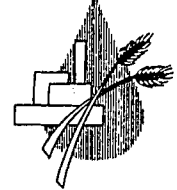


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Mattson Spring



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 USDI, Bureau of Land Management
(Name of Claimant)
940 Lincoln Rd. Idaho Falls, Idaho. (Mailing Address) Telephone No. 529-1020
(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) April 17, 1926 by E.O. est. PWR 107.

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)
Unnamed 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:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.03 cfs</u>	Use <u>livestock</u>	Period of Use From <u>5/16</u>	To <u>9/30</u>
Quantity	<u>0.01 cfs</u>	Use <u>wildlife</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

- (4) 0.03 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NW 1/4 NE 1/4, Sec. 33 Twp. 15S 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. Spring headbox and pipe to 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.

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	
15S	43E	33		X															

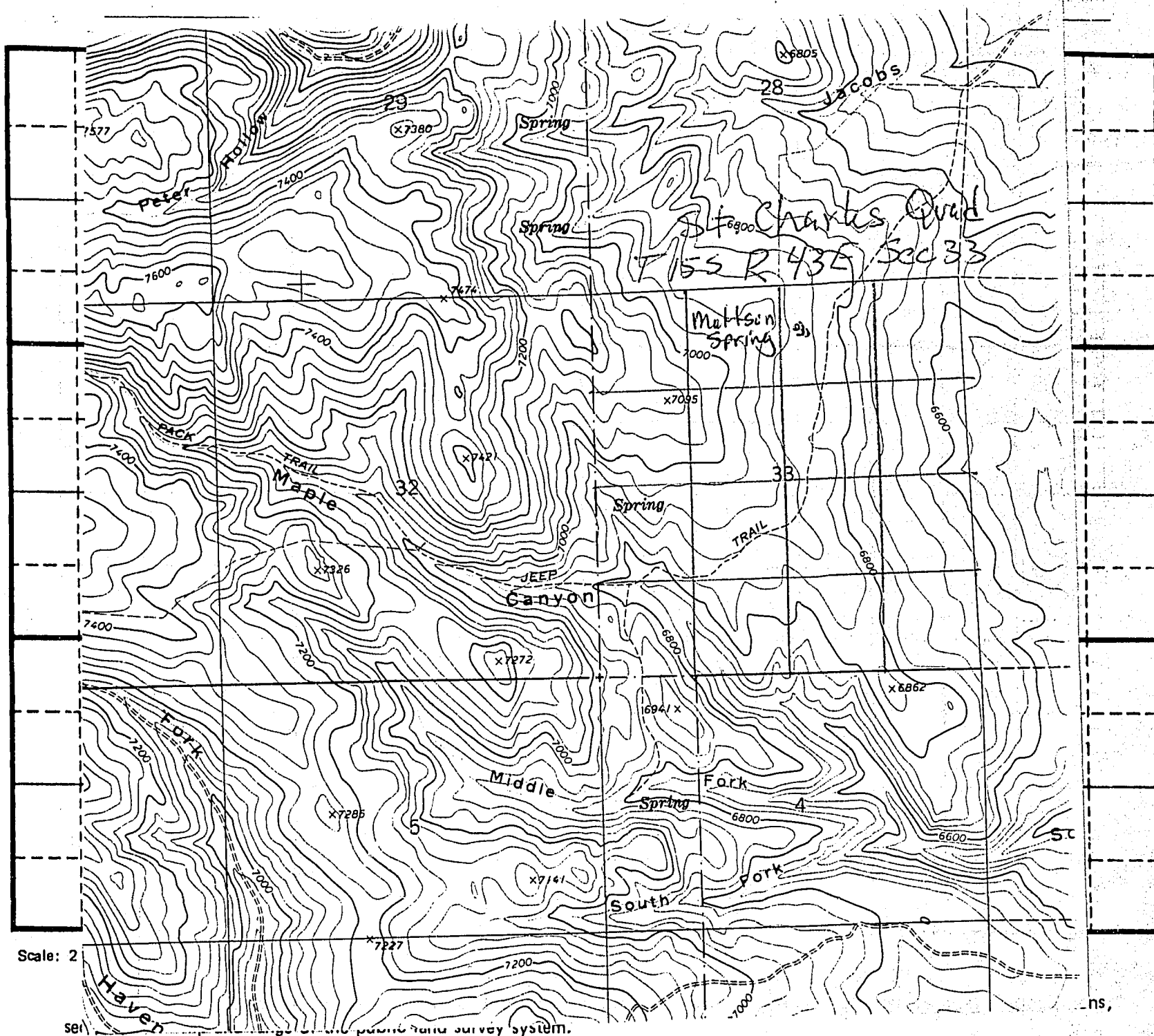
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water will be used by 90 range cows and calves as well as deer, grouse and other wildlife.

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 Development to be known as Mattson Spring and will provide water to stock in allotment # 4260. JDR# 3008.



State of Idaho)
County of BANFULE) 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.

District Manager

[Signature]
(Claimant)

Sworn to before me this 19 day of OCTOBER

19 88

[Signature]
Notary Public
Residing at LOANS FALLS, IDAHO

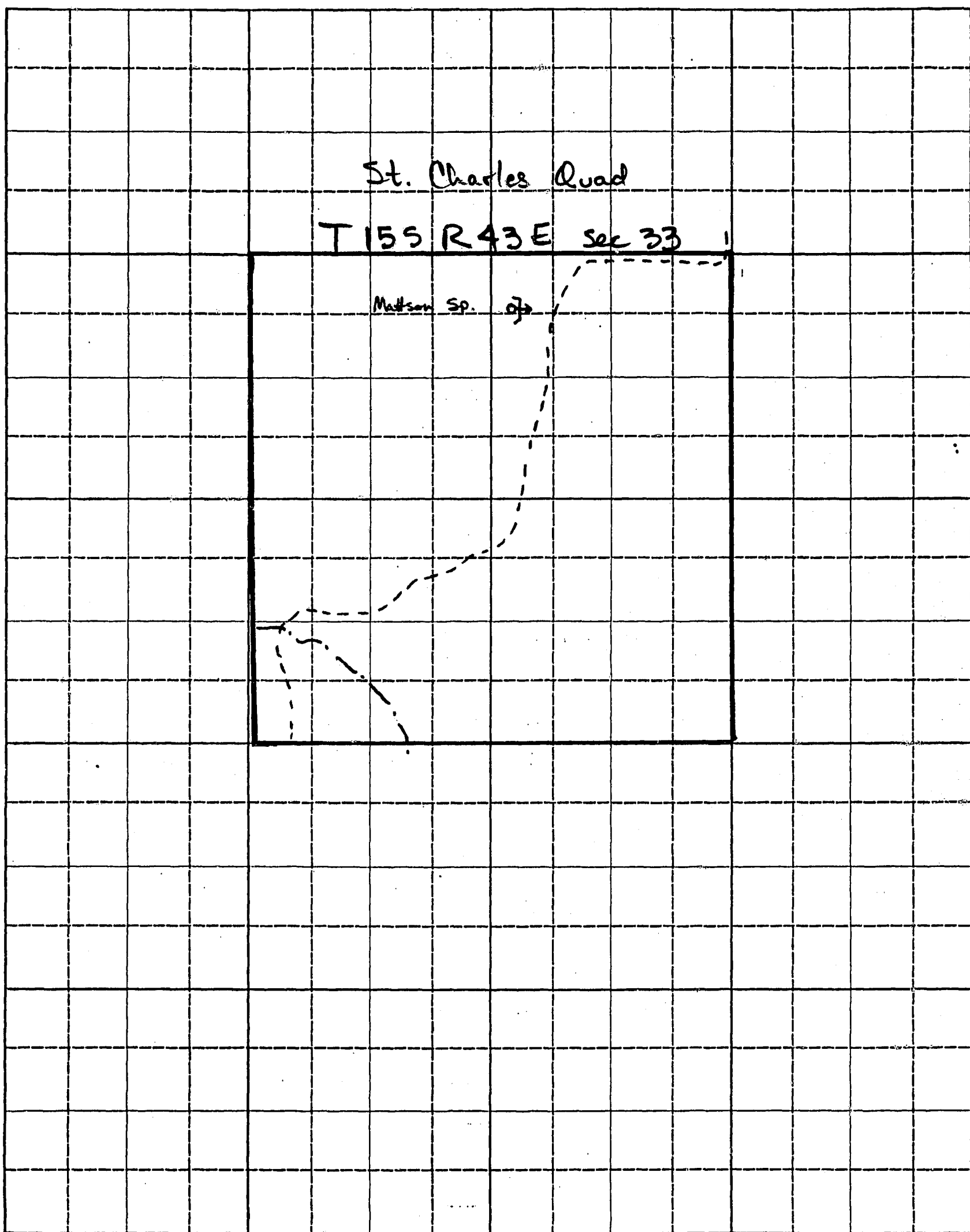
My commission expires JAN 17, 1988

FOR DEPARTMENT USE ONLY

Received by <u>HWT</u>	Date <u>8-31-89</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Kaw</u>	Date <u>11 Oct 89</u>		claimant by:	
\$30.00 fee received by <u>HWT</u>	Date <u>8-31-89</u>	<u>3010082</u>		
Published in <u>News Examiner</u>				
Dates <u>11-16-89</u>				

11 9343

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



No 3859

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Rosa M. Moseman
being duly sworn,

deposes and says:

That he is the Editor 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

November 16, 1989, and ending
with the issue of November 23, 1989

Rosa A. Moseman

Fees, \$50.00

Subscribed and sworn to before me this 28 day
of Nov, 1989

May I. Jensen

Notary Public, Residing at Montpelier, Idaho

My Commission Expires Nov, 1993

NOTICE OF CLAIMS TO WATER RIGHT

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

11-04331

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: UNNAMED SPRING
Tributary: SINKS
Diversion Pt: NWSWSE Sec 12 T 14S
R 42E
Use: STOCKWATER (.190 CFS)
WILDLIFE (.010 CFS)
Date Filed: 8/31/1989
In: T14S R42E S12 NWSE

11-04332

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: UNNAMED SPRING
Tributary: SINKS
Diversion Pt: SESWNE Sec 33 T 15S
R 43E
Use: STOCKWATER (.70 AF)
WILDLIFE (.20 AF)
Date filed: 8/31/1989
In: T15S R43E S33 SWNE

11-04333

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401
Source: UNNAMED SPRING
Tributary: SINKS
Diversion Pt: NWNWNE Sec 33 T 15S
R 43E
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Date Filed: 8/31/1989
In: T15S R43E S33 NWNE
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

Legal No. 3859 — Publish Nov. 16, 23, 1989.

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup Avenue, Suite 100, Idaho Falls,
Idaho 83402.

R. KEITH HIGGINSON, Director

Published 11/16/1989 & 11/23/1989

11-04333

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt:

NWNWNE Sec 33 T 15S R 43E

Use: STOCKWATER
WILDLIFE

(.030 CFS)
(.010 CFS)

Date Filed: 8/31/1989

In: T15S R43E S33

NWNE

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim⁸⁹⁹ ve been filed on water: i⁰ is 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

NOVEMBER 7, 1989

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 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. 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 DECEMBER 4, 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

DECEMBER 6, 1989

USDI, BLM
940 LINCOLN RD.
IDAHO FALLS, ID 83401

Re: Claim No. 11-04333

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

COPY

FROM: KEITH C. WILSON - EASTERN REGION

11 OCTOBER 1989

TO: NANCY HANDZEL

SUBJECT: REFUND OF 243-CLAIM FEES FOR USDI BUREAU OF LAND
MANAGEMENT-WOOD GULCH SPRING & ORMAN SPRING PWR#107

ATTACHED ARE COPIES OF THE RECEIPT (#E010082) AND PURCHASE
ORDER DOCUMENT FROM THE BLM (ID03-PH9-0143).

A REVIEW OF TWO OF THE CLAIMS (WOOD GULCH & ORMAN SPRINGS
PWR#107) INDICATED THAT THEY ARE LOCATED WITHIN THE SNAKE
RIVER BASIN ADJUDICATION AREA AND SHOULD BE FILED ON UNDER THE
ADJUDICATION.

PLEASE REFUND \$60.00(\$30.00 FOR EACH CLAIM) TO THE IDAHO FALLS
OFFICE OF THE BLM. THE TWO ORIGINAL CLAIMS HAVE BEEN RETURNED
TO THE IDAHO FALLS OFFICE OF THE BLM.

THANKS.


KEITH C. WILSON

RECEIPT
for Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E010082

Date: 08/31/89
Time: 14:49:17

Received
From: BUREAU OF LAND MANAGEMENT

Type of Payment	Program Acct Class	Amount
APPLIC. FOR PERMIT- (24)	0630199 1238 6390	\$720.00
243 CLAIMS- (5)	0630199 1238 6390	\$150.00

Total \$870.00

CHECK 3145

Idaho Department of Water Resources

Region: EASTERN

Signature: [Signature]

BUREAU OF LAND MANAGEMENT
IDAHO FALLS DISTRICT OFFICE

ADDITIONAL TERMS AND CONDITIONS OF PURCHASE ORDER

A. THE FOLLOWING CHANGES ARE MADE TO THE CLAUSES ON OPTIONAL FORM 347 BACK (10-83):

1. Correct clause number 52.203-4 to read 52.203-5.
2. Delete clauses 52.222-40 and 52.222-41.
3. Delete the words (With Alternate I) after Clause 52.232-8, Discount for Prompt Payment (Apr 84).
4. Add the words (With Alternate I) to the Clause 52.233-1, Disputes (Apr 84).
5. Change the date of Clause 52.222-4, FROM (Apr 84) TO (Mar 86).

B. THE FOLLOWING CLAUSES APPLY TO THIS PURCHASE ORDER, ONLY IF CHECKED: (X)

1. 52.252.2 CLAUSES INCORPORATED BY REFERENCE (Apr 1984). This contract incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available:

- | | | |
|-------------------------------------|-----------|--|
| ☐ | 52.212-10 | Delivery of Excess Quantities of \$100 or Less (Apr 1984) |
| ☐ | 52.232-23 | Assignment of Claims (Apr 1984) |
| ☐ | 52.242-10 | F.O.B. Origin - Government Bills of Lading or Prepaid Postage (Apr 1984) |
| ☐ | 52.243-01 | Changes--Fixed Price, Alternate I (Apr 1984) |
| ☐ | 52.243-01 | Changes--Fixed Price, Alternate II (Apr 1984) |
| ☐ | 52.243-01 | Changes--Fixed Price, Alternate III (Apr 1984) |
| ☒ | 52.247-34 | FOB Destination (Apr 1984) |
| ☒ | 52.247-35 | FOB Destination Within Consignee's Premises (Apr 1984) |
| ☐ | 52.249-04 | Termination for Convenience of the Government (Services) (Short Form) (Apr 1984) |
| ☐ | 52.249-08 | Default (Fixed Price Supply and Service) (Apr 1984) |

2. CLAUSES IN FULL

- ☐ 1. FAR 52.213-02 INVOICES (Apr 1984). The Contractor's invoices must be submitted before payment can be made. The Contractor will be paid on the basis of the invoice, which must state (a) the starting and ending dates of the subscription delivery, and (b) either that orders have been placed in effect for the addresses required, or that the orders will be placed in effect upon receipt of payment.
- ☐ 2. FAR 52.213-03 NOTICE TO SUPPLIERS (Apr 1984). This is a firm order ONLY if your price does not exceed the maximum line item or total price in the Schedule. Submit invoices to the Contracting Officer. If you cannot perform in exact accordance with this order, WITHHOLD PERFORMANCE and notify the Contracting Officer immediately, giving your quotation.
- ☐ 3. FAR 52.232-19 AVAILABILITY OF FUNDS (Apr 1984). Funds are not presently available for performance under this contract beyond the Government's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer.

3. ADDITIONAL CLAUSES

☒ 1. INTEREST ON OVERDUE PAYMENTS

- a. The Prompt Payment Act, Public Law 97-177 (96 Stat. 85, 31 USC 1801) is applicable to payments under this contract and requires the payment to contractors of interest on overdue payments and improperly taken discounts.

b. Determination of interest due will be made in accordance with the provisions of the Prompt Payment Act and Office of Management and Budget Circular A-125.

(X) 2. **PAYMENT DUE DATE**

(a) Payments under this contract will be due 30 calendar days after the later of:

(1) The date of actual receipt of a proper invoice in the office designated to receive the invoice, or

(2) The date the services are accepted by the government.

(b) For the purpose of determining the due date for payment and for no other purpose, acceptance will be deemed to occur on the 5th calendar day after the date of receipt of services.

(c) The date of the check issued in payment shall be considered to be the date payment is made.

(X) 3. **INVOICE REQUIREMENTS.** An original invoice shall be submitted to the government office designated in this procurement document to receive invoices. To constitute a proper invoice, the invoice must include the following information required in the NOTE on the back of OF 347, Order for Supplies or Services.

() 4. **SHIPPING STATEMENT.** Please ship prepaid Most Economical means and show shipping charges as a separate item on invoice. Freight charges exceeding \$25.00 must be supported by a Bill of Lading or a receipt.

() 5. **IDENTIFICATION REQUIREMENT FOR TF 1099**

The Bureau of Land Management (BLM) may be required to report this purchase to the Internal Revenue Service (IRS) on Treasury Form 1099, Statement for Recipients of Nonemployee Compensation. So that BLM can make the report, you must include your Employer Identification Number (EIN) or Social Security Number (SSN) on any invoice sent to BLM. Failure to provide this information may make you subject to a penalty by the IRS.

If this payment does meet the criteria for reporting, you will be sent a copy of the completed TF 1099 after the end of the calendar year.

() 6. **SERVICE CONTRACT ACT (\$2500 or Less).** Except to the extent that an exemption, variation, or tolerance would apply if this were a contract in excess of \$2500.00, the contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Regulations and interpretations of the Service Contract Act of 1965, as amended, are contained in 29 CFR Part 4. (This is a revision of clause 52.222-40, on the back of OF 347).

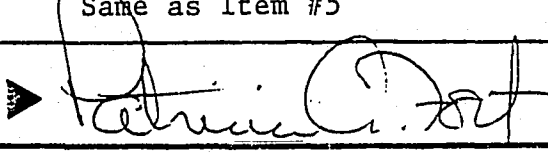
() 7. **SERVICE CONTRACT ACT (Over \$2500).** Clause is attached (This is a revision of clause 52.222-41, on the back of OF 347).

() 8. **VARIATION IN QUANTITY.** The permissible variations in quantity (allowed by Clause 52.212-09), Variation in Quantity (Apr 1984), shall be limited to:

_____ Percent increase.

_____ Percent decrease.

This increase or decrease shall apply to items _____.

ORDER FOR SUPPLIES OR SERVICES				PAGE 1	OF 1
IMPORTANT: Mark all packages and papers with contract and/or order numbers.					
1. DATE OF ORDER July 20, 1989		2. CONTRACT NO. (If any) Open Market		3. ORDER NO. ID030-PH9-0143	
5. ISSUING OFFICE (Address correspondence to) Bureau of Land Mangement Idaho Falls District 940 Lincoln Road Idaho Falls, ID 83401		4. REQUISITION/REFERENCE NO. JUL 21 1989			
7. TO: CONTRACTOR (Name, address and ZIP Code) Idaho Department of Water Resources Eastern Region 150 Shoup Ave., Suite 15 Idaho Falls, ID 83401		6. SHIP TO: (Consignee and address, ZIP Code) Same as Item #5		SHIP VIA: Best Way	
9. ACCOUNTING AND APPROPRIATION DATA ID030-09-4340-12- -2691		8. TYPE OF ORDER ☒ PURCHASE — Reference your <u>Eastern District Office</u> Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of: ☐ B. DELIVERY — Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.			
10. REQUISITIONING OFFICE Resources - Kotansky		11. BUSINESS CLASSIFICATION (Check appropriate box(es)) ☐ SMALL ☒ OTHER THAN SMALL ☐ DIS-ADVANTAGED ☐ WOMEN-OWNED			
12. F.O.B. POINT Destination		14. GOVERNMENT B/L NO. N/A		15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 8/22/89	
13. PLACE OF INSPECTION AND ACCEPTANCE Idaho Falls, ID (Level A)		16. DISCOUNT TERMS Net 30 Days		17. SCHEDULE (See reverse for Rejections)	
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
1.	Filing Fees for Water Rights SEE THE ATTACHED ADDITIONAL TERMS AND CONDITIONS OF PURCHASE ORDERS WHICH ARE INCORPORATED HEREIN.	30	EA	30.00	900.00
					870 received as one claim was returned HWT
18. SHIPPING POINT		19. GROSS SHIPPING WEIGHT		20. INVOICE NO.	
21. MAIL INVOICE TO: (Include ZIP Code) Same as Item #5				900.00	
22. UNITED STATES OF AMERICA BY (Signature) 		23. NAME (Typed) Patricia A. Fort ID-125 TITLE: CONTRACTING/ORDERING OFFICER			

PURCHASE ORDER TERMS AND CONDITIONS

52.252-2. CLAUSES INCORPORATED BY REFERENCE (Apr 84).—This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

52.203-1 Officials Not to Benefit (Apr 84)

52.203-3 Gratuities (Apr 84)

52.203-4 Covenant Against Contingent Fees (Apr 84)

52.212-9 Variation in Quantity (Apr 84)
(In the preceding clause, the permissible variations are stated in the schedule)

52.222-3 Convict Labor (Apr 84)

52.222-4 Contract Work Hours and Safety Standards Act—
Overtime Compensation—General (Apr 84)

52.222-26 Equal Opportunity (Apr 84)

52.222-36 Affirmative Action for Handicapped Workers
(Apr 84)

52.222-40 Service Contract Act of 1965-Contracts of \$2500 or Less (Apr 84)

52.222-41 Service Contract Act of 1965 (Apr 84)

52.225-3 Buy American Act—Supplies (Apr 84).

52.232-1 Payments (Apr 84)

52.232-8 Discounts for Prompt Payment (Apr 84)
(With Alternate 1)

52.233-1 Disputes (Apr 84)

52.243-1 Changes — Fixed Price (Apr 84)

52.249-1 Termination for Convenience of the Government
(Fixed Price) (Short Form) (Apr 84)

NOTE.—If desired, this order (or a copy thereof) may be used by the Contractor as the Contractor's invoice, instead of a separate invoice, provided the following statement, (signed and dated) is on (or attached to) the order: "Payment is requested in the amount of \$ _____. No other invoice will be submitted." However, if the Contractor wishes to submit an invoice, the following information must be provided: contract number (if any), order number, item number(s), description of supplies or services, sizes, quantities, unit prices, and extended totals. Prepaid shipping costs will be indicated as a separate item on the invoice. Where shipping costs exceed \$10 (except for parcel post), the billing must be supported by a bill of lading or receipt. When several orders are invoiced to an ordering activity during the same billing period, consolidated periodic billings are encouraged.

RECEIVING REPORT

Quantity in the "Quantity Accepted" column on the face of this order has been: ☐ inspected, ☐ accepted, ☐ received by me and conforms to contract. Items listed below have been rejected for the reasons indicated.

SHIPMENT NUMBER	PARTIAL		DATE RECEIVED	SIGNATURE OF AUTHORIZED U.S. GOV'T. REP.	DATE
	FINAL				
TOTAL CONTAINERS	GROSS WEIGHT		RECEIVED AT	TITLE	

REPORT OF REJECTIONS

[illegible]

13-Nov-1989

USDI, BLM
940 Lincoln Rd.
Idaho Falls, ID 83401

RE: Claim to A Water Right No's. 11-4331, 11-4332, & 11-4333

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right Claim. This office is currently in the process of advertising the application in the News Examiner. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

15-Nov-1989

Water District 11-E
Wayne Nye, Watermaster
Paris, ID 83261

Dear Sir:

Enclosed are copies of Claims to A Water Right, No.'s 11-4331,
11-4332, & 11-4333 for your information.

Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/rb