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MAR 8 1978

Department of
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss.
I, David Mark Brown do

solemnly

swear that I am the Publisher of
The Blackfoot News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court
of competent jurisdiction within the State of Idaho
shall be published to-wit: Thursday of
each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of

of publication was published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

23rd day of February, 19 78,

and the last publication having been made on the

2nd day of March, 19 78;

that said notice was published in the regular and en-
tire issue of every number of the paper as aforesaid
during the period and time of publication, and that
notice was published in the newspaper and not in a
supplement.

Subscribed and sworn to before me this 6th

day of March, 19 78.

Patricia A. Johnson

Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

Oct. 20, 1980

NOTICE OF CLAIM TO A WATER RIGHT NO. 25-4026

Notice is hereby given that
Maiben S. Jones and Leda S.
Jones, Idaho Falls, Idaho, has
filed a claim to a water right
established by diversion and
application to beneficial use of
9.20 cubic feet per second of
water from Mud Creek, Middle
Fork Sellars Creek and South
Fork Sellars Creek tributary to
Willow Creek with point of
diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 8, T. 2S, R. 40E, B.M.,
Bingham County.

The water is claimed to be
used from May 1 to October 1
for the irrigation of 160 acres
and some livestock watering
with a priority of May, 1888; the
place of use is within the
W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 2S, R. 40E,
B.M.

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

C. STEPHEN ALLRED
Director

(5498)
Pub.: 2-23; 3-2

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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 Maiben S. Jones and Leda S. Jones
(name of claimant)

of 3205 Central Ave, Idaho Falls, Id, 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) Mud Creek; Middle Ford of Sellers Creek (aka Williams Creek) and South Fork of Sellers Creek tributary to, Willow Creek

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (a) Mud Creek; (b) Middle Fork Sellars Creek; (c) South Fork Sellars Creek

- | | | | | | | | | | |
|-----|--------|----------------------|-----|-------------------------------|----------------|------|-------------|----|------------------------|
| (a) | Amount | <u>3.2 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>5/1</u> | To | <u>10/1</u> |
| (b) | Amount | <u>2.0 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>5/1</u> | To | <u>10/1</u> |
| (c) | Amount | <u>4.0 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>5/1/</u> | To | <u>10/1</u> |
| | | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 9.2 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) May, 1888

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)

1/4 1/4, Sec. Twp. 2S Rge. 40 E. B. M. County of Bingham

Additional points of diversion: (a) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9; (b) SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 8; (c) NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8.

- 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. (a) Diversion dam; ditch is 1/3 mi. long; approx. 1/3 mi.; (b) Diversion dam; ditch is 3/4 to 1 mile; Field is 1/4 to (c) diversion dam; ditch is 3/4 mi. long; field is 2/3 mi. long; (See attached as Exhibit "A".

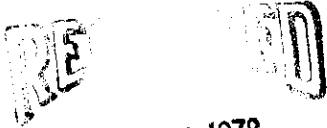
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 160

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Mostly for irrigation - some for livestock.

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



Depart of Water Resources
Eastern District Office

MAP LEGEND TO
EXHIBIT "A"

Maiben S. Jones
Leda S. Jones
3205 Central Avenue
Idaho Falls, Idaho

This document is to be used as the Legend for Exhibit "A" (Aerial Photo) of claim to water right filed by Maiben S. Jones and Leda S. Jones, his wife, for their ranch and real property located south of Bone, Idaho, in Township 2 South, Range 40 E.B.M., Bingham County, Idaho.

BOUNDARIES:

Heavy solid red line = Boundary line of Maiben Jones property.

DAMS OR HEADGATES:

- ①. Dam on Middle Fork of Sellars Creek, aka Williams Creek or Little Willow Creek.
- ②. Dam on South Fork of Sellars Creek, aka Williams Creek or Little Willow Creek.
- ③. Dam on Mud Creek.
- ④. Headgate installed by Bingham County.
- ⑤. Flume across Mud Creek. (Not Used Now)

STREAMS:

Small solid red line = Middle Fork of Sellars Creek.

Small solid green line = South Fork of Sellars Creek.

Small solid blue line = Mud Creek.

OTHER MISCELLANEOUS:



= Maiben Jones Ranch headquarters on Sellars Creek.



= Achillis (Kellis) Sellars Home and corrals.



= Old Mash Williams house site.



= Adrian Empey (old-former) home.

----- = Irrigation ditches.

//////// = Direction of irrigation.



= Point where Sellars Creek meets Willow Creek.

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AFFIDAVIT

Department of Water Resources

STATE OF IDAHO)
) ss.
County of Bonneville)

ELVIN WILLIAMS, being first duly sworn upon oath, deposes and says:

That he makes this Affidavit in support of claim to water right by Maiben S. Jones and Leda S. Jones, husband and wife, of 3205 Central Avenue, Idaho Falls, Idaho, with respect to their ranch and real property located south of Bone, Idaho, on what is commonly known as the south fork and middle fork of Sellars Creek and Mud Creek. That said Sellars Creek is also known as Little Willow Creek and/or Williams Creek. That affiant states as follows:

1. That affiant resides at 1041 Bear Avenue, Idaho Falls, Idaho.
2. That affiant was born February 20, 1901, at Basalt, Bingham County, Idaho, the son of Meshack Williams, aka Mash Williams and Rebecca Williams.
3. That your affiant has examined the Exhibit "A" submitted with said claim to water right by Maiben S. Jones and Leda S. Jones, his wife, the same being an aerial photo with the numbers 16011 171 301 in the upper right hand corner dated 1977 and with a map legend attached thereto. That for all purposes of this Affidavit, said Exhibit "A" is true and correct with respect to the designations thereon including the location of real property, the streams, dams, diversions, flume, ditches and irrigation system as they existed on the Maiben Jones Ranch from the time affiant first became familiar therewith until the present date.
4. That the streams located on the Maiben Jones Ranch, formerly the Sellars Ranch and Williams Ranch, are Mud Creek running from west to east; middle fork of Sellars Creek running

from west to east and the south fork of Sellars Creek running from west to east.

5. That the real property presently owned by Maiben Jones and as depicted in the said Exhibit "A" was purchased by affiant's father, Mash Williams and affiant's brother, Spencer Williams, both of whom are now deceased, in approximately 1900. That affiant lived on said ranch for many years continuously from 1901 to 1926, and has lived in the area of the Maiben Jones Ranch and is familiar with the ranch and its irrigation system and has been all of his natural life.

6. That in 1918, David Jones, the father of Maiben Jones, purchased the Maiben Jones Ranch from affiant's brother, Spence Williams, during the latter part of July of said year. That part of the original Williams Ranch was sold by affiant's father to Alfred Empey and Abraham Day who later sold to Oren Jake Empey who then sold to the Mormon Church, the present owner of the property located directly to the west of the Maiben Jones Ranch. Affiant's brother, Spence Williams, bought the squatters rights of Kellis Sellars and homesteaded what is now known as the Jones Ranch including the headquarters and the irrigated lands.

7. That after his purchase of said real property, affiant's brother, Spence Williams, continuously irrigated the irrigable lands of said Maiben Jones Ranch and diverted from Mud Creek, middle fork of Sellars Creek and south fork of Sellars Creek, all water that was possible for said ditches to hold. That said waters were diverted by means of dams, ditches and flume and in the manner as depicted in Exhibit "A" and have been to affiant's personal knowledge since 1901.

8. That affiant has been familiar with the dams, diversions, flume and irrigation system on the Maiben Jones Ranch since being a child and remembers fishing said streams and irrigating the lands on the Maiben Jones Ranch by said

irrigation system and in the manner and with the water as depicted in Exhibit "A". That affiant is informed and verily believes that said dams, diversions, ditches, flume and irrigation system was installed originally by Kellis Sellars in the late 1870's or early 1800's. That to affiant's knowledge, said irrigation system and the waters appropriated thereby have been continuously used from that date until the present date to irrigate the Maiben Jones lands as depicted in Exhibit "A" and in the manner and by the means as so depicted. That said waters were diverted and used from in May to the latter part of September or October of each year when affiant lived on said ranch.

9. That affiant knows of no time when any person, water company, corporation, government entity or government agency has ever stopped or attempted to stop the use and diversion of said waters as aforesaid and in the manner and means as aforesaid. That affiant knows of no time since the early 1880's to the present date when said waters were so diverted and so used as aforesaid.

DATED This 21ST day of July, 1977.

Elvin Williams
Elvin Williams

Subscribed and sworn to before me this 21ST day of July, 1977.

at Jordan
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: 6/15/79

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AFFIDAVIT

DEPT. OF LAND RESOURCES

STATE OF IDAHO)
) ss.
County of Bonneville)

BRYANT J. STRINGHAM, being first duly sworn upon oath,
deposes and says:

That he makes this Affidavit in support of claim to
water rights by Maiben S. Jones and Leda S. Jones, 3205
Central Avenue, Idaho Falls, Idaho, on their ranch located
south of Bone, Idaho, on the middle fork of Sellars Creek,
south fork of Sellars Creek and Mud Creek aka Little Willow
Creek or Williams Creek. That in respect thereto affiant
states the following:

1. That affiant was born May 19, 1901, in the City
of Holden, Millard County, Utah. His father was Benjamin J.
Stringham and his mother was Olive Ann Stringham.
2. That on May 3, 1916, his mother married David Jones,
the father of Maiben S. Jones.
3. That in 1918 when affiant was 17 years of age, his
family moved to join his stepfather, David Jones, on the Jones
Ranch located south of Bone, Idaho. That on arriving at the
Jones Ranch in 1918, affiant and his family including his step-
father and Maiben Jones, lived in the old Adrian Empey home
for approximately 2 winters and operated the ranch.
4. That in August of 1918 affiant cut hay from the
meadow depicted in Exhibit "A" as irrigated lands.
5. Except for the years 1920 through 1922, affiant
lived on the ranch year round from 1918 to 1931.
6. That affiant has examined the Exhibit "A", an
aerial photo dated 1977 with the numbers 16011 171 301 in the
upper right hand corner which said aerial photo contains a
solid red line outlining the boundaries of the Maiben Jones
Ranch and containing the legend as set forth in the legend
attached to said Exhibit "A". That the Jones Ranch, the dams,

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diversions, flume, ditches, etc., are depicted in Exhibit :A: as they were in 1918 to the present day with respect to location, size and means or method of use.

7. From 1918 to 1931, excepting the years 1920 and 1922, affiant irrigated the meadows and lands on the Maiben Jones Ranch by the dams, diversions, ditches and flume and irrigation system as described on the aerial photo, Exhibit "A". That during all of such irrigation period from May 1 through October 31 of each year, the irrigation ditches ran at a full capacity. That during all times from 1918 to 1931, the said ditches ran so full of water that excess water would run over the top and back into the streams.

8. That said irrigation ditches never washed out as the same were heavily sodded indicating that they had been in existence for many, many years. That affiant was informed and verily believes that said ditches, dams, diversions and flume were installed by Kellis Sellars in the early part of 1880 or prior and that the waters of said streams were used and have always been used and appropriated for irrigation of said lands as depicted in Exhibit "A".

9. That your affiant has been familiar with said ranch on occasion since 1931 and knows that the dams, diversions, flume and ditches have not been extended or expanded except the cleaning of ditches and the installation of newer head gates.

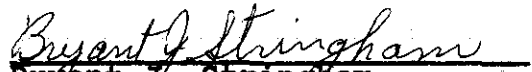
10. That the dams, diversions, ditches and stream locations as described in Exhibit "A" are exactly the same as they were in 1918 when affiant first became familiar with the real property, the middle fork of Sellars Creek, the south fork of Sellars Creek and Mud Creek and the areas irrigated from 1918 through 1931 and to the present date are the same as those so depicted in said Exhibit "A".

11. That from 1918 through 1931, your affiant knows of

no time when the ditches were not filled with water to their full capacity and irrigation of the meadows depicted in Exhibit "A" were irrigated from approximately May 1 to October 31 of each year.

12. That from 1918 through 1931 no person, water company, corporation, government entity or any other entity prevented or attempted to prevent the Jones from irrigating said land and diverting the waters of Mud Creek, south fork of Sellars Creek and the middle fork of Sellars Creek in the capacity and manner described in this Affidavit and as depicted in the aerial photo, Exhibit "A".

DATED This 21ST day of July, 1977.


Bryant J. Stringham

Subscribed and sworn to before me this 21ST day of July, 1977.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: 6/15/79

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

OREN JAKE EMPEY, being first duly sworn upon oath,
deposes and says:

That he makes this Affidavit in support of claim to a
water right filed by Maiben S. Jones and Leda S. Jones, his
wife, relative to the Jones' real property located south of
Bone, Idaho, on the streams of Sellars Creek and Mud Creek,
also known as Williams Creek and Little Willow Creek. In
this regard, your affiant states the following:

1. That affiant resides at 528 10th Street in the City
of Idaho Falls, Bonneville County, State of Idaho.

2. That affiant was born on March 30, 1901, in Ammon,
Bonneville County, State of Idaho, and his father was Alfred
Empey and his mother was Maria Empey.

3. That he first became familiar with the Jones Ranch
in 1913 as his father homesteaded on Sellars Creek after the
completion of the United States Government Survey. That the
property so homesteaded by his father is now known as the Mor-
mon Church Farm. That as a young boy in 1913 he watered a
garden out of the south fork of Sellars Creek and took some
water out of the middle fork of Sellars Creek to water alfalfa.
This they did for approximately two (2) years but ceased so to
do as the alfalfa would turn yellow. The watering of alfalfa
was done between 1914 and 1916.

4. That your affiant has examined the aerial photo
map and map legend dated 1977, and marked Exhibit "A", as a
part of the claim to water rights submitted by the said Maiben
S. Jones and Leda S. Jones, his wife. Said exhibit also has
in the top right hand corner the numbers 16011 171 301 and at

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the time of examination contained a solid red outline of the Maiben Jones property, the dams and diversions on the middle fork and south fork of Sellars Creek together with the diversions located on Mud Creek and other items as contained in the legend submitted with said claim to water right.

5. That your affiant knows of his own knowledge that the information contained in said aerial photo (Exhibit "A") is accurate and that the irrigation system, including the diversions and irrigation ditches, head gates and flumes were on the Maiben Jones property when your affiant first saw the same in 1913. That said diversions, ditches, dams, flume and irrigation system were in existence when your affiant moved from said area in 1961.

6. That your affiant purchased the real property homesteaded by his father in approximately 1935 and lived there until 1961.

7. That affiant has been familiar with the said Sellars Creek and Mud Creek and the irrigation system belonging to Maiben Jones since 1913 and has fished said streams, worked cattle therein and has been totally familiar with the diversion of waters by Maiben Jones and his predecessors since 1913. That during said time, your affiant has continuously observed up to 1961, the irrigation procedures on said real property, the diversions and use of irrigation ditches and flume for the purpose of irrigating the real property belonging to Maiben Jones as described and depicted in Exhibit "A". That from 1913 through 1961, your affiant has observed that the irrigation system as depicted in said Exhibit "A" on the Maiben Jones Ranch was used and did in fact divert the waters from the middle fork of Sellars Creek, the south fork of Sellars Creek and from Mud Creek and that the ditches running from such diversions have been filled to their capacity at all times from approximately May 1 to October 31 as long as there was water in said streams. That said dams, ditches, flume and

irrigation system was the same size and shape in 1913 as in 1961, with the same water carrying capacity.

8. That your affiant knows of no time from 1913 through 1961, that the Maiben Jones real property as set forth in Exhibit "A" was not irrigated by said dams, diversions, flume and ditches. That from 1913 through 1961, there has never been a time when the use of said waters has been prevented or stopped by any person, company, corporation, government entity or political subdivision. That for that period of time the water has always been used as described herein.

DATED This 10th day of ^{August}~~July~~, 1977.

Oren Jake Empey
Oren Jake Empey

Subscribed and sworn to before me this 10th day of ^{August}~~July~~, 1977.

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: 6/15/79

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

MAIBEN S. JONES, being first duly sworn upon oath,
deposes and says:

That he makes this Affidavit in support of claim to
a water right pursuant to Section 42-225a, et seq, Idaho
Code, filed herewith respecting said claim to water right by
Maiben S. Jones and Leda S. Jones, 3205 Central Avenue, Idaho
Falls, Idaho, on and for certain real property located south
of the Bone Store, Bingham County, Idaho, on Mud Creek and
the middle fork of Sellars Creek and the south fork of Sel-
lars Creek, aka Little Willow Creek and/or Williams Creek,
said real property being more particularly described as fol-
lows:

The S½ of the SW¼ of Section 4; the NW¼; the
SW¼ of the NE¼; W½ of the SE¼ and the SE¼ of
the SE¼ of Section 9, all in Township 2 South,
Range 40 E.B.M.

The SW¼ of Section 9; the S½ of the NE¼; the
NE¼ of the NE¼ of Section 17 and beginning at
the NE corner of the NW¼ of the NE¼ of Section
17, thence South 1320'; thence West 1170';
thence South 11°35' East 1348'; thence East
900' to the point of beginning all being in
Township 2 South, Range 40 East of the Boise
Meridian.

That with respect to said claim for water right affiant
states as follows:

1. That affiant is one of the owners of the above-
described real property now known as the Maiben Jones Ranch
some of such property having been sold by contract to affiant's
son, M. Duane Jones, but actual legal title still remaining in
the name of affiant and his wife, Leda S. Jones.

2. That affiant was born on March 11, 1904, in the City
of Holden, Millard County, State of Utah. That affiant's father

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was David Jones and affiant's step-mother was Olive Jones, also known as Olive Ann Stringham. That affiant's step-brother Bryant J. Stringham, has filed his Affidavit with respect to said claim to a water right as Exhibit "E" attached to said claim.

3. That during the month of July, 1918, affiant's father, David Jones, came to the Idaho Falls, Idaho, area and purchased from Spencer Williams the farm which is now presently owned by affiant and known as the Maiben Jones Ranch. In that same month and year affiant's step-mother, Olive Jones, and affiant's step-brother, Bryant J. Stringham, came to Idaho and harvested hay from the irrigated meadows on the ranch and in the fall affiant's father, David Jones, shipped approximately 100 head of cattle from Utah and wintered them on the ranch during the winter of 1918 through the year 1919. Affiant came to Idaho and the Jones Ranch in April of 1919 and lived on the ranch continuously until 1925 when he married his wife, Leda S. Jones on February 28, 1925. For approximately 1 year after said marriage, affiant and his wife lived in the City of Ucon, Idaho, and worked for the Nelson-Ricks Creamery. In the spring of 1926 affiant and his family moved back to the real property known now as the Maiben Jones Ranch and have resided on said ranch and owned said ranch to this date. That on November 7, 1927, David Jones died and the ranch and real property went into the David Jones estate. Affiant purchased the ranch from the David Jones estate in 1929.

4. That affiant has assisted in the preparation of that certain aerial photo and map attached to said claim to a water right as Exhibit "A". That said exhibit is an aerial photo of the Maiben Jones Ranch with the numbers 16011 171 301, in the top right hand corner and bearing date of 1977. That affiant has reviewed, examined and studied said Exhibit "A" and knows the contents thereof together with the map legend or explanation of the designations on said Exhibit "A", and knows the contents

thereof and knows that the same are true and correct to his best knowledge and belief.

5. That from the spring of 1919 until the present date affiant has been familiar with and used the dams, diversions, ditches, flume and irrigation system on said Maiben Jones Ranch and as is depicted in Exhibit "A". That excepting for the year 1925, affiant has from the year and spring of 1919 until the present date, diverted the waters of the middle fork of Sellars Creek, the south fork of Sellars Creek and Mud Creek for the purpose of irrigating the lands depicted and described in Exhibit "A", and by the dams, diversions, ditches, head gates and flume as so depicted and described in Exhibit "A". That the irrigation system, waters so diverted and used, including the dams, diversion system, ditches and lands so described in Exhibit "A" are on this date as they were in the spring of 1919 excepting for the replacement of head gates and the cleaning of ditches. That the size of said ditches, dams and means of diversion and appropriation have not increased nor have they decreased since the spring of 1919 to date of this Affidavit. That the amount of water appropriated from said streams was sufficient to fill the ditches to overflow capacity and have always been so used and appropriated in amount to affiant's knowledge from the spring of 1919 through the date of this Affidavit. That when affiant first observed said ditches, dams, diversion system and irrigation system in the spring of 1919, the ditches, dams and means of diversion were so heavily sodded that affiant and his family had no worry nor have they ever had to worry about washouts, indicating to affiant that said ditches, diversions and irrigation system had been used and installed for many, many years.

6. That affiant has been informed in years past by the descendants of the original squatter on said property, Kellis Sellars, that the said Kellis Sellars left the United States Army after the Civil War traveling to the State of Utah where

he lived for approximately 1 to 2 years. Thereafter, he came to the area now known as the Maiben Jones Ranch and took up squatter's rights on said lands. That in the late 1870's or approximately 1880 the said Kellis Sellars installed the dams, ditches and irrigation system as depicted in Exhibit "A" and diverted the waters of said streams and irrigated the real property known as the Maiben Jones Ranch. That the said Kellis Sellars irrigated said lands and streams by the irrigation system, dams and diversions described in said Exhibit "A" from approximately 1980 until his squatter's rights were purchased by Mash Williams and Spence Williams in approximately 1900. That thereafter, the said Spence Williams, irrigated said lands by means of said dam, ditches and diversions as depicted in said Exhibit "A" until such time as the said Spence Williams sold said ranch and real property, including the water rights, to affiant's father, David Jones, in the year 1918.

7. That affiant has never had an exact figure as to the total amount of water appropriated and used by affiant, his family and their predecessors, but has merely appropriated the whole flow of all of said streams until the ditches described in Exhibit "A" have been overflowing until such time as said ditches were unable to hold or carry further waters and that said waters then ran back into Sellars Creek. That your affiant has been informed and verily believes that the predecessors of your affiant and his family and ownership and use of said lands and waters have appropriated said waters in the same amount and capacity.

8. That on August 4, 1976, affiant obtained from Lloyd H. Johnson, Senior Water Resources Agent, of the State of Idaho, Department of Water Resources, Eastern District, Office Address of 1515 Lincoln Road, Idaho Falls, Idaho 83401, a measurement of the amount of water flowing in said ditches as diverted from the middle fork of Sellars Creek and the south fork of Sellars Creek. That the amount of water so diverted from the south fork

of Sellars Creek was 413 c.f.s. (206.5 inches) and from the middle fork of Sellars Creek there was diverted 3.63 C.F.S. (181.5 inches). That at that time your affiant observed the ditches and their running capacity respecting the measurement of said waters and observed that the capacity and the amount of water so diverted by your affiant and your affiant's family since 1918 through the present date has been the same in amount and capacity. That your affiant has been informed and verily believes that the same amount of waters were so originally diverted by the said Kellis Sellars in the late 1870's or early 1880's, as aforesaid, and have been so continuously used until the present date.

9. That with respect to Exhibit "A" your affiant makes the following statements by way of explanation and correctness thereof as observed by affiant personally from the spring of 1919 to the present date and as been previously explained and told to affiant by his father, the Spence Williams family and the Kellis Sellars family:

- a) That the property outlined in heavy bold solid red lines depicts the property presently owned by affiant and his wife, Leda S. Jones, some of which has heretofore been sold by contract to affiant's family, all of which property is located in Township 2 South, Range 40 E.B.M., Bingham County, Idaho.
- b) That both forks of Sellars Creek, middle and south fork, are also known as Little Willow Creek and/or Williams Creek.
- c) That the small solid red line is used to depict the middle fork of Sellars Creek and is so depicted and set forth on said exhibit as your affiant has always remembered since the spring of 1919.
- d) That the small solid green line is used to depict the south fork of Sellars Creek and is so depicted and set forth on said exhibit as your affiant has always remembered since the spring of 1919.
- e) That the small solid blue line is used to depict Mud Creek, and is so depicted and set forth on said exhibit as your affiant has always remembered since spring of 1919.
- f) That the square box with an x therein is

used to depict the Maiben Jones Ranch headquarters and is as your affiant so remembers from the spring of 1919.

- g) That the little house with Roman Numeral I by it is used to depict and designate the location of the home owned by the said Kellis Sellars (Achillis) Sellars as your affiant has been told by the Kellis Sellars family and others.
- h) That the little house with Roman Numeral II by it is used to designate the location of the old Mash Williams homesite as your affiant remembers from the spring of 1919.
- i) That the little house with Roman Numeral III by it is used to designate the location of the old Adrian Empey homesite as your affiant remembers the same from the year or spring of 1919.
- j) That the lines made by dashes ----- is used to depict the location of irrigation districts as they existed when first observed by your affiant in the spring of 1919 and as they presently exist to the date of this Affidavit. That said ditches were used since the spring of 1919 for the purpose of appropriating waters from said streams and for the purpose of irrigating the real property depicted on said exhibit. That since the spring of 1919 the waters have been used from approximately May 1 to October 31 of each year as long as said waters were available.
- k) That the double zeros, one inside the other, is used to depict the point where the joint Sellars and Mud Creek dumps into Willow Creek as affiant has always remembered since the spring of 1919.
- l) That the thin black lines or pen strokes are used in said exhibit to depict the land or real property irrigated by said ditches and to show the basic direction of irrigation. These are depicted in the same manner as affiant has always remembered from the spring of 1919 to this date. Except that for approximately 6 years, the real property below the old Mash Williams house and Mud Creek (to the south) has not been irrigated for the reason that the old flume (circle No. 5) washed out and your affiant did not have sufficient funds with which to replace the same but intends to do so immediately.
- m) That the black circle with solid dash in the center and No. 1 to the side of it is used in said exhibit to depict the diversion dam on the middle fork of Sellars

Creek and is so depicted and set out on said exhibit as affiant first saw the same in the spring of 1919 and exists in the same place to this date. That affiant has been informed and verily believes that said dam and diversion was placed in said stream, as aforesaid, by the said Kellis Sellars. That at all times said diversion dam has been in continuous use.

- n) That the black circle with solid dash in center and No. 2 in center is used on said exhibit to depict the diversion dam on the south fork of Sellars Creek and is so depicted as affiant first saw the same in the spring of 1919 and as the same now exists to this very date. That your affiant has been informed and verily believes that said dam and diversion was placed in said stream by the said Kellis Sellars, as aforesaid. That at all times said diversion dam has been in continuous use.
- o) That the black circle with solid dash in center and No. 3 in center is used to depict the diversion dam on Mud Creek and is so depicted as affiant first saw the same in the spring of 1919 and as the same now exists and has continued to exist since that time. That affiant is informed and verily believes that said diversion dam was placed in said stream by the said Kellis Sellars, as aforesaid. That the waters of Mud Creek have been diverted by said dam into the ditches set forth in said exhibit since the spring of 1919 in its entire amount as long as said stream has run water in any particular year. That affiant is informed and verily believes that the same amount of water was diverted by the said Kellis Sellars, as aforesaid, and by all later land owners in the same means and by the same method and in the same amount as so diverted since the spring of 1919.
- p) That the black circle with No. 5 on the outside is used to depict the area where the old flume existed to convey water from the middle fork of Sellars Creek across Mud Creek to irrigate the area depicted between such flume and the old Mash Williams homesite. That such flume was in existence when affiant first went on said property in the spring of 1919, but washed out approximately 8 years ago, as aforesaid. That as long as affiant can remember, said waters were used to water the property as depicted by means of said flume until said flume washed out.

10. That the number of irrigated acres that has been irrigated by your affiant and affiant's family since the year

1918 when purchased from Mash Williams, is approximately 160 acres. That affiant is informed and verily believes that the same property has been irrigated continuously since the waters were first appropriated by the said Kellis Sellars, at the dates and in the manners set forth in this Affidavit. That said acreage irrigated and the waters so appropriated have been done so until the present date.

11. That the waters of the middle fork of Sellars Creek are and have been diverted since at least 1880 by means of a dam on Sellars Creek (circle No. 1) on Exhibit "A" and carried by ditch as so depicted on said Exhibit for a distance of 3/4 to 1 mile to irrigate the lands so depicted in said exhibit. That the amount of waters originally appropriated in the year 1880 until the present date, from the middle fork of Sellars Creek, is 181.5 inches as long as said waters are available.

12. That the waters are and have been since the year 1880 appropriated from the south fork of Sellars Creek by means of a dam (No. 2- on Exhibit "A") and carried by means of the ditches as depicted on said exhibit and have irrigated the lands so depicted on said exhibit until the present date. That the amount of water originally appropriated and so appropriated to this date from the south fork of Sellars Creek is 206.5 inches. That as aforesaid, all of the waters of the south fork of Sellars Creek and the middle fork of Sellars Creek are diverted by means of said dams and the entire waters of said streams used for such irrigation purposes with excess and remainder returning to Sellars Creek streambed, so long as there remains any water in said streams.

13. That your affiant and his wife, Leda S. Jones, claim 160 miners inches of water from Mud Creek for use from May 1 to October 31 of each year so long as said waters remain in said stream 181.5 miners inches from the middle fork of Sellars Creek for irrigation purposes and use from May 1 to October 31 of each year so long as said waters remain in said stream; 206.5 inches from the middle fork of Sellars Creek

for irrigation and use from May 1 to October 31 of each year so long as said waters remain in said stream. That the priority date for claim of said water from said streams in the year 1880. That the total number of acres irrigated by all of said waters is approximately 160 acres, as aforesaid.

14. That at no time from the year 1918 to the present date has anyone, person, water company, corporation, government agency or government entity or anyone else questioned the use by your affiant and his family of the waters and the amount stated herein nor has your affiant or his family ever been prevented from using said waters, the means of appropriation and the amount so claimed and used. That your affiant is informed and verily believes that no person, persons, water company, corporation, government agency or government entity or anyone else has ever questioned the use or the means and amount of appropriation, as stated herein, by your affiant or his predecessors, including Kellis Sellars, from the year 1880 to the present date.

DATED This, 21st day of July, 1977.


Maiben S. Jones

Subscribed and sworn to before me this 21st day of July, 1977.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires 6/15/79

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

THOMAS IRA SHURTLIFF, being first duly sworn upon oath,
deposes and says:

That he makes this Affidavit in support of claim to
water right of Maiben S. Jones and Leda S. Jones, on the Maiben
Jones Ranch and real property located south of Bone, Idaho, on
the middle fork of Sellars Creek, south fork of Sellars Creek,
aka Little Willow Creek or Williams Creek and Mud Creek. That
in respect thereto, affiant states as follows:

1. That affiant was born August 23, 1888, in Downey,
Idaho. Affiant moved to Ammon, Idaho, when five (5) years of
age in 1893. That his father's name was Selah Shurtliff and
his mother's name was Harriet Howe Shurtliff.

2. That affiant first became acquainted with the real
property now known as the Maiben Jones Ranch in 1893. That in
1893 said real property was operated by one Kellis Sellars and
his family and affiant became acquainted with said family in
1893 and later married Kellis Sellars' granddaughter, Maymie
Smith on November 1, 1910. In fact, the said Kellis Sellars
fed cattle in the valley on affiant's father's ranch. Affiant
associated with and palled with Kellis Sellars family for many
years.

3. When affiant was 13 years of age he lived and worked
on the Abe Day Ranch located on Twin Creeks, Idaho, near the
Kellis Sellars Ranch and has lived near said ranch on and off
during his entire lifetime.

4. That Kellis Sellars had a home and corrals on a little
hill above Mud Creek where the middle fork of Sellars Crrek emp-
ties into Mud Creek. That affiant has herded cattle and ran
cattle in that area and on the Sellars and now Jones Ranch reg-
ularly until approximately 30 years ago when affiant retired

from the actual cattle herding business.

5. That affiant has carefully examined the aerial photo, Exhibit "A", with the numbers 16011 171 301 located in the upper right hand corner together with the map legend to said exhibit, as attached to said claim to water right, knows the contents thereof and verily believes the same to be true and correct as affiant remembers the same in 1893.

6. That in 1894 affiant observed the dams, diversions and irrigation ditches as depicted in Exhibit "A" and said dams, diversions, ditches and flume are so depicted as they were when affiant first saw them. That affiant was informed by Kellis Sellars, and verily believes, that said dams, diversions, ditches and flume were installed by the said Kellis Sellars prior to 1880 and were used by Kellis Sellars continually until the property now known as the Maiben Jones Ranch was sold to Mash Williams and Spence Williams in approximately 1900.

7. That your affiant knew the said Kellis Sellars personally and has been personally acquainted with the Maiben Jones Ranch from 1893 until the present date and has been continuously familiar with the irrigation system, dams, diversions, flume and irrigation ditches located thereon and as depicted in Exhibit "A". That during such period of time, your affiant observed that from approximately May 1 through October 31 of each year, the waters of Mud Creek, middle fork of Sellars Creek and the south fork of Sellars Creek, were diverted as depicted in said Exhibit "A" and used to irrigate the real property so depicted in said exhibit. That in 1893 and 1894 when affiant first became familiar with said irrigation system, said ditches were heavily sodded and showed evidence of having been in existence for many years. That the amount of water in said ditches was at that time and as continuously observed by affiant until the present, at full capacity and running over the banks of said ditches back into the streams from which the water was diverted.

8. That with respect to Exhibit "A" your affiant makes the following statement as to explanation and correctness thereof as observed by affiant personally from 1893 to 1974 and as previously told to affiant by his father and the said Kellis Sellars:

- a) That the property outlined in heavy bold solid red lines depicts the property presently owned by the said Maiben S. Jones and Leda S. Jones, all of which property is located in Township 2 South, Range 40 E.B.M., Bingham County, Idaho.
- b) That both forks of Sellars Creek, middle and south fork, are also known as Little Willow Creek and Williams Creek.
- c) That the small solid red line is used to depict the middle fork of said Sellars Creek and is so depicted as your affiant has always remembered.
- d) That the small solid green line is used to depict the south fork of Sellars Creek and is so depicted as your affiant has always remembered.
- e) That the small solid blue line is used to depict Mud Creek, and is so depicted as your affiant has always remembered.
- f) That the square box with x therein is used to depict the Maiben Jones Ranch headquarters and is as your affiant so remembers.
- g) That the little house with Roman Numeral I by it is used to designate the location of the home owned by the said Achillis (Kellis) Sellars as your affiant has always remembered.
- h) That the little house with Roman Numeral II by it is used to designate the location of old Mash Williams home site as your affiant has always remembered.
- i) That the little house with Roman Numeral III by it is used to designate the location of the old Adrian Empey home site as your affiant has always remembered.
- j) That the lines made by dashes ----- is used to depict the location of irrigation ditches as they existed when first observed by your affiant in 1893 and 1894 and in 1974. That these ditches were used to full capacity by the said Kellis Sellars from approximately 1880 and by all owners since that time up to the last time affiant saw them in 1974. That as aforesaid, the ditches were used for irrigation purposes from approximately May 1 to October 31 of each year.

- k) That the double zeros, one inside the other, is used to depict the point where the joint Sellars and Mud Creek dumps into Willow Creek as affiant has always remembered.
- l) That the thin black line or pen strokes are used to depict the land or property irrigated by said ditches and the basic direction of irrigation. These are depicted in the same manner as affiant has always remembered to this date. Except in 1974 there was no irrigation of the land below the old Mash Williams house and Mud Creek (to the south) as the old flume (circle No. 5) had washed out.
- m) That the black circle with solid dash in center and No. 1- to the side of it is used to depict the diversion dam on the middle fork of Sellars Creek and is so depicted as affiant first saw it in 1893 and 1894 and the last time in 1974. At all such times said diversion dam has been in continuous use.
- n) That the black circle with solid dash in center and No. 2 in center is used to depict the diversion dam on the south fork of Sellars Creek and is so depicted as affiant first saw it in 1893 and 1894 and the last time in 1974. At all such times said diversion dam has been in continuous use.
- o) That the black circle with solid dash in center and No. 3 in center is used to depict the diversion dam on Mud Creek and is so depicted as affiant first saw it in 1893 and 1894 and the last time in 1974. At all such times said diversion dam has been in continuous use.
- p) That the black circle with No. 5 on the outside is used to depict the area where the old flume existed to convey water from middle fork of Sellars Creek across Mud Creek to irrigate area depicted between such flume and Old Mash Williams home site. That such flume was in existence when affiant first saw property and ditches in 1893 and 1894, but had washed out when saw property in 1974. That as long as affiant can remember (from 1893) said waters were used to water the property as depicted by means of said flume.

9. That the irrigation system described herein and in Exhibit "A" was used by Mash Williams and Spence Williams and all predecessors up through and including the Maiben Jones family on a continuous basis each year as set forth herein. That in the summer of 1974 affiant went to the Maiben Jones Ranch

and personally examined the dams, diversions, streams, ditches and irrigation system and found the same to be exactly as they were in 1893 and 1894 when first observed by affiant.

10. That as aforesaid, affiant was informed and verily believes that Kellis Sellars was the first person to appropriate the waters of Mud Creek, middle fork of Sellars Creek and south fork of Sellars Creek, aka Little Willow Creek or Williams Creek, for the purposes of irrigating the real property now known as the Maiben Jones Ranch. That affiant has been informed and verily believes that the said Kellis Sellars first made such appropriations and diversions in the late 1870's or the early 1800's and that said appropriations, and waters have been so used to irrigate said real property since that time until this date.

11. That affiant does not remember any time since 1893 that said real property as depicted in Exhibit "A" has not been irrigated from the said Mud Creek, middle fork of Sellars Creek and south fork of Sellars Creek by means, method and in manner as depicted in Exhibit "A". That affiant knows of no time since 1893 when said irrigation system and particularly the ditches associated therewith have not been filled to their overflowing capacity during said irrigation season.

12. That your affiant knows of no time when any person, water company, corporation, government agency or governmental entity has attempted to or prevented the use and diversion of said water as aforesaid and in the manner and amount as aforesaid.

DATED This 21ST day of July, 1977.


Thomas Ira Shurtliff

Subscribed and sworn to before me this 21ST day of July, 1977.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: 6/15/79

RECEIVED

MAR 8 1978

Department of
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho)
I, David Mark Brown) ss.
do

solemnly

swear that I am the Publisher of
The Blackfoot News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
134 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court
of competent jurisdiction within the State of Idaho
shall be published to-wit: Thursday of
each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of

of publication was published in said issue or said
newspaper two consecutive weeks,

the first publication having been made on the
23rd day of February, 19 78,

and the last publication having been made on the
2nd day of March, 19 78;

that said notice was published in the regular and en-
tire issue of every number of the paper as aforesaid
during the period and time of publication, and that
notice was published in the newspaper and not in a
supplement.

David Mark Brown
Subscribed and sworn to before me this 6th

day of March, 19 78.

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 29, 1980

ACT
ION

N OWNER LAST NAME - JONES
N OWNER LAST NAME - JONES
N ADDRESS LINE 1 - 3205 CENTRAL AVE.

FIRST NAME - MAIBEN S.
FIRST NAME - LEDA S.

N
N SOURCE - MUD CREEK
N SOURCE - SELLARS CREEK, MIDDLE FORK
N SOURCE - SELLARS CREEK, SOUTH FORK
N STAGE - STATUTORY CLAIM
N

CITY - IDAHO FALLS
TRIBUTARY OF - SELLARS CREEK
TRIBUTARY OF - WILLOW CREEK
TRIBUTARY OF - SELLARS CREEK, MIDDLE FORK

STATE - ID ZIP CODE - 83401

PRIORITY - 05- -1888 COUNTY - BINGHAM TOTAL DIV. RATE - 9.2000CFS
WATER DIST. - 01

** P ** PRIORITY DATE NOT NUMERIC

N DIVERSION POINT - SWNW 09 02S 40E
N DIVERSION POINT - NESE 08 02S 40E
N FROM - 05-01 TO - 10-01 USE - IRRIGATION
N USE - IRRIGATION

SENE 08 02S 40E

USE DIV. RATE - 9.2000CFS

PLACE OF USE - TWN 02S RNG 40E SEC 09 TRACT NWNE	AC 03 TRACT SWNE	AC 15
TRACT SENE	TRACT NWNW	AC 10
TRACT SWNW	TRACT SENW	AC 37
TRACT NESW	AC 20	

** W ** MISSING ACRES FOR IRRIGATION WATER USE

N USE - IRRIGATION PLACE OF USE - TWN 02S RNG 40E SEC 09 TRACT NWSW
N REMARKS - SELLARS CK, MIDDLE FORK KNOWN LOCALLY AS WILLIAMS CK.
N SOURCES ARE MUD CK & SELLARS CK., S. FORK, TRIB. SELLARS CK.,
N MIDDLE FORK; SELLARS CK., MIDDLE FORK, TRIB. WILLOW CK.

AC 35

IDENT. NO. 25-4026

ID 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]

- DATA ENTRY -

Record

1. Original Owner: Maiben S. & Leda J. Jones

Present Owner: _____

2. Address: 3205 Central Ave.

3. City: Idaho Falls State: ID Zip: 83401

4. A. Source of water: *mud Creek* & *Sellars Creek, middle fork* & *Sellars Creek, South fork*
B. Tributary of: *Sellars Creek, middle fork* & *Willow Creek* & *Sellars Creek, middle fork*

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 5-1-1888

D. County: 1 /

E. Total Diversion Rate: 9.2

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: 01

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
SW NW	9	22	40E		
SE NE	8	25	40E		
NE SE	8	22	40E		

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 10-1 for 17 purposes. Amount 9.2
(cfs or ~~AC-FT/yr~~)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount

from to for purposes. Amount

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Sellars Ck, middle fork known locally, as Williams Ck.
B.
C. Sources are Mud Creek & Sellars Ck., South fork, trib. Sellars Ck,
D. middle fork; Sellars Ck., middle fork, trib. Willow Ck.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 13, 1978

RE: Claim to a Water Right No. 25-4026

Maiben S. Jones
and Leda S. Jones
3205 Central Ave.
Idaho Falls, ID 83401

Dear Mr. Jones:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

cc: Roger Cox, Attorney

MAILED 7340

February 15, 1978

RE: Claim to a Water Right No. 25-4026 JONES

Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-08-78 by ew

RDC:CW

Enc: Legal Notice (1)

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 25-4026**

Notice is hereby given that Maiben S. Jones and Leda S. Jones, Idaho Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 9.20 cubic feet per second of water from Mud Creek, Middle Fork Sellars Creek and South Fork Sellars Creek tributary to Willow Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 2S, R. 40E, B.M., Bingham County.

The water is claimed to be used from May 1 to October 1 for the irrigation of 160 acres and some livestock watering with a priority of May, 1888; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 2S, R. 40E, B.M.

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

C. STEPHEN ALLRED
Director

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4026

Notice is hereby given that Maiben S. Jones and Leda S. Jones,
Idaho Falls, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 9.20 cubic feet per second ~~XXXXXXFEETXXXXXX~~ of water from Mud Creek, Middle Fork Sellars Creek and South Fork Sellars Creek tributary to Willow Creek with point of diversion in the SW¹/₄ NW¹/₄, Sec. 9, SE¹/₄ NE¹/₄, Sec. 8, T. 2S, R. 40E, B.M., Bingham County.

The water is claimed to be used from May 1 to October 1 for the
irrigation of 160 acres and some livestock watering
with a priority of May, 1888;
the place of use is within the W₂NE₄, SE₄NE₄, NW₄NW₄, S₂NW₄, N₂SW₄,
Sec. 9, T. 2S, R. 40E, B.M.

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

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Blackfoot News, Blackfoot, Idaho
on February 23 and March 2, 1978

the J.
the H.
the Q.

COX & BOWEN, CHARTERED

ATTORNEYS AT LAW

ROGER D. COX
DWIGHT R. BOWEN

IDAHO FIRST NATIONAL BANK BUILDING
POST OFFICE BOX 621
IDAHO FALLS, IDAHO 83401

TELEPHONE 522-8606
AREA CODE 208

RECEIVED

FEB 15 1978

Department of Water Resources
Eastern District Office

February 14, 1978

Mr. Ernest M. Carlsen
Water Resource Agent
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Claim to a water right No. 25-4026

Dear Mr. Carlsen:

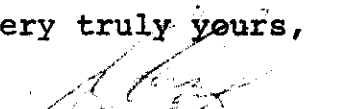
Pursuant to your letter of December 20, 1977, please find enclosed herewith amended claim to water right on behalf of Maiben S. Jones and Leada S. Jones together with Exhibit "A" (map) and Map Legend to Exhibit "A".

You will note that the amount of \$10 was paid to the Department and you have transmitted to us Receipt No. 10211.

You will note from the Amended Claim to Water Right that we have specified the section, township, range and acreage in each section relating to said water right.

Should you have any further questions on the matter, kindly advise.

Very truly yours,


Roger D. Cox
Attorney at Law

RDC/pc
Encs.



RECEIVED

DEC 14 1977

Department of Water Resources

Notice is hereby given that Maiben S. Jones and Leda S. Jones
(name of claimant)

a public officer of the State of Idaho

Describe source of water: (name of stream, lake, spring, etc., or ground water) Mud Creek; Middle Fork of Sel-
of Sellars Creek
eeek (aka Williams Creek) and South Fork tributary to, Willow Creek

	Amount	Use	Period of Use:	From	To
(a)	160	irrigation	From	May 1	October 31
(b)	100	irrigation	From	May 1	October 31
(c)	200	irrigation	From	May 1	October 31

(xxx) miners (dom., irri., stock, etc.) (both dates inclusive)

(xxx) inches

4) Priority claimed: (the date water was first applied to beneficial use) 1888

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

1/4 1/4 Sec. Twp. 2S Rge. 40E B. M. County of Bingham
Additional points of diversion: (a) SW 1/4 NW 1/4 of Sec. 9; (b) SE 1/4 NE 1/4 of Sec. 8;
(c) NE 1/4 SE 1/4 of Sec. 8.

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. (a) Diversion dam; ditch is 1/3 mile long; approx. 1/3 mile; (b) Diversion dam; ditch is 3/4 to 1 mile; Field is 1/4 to 1/2 mile; (c) diversion dam; ditch is 3/4 mile long; field is 2/3 mile long; (See attached as Exhibit "A".

[illegible]

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

(7) If you are claiming water as a member of an organization, list name of organization: None

Organization: None

Copy sent

SEE PHOTO ATTACHED AS EXHIBIT "A"

For Department Use Only

Received by <u>CW MR</u>	Date <u>12-19-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>gg</u>	Date <u>12-14-77</u>		claimant by:	
\$10.00 fee received by <u>MRB</u>	Date <u>12-14-77</u>	<u>net # 10211</u>		
Approved for publication by _____				
Published in _____				
Dates _____				

December 20, 1977

RE: Claim to a Water Right No. 25-4026

Mr. Roger D. Cox
Attorney at Law
P.O. Box 621
Idaho Falls, Idaho 83401

Dear Mr. Cox:

Attached herewith is departmental receipt No. 10211 in the amount of \$10.00 for the above referenced claim to a water right, a copy of the claim, a blank claim to a water right form, and an aerial photo of Maiben Jones' property with the map legend.

Our review of the original claim revealed two items that require further explanation. In Item 4, it would be to your client's benefit to indicate which month in the year 1888 the beneficial use of water first occurred. Also, according to Item 6A, Mr. Jones irrigates 160 acres but there is no description of these lands. For your client's claim to be complete, the irrigated acres in each 40-acre subdivision must be listed under Item 6A, being sure to identify the township, range and section. In Item 2, we would prefer the quantities of water claimed to be specified in cubic feet per second rather than miners inches.

Please complete the blank claim form using the information provided on the copy of the original and include that information referred to above. Have both the Jones' sign the new claim in the presence of a notary, then resubmit the claim to this office, along with the aerial photo and legend.

If you have any questions concerning this matter, please feel free to contact me at this office.

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw
Enclosures

INTER-DEPARTMENT MEMO — 1

DATE 12-14-77

FROM Jim Johnson

DEC 19 1977

Department of Water Resources
Eastern District Office

TO Ron C.

SUBJECT CLAIM MAILED TO THE DEPARTMENT OF
Maiben S. Jones & Leda S. Jones

Ron, we went ahead and receipted the
check. You should note that the claim
identifies 3 sources of water ^(460 inches) diverted on
apparently 160 Acres.


SIGNATURE

COX & BOWEN, CHARTERED
ATTORNEYS AT LAW

ROGER D. COX
DWIGHT R. BOWEN

IDAHO FIRST NATIONAL BANK BUILDING
POST OFFICE BOX 621
IDAHO FALLS, IDAHO 83401

TELEPHONE 522-8606
AREA CODE 208

RECEIVED

DEC 14 1977

Department of Water Resources

December 9, 1977

Department of Water Resources
1365 North Orchard
Boise, Idaho

Re: Water Claim of Maiben S. Jones
and Leda S. Jones

Gentlemen:

Please find enclosed herewith Claim to Water Right executed by Leda S. Jones and Maiben S. Jones on August 10, 1977, together with Map designated as Exhibit "A" and Legend to Map designated Exhibit "A" together with Affidavit of Maiben S. Jones, dated July 21, 1977 as Exhibit "B"; Affidavit of Thomas Ira Shurtliff dated July 21, 1977, designated as Exhibit "C"; Affidavit of Oren J. Empey dated August 10, 1977; as exhibit "D"; Affidavit of Bryant J. Stringham dated July 21, 1977 as Exhibit "E"; and Affidavit of Elwin Williams dated July 21, 1977 as Exhibit "F".

You will also find enclosed herewith our Check No. 5099 in the sum of \$10 as application fee. If the same is in order, would you kindly proceed with the same as provided by Section 42-225a, et seq, Idaho Code. Should you have any questions on the matter, kindly advise.

Very truly yours,

Roger D. Cox
Roger D. Cox
Attorney at Law

RDC/pc

Encs.

MAINTAINED