

Claim No. _____

CLAIM TO A WATER RIGHT

Notice is hereby given that Uptola Process Agency Inc
(name of claimant)

of 2121 So. State St., Salt Lake City, UT, claims a right to the diversion and beneficial use of
(mailing address)

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Springs, tributary to Seep, and Bear River

- (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>.04</u>	Use	<u>stock</u>	Period of Use:	From	<u>Jan 1</u>	To	<u>Dec 31</u>
Amount	<u>.21</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Apr 1</u>	To	<u>Nov 1</u>
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 25 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1887, Malakoff Dam, since time immemorial
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. of the place.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 33 Twp. 9 S, Rge. 42 E B. M. County of Carbon
 Additional points of diversion: SW ¼ NE ¼, Sec 33 Twp 9 S, Rge 42 E
County of Carbon

- 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. Dirt dam & concrete culvert

- (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]

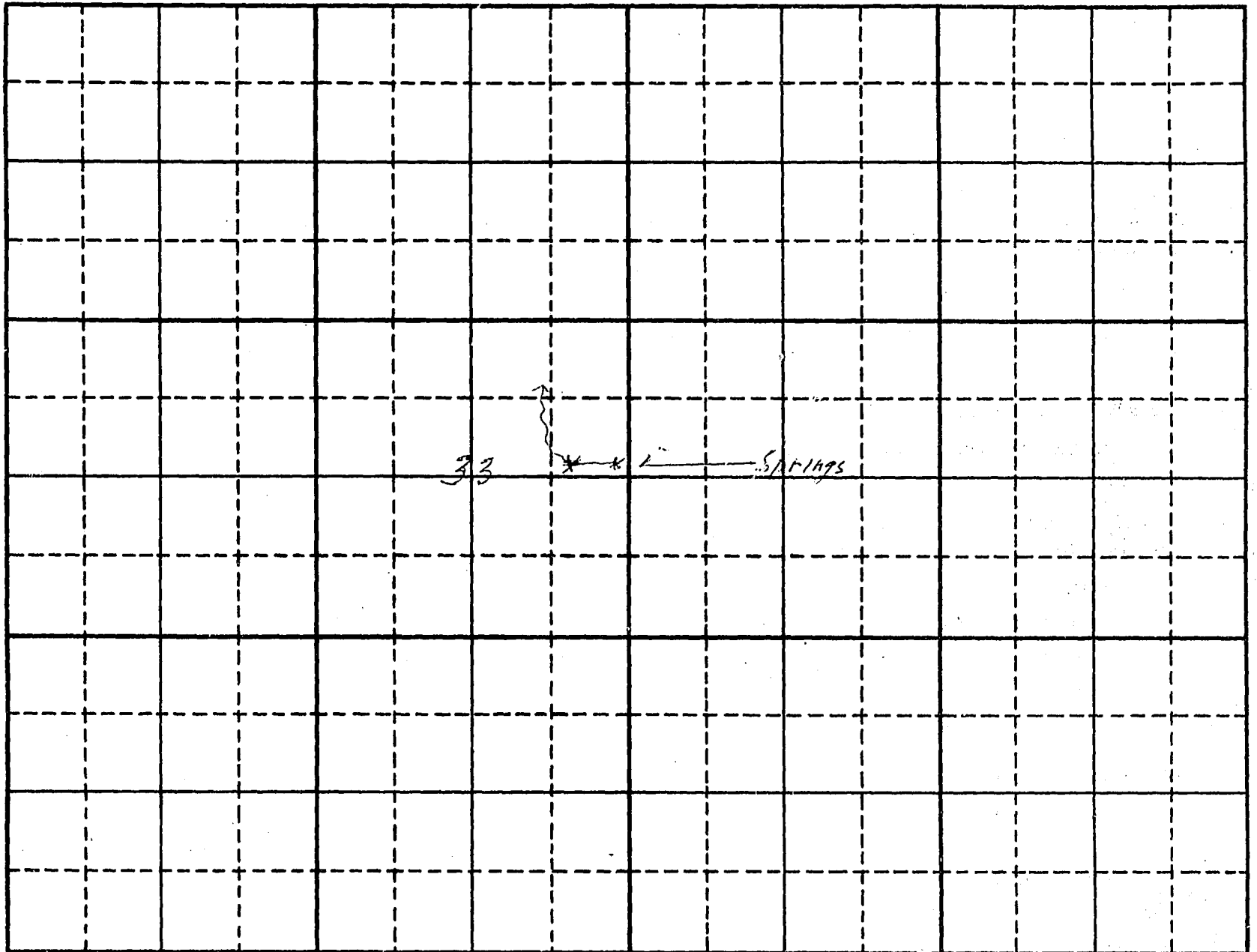
Total No. of acres _____

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

Stock, 200 ± cattle & 10 horses, historically sheep, 500-600

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

(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)
County of Boise) 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. and did so for and in behalf of and as the official act of said corp. by reason and authority of the articles and by-laws of said corporation.

Sworn to before me this 27 day of June, 1988.

Notary Public

Residing at Boise County, Ut

My commission expires 10-5-91

For Department Use Only

Received by AW Date 7-01-88 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ESV Date 7-14-88 claimant by: _____
#2000 Fee received by 7-14-88 Date 7-14-88 ECK0754
Approved for publication by _____
Published in _____
Dates 0

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

6th day of
April, 1989

The date of the last publication
being the 13th day of

April, 1989

On this 5th day of May

in the year of 1989 before

me, a Notary Public, personally
appeared

[Signature]
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

[Signature]
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 1994

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

11-04330

UTAH PROCESS AGENCY INC.

2121 S. STATE ST.

SALT LAKE CITY, UT 84110

Source: SPRINGS

Tributary: BEAR RIVER

Diversion Pt: SENW Sec 33 T 09S R
42E

Use: IRRIGATION (.210 CFS)
STOCKWATER (.040 CFS)

Date Filed: 6-01-1887

In: T09S R42E S33 NENW NWNW
SWNW SENW 20.0 ACRES TOTAL
13-07463

R. LLOYD BROS.

STAR RT. BOX 404

GRACE, ID 83241

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 5 T 10S
R 41E

Use: IRRIGATION (2.600 CFS)

Date Filed: 3-03-1989

In: T10S R41E S05 SWSW SESW
S08 NENW NWNW 130.0 ACRES
TOTAL

The permit(s) will be subject to all
prior water rights. Protests must be filed
with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup
Avenue, Suite 15, Idaho Falls, Idaho
83402 on or before April 24, 1989.

R. KEITH HIGGINSON,

Director

Published April 6 and 13, 1989 in the
Caribou County Sun.

RECEIVED

MAY 11 1989

Department of Water Resources
Eastern District Office

MAR 9 1929

Claim No. 11-4330

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

AMENDED



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 Utah Process Agency Inc.

(Name of Claimant)

2121 S. State St., Salt Lake City, UT 84110

(Mailing Address)

(Zip Code)

Telephone No. 801-486-8701

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, 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)
Springs 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:

		(Both dates inclusive)			
(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)		(Mo., Day)
Quantity <u>0.21 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4-1</u>	To	<u>11-1</u>
Quantity <u>0.04 cfs</u>	Use	<u>Stock</u>	Period of Use From <u>1-1</u>	To	<u>11-1</u>
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____
Quantity _____	Use	_____	Period of Use From _____	To	_____

(4) 0.25 cfs TOTAL QUANTITY USED.
(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 33 Twp. 9S Rge. 42E B.M., County of Caribou
 Additional points of diversion: SW 1/4 NW 1/4 Sec. 33 T9S R 42E

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. Dirt dam and concrete culvert

(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]

No. of acres 20

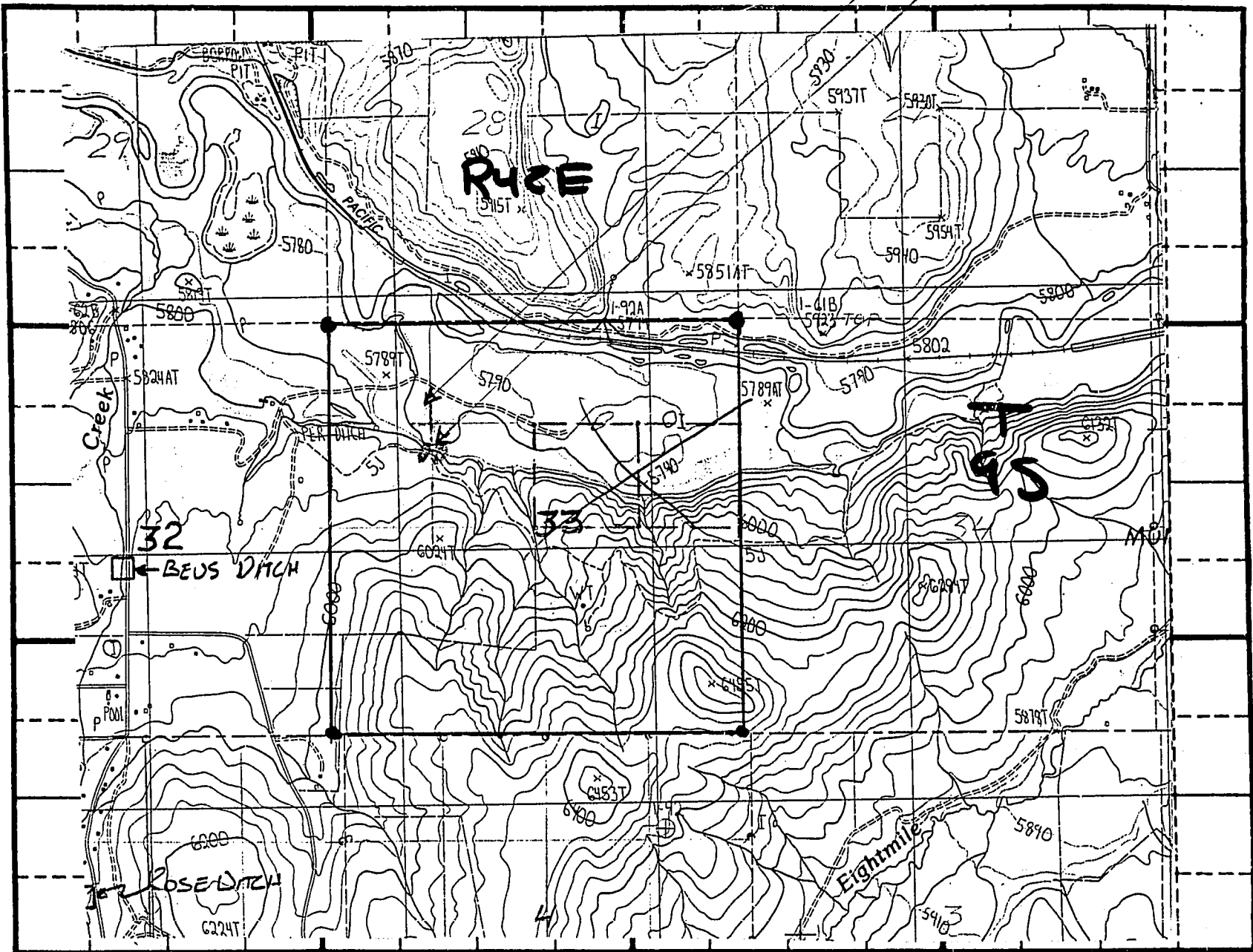
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Stockwater use

NOTE: Include here the type and number of stock watered: 200 cattle and 10 horses, up to 600 sheep

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

(8) Remarks _____
_____ *to be irrigated*
_____ *Diversion pt.*



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 Utah)
County of Salt Lake) ss.

is president of Utah Process, Inc., and

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 6th day of March

[Signature]
(Claimant)
19 89
[Signature]
Notary Public
Residing at SL

My commission expires 6/14/89

FOR DEPARTMENT USE ONLY

Received by CW Date 7-01-88 Exception filed by: _____ Date _____
Prelim. check by HWS Date 7-8-88 Forwarded to claimant by: _____
200 \$ 30.00 fee received by HWS Date 7-14-88 # E000734
Published in Caribou County Sun
Dates 4-6, 13, 89

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

R. KEITH HIGGINSON, Director

Published 4/05/1989 & 4/12/1989

GAYLE DEAN HUNT
ATTORNEY AT LAW
2121 SOUTH STATE STREET
SALT LAKE CITY, UTAH
TELEPHONE 486-8701

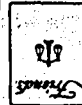
Rept Water Power

Dear Sir

Enclosed claim. Kindly
make check read the appropriate
amount. In tel call I neglected to
Thank you ask

G. Hunt

Reorder No. 035-CS37-P
H.A. FRIEND - ZION, ILLINOIS 60099



GAYLE DEAN HUNT

ATTORNEY AT LAW
2121 SOUTH STATE
SALT LAKE CITY, UT 84115
TELEPHONE 486-8701

RECEIVED

MAR 9 1989

Department of Water Resources
Eastern District Office

March 6, 1989

Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

Attention: Harold W. Jones

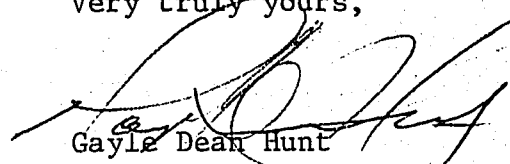
Dear Mr. Jones:

I have your 2-8-89 note, copy attached.

Enclosed herewith filing as amended.

My drawings were off and I appreciate your help.

Very truly yours,


Gayle Dean Hunt
Attorney at Law

GDH:jh
Enc.

11-04330

UTAH PROCESS AGENCY INC.
2121 S. STATE ST.
SALT LAKE CITY, UT 84110

Source: SPRINGS

Tributary: BEAR RIVER

Diversion Pt: SENW Sec 33 T 09S R 42E

Use: IRRIGATION (.210 CFS)
STOCKWATER (.040 CFS)

Date Filed: 6/01/1887

In: T09S R42E S33 NENW NWNW SWNW SENW

20.0 ACRES TOTAL

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

11-04330

UTAH PROCESS AGENCY INC.
2121 S. STATE ST.

SALT LAKE CITY, UT 84110

Source: SPRINGS

Tributary: BEAR RIVER

Diversion Pt: SENW Sec 33 T 09S R
42E

Use: IRRIGATION (.210 CFS)
STOCKWATER (.040 CFS)

Date Filed: 6-01-1887

In: T09S R42E S33 NENW NWNW
SWNW SENW 20.0 ACRES TOTAL

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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been filed to appropriate the public
waters of the State of Idaho:

11-04330

UTAH PROCESS AGENCY INC.
2121 S. STATE ST.

SALT LAKE CITY, UT 84110

Source: SPRINGS

Tributary: BEAR RIVER

Diversion Pt: SENW SWNW Sec 33
T 09S R 42E

Use: IRRIGATION (.210 CFS)
STOCKWATER (.040 CFS)

Date Filed: 6-01-1887

In: T09S R42E S33 NENW NWNW
SWNW SENW 20.0 ACRES TOTAL

*Called 4-7-89
to add SWNW
to P.O.D.*

NOTICE OF CLAIMS TO WATER RIGHT

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 29, 1989

CARIBOU COUNTY SUN
P.O. BOX 815
SODA SPRINGS, ID 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. 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 APRIL 24, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

APRIL 26, 1989

UTAH PROCESS AGENCY INC.
2121 S. STATE ST.
SALT LAKE CITY, UT 84110

Re: Claim No. 11-04330

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
PATTI POWELL**
CARY B. COLAIANNI
FRED J. LEWIS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

April 20, 1989

RECEIVED

APR 21 1989

Department of Water Resources
Eastern District Office

*ALSO MEMBER ILLINOIS BAR
**ALSO MEMBER WASHINGTON BAR

Director
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Application Nos. 11-043303 and 13-07463.
Applicant: Last Chance Canal Company

Dear Sir:

Enclosed please find the Protests to the captioned Applications for Permit which we are submitting on behalf of Protestant, Last Chance Canal Company, Ltd., for filing.

These Protests are submitted pursuant to Idaho Code §42-203 on the basis that the proposed use will reduce the quantity of water under existing water rights and the proposed water supply is insufficient for the purpose intended.

Please forward me a copy of each of the referenced Applications and all supporting documentation. We will promptly remit any copying charges if you wish to submit a statements. Thank you for your assistance.

Very truly yours,

Randy Budge
RANDALL C. BUDGE

RCB:gr

Enclosures

cc: R. Lloyd Bros.
Utah Process Agency, Inc.

*(protest for exception)
returned*

May 10, 1989

Mr. Randall C. Budge
Attorney at Law
P.O. Box 1391
Pocatello, ID 83204-0391

Dear Mr. Budge:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

Your letter concerning claim to a water right No. 11-04330 in the name of Utah Process Agency Inc. could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosures

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
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LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
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POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

June 19, 1989

*ALSO MEMBER ILLINOIS BAR
**ALSO MEMBER WASHINGTON BAR

Harold W. Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

RECEIVED

JUN 20 1989

Department of Water Resources
Eastern District Office

Re Protest of Last Chance Canal
Water Right No. 11-04330 - Utah Process Agency, Inc.

Dear Mr. Jones:

In response to your May 10th letter, I am returning herewith the Protest of Last Chance Canal Company previously filed on April 21, 1989, to which a verified and notarized signature has been added. Additionally, we will be submitting in the next several days a similar affidavit filed by the President of Last Chance Canal Company.

Very truly yours,

Randy Budge
RANDALL C. BUDGE

RCB:gr

Enclosure

cc: Last Chance Canal Company

RECEIVED

JUN 20 1989

Department of Water Resources
Eastern District Office

RECEIVED

APR 21 1989

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN DIVISION

IN THE MATTER OF THE APPLICATION	)	
OF UTAH PROCESS AGENCY, INC., TO	)	PROTEST OF
APPROPRIATE GROUND WATERS FOR	)	LAST CHANCE CANAL
IRRIGATION, APPLICATION NO. 11-04330	)	COMPANY
	)	

COMES NOW the Protestant, LAST CHANCE CANAL COMPANY, an Idaho corporation, with its principal place of business in Grace, Idaho, and protests the above-named application as follows:

1. That water of the Bear River and all of its tributaries were fully adjudicated in the matter of Utah Power & Light Company vs. Last Chance Canal Company, Ltd, et al., in Equity No. 203, July 14, 1920, more commonly known as the "Dietrich Decree".

2. That Last Chance Canal Company holds priority water rights decreed pursuant to said Dietrich Decree, reflected as Right Nos. 5, 6 and 7, as well as other rights in the Bear River evidenced by a Claim to Water Right filed February 20, 1973, as Claim No. 11-4035, records of the State of Idaho, Department of Water Resources.

3. The Bear River below Stuart Dam is fully appropriated.

4. The above-named applicant filed on June 1, 1987, Application No. 11-04330 to appropriate .25 c.f.s. of spring

PROTEST -1-

water tributary to the Bear River to be diverted from the SENW Sec 33 T 9 S R 42 EBM, Caribou County, Idaho for stock water and irrigation purposes.

5. That notice of said application for water right was published April 6 and 13, 1989, in the Caribou County Sun with protest thereto to be filed on or before April 24, 1989.

6. As a result of the foregoing, the applicants proposed appropriation would adversely effect the flows of the Bear River and consequently adversely effect the water rights of the Last Chance Canal Company, Ltd., and other down stream rights holders on the Bear River.

WHEREFORE, Protestant requests that the application be denied in as much as the proposed source would impair and diminish the flows of the Bear River and thus injure and impair the existing water rights of the Last Chance Canal Company, Ltd., and other down stream users; and, for the further reason that the Bear River is fully appropriated and there is no water remaining available for applicants proposed use.

DATED this ²⁰18th day of April, 1989.

RACINE, OLSON, NYE, COOPER
& BUDGE, Chartered

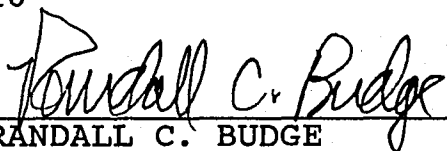
By Randall C. Budge
RANDALL C. BUDGE
Attorney for Protestant

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT I mailed a true and correct copy of the foregoing by placing the same in the U.S. mail, postage prepaid addressed as follows on this 18th day of April, 1989.
20

Director
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

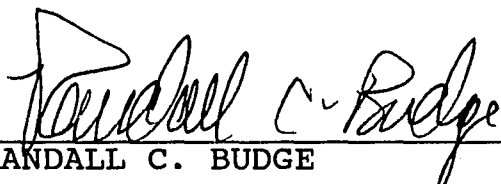
Utah Process Agency, Inc.
2121 S. State Street
Salt Lake City, Utah 84110



RANDALL C. BUDGE

VERIFICATION

RANDALL C. BUDGE, being first duly sworn, deposes and states that he is a duly licensed and practicing attorney in the State of Idaho representing the Protestant, Last Chance Canal Company; that he has read the foregoing Protest of Last Chance Canal Company, is familiar with the statement made therein and believes the same to be true and correct to the best of his knowledge, information and belief.


RANDALL C. BUDGE

SUBSCRIBED AND SWORN to before me this 19th day of June, 1989.


NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
My Commission expires: 9-9-93

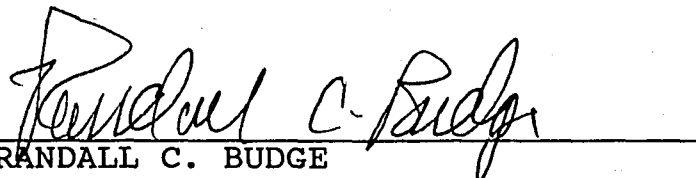
(SEAL)

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT I mailed a true and correct copy of the foregoing by placing the same in the U.S. mail, postage prepaid addressed as follows on this 19th day of June, 1989.

Director
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Utah Process Agency, Inc.
2121 S. State Street
Salt Lake City, Utah 84110


RANDALL C. BUDGE

PROTEST - 3 -

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

EASTERN DIVISION

IN THE MATTER OF THE APPLICATION
OF UTAH PROCESS AGENCY, INC., TO
APPROPRIATE GROUND WATERS FOR
IRRIGATION, APPLICATION NO. 11-04330

AFFIDAVIT OF
DON W. GILBERT

JUN 21 1989

Department of Water Resources
Eastern District Office

State of Idaho)
: ss
County of Caribou)

DON W. GILBERT, being first duly sworn deposes and states as follows:

1. That he has served on the Board of Directors of Protestant Last Chance Canal Company for the past 23 years and is currently the President of the Company, a position held for the past 13 years. That your Affiant also served for 12 years on the Bear River Compact Commission. Accordingly, your Affiant is personally familiar with and knowledgeable concerning the business records and water right of Last Chance Canal Company; and, further, is personally familiar with the nature and administration of all water rights in the Bear River and Bear Lake in Idaho.

2. That your Affiant has read the Protest of Last Chance Canal Company filed in the captioned matter on April 21, 1989, a copy of which is attached to this Affidavit and incorporated by reference as if set forth fully, is familiar with the content thereof and statements made therein and believes the same to be

AFFIDAVIT OF DON W. GILBERT - 1 -

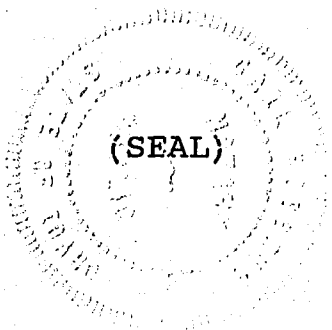
true and correct to the best of his knowledge, information and belief.

FURTHER THE AFFIANT SAITH NOT.

DATED this 23rd day of June, 1989.

Don W. Gilbert
DON W. GILBERT, President of
Last Chance Canal Company

SUBSCRIBED AND SWORN to before me this 23rd day of June, 1989.



Don W. Gilbert
NOTARY PUBLIC FOR IDAHO
Residing at: Reata
My Commission expires: 9-9-93

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
PATTI POWELL**
FRED J. LEWIS
KIRK B. HADLEY

LAW OFFICES OF
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CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

June 23, 1989

RECEIVED

JUN 26 1989

Department of Water Resources
Eastern District Office

*ALSO MEMBER ILLINOIS BAR
**ALSO MEMBER WASHINGTON BAR

Harold Jones
State of Idaho
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Protest of Last Chance Canal
Water Right No. 11-04330 - Utah Process Agency, Inc.

Dear Mr. Jones:

Enclosed please find the Affidavit of Don W. Gilbert,
President of Last Chance Canal Company to supplement the Protest
of Last Chance Canal Company previously filed on April 21, 1989.

Very truly yours,

Randall C. Budge
RANDALL C. BUDGE

RCB(gr)

Enclosure

July 5, 1989

RE: Claim to a Water Right No. 11-04330 UTAH PROCESS AGENCY

Mr. Randall C. Budge
Attorney at Law
P.O. Box 1391
Pocatello, ID 83204-0391

Dear Mr. Budge:

We have received the exceptions filed in behalf of the Last Chance Canal Company and dated June 19, 1989 and for Don W. Gilbert dated June 23, 1989, 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.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ: CW

July 5, 1989

RECEIVED
JUN 10 1989

RE: Claim to a Water Right No. 11-4330

Utah Process Agency Inc.
2121 South State Street
Salt Lake City, UT 84110

Department of Water Resources

Gentlemen:

Enclosed please find copies of exceptions 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.

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Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ: CW
Enclosures