jan. 1 to Dec. 31 for 40.0 AF for storage for irrigation and 0.02 cfs for stockwater for 300 head cattle; and from May 1 to Nov. 1 for 40.0 AF for irrigation from storage and 1.00 cfs for the irrigation of 37 acres within the NE $\frac{1}{4}$, Sec. 30, T. 1N, R. 40E, B.M.

The claimant now proposes to amend claim No. 25-4110 amending only the priority to January 17, 1886 and the amount of water for irrigation to 5.00 cfs with a total quantity used of 5.00 cfs.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN

Director

Published Post Register, Idaho Falls, ID on February 25 & March 4, 1982.

MICROFILMED

223-42
fore prop

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

25 4110

IDENT. NO. _____

WATER RIGHT
DATA ENTRY LOG

Item

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 14, 1981

KEITH ELKINGTON
BRENT ELKINGTON
RT. 7, BOX 92
IDAHO FALLS ID 83401

RE: Claim No. 25-4110

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 19, 1981

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

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 DECEMBER 14, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published 11/26 & 12/3/81.

25-4110-

ELKINGTON, KEITH &/or BRENT

RT. 7, BOX 92, IDAHO FALLS, ID 83401

Source: ROCK CREEK tributary to WILLOW CREEK

Priority Date: 07/01/1924

Amount: 1.00 CFS 40.0 AC-FT

Diversion Point: SWNE Sec 30 T 01N R 40E LOT 00 (2720) Sec 47 T 800 R 010
LOT 00 (0000) Sec 00 T 000 R 000, BONNEVILLE Co.

Use: IRRIGATION	(1.00 CFS) from 05/01 to 11/01
IRRIGATION STORAGE	(40.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE	(40.0 AC-FT) from 05/01 to 11/01
STOCKWATER	(0.02 CFS) from 01/01 to 12/31

Place of Use: NENE NWNE SWNE SENE Sec 30 T 01N R 40E FOR 37 ACRES

Diversion Means: DAM & DITCHES TO FLOOD IRRIGATION