

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.
Oregon Short Line Railroad Company

Notice is hereby given that Union Pacific Railroad Company, Lessee
(Name of Claimant)

P. O. Box 1592, Pocatello, Idaho 83204 Telephone No. 236-5514
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) March 1, 1897

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Montpelier Creek tributary to Bear River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.05 cfs</u>	Use <u>Commercial</u>	Period of Use From <u>1-1</u>	To <u>12-1</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		

(4) 0.05 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 33 Twp. 12 S., Rge. 44 E., B.M., County of Bear Lake
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Elec. pump and 3" pipeline with 300 gallon pressure tank.
Changed from stock watering to other railroad purposes in
September 23, 1980.

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	44E	33											X						

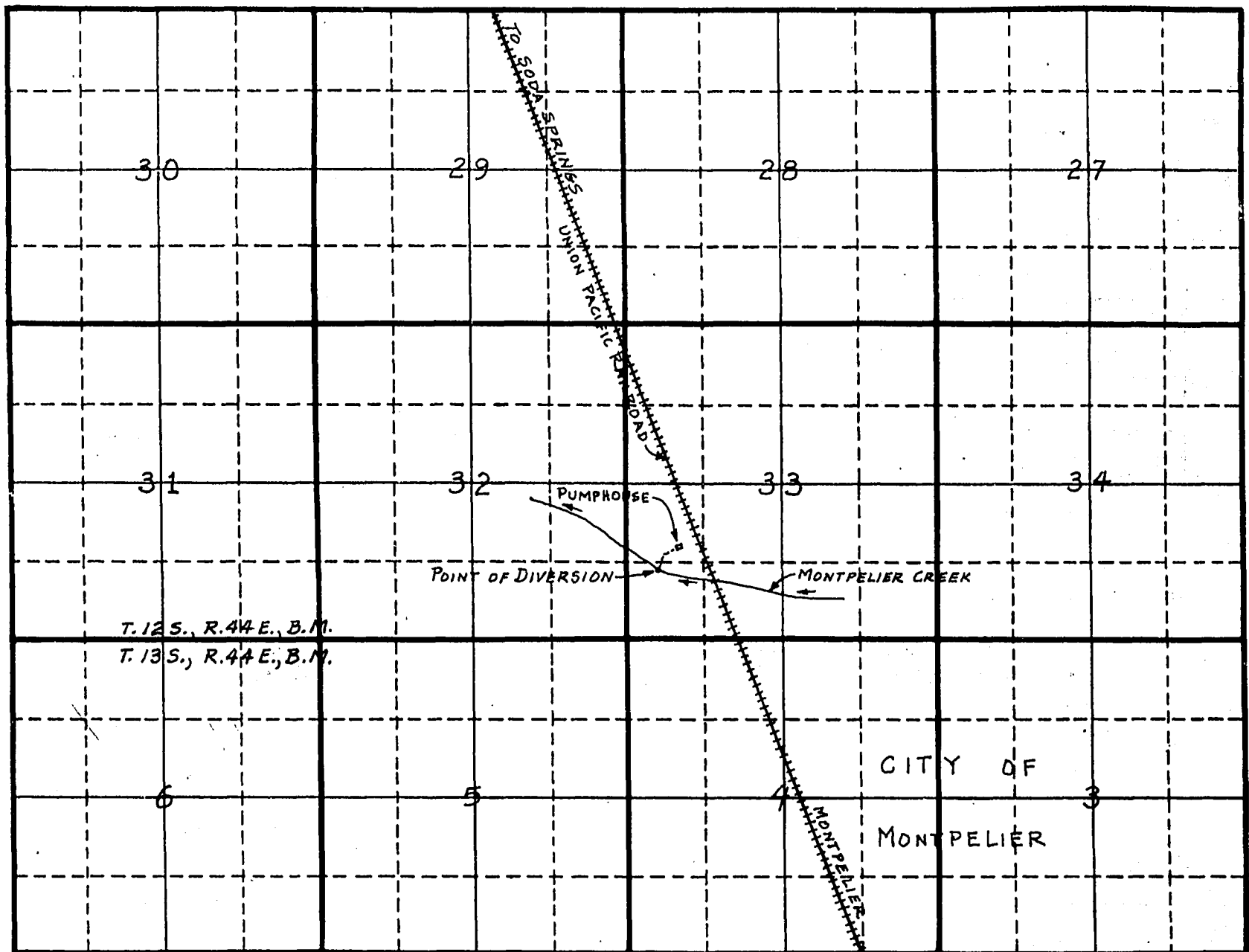
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used in Railroad spray cars and other Railroad uses.

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

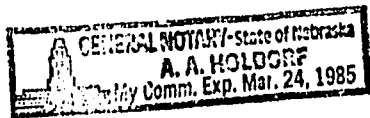
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Nebraska)
County of Douglas) ss.

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

Sworn to before me this 8th day of February, 1983.
Assistant Vice President (Claimant)
J. P. Rogers

Notary Public
Residing at Omaha, Neb.



My commission expires _____

Received by CW Date 4-14-83 Exception filed by: _____ Date _____
Prelim. check by SM Date 4-18-83 Forwarded to claimant by: _____
\$20.00 fee received by CW Date 4-18-83 #28059
Published in News Examiner
Dates 4/28 & 5/15/83

12 1983
2270

AFFIDAVIT OF PUBLICATION JUN 3 1983

Department of Water Resources
Eastern District Office

E OF IDAHO,
y of Bear Lake } ss.

Maie B. Nye

being duly sworn,

ses and says:

at he is the Publisher of THE
3-EXAMINER, a weekly newspaper published at Mont-
pelier, 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 pub-
lished in said newspaper once a week for 2 con-
secutive weeks in the regular and entire issue of said paper
during the period and time of publication, and was published
as a newspaper proper and not a supplement; that said
advertisement has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
publication of said advertisement.

Such notice was published in the issue beginning with

April 28, 1983, and ending

the issue of May 5, 1983.

Maie B. Nye
55

described and sworn to before me this 10th day

May, 1983.

Karla Jensen

Notary Public, Residing at Montpelier, Idaho

Commission Expires November, 1985.

LEGAL NO. 2270
NOTICE OF CLAIMS TO WATER RIGHTS

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

11-4236
HARDCASTLE, A. LEON &/or ALICE B.
BERN, ID 83220
Source: UNNAMED STREAM trib. to
SINKS
Priority Date: 06/23/1922
Diversion Pt: NWSW SESW SWSE Sec 14 T
12S R 43E
Use: STOCKWATER (0.04 CFS)
In: NWSW SESW SWSE Sec 14 T 12S R 43E

11-4235
HARDCASTLE, A. LEON &/or ALICE B.
BERN, ID 83220
Source: SHEEP CORRAL CREEK trib. to
BEAR RIVER
Priority Date: 12/01/1904
Diversion Pt: SWSW SESW SWSE Sec 24 T
12S R 43E
Use: STOCKWATER (0.04 CFS)
In: SWSW SESW SWSE Sec 24 T 12S R 43E

11-4234
HARDCASTLE, A. LEON &/or ALICE B.
BERN, ID 83220
Source: SEGAS SPRINGS trib. to OVID
CREEK
Priority Date: 01/23/1922
Diversion Pt: NWSW Sec 27 T 12S R 43E
Use: STOCKWATER (0.07 CFS)
In: NWSW Sec 27 T 12S R 43E

11-4223
HARDCASTLE, A. LEON &/or ALICE B.
BERN, ID 83220
Source: GROUNDWATER
Priority Date: 08/15/1935
Diversion Pt: NESE Sec 25 T 12S R 43E
Use: STOCKWATER (0.05 CFS)
In: NESE Sec 25 T 12S R 43E

11-4232
HARDCASTLE, A. LEON &/or ALICE B.
BERN, ID 83220
Source: SPRING trib. to BEAR RIVER
Priority Date: 12/07/1887
Diversion Pt: NESE Sec 26 T 12S R 43E
Use: IRRIGATION (2.00 CFS)
STOCKWATER (0.16 CFS)
In: SWSW Sec 24 T 12S R 43E NWNW
SWNW NESW NWSW SESW NWSE SWSE
Sec 25 T 12S R 43E NENE SENE NESE Sec
26 T 12S R 43E SESE Sec 23 T 12S R 43E
FOR 217 ACRES.

11-4228
OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592, POCATELLO, ID 83204
Source: MONTPELIER CREEK trib. to
BEAR RIVER
Priority Date: 03/01/1897
Diversion Pt: SWSW Sec 33 T 12S R 44E
Use: COMMERCIAL (0.05 CFS)
In: SWSW Sec 33 T 12S R 44E

11-4230
OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592, POCATELLO, ID 83204
Source: GROUNDWATER
Priority Date: 06/30/1960
Diversion Pt: SWSW Sec 06 T 15S R 46E
Use: DOMESTIC (0.04 CFS)
In: SWSW Sec 06 T 15S R 46E
Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN, DIR.

4-28, 5-
88 LINE

11-4228

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.

P.O. BOX 1592, POCA TELLO, ID 83204

Source: MONTPELIER CREEK trib. to BEAR RIVER

Priority Date: 03/01/1897

Diversion Pt: SWSW Sec 33 T 12S R 44E

Use: COMMERCIAL (0.05 CFS)

In: SWSW Sec 33 T 12S R 44E

11-4228
OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592, POCA TELLO, ID 83204
Source: MONTPELIER CREEK trib. to
BEAR RIVER
Priority Date: 03/01/1897
Diversion Pt: SWSW Sec 33 T 12S R 44E
Use: COMMERCIAL (0.05 CFS)
In: SWSW Sec 33 T 12S R 44E

NOTICE OF CLAIMS TO WATER RIGHTS

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

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/28 & 5/5/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 20, 1983

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 16, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

#18
Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number

11 4228

Applicant

Union Pacific, Montpelier

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address. 1980 Stock dck?
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period (Industrial or Stock water)
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
WD#11

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

June 10, 1983

May 16, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

RC

Date

6/16/83

RECEIVED
JUN 16 1983

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

April 27, 1983

RE: Claim to a Water Right No. 11-4228 UNION PACIFIC & OREGON SHORT LINE
11-4231 " "
11-4232 HARDCASTLE
11-4235 "

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

May 18, 1983

RE: Claim to a Water Right No. 11-4228 OREGON & UNION PACIFIC
11-4230 "
11-4232 HARDCASTLE
11-4233 "
11-4234 "
11-4235 "
11-4236 "

News-Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 28 and May 5, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 16, 1983

OREGON SHORT LINE RAILROAD CO.
UNION PACIFIC RAILROAD CO.
P.O. BOX 1592
POCATELLO ID 83204

RE: Claim No. 11-4228

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure