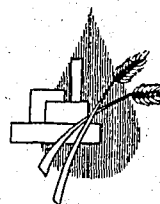


RECEIVED

JUN 24 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Department of Water Resources
Eastern District Office

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

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

Notice is hereby given that Thomas Cellan

(Name of Claimant)

P.O. Box 172, Soda Springs, Idaho

83276

Telephone No. 547-3065

(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) May 1, 1887

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)

Formation spring tributary to sinks

- (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, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.28 cfs</u>		Use <u>stock water</u>		Period of Use From <u>Jan 1</u>	To <u>Dec 31</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) .28 cfs TOTAL QUANTITY USED.

(cfs, af)

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

NW 1/4 SW 1/4, Sec. 27 Twp. 8 South Rge. 42 E. B.M., County of Caribou

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. Diversion by ditch 2 1/4 miles in length

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
8S	42E	20																X	
8S	42E	29	X	X															

No. of acres _____

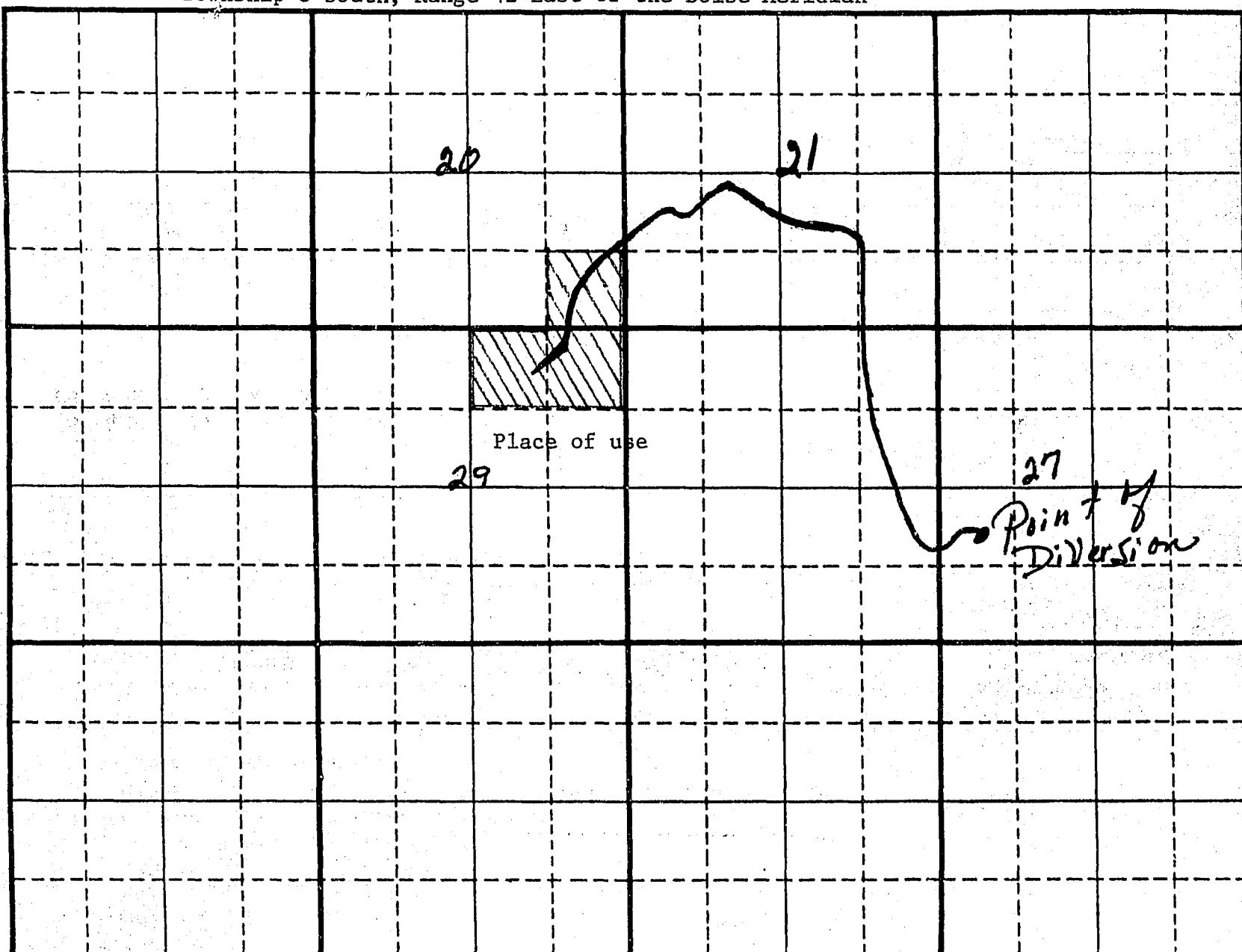
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: stock water

NOTE: Include here the type and number of stock watered: 1000 cattle, 250 horses, 150 sheep

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

(8) Remarks Water claimed is part of 3 cfs covered by Water Decree entered in the case of David J. Lau, etal, VS. Chris Panting, etal, dated 11/6/19; acquired by claimant by Warranty Deed recorded under instrument No. 47401, records of Caribou County, Idaho, and reserved by Contract dated 5/15/68 and escrowed at Caribou Title Company.

Township 8 South, Range 42 East of the Boise Meridian



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of CARIBOU) 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.

Thomas Cellan
(Claimant)

Sworn to before me this 7th day of February, 19 83.

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

My commission expires Lifetime.

Received by CW Date 2-9-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JCM Date 6-28-83 claimant by: _____
\$30.00 fee received by CW Date 6-24-83
Published in Caribou County Sun # 30739
Dates 8/11 & 8/18/83

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

11th day of
August, 1983

The date of the last publication

being the 18th day of

August, 1983

Subscribed and sworn to be-

fore me this 29th day
of August, 1983

Wendy J. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March
84
1984

PUBLIC NOTICE

First Time Published

NOTICE OF CLAIMS TO WATER RIGHTS

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

11-4256

CELLAN, THOMAS
P.O. BOX 172, SODA
SPRINGS, ID 83276

Source: FORMATION
SPRING trib. to SINKS

Priority Date: 05-01-1887

Diversion Point: NWSW Sec
27 T 08S R 42E

Use: STOCKWATER (0.28
CFS)

In: SESE Sec 20 T 08S R 42E
NENE NWNE Sec 29 T 08S R
42E

24-4075

MINHONDO, EDWARD J.
2263 S. 750 E., BOUNTIFUL,
UT 84010

Source: CROW CREEK trib.
to SALT RIVER

Priority Date: 10-28-1909

Diversion Point: SWSW Sec 11
T 09S R 46E

Use: IRRIGATION (2.00
CFS) STOCKWATER (0.06
CFS)

In: NESW NWSW SWSW
SESW Sec 11 T 09S R 46E FOR
100 ACRES

25-4231

SOMSEN, ROBERT
251 E. HOOPER, SODA
SPRINGS, ID 83276

Source: SPRINGS trib. to
LANES CREEK

Priority Date: 06-01-1914

Diversion Point: SWSE SESE
Sec 25 T 05S R 43E LOT 04 Sec
30 T 05S R 44E

Use: STOCKWATER (0.22
CFS) DOMESTIC (0.04 CFS)

In: SWSE SESE Sec 25 T 05S
R 43E SWSW Sec 30 T 05S R
44E

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,

Director

Published Aug. 11 and 18,
1983 in the Caribou County Sun.

Department of Water Resources
Eastern District Office

11-4256

CELLAN, THOMAS

P.O. BOX 172, SODA SPRINGS, ID 83276

Source: FORMATION SPRING trib. to SINKS

Priority Date: 05/01/1887

Diversion Pt: NWSW Sec 27 T 08S R 42E

Use: STOCKWATER (0.28 CFS)

In: SESE Sec 20 T 08S R 42E NENE NWNE Sec 29 T 08S R 42E

PUBLIC NOTICE

**NOTICE OF CLAIMS TO
WATER RIGHTS**

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been filed on water right(s) creat-
ed by diversion and beneficial use:

11-4256

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P.O. BOX 172, SODA
SPRINGS, ID 83276

Source: FORMATION
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Priority Date: 05-01-1887

Diversion Point: NWSW Sec
27 T 08S R 42E

Use: STOCKWATER (0.28
CFS)

In: SESE Sec 20 T 08S R 42E
NENE NWNE Sec 29 T 08S R
42E

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 8/11 & 8/18/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 3, 1983

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

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 AUGUST 29, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

THOMAS OR DOROTHY CELLAN
BOX 172 208 547-3065
SODA SPRINGS, IDAHO 83276

344

31-1/12

Pay to the
order of

Department of Water Resources \$ 30.00

Thirty & 00/100

Dollars

First Security Bank of Utah

NATIONAL ASSOCIATION
MAIN & FOREST BRIGHAM CITY, UTAH 84302

For

application for water right Thomas Cellan

1: 1240000 12:039 10204 43 0344

Rocky Mountain Bank Note B

PROFILE

R RESOURCES

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

Thomas Cellan
P.O. Box 172
Soda Springs, ID 83276

Dear Mr. Cellan:

Enclosed is a claim to a water right and check NO. 31-1 for \$30.00 that was received by this office.

The remarks (item 8) indicate that the claim is from part of the decree. In reviewing the decree, the earliest date of priority is May 1, 1887; if the date on the claim is in error you may want to change the claim form to reflect the 1887 priority. You may wish to correct your phone number on the claim form in case we need to contact you in the future. Also, the map must be completed showing the place of use (see enclosed map).

Upon receipt of the claim and \$30.00 filing fee processing will begin. Please feel free to contact this office any any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:cw

Enclosure

Attachment: check No. 31-1

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JEM

Right Number 11 4256 Applicant Thomas Keller

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.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Aug. 29, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Sept. 9, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 9/16/83

CW

August 5, 1983

RE: Claim to a Water Right No. 11-4256 CELLAN
13-4244 INGLET

Russell Stoker, Watermaster
Water District No. 11
279 East 3rd 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 — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 30, 1982

RE: Claim to a Water Right No. 11-4256 CELLAN
25-4231 SOMSEN
24-4075 MINHONDO
Notice of Correction No. 11-0624 WHISKEY CREEK WATER USERS

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

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 August 11 and 18, 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

AUGUST 29, 1983

THOMAS CELLAN
P.O. BOX 172
SODA SPRINGS

ID 83276

RE: Claim No. 11-4256

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

RECEIVED
SEP 14 1983
Department of Water Resources

September 21, 1983

RE: Claim to a Water Right No. 11-4256

Thomas Cellan
P.O. Box 172
Soda Springs, ID 83276

Dear Mr. Cellan:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. 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
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

September 21, 1983

RE: Claim to a Water Right No. 11-4256 CELLAN

John Hendrickson
City Administrator
City of Soda Springs,
Idaho 83276

Dear Mr. Hendrickson:

We have received the exception dated September 1, 1983, filed 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
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECEIVED
SEP 02 1983

Department of Water Resources
Eastern District Office

IN THE MATTER OF CLAIM TO
WATER RIGHT NO. 11-4256

THOMAS CELLAN,

AFFIDAVIT OF EXCEPTION
TO CLAIM TO WATER RIGHT

STATE OF IDAHO)
County of Caribou) : ss.

COMES NOW John Hendrickson, City Administrator, City of Soda Springs, Idaho, and on behalf of said city, upon oath duly deposes and says:

1. That your affiant is the City Administrator for the City of Soda Springs, Idaho.

2. That the City Council of said city has authorized your affiant to file an Affidavit of Exception to the above named claim to water right filed by Thomas Cellan on or about June 24, 1983, said claim to water right being dated February 7, 1983.

3. That your affiant, by and on behalf of said city, takes exception to said claim in the following particulars:

a. That the decree under which said claim is made, that being Daniel J. Lau, et al vs. Chris Panting, et al, dated November 6, 1919, cases of Caribou County, Idaho, made no reference in said decree for decreeing the same for purposes of stock watering.

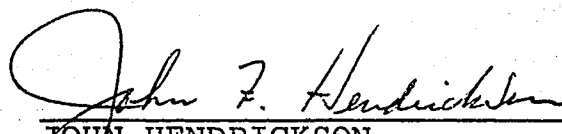
b. An exception is taken to said claim is so far as the same would interfere, obstruct, or infringe upon the decreed water rights held by the City of Soda

Springs, Idaho, under said decree, or otherwise acquired through usage.

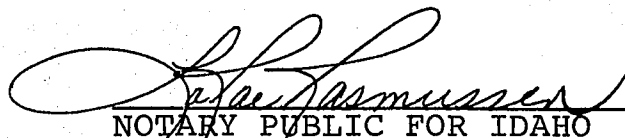
c. That said claim to water right seeks to establish a point of usage as being in Sections 20 and 29, Township 8 South, Range 42 East, Boise Meridian, and said water rights to which the claimant makes claim is for usage on Sections 21 and 28 of said Township and Range.

d. That it is the belief of your affiant that the water to which the claimant may be entitled, that being .28 C.F.S., cannot be transported via the length of ditch to which the claimant refers, that being two-and-one-quarter ($2\frac{1}{4}$) miles in length, and that a measuring device should be placed upon the point of diversion to insure that the claimant does not take more water than that to which he may entitled.

DATED: This 1st day of September, 1983.


JOHN HENDRICKSON
City Administrator

SUBSCRIBED AND SWORN to before me this 1st day of September, 1983.


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs

(SEAL)