

unto the lake bottom

Wash this 11 day of January 1881

Signed Samuel A. Abbott

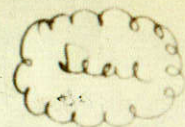
Locator

Territory of Idaho }
County of Bingham } ss

I The undersigned do solemnly swear
that I am acquainted with the water course known as
Eagle Creek described in the accompanying water location
that said water is the surplus water of James Abbott
location on said creek and has not heretofore been
located or used for any purpose whatever

Signed Samuel A. Abbott

Subscribed and sworn to before me this 11 day
of January 1881



Joseph Hawkins
Notary Public

25 1005

Recorded at the request of
Hawkins 7/27/88 at 3:30 pm
Geoff Robertson
Recorder

STATE OF IDAHO)
County of Bingham) ss.

I certify the foregoing to be a true and correct copy of
the original on file and of record in the Office of the
Clerk and Ex-officio Recorder of Bingham County,
Idaho

Dated JUN 25 1970

GRACE WILLIAMS

Clerk and Ex-officio Recorder

By E. J. Hilton
Deputy

Samuel A. Abbott

Notice of Water Right

I The undersigned do locate and claim 500 Five Hundred inches of water running in this Eagle Creek for Agricultural purposes to be conveyed from this point about a 1/4 of a mile below James Abbotts water location to my Homestead situated about 6 1/2 miles down John Days Lake and near Eagle Creek joining James Abbotts Homestead on the South the foot hills on the East and running west into the lake bottom

Dated this 11 day of January 1888

Signed Samuel A. Abbott

Territory of Idaho }
County of Bingham } ss

Loca

STATE OF IDAHO)
County of Bingham) ss.

I certify the foregoing to be a true and correct copy of the original on file and of record in the Office of the Clerk and Ex-officio Recorder of Bingham County, Idaho

Dated JUN 25 1890

GRACE WILLIAMS
Clerk and Ex-officio Recorder
By E. J. Selton
Deputy

I The undersigned do solemnly swear that I am acquainted with the water course known as Eagle Creek described in the accompanying water location that said water is the surplus water of James Abbotts location on said creek and has not heretofore been located or used for any purpose whatever

R
007
Department of Water Administration

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, 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 8th day of Oct., 1970, last publication having been made on the 15th day of Oct., 1970, 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 16th day of Oct., 1970.

[Signature]
Notary Public

My commission expires April 5, 1971

B10, 1M

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 25-4005
Notice is hereby given that Hazen L. Muir, 132 No. Sunset Place, Monrovia, California, has filed a claim to a water right established by diversion and application for beneficial use of 10.0 cubic feet per second of water from Eagle Creek, tributary to Grays Lake with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T. 4S, R. 43E, B.M., Bonneville County.
The water is claimed to be used from May 3 to Oct. 31 for irrigation and from Jan. 1 to Dec. 31 for stock water purposes with a priority of January 1, 1888; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 2, Lot 3, Sec. 23, T. 4S, R. 43E, B.M.
Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.
R. KEITH HIGGINSON
Director
Pub: Oct 8, 15, 1970

Identification No. _____
Claim No. 25-4005
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Hazen L. Muir
post office address 132 NO. SUNSET PLACE, MONROVIA, CALIF. 91016
2. ^{1st} The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 23 Township 4 S
Range 43 E B.M. located on Eagle Creek
(name of source)
tributary to GRAYS LAKE in BONNEVILLE County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- a. Date of priority claimed:

JAN. 11, 1888 amount: 500 INCHES c.f.s. or _____ acre-feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use IRRIGATION period of use from MAY 15 to OCT. 31 (both dates inclusive)
use STOCK WATERING period of use from JAN 1 to DEC. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of EARTH,
POSTS and PLANK; length is 14 feet; height is 2 feet;
width at bottom is 2 feet; width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

- b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 1/4 MILE feet; width of ditch at top is 6 feet; width of bottom of ditch is 4 feet; depth of water is 1 feet; grade of ditch per 1000 feet is ? feet; material through which ditch passes is EARTH; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	43E	23			25					40						20			85
4S	43E	23	LOTS 2 AND 3 ~~44.66 ACRES~~																~~18.14~~
4S	43E	23	Lot 3																25.4

Total number of acres to be irrigated 129.50

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by ^{Two} ~~several~~ users? YES If yes, give the name of the ditch
DITCH HAS NO NAME The other users and their respective
interests in the ditch are (if known) RAYMOND OSTLER - 1/2 INTEREST

6. Where water is used for stock watering, give number of each kind of stock watered 125 CATTLE

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
SEC 23 TWP 45 RANGE 43E
2ND POINT OF DIVERSION IS IN NE 1/4 OF NW 1/4A LOCATED ON EAGLE CREEK
DIVERSION DAM COMPOSED OF ROCK, POSTS AND PLANK - LENGTH 12 FEET
HEIGHT 2 FEET - WIDTH AT BOTTOM 2 FEET - WIDTH AT TOP 2 FEET
LENGTH OF DITCH TO PLACE OF USE 450 FEET - WIDTH OF DITCH AT
TOP - 10 FEET - WIDTH OF DITCH AT BOTTOM 3 FEET - DEPTH OF WATER 1 FOOT

DOCUMENTS FILED WITH THIS CLAIM. (A) AFFIDAVIT BY HAZEN L. MUIR
1 - DESCRIPTION OF U.S. PATENT GRANTED TO SAMUEL A. SIBBETT
DESCRIBING HIS HOMESTEAD BY SEC. TWP. & RANGE.
2 - CERTIFIED COPY OF WATER LOCATION FILED BY SAMUEL A. SIBBETT
RECORDED FEB. 27, 1885 NOTARIZED JAN. 11, 1885 RECORDED IN
WATER LOCATION BOOK B PAGE 136 RECORDS OF BINGHAM COUNTY
3 - COPY OF DEED FROM GRANT E. BARNEY TO GEORGE H. MUIR CONVEYING
PROPERTY AND WATER RIGHT REFERRED TO IN THIS CLAIM. RECORDED IN
State of Idaho } RECORD OF DEEDS BOOK 2 PAGE 340. RECORDS OF BONNEVILLE CO.
County of Caribou } ss. 4 - COPY OF DEED FROM GEORGE H. MUIR TO HAZEN L. MUIR
RECORDED OCT. 13, 1939 IN BOOK 40 OF DEEDS PAGE 78.
BONNEVILLE CO.

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

Hazen L. Muir
Claimant

Sworn to before me this 14th day of September, 1970.

Leonard O. Kingsford
Notary Public
Residing at Soda Springs, Idaho.

My commission expires August 14, 1973.

For Department Use Only			
Received by <u>Dec</u>	Date <u>9-15-70</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>Dec</u>	Date <u>9-18-70</u>		
Fee received by <u>Li</u>	Date <u>9-18-70</u> Fee \$ <u>10.00</u>		
Approved for publication by			
Published in <u>Idaho Falls</u>	Dates <u>10-8 & 10-15, 1970</u>		
Post Register			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Recorded in
Water Location Book B page 136 H. M. W.

and in this in the

which has been a summary of
the original in the County of Bingham

County of Bingham

When made signed the solemnly sworn
then was advanced and in the County of Bingham
County of Bingham and the County of Bingham
that said map is the original of the same which
located in the County of Bingham and was not recorded
located in the County of Bingham for the same reason.

Signed William H. M. W.

Subscribed and sworn to before me this 10th
of January 1911

Seal

Just. of the Peace

Notary Public

25 1905

Recorded at the request of
John H. M. W.

Seal of the County of Bingham

STATE OF IDAHO)
County of Bingham) ss.

I certify the foregoing to be a true and correct copy of
the original on file and of record in the Office of the
Clerk and Ex-officio Recorder of Bingham County,
Idaho

Dated

JUN 25 1911

GRACE WILLIAMS

Clerk and Ex-officio Recorder

By Ed. H. M. W.

Deputy

WATER LOCATION

Harriet (24th Nov)

Notice of Water Rights

The undersigned do hereby
and claim 800. For land and water
as the Eagle Creek for agricultural purposes
conveyed from the point about a 1/4 of a mile
below sand. (about 1/2 mile in location to my homestead)
Detached about 1 1/2 miles down for the large lake
near Eagle Creek. (about 1/2 mile from the lake and
the south for about 1/2 mile to the east and running
into the lake below)

that this is a day of January 1970

Signature of Harriet (24th Nov)

(Harriet Bingham)

STATE OF IDAHO
County of Bingham

I certify the foregoing to be a true and
correct copy of the original on file and of record in
the office of the Clerk and Ex-officio Recorder of
Idaho County.

Dated JUN 25 1970

GRACE WILLIAMS
Clerk and Ex-officio

By Ed

The undersigned do hereby
and claim 800. For land and water
as the Eagle Creek for agricultural purposes
conveyed from the point about a 1/4 of a mile
below sand. (about 1/2 mile in location to my homestead)
Detached about 1 1/2 miles down for the large lake
near Eagle Creek. (about 1/2 mile from the lake and
the south for about 1/2 mile to the east and running
into the lake below)

that this is a day of January 1970
Signature of Harriet (24th Nov)
(Harriet Bingham)

THIS INDENTURE, made this 19th. day of October in the year of our Lord, One Thousand Nine Hundred and thirty-five, between

George H. Muir and Olive A. Muir his wife
of Gray, County of Bonneville, State of Idaho
the parties of the first part, and Hazen L. Muir

of Gray, County of Bonneville, State of Idaho
the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable considerations **DOLLARS** lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lots, pieces or parcels of land situate, lying and being in the County of Bonneville, State of Idaho, bounded and more particularly described as follows, to-wit: The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); Lots Two (2), and Three (3), Section Twenty-three (23); Township Four (4) South, Range Forty-three (43) East, Boise Meridian. Together with all and singular the water rights franchises and privileges belonging to or appertaining to said lands heretofore used whereon for the purposes of irrigation and domestic and stock purposes and all ditches Dams, and all other works used in the appropriation and diversion of water to and upon said lands and particularly that certain right to the diversion and use of the waters of Eagle Creek in said Bonneville County, Idaho, heretofore diverted and used upon said lands for irrigation and domestic purposes.



Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to heirs and assigns forever and the said parties of the first part, and their heirs warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

George H. Muir [SEAL]
Olive A. Muir [SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO.

COUNTY OF Caribou

ss:

On this 19th, day of October, in the year 19 35, before me

D.K. McLean, a Notary Public in and for said County and

State, personally appeared George H. Muir and Olive A. Muir

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

D.K. McLean
Notary Public

Residence Soda Springs, Idaho.

136683

WARRANTY DEED

George H. Muir

Olive H. Muir

TO

Hazen L. Muir

Dated October, 19th., 19 35

STATE OF IDAHO.

COUNTY OF *Caribou* } ss:

I hereby certify that this instrument was filed for record at the request of

George H. Muir

at 20 minutes past 4

o'clock P. M. this 19th day of

October A. D. 19*35*

at my office and duly recorded in Book

40 of Deeds at page 78

W. L. Brewster

Ex Officio Recorder

By *Hazen L. Muir* Deputy

Fee, \$ 1.20

WARRANTY DEED.

This Indenture, made the 5th day of October in the year of our Lord one thousand nine hundred and eleven between Grant E. Barney and Matilda Barney his wife of the County of Bonneville and State of Idaho, the part is of the first part and George H. Muir of the County of Bonneville and state of Idaho the part y of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Thirty five Hundred and no/100 \$3500⁰⁰ DOLLARS, lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do es by these presents grant, sell, bargain and convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all the certain lot piece or parcel of land situate lying and being in the County of Bonneville

and State of Idaho and bounded and described as follows, to-wit:

The Southeast quarter of the North west quarter (S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$) The South west quarter of the Northwest quarter (S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$) The North west quarter of the Southeast quarter (N.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$) and the Lots Two (2) and Three (3) of Section Twenty-three (23) in Township Four (4) South of Range Forty Three (43) East of Boise meridian in Idaho. Containing 164.59 acres; together with all and singular the water rights, franchises and privileges belonging to or appertaining to said lands heretofore used thereon for the purposes of irrigation and domestic and stock purposes and all ditches, dams and other works used in the appropriation and diversion of water to and upon said lands and particularly that certain right to the diversion and use of the waters of Eagle Creek in said Bonneville County, Idaho, heretofore diverted and used upon said lands for irrigation and domestic purposes.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to his heirs and assigns forever, and the said part es of the first part and Their heirs, and the said premises in a quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said parties of the first part and Their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set Their hands and seals the day and year first above written.

Signed Sealed and Delivered in the Presence of Grant E. Barney (SEAL.)
Harry Field as to G.E. Barney Matilda Barney (SEAL.)
S.D. Barney as to Matilda Barney (SEAL.)

No. 27

BLACKFOOT ABSTRACT COMPANY, BLACKFOOT, IDAHO

The United States of America
By Theodore Roosevelt, President

Grantors,

To

Samuel A. Sibbett

Grantees,

Character of Instrument U.S. Patent
Date of Instrument March 1st, 1904
Date of Record June 12th, at 11 a.m.
Book "I" of Deeds at Page 457
Records of Bingham County, State of Idaho.
Consideration, \$ X

No ACKNOWLEDGMENT:

Date acknowledged before

a

in and for County, State of

Is official seal attached?

Is the acknowledgment regular?

Does wife duly acknowledge on examination without
the hearing of her husband?

Does wife join throughout instrument X

Is instrument sealed? Yes

Names of witnesses None

Granting words Gives and grants

Covenants if any To have and to hold

Are there any conditions, limitations or recitals? No

DESCRIPTION: Lands in Bingham County, State of Idaho.

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ - the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ - the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
and the lots 2 and 3 of Section 23 in Twp 4 south of range 43 E.B.M., in
Idaho, containing 164.50 acres.

25 4005

Department of Agriculture

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, 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 8th day of Oct., 1970, last publication having been made on the 15th day of Oct., 1970, 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.

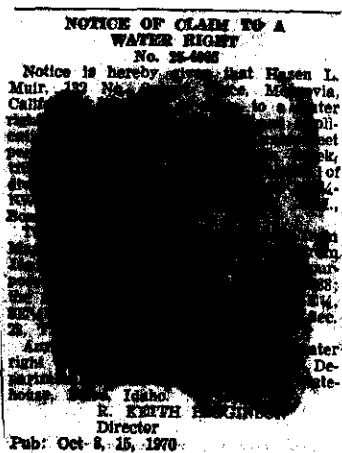
E. F. McDermott

Subscribed and sworn to before me, this 16th day of Oct., 1970.

Karl Stiller
Notary Public

My commission expires April 5, 1971

B10, 1M



ACT
ION

N OWNER LAST NAME - MUIR

FIRST NAME - HAZEN L.

N ADDRESS LINE 1 - 132 N. SUNSET PL.

N SOURCE - EAGLE CREEK

CITY - MONROVIA

STATE - CA ZIP CODE - 91016

N STAGE - STATUTORY CLAIM

TRIBUTARY OF - GRAYS LAKE

N DIVERSION POINT - NWN 23 04S 43E

PRIORITY - 01-11-1888

COUNTY - BONNEVILLE

TOTAL DIV. RATE -

10.0000CFS

N FROM - 05-15 TO - 10-31 USE - IRRIGATION

NENW 23 04S 43E

USE DIV. RATE - 10.0000CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

N USE - IRRIGATION

PLACE OF USE - TWN 04S RNG 43E SEC 23 TRACT SWNE

AC 25 TRACT SENW

AC 40

N USE - IRRIGATION

TRACT NWSE

AC 20

N REMARKS - AC. IRR.=129.5

PLACE OF USE - TWN 04S RNG 43E SEC 23

LOT 02 AC 19

LOT 03 AC 25

N NON IRRIG USE - S/125 HEAD.

IDENT. NO. 25-4005

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 125-4005
 Old No. _____ New No. _____

Record

1. Original Owner: Hazen L. Muir

Present Owner: _____

2. Address: 132 N. Sunset Pl.

3. City: Monrovia State: CA Zip: 91016

4. A. Source of Water: Eagle Creek

B. Tributary of: Grays Lake

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: 1-11-1888

D. County: 19

E. Total Diversion Rate: 10.

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNE</u>	<u>23</u>	<u>4S</u>	<u>43E</u>		
	<u>NENW</u>	<u>23</u>	<u>4S</u>	<u>43E</u>		

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

from 5-15 to 10-31 for A purposes. Amount 10.
 (cfs or AC-Ft/yr)

from 1-1 to 12-31 for S 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 _____

Ch 7-24-79

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ac. inn. = 129.5,
B.
C.
D.
E.

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

5/125 head.

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):

January 22, 1971

Mr. Randall Johnson
Farmers Home Administration
41 W. Center
Soda Springs, Idaho 83276

Dear Mr. Johnson:

In checking our records, I find that Permit No. 18135 issued to Fredrick Lee Muir was cancelled. Claim No. 25-4005 is on file with our office. This claim was made by Hazen L. Muir and he claims 500 inches of water from Eagle Creek from January 11, 1888. The land irrigated is the SE1/4NW1/4, SW1/4NE1/4, NW1/4SE1/4, and Lots 2 & 3, Sec. 23; Twp. 4S, Rge. 43E, B.M.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

25 4005

October 29, 1970

Re: Claim to a Water Right No. 25-4005

C
Ms. Hazen L. Muir
132 No. Sunset Place
Monrovia, California 91016

Dear Ms. Muir:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

P
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 evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

Y
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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

25 4005

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 12-2000**

Notice is hereby given that Hazel L. Muir, 132 No. Sunset Place, Menlo Park, California, has filed a claim to a water right established by diversion and application to beneficial use of 10.0 cubic feet per second of water from Eagle Creek, tributary to Grays Lake with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 4S, R. 43E, B.M., Bonanza County.

The water is claimed to be used from May 15 to Oct. 31 for irrigation and from Jan. 1 to Dec. 31 for stock water purposes with a priority of January 11, 1906; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 2, Lot 3, Sec. 23, T. 4S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, State House, Boise, Idaho.

R. KEITH ROGERSON
Director

Pub: Oct 8, 1979

October 1, 1970

Re: Claim No. 25-4005 - Hazen L. Muir

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

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 ample 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

Bill submitted 10-21-70 By ds

25 4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 25-4005

Notice is hereby given that Hazen L. Muir, 132 No. Sunset Place,
Monrovia, California,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 10.0 cubic feet per second ~~acre feet~~
of water from Eagle Creek, tributary to Grays Lake
with point of diversion in the NW~~1~~NE~~1~~ and NE~~1~~NW~~1~~, Sec. 23, T. 4S, R. 43E, B.M.,
Bonneville County

The water is claimed to be used from May 15 to Oct. 31 for irrigation
and from Jan. 1 to Dec. 31 for stock water purposes
with a priority of January 11, 1888;
the place of use is within the SW~~1~~NE~~1~~, SE~~1~~NW~~1~~, NW~~1~~SE~~1~~, Lot 2, Lot 3,
Sec. 23, T. 4S, R. 43E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Idaho Falls Post Register, Idaho Falls, Idaho,
on October 8 and October 15, 1970.

25 4005

August 4, 1970

Ms. Hazel L. Muir
132 N. Sunset Place
Monrovia, California 91016

C
Dear Mrs. Muir:

O
We are returning your water location notice, and claim to water right form. We would suggest that you file a claim to water right under the provisions of Section 4225a, of the Idaho Code. This does not confirm a right, but allows you to record what you claim as a water right. A copy of your location notice should be filed with your claim.

We advertise a claim for two weeks in the county newspaper, wherein the point of diversion is located. We make a public, open file record of your claim.

P
There is no confirmation, or denial of the right. We leave this to the court. We do not have a record, at this time, on file of the rights you have mentioned.

If we can be of further assistance, please contact us.

Y
Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enclosure: location notice,
claim form

July, 15, 1970
132 N. Sunset Place
Monrovia, Calif, 91016

Department of Reclamation,
Statehouse, Boise, Idaho.
Dear Sirs,

I am enclosing a record of
Water Location - certified copy.
Water Location made by Samuel A.
Sibbett Jan. 11, 1888. This area is
now in Bonneville County. I am the
owner now of the property owned by
Samuel A. Sibbett on Jan. 11, 1888.

The water has been used on
the property continuously since 1888.
All deeds transferring the property
have also transferred the water right.

Is there a record of this water
right in the Dept of Reclamation
at Boise? If not, should there
be a record and how can it be
made of record there.

You may keep the record
of Water Location if it can serve
any Purpose.

If it cannot be used for record
there I would appreciate its
return to me.

I will appreciate any help
you can give me in regard
to this matter.

Sincerely yours

Hazen L. Muir