

Form No. 243
9/81

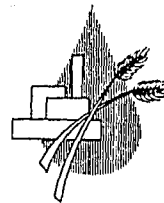
Claim No. 11 4313

The transfers of water rights no. 1970 - were sent to you of a month ago. The names as recorded in the courthouse are:

Evan S. McGee
David S. McGee

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.

Notice is hereby given that Udell Roberts and/or Glade Hymas
(Name of Claimant)
Box 13 Ovid, ID. Telephone No. 945-2056
(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) June 1, 1873

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)

Spring tributary to Ovid Creek

(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>0.32 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>4-15</u>	To <u>10-15</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) 0.32 cfs TOTAL QUANTITY USED.
(cfs, af)

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

NW 1/4 SE 1/4, Sec. 5 Twp. 13S Rge. 43E 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. Ditch from spring to place of use for flood irrigation

(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	
13S	43E	5													7.4			8.3	15.7

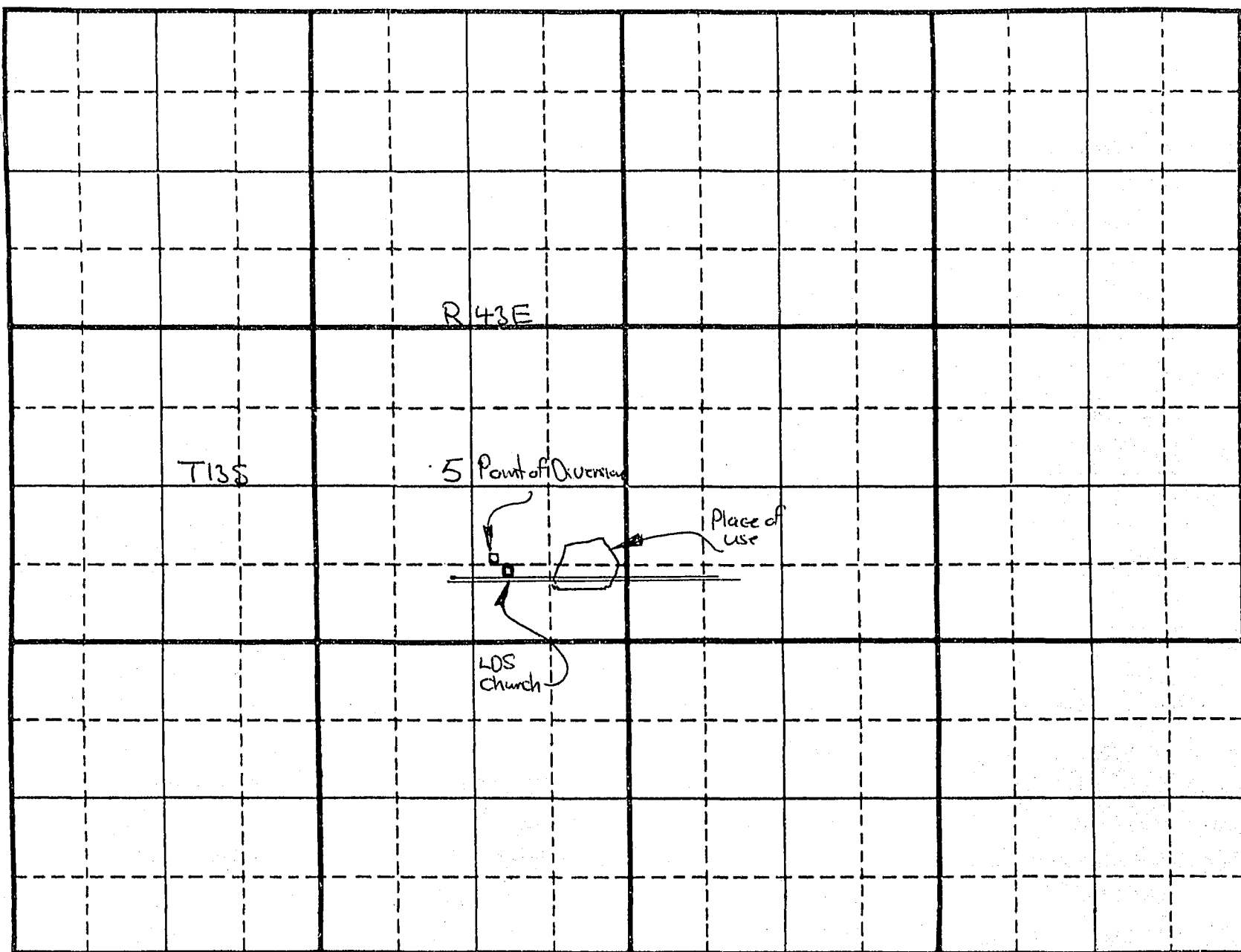
No. of acres 15.7

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: None

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: _____

(8) Remarks Mr. Roberts owns the 8.3 acres in the SESE of Sect. 5.



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 _____) 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.

Glade C. Heyman

Ydell J. Roberts
(Claimant)

Sworn to before me this 5 day of April

1984.

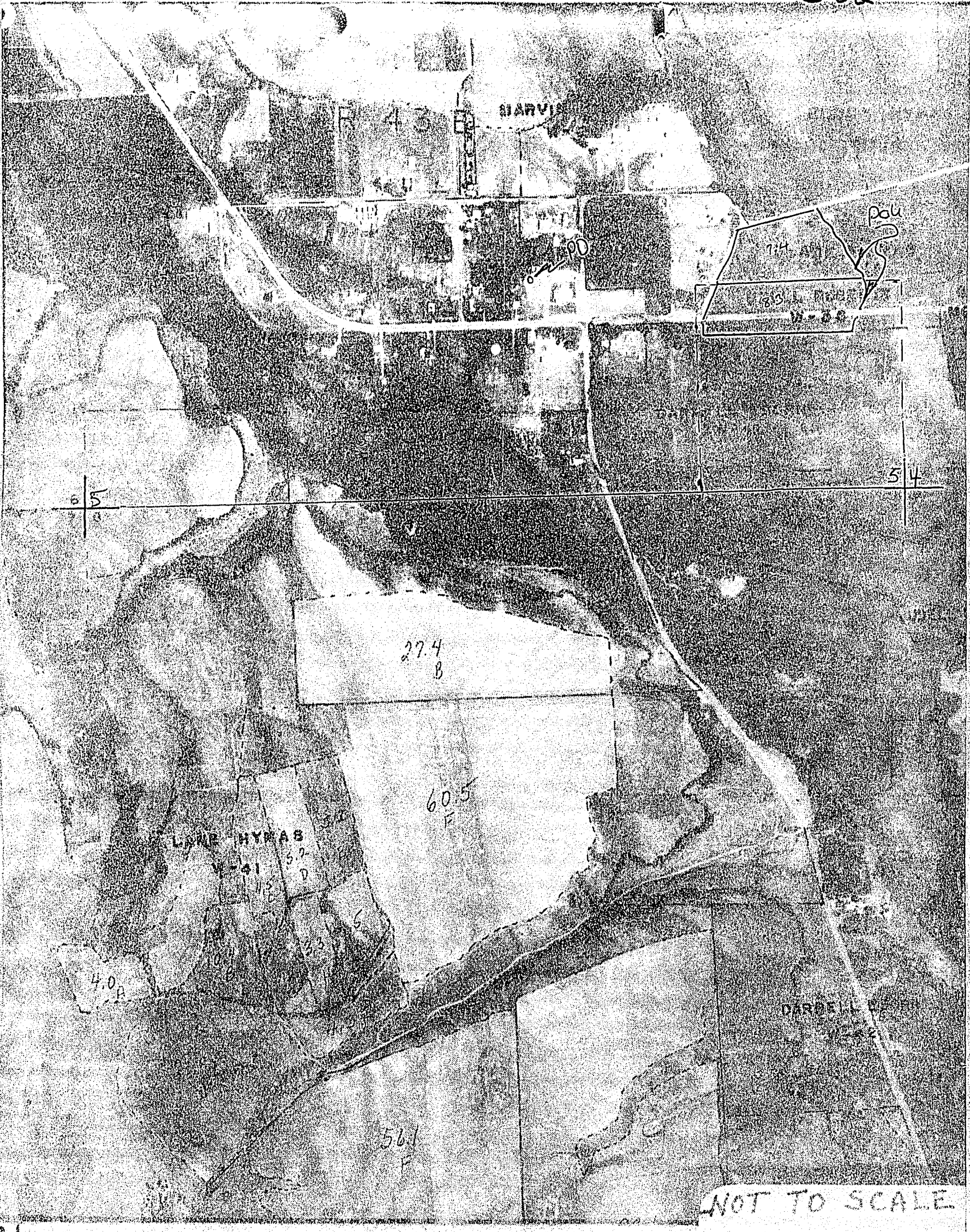
Stephen Portch
Notary Public
Residing at Montpelier

My commission expires 03 OCT 87

FOR DEPARTMENT USE ONLY

Received by CW Date 4-06-84 Exception filed by: _____ Date _____
Prelim. check by SW Date 4-16-84 Forwarded to claimant by: _____
\$30.00 fee received by CW Date 4-6-84 #33503
Published in Newspaper #33504
Dates 4/19 & 4/26/84

D-22



APR 26 1984
No 2568

#815

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Marie B. Nye

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 *2* 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

April 19, 1984, and ending
with the issue of *April 26*, 1984.

Fees, *\$13.75*

Subscribed and sworn to before me this *26th* day
of *April*, 1984.

Denise Green

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *Lifetime*, 19.....

RECEIVED

MAY 8 1984

Department of Water Resources
Eastern District Office

LEGAL NO. 2568
NOTICE OF CLAIMS TO
WATER RIGHTS
The following claim(s) have been filed on
water right(s) created by diversion and
beneficial use:
11-4313
ROBERTS, UDELL
HYMAS, GLADE
BOX 13, OVID, ID 83260
Source: SPRING trib. to OVID CREEK
Priority Date: 06/01/1873
Diversion Pt: NWSE Sec 05 T 13S R 43E
Use: IRRIGATION (0.32 CFS)
In: NESE SESE Sec 05 T 13S R 43E FOR 16
ACRES
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.
4-19, 4-26
22 LINES

POOR QUALITY ORIGINAL

RECEIVED RECEIVED

APR 9 1984

MAR 16 1984

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office

Notice

Be hereby given that I, Edward S. Morgan having claimed and used for beneficial purposes for twenty years last past, do now claim by these presents under Sec. 3160 Revised Statutes of Idaho all the waters of a certain spring situated about (10) rods north or north west of Liberty Meeting House which contains at its greatest flow 200 inches measured under a four inch pressure. The point of diversion is at the Spring situated as aforesaid, and the purpose for which I use and intend to use said water is to irrigate the following described land: Lot fourteen (14) as platted in Bear Lake County Plat Book B. on page seventy nine (79) further described as follows, commencing at a point twenty (20) chains N. 22' N. and ten (10) chains and eight (8) links S. 59° 38' E. from the south west corner of NE¹ quarter Section five (5) Township thirteen (13) South of Range 43 East of Boise Meridian, and running thence S. 59° 38' E. eight (8) chains and fifty (50) links, thence south three (3) chains and nineteen (19) links, thence N. 59° 38' W. eight (8) chains and fifty (50) links, thence N. (5) three chains and eight (8) links to place.

POOR QUALITY ORIGINAL

of beginning containing two (2) acres and one hundred and thirteen (113) square rods of land embracing one half the adjacent street.

The means employed to convey the said water to the said land is by a ditch two (2) feet wide on top, one (1) foot wide on bottom, and one foot deep.

Evan S. Morgan

Paris, Idaho.

January 24th 1893.

This certifies that I posted a notice of which the above is a copy at the point of diversion this 24th day of January 1893.

Evan S. Morgan

Witness Wm Morgan

Filed for record at request of Evan S. Morgan Jan'y 24th 1893, 11 o'clock a.m.

G. Spaulding
Co. Recorder

POOR QUALITY ORIGINAL

910.1970

TRANSFER OF WATER RIGHT.

THIS INDENTURE made the 19th day of June in the year of Our Lord One Thousand Nine hundred and seven between Evan S. Morgan of Liberty in the County of Bear Lake and State of Idaho, party of the first part and David R. Morgan party of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of \$1.00 lawful money of the United States of America to them in hand paid and the receipt of which is hereby acknowledged by the parties of the second part, have granted, bargained, sold, aliened, remised, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, convey, and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain spring of water and all the water flowing therefrom situated about 10 rods North or North West from the Liberty Meeting House in the South East Quarter of Section 5 in Township 13 South of Range 43 East of Boise Meridian and was recorded on the 24th day of January 1893. in Book 2 of Miscellaneous Records of Bear Lake County, State of Idaho on Page 7 of said records.

Evan S. Morgan

Walter Hoge) Witness

STATE OF IDAHO)
) ss.
County of Bear Lake)

On this 19th day of June in the year of our Lord One Thousand Nine Hundred and seven before me Walter Hoge a Notary Public in and for said County of Bear Lake and State of Idaho duly appointed and qualified personally appeared Evan S. Morgan whose name is subscribed to the annexed instrument and as the first party thereto personally known to me to be the same person described in and who executed the annexed instrument as the first party thereto and duly acknowledged to me that he duly executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my Notar

-y Seal, at my office in Paris, in the County of Bear lake and State of Idaho, the day and year in this certificate first above written.

Walter Hoge

Notary Public.

Recorded at the request of Evan S. Morgan June the 19th 1907 at 1 P.M.

James B. McAllister
County Recorder

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11-4313

ROBERTS, UDELL
HYMAS, GLADE

BOX 13, OVID, ID 83260

Source: SPRING trib. to OVID CREEK

Priority Date: 06/01/1873

Diversion Pt: NWSE Sec 05 T 13S R 43E

Use: IRRIGATION (0.32 CFS)

In: NESE SESE Sec 05 T 13S R 43E FOR 16 ACRES

LEGAL NO. 2568

NOTICE OF CLAIMS TO
WATER RIGHTS

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

11-4313

ROBERTS, UDELL
HYMAS, GLADE

BOX 13, OVID, ID 83260

Source: SPRING trib. to OVID CREEK

Priority Date: 06/01/1873

Diversion Pt: NWSE Sec 05 T 13S R 43E

Use: IRRIGATION (0.32 CFS)

In: NESE SESE Sec 05 T 13S R 43E FOR 16
ACRES

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.

4-19; 4-26
22 LINES

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 4/19 & 4/26/84.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 11, 1984

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 7, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: APR 6 1984

Right Number _____ Applicant 11-4313

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.
- 5-07-84

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date May 10, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 5/16/84

RECEIVED
MAY 16 1984

Department of Water Resources

May 8, 1984

RE: Claim to a Water Right No. 11-4313 ROBERTS & HYMAS

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 19 and 26, 1984.

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 7, 1984

LEDELL ROBERTS
GLADE HYNAS
BOX 13
OVID

ID 83260

RE: Claim No. 11-4313

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

11-4313

March 13, 1984

Idaho Dept
Idaho Falls, Idaho

RECEIVED
JUL 5 1984

RECEIVED

MAR 16 1984

Department of Water Resources
Eastern District Office

Dear Sirs

Department of Water Resources

We are enclosing a copy that we obtained from the Bear Lake County Courthouse of the spring that was recorded for use on our land. Hugh Morgan and Stanley Morgan bought the property from David R. Morgan - Edell Roberts and Marvin Hyman bought the property from Hugh and Stanley Morgan. In our deeds it is stated that we own $\frac{1}{2}$ of this spring water for irrigation. We need to get this transferred to us. How do we do this? Does this give our heirs the rights to this water? Thank you.

Phone
945-2056.

Edell J. Roberts
R#1 Box 13
Arvid, Idaho 83260

11-4313

RECEIVED
JUL 5 1984

Department of Water Resources

March 21, 1984

Udell J. Roberts
Rt. 1, Box 13
Ovid, ID 83251

Dear Mr. Roberts:

Research of the Department's water right files has revealed no water right filings for the use described in your Notice.

The enclosed claim to a water right form will record your use of the water dating back to the time when the use first began. Please note the claim must be accompanied by a filing fee of \$100.00.

If you have further questions, please feel free to contact me.

Sincerely,

STEVE McCORMICK
Sr. Resource Analyst

SM:bp

Enclosures