

## 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 Lee C Keam  
(name of claimant)  
of Dingle Idaho, 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) Lyons Spring  
\_\_\_\_\_, tributary to, None
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |                      |                               |                                    |                                                   |
|----------------------|-------------------------------|------------------------------------|---------------------------------------------------|
| Amount <u>.015</u>   | <u>7 gpm</u>                  | Use <u>Stock water</u>             | Period of Use: From <u>Jan 1</u> To <u>Dec 31</u> |
| Amount <u>.057</u>   | <u>3 gpm</u>                  | Use <u>Domestic</u>                | Period of Use: From <u>Jan 1</u> To <u>Dec 31</u> |
| Amount _____         | Use _____                     | Period of Use: From _____ To _____ | (both dates inclusive)                            |
| (cfs, gpm<br>or a/f) | (dom., irri.,<br>stock, etc.) |                                    |                                                   |

- (3) Total quantity of water claimed: \_\_\_\_\_ cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or, <sup>0.22</sup> 10 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) April 6 1900

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)  
NE ¼ SE ¼, Sec. 24 Twp. 14 S Rge. 44 E B. M. County of Beaver Lake  
 Additional points of diversion: None.

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. Approximate 100 feet of underground pipe + a stock water trough

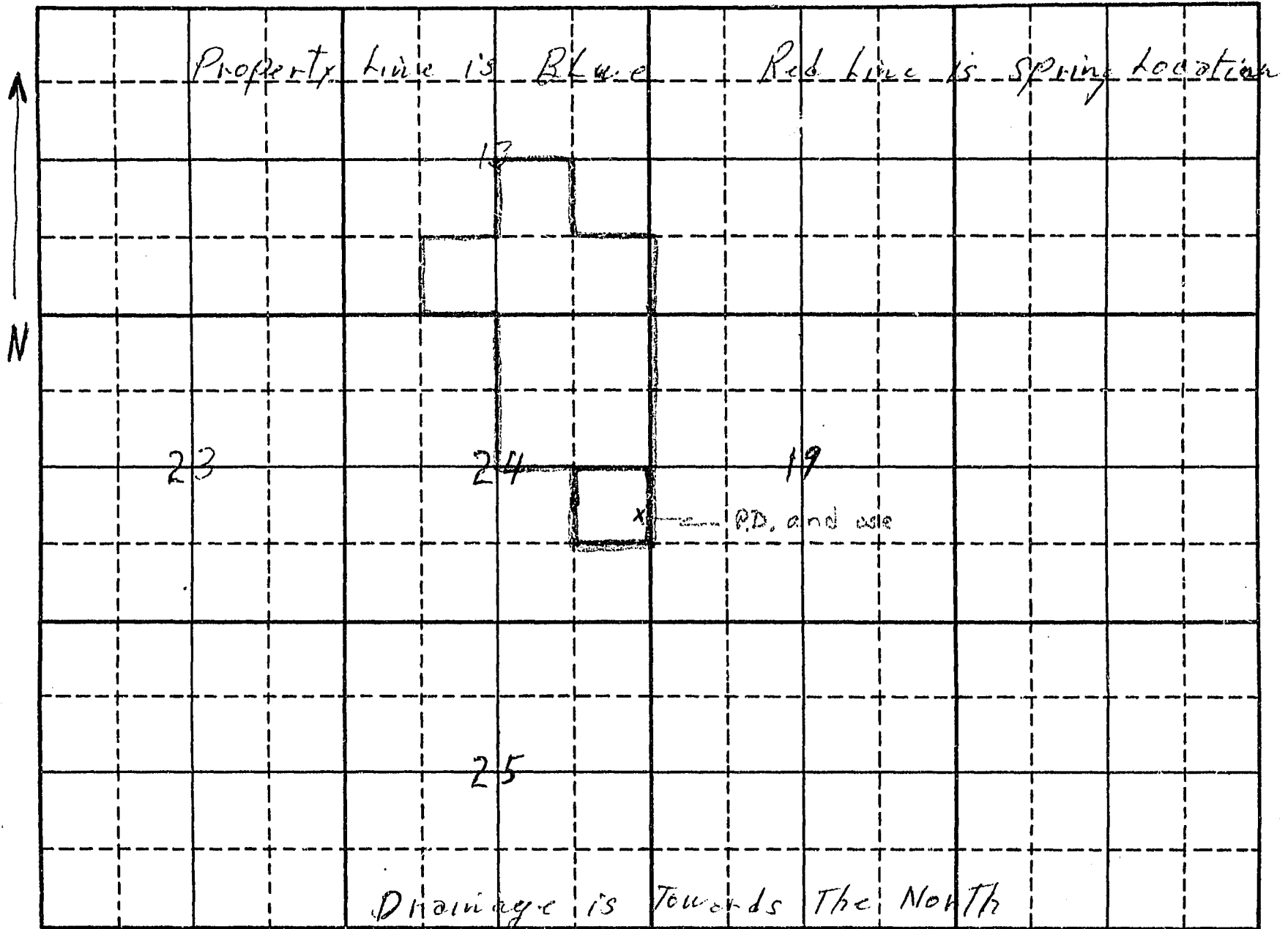
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: To water  
live stock while pasturing near by land & for  
domestic use should I move in a cabin.
- (7) If you are claiming water as a member of an organization, list name of organization: NONE

(8) Remarks I Bought The outlined property in 1973 + put The  
water into a Trough for Stock in 1975  
Attached in a copy of a water right claimed by Rex Lyons  
and Recorded at The Bear Lake county Court House in 1900



Scale: 2 Inches equal 1 mile. Elevation is up to The west, South, East.

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

State of Idaho )  
County of Bear Lake ) ss.

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

Sworn to before me this 13 day of May, 1976

Notary Public

Residing at Montpelier

My commission expires Life

For Department Use Only

|                                       |                          |                        |              |                |
|---------------------------------------|--------------------------|------------------------|--------------|----------------|
| Received by <u>CW</u>                 | Date <u>6-02-76</u>      | Exception filed by:    | Forwarded to | Date           |
| Prelim. check by <u>Indy</u>          | Date <u>6/4/76</u>       |                        | claimant by: |                |
| \$10.00 fee received by <u>CW</u>     | Date <u>6-02-76</u>      |                        |              |                |
| Approved for publication by <u>mi</u> | Date <u>7-9-76 #2424</u> | <u>Sherwin Nielson</u> | <u>du</u>    | <u>7-09-76</u> |
| Published in <u>Times-Journal</u>     |                          |                        |              |                |
| Dates <u>June 10 + 12, 1976</u>       |                          |                        |              |                |

## Notice of Water Right

Notice is hereby given: 1<sup>st</sup> That Roy Lyons of Dingle, Bear Lake County, Idaho, claims the use of all the waters in, and flowing from the two first springs in what is known as "Cherry Hollow" in Bear Lake County, Idaho. The first spring as you go up the hollow from Dingle is on the North East quarter of the North East quarter of Section 24. The one farther up the hollow is located on the South East quarter of Section 25 both of said springs in Township 14 South of Range 44 East of Boise Meridian.

2<sup>nd</sup> It is intended to divert said water at or near the point where copies of this notice are posted, that is to say from the springs above described.

3<sup>rd</sup> The purpose for which said water is intended to be used is to water stock and for culinary purposes, and garden.

The place of intended use shall be at any place where desired on the  $N\frac{1}{2}$  N. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  N. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  of Section 24 in Township 14 South of Range forty four East of Boise Meridian.

4<sup>th</sup> It is intended to divert said water by means of a ditch 18 inches wide and 12 inches deep. The course of the proposed ditch will be in a North westerly direction. The length thereof will be from a mile to a mile and a half. It is intended that the said ditch will be completed on or before the 7<sup>th</sup> of June A. D. 1900.

Witness my hand at Dingle, Idaho, this 6<sup>th</sup> day of April A. D. 1900

Roy Lyons (Claimant.)

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 8 1976

Department of Water Resources  
Eastern District Office

STATE OF IDAHO,  
County of Bear Lake

ss.

Loren W. Thompson  
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 10, 1976, and ending  
with the issue of June 17, 1976

Loren W. Thompson  
Fees, 13.50

Subscribed and sworn to before me this 16th day  
of July, 1976

Maud Thompson  
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

NOTICE OF CLAIM TO A  
WATER RIGHT

NO. 11-4049

Notice is hereby given that Lee C. Ream, Dingle, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.22 cubic feet per second of water from Lyons Spring with point of diversion in the NE 1/4 SE 1/4, Sec. 24, T. 14S, R. 44E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwatering purposes with a priority of April 6, 1900 the place of use is within the NE 1/4 SE 1/4, Sec. 24, T. 14S, R. 44E, 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.

R. Keith Higginson  
Director

Published in the News-Examiner, Montpelier, Idaho on June 10 and June 17, 1976.

IN THE MATTER OF CLAIM TO A WATER RIGHT NO. 11 4049

FILED BY LEE C. REAM

TO APPROPRIATE WATER FROM LYONS SPRING  
(Name of Source)

IN BEAR LAKE COUNTY, IDAHO

STATE OF IDAHO

COUNTY OF FRANKLIN

Comes now Sherwin Nielsen

Whose Address is Route 1, Preston Idaho

and makes exception to the above-numbered claim on the following

That Sherwin Nielsen and his predecessors at interest have owned and occupied land adjacent to that of applicant and occupied the land upon which LYONS SPRING arises, that at all time and at all time pertinent to the claim of Lee C. Ream, that bearing claim No. 11 4049, Sherwin Nielsen and/or Clinton Hayes have derived said water subject of claim beneficially and to a use adverse to that of applicant and claim rights adverse to applicant by prescriptive use, legal ownership and equitable right.

WHEREFORE, SHERWIN NIELSEN makes exception to the claim and prays that this affidavit be entered into the permanent record.

*Sherwin Nielsen*  
Protestant  
Sherwin Nielsen

Personally appeared before me Sherwin Nielsen, a person known to me and did execute this document in my presence this 21 day of June, 1976.

*[Signature]*  
Notary Public

Residing at: *Preston, Idaho*  
My commission expires: *Lifetime*

RECEIVED

JUL 3 1976

Department of Water  
Eastern District Office  
EXCEPTION OF

SHERWIN NIELSEN  
Route 1  
Preston, Idaho

grounds, to-wit:

Clinton Hayes

have owned and

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ing claim No.

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son known to

of *[Signature]*

lic

May 29, 1976

State of Idaho  
Department of Water Resources  
Ronald D. Carlson  
Idaho Falls, Idaho 83401

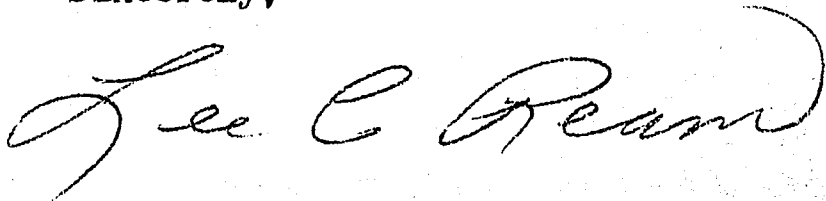
Dear Mr. Carlson:

I am re-submitting this application for claim to a water right.

You will find enclosed a copy of the water rights that was filed in 1900 by Roy Lyons. On checking the descriptions it is evident the recorder has written a wrong discription. Upon checking the physical evidences plus personal knowledge and that of family members, I believe the above to be true. The correct discription is NE $\frac{1}{4}$  SE $\frac{1}{4}$  rather than NE $\frac{1}{4}$  NE $\frac{1}{4}$ . This land was Lyons homestead, later sold to a Mr. Roy Forsberg, now owned by myself.

Hope this will be sufficient to establish priority to the water rights. The other spring claimed is farther south and on other property.

Sincerely,



Lee C. Ream  
Dingle, Idaho  
83233

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4049

Notice is hereby given that Lee C. Ream,

Dingle, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.22 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~  
of water from Lyons Spring

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 24, T. 14S, R. 44E, B.M.,  
Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic  
purposes for one family and stockwatering purposes

with a priority of April 6, 1900;  
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 24, T. 14S, R. 44E, 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.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho

on June 10 and June 17, 1976

*Handwritten:*  
Mr. C. J. -  
me - S.

June 4, 1976

RE: Claim to a Water Right No. 11-4049 REAM

The News-Examiner  
P.O. Box 278  
Montpelier, Idaho 83254

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 7-09-76 by CW

RDC:CW

Enc: Legal Notice (1)

June 4, 1976

C RE: Claim to a Water Right No. 11-4049

O Mr. Lee C. Ream  
Dingle,  
Idaho 83233

Dear Mr. Ream:

P Attached herewith is departmental receipt No. 2424 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

Y RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Attachment

RECEIVED

JUN 17 1976

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF IDAHO  
Department of Water Resources  
Eastern District Office

(Must be submitted in duplicate)

IN THE MATTER OF APPLICATION NO. 11 4049 )

FILED BY LEE C. REAM )

TO APPROPRIATE WATER FROM LYONS SPRING )  
(Name of Source) )

EXCEPTION OF

SHERWIN NIELSEN  
Route 1  
Preston, Idaho

IN BEAR LAKE COUNTY, IDAHO )

\* \* \* \* \*

STATE OF IDAHO )

COUNTY OF FRANKLIN )

Comes now Sherwin Nielsen

Whose Address is Route 1, Preston, Idaho

and excepts to the approval of the above-numbered Application on the following grounds, to-wit:

That Sherwin Nielsen and his predecessors at interest Clinton Hayes have owned and occupied land adjacent to that of applicant and have owned and occupied the land upon which LYONS SPRING arises, that at all times heretofore and at all time pertinent to the application of Lee C. Ream that being Application No. 11 4049, Sherwin Nielsen and/or Clinton Hayes have diverted said water subject of application beneficially and to a use adverse to that of applicant and claim rights adverse to applicant by prescriptive use, legal ownership and equitable right.

WHEREFORE, Protestant excepts to the Application and prays that it be rejected.

by the Director, as the case may be.)

Protestant

June 17, 1976

Mr. A.W. Lauritzen  
Attorney at Law  
P.O. Box 171  
Logan, Utah 84321

Dear Mr. Lauritzen:

Please find enclosed your exception to a water right claimed by Mr. Nielson. Referring to the marked copy, please prepare in duplicate <sup>42</sup>and affidavit form, new exceptions, which must be notarized.

If you have any questions, please feel free to contact this office.

Very truly yours,

LOY H. JOHNSON  
Senior Water Resource Agent

LHJ:ME

Enclosures

June 28, 1976

RE: Claim to a Water Right No. 11-4049 REAM

The News-Examiner  
P.O. Box 278  
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on June 10 and June 17, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

cc: IDWR - State Office

*Called  
7-06-76  
CW*

July 9, 1976

RE: Claim to a Water Right No. 11-4049

Mr. Lee C. Ream  
Dingle,  
Idaho 83233

Dear Mr. Ream:

Enclosed please find a copy of the exception filed by Attorney A. W. Lauritzen, in behalf of Sherwin Nielsen in connection with your Claim No. 11-4049. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....  
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor, Eastern Region

RDC:CW

Enc: Copy of Exception

July 9, 1976

RE: Claim to a Water Right No. 11-4049 REAM

A. W. Lauritzen  
Attorney at Law  
P.O. Box 171  
Logan, Utah 84321

Dear Mr. Lauritzen:

We have received the exception dated June 21, 1976, filed in behalf of Sherwin Nielsen against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....  
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor, Eastern Region

RDC:CW

July 9, 1976

RE: Claim to a Water Right No. 11-4049

Mr. Lee C. Ream  
Dingle,  
Idaho 83233

Dear Mr. Ream:

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

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.

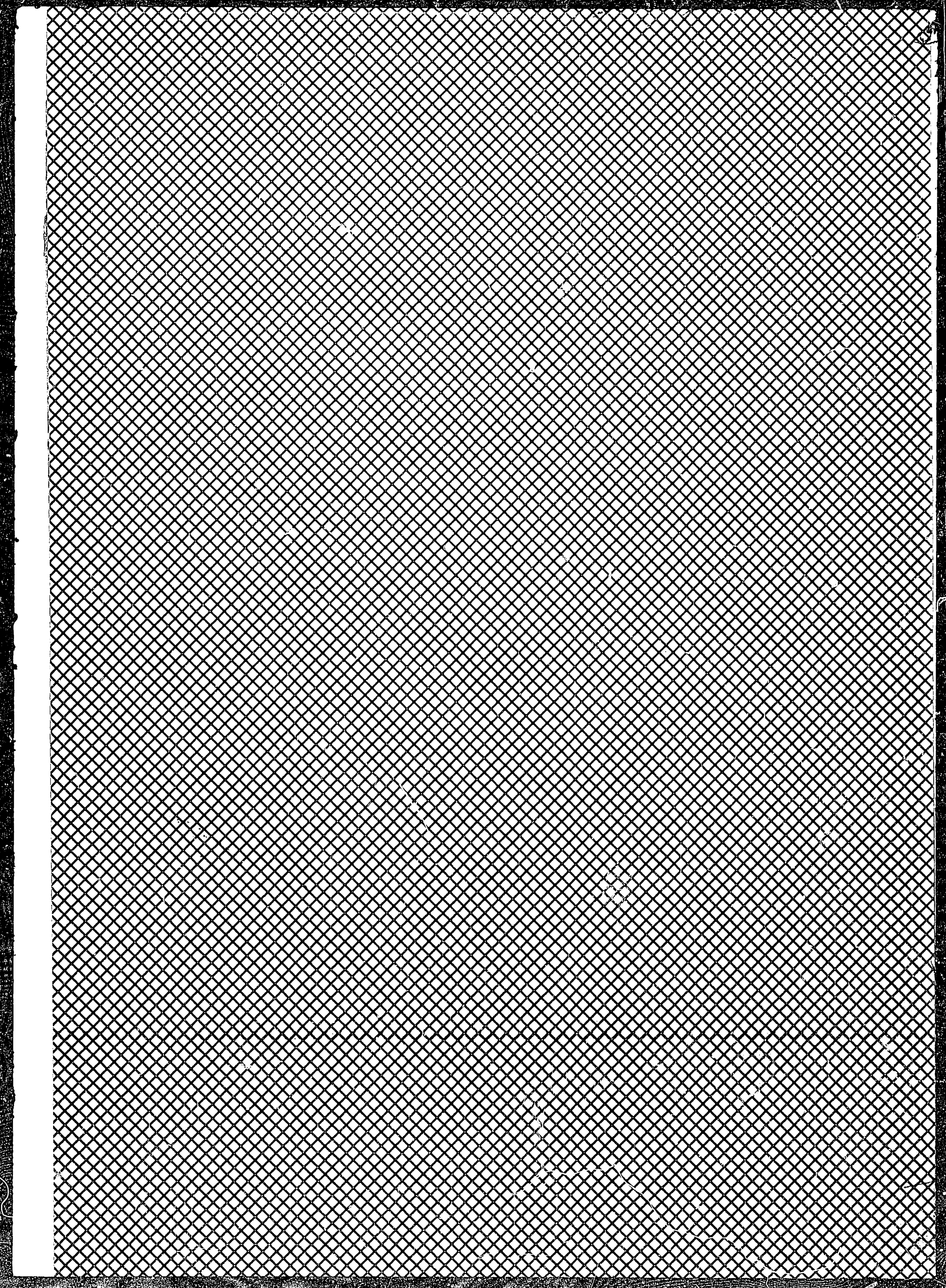
We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enc: Copy of Claim





**START OF**

**RETAKE**

The images appearing between this point and the "End of Retake" are true copies of records, microphotographs of which are missing, or proved unsatisfactory on inspection of the original reel.

To preserve the integrity of the files, the above mentioned records were rephotographed.



RECEIVED

IN THE MATTER OF CLAIM TO A WATER RIGHT NO. 11 4049

FILED BY LEE C. REAM

TO APPROPRIATE WATER FROM LYONS SPRING  
(Name of Source)

IN BEAR LAKE COUNTY, IDAHO

JUL 8 1976

Department of Water  
Eastern District Office  
EXCEPTION OF

SHERWIN NIELSEN  
Route 1  
Preston, Idaho

\*\*\*\*\*

STATE OF IDAHO )

COUNTY OF FRANKLIN )

Comes now Sherwin Nielsen

Whose Address is Route 1, Preston Idaho

and makes exception to the above-numbered claim on the following grounds, to-wit:

That Sherwin Nielsen and his predecessors at interest, Clinton Hayes have owned and occupied land adjacent to that of applicant and have owned and occupied the land upon which LYONS SPRING arises, that at all time heretofore and at all time pertinent to the claim of Lee C. Ream, that being claim No. 11 4049, Sherwin Nielsen and/or Clinton Hayes have diverted said water subject of claim beneficially and to a use adverse to that of applicant and claim rights adverse to applicant by prescriptive use, legal ownership and equitable right.

WHEREFORE, SHERWIN NIELSEN makes exception to the claim and prays that this affidavit be entered into the permanent record.

*Sherwin Nielsen*  
Protestant  
Sherwin Nielsen

Personally appeared before me Sherwin Nielsen, a person known to me and did execute this document in my presence this 21 day of June 1976.

*[Signature]*  
Notary Public

Residing at: *Preston, Idaho*  
My commission expires: *Lifetime*

**END  
OF**

**RETAKE**