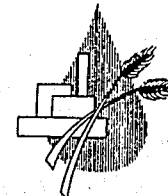


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Gordon Tueller
(Name of Claimant)
P.O. Box 575 Afton, WY 83110 Telephone No. (307) 886-5523
(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, 1941

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 Stream 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.)	Period of Use From		To	
		(Mo., Day)	(Mo., Day)	(Mo., Day)	(Mo., Day)
Quantity <u>0.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>May 1</u>	To <u>Nov. 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) 0.02 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 33 Twp. 12S Rge. 46E B.M., County of Bear Lake
Additional points of diversion: SW 1/4 SE 1/4 Sect. 33 T12S R46E

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.
Cattle (35 head) drink directly out of the stream.

(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	
12S	46E	33												S			S		

No. of acres _____

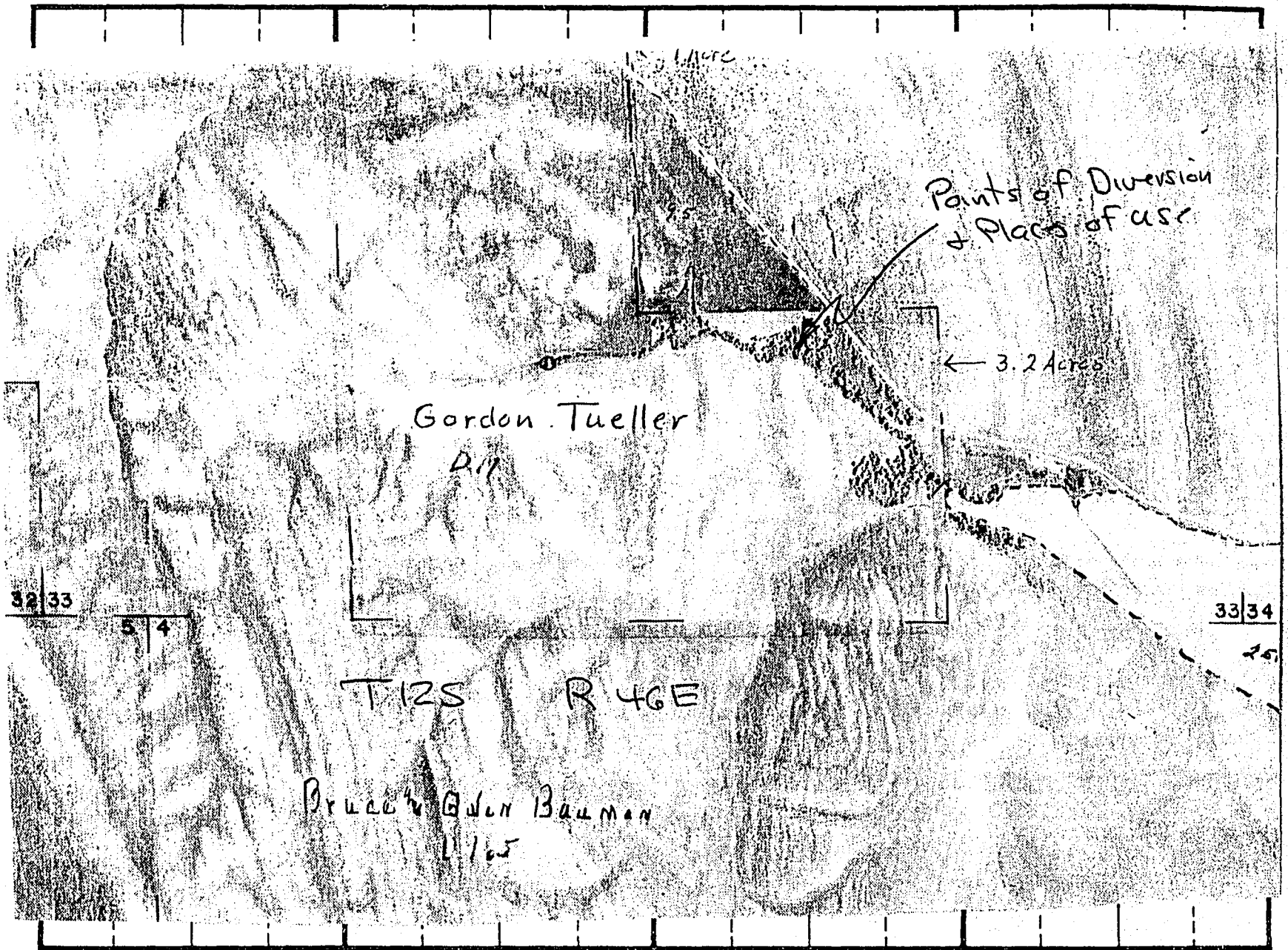
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater

NOTE: Include here the type and number of stock watered: 35 head of cattle

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

KW

(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 Bonneville) 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 8 day of January, 1992.

Gordon Tueller
(Claimant)

[Signature]
Notary Public
Residing at Idaho Falls

My commission expires 9-12-1994

FOR DEPARTMENT USE ONLY

Received by <u>HWT</u>	Date <u>1-8-92</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCN</u>	Date <u>1-15-92</u>		claimant by:	
\$30.00 fee received by <u>HWT</u>	Date <u>1-8-92</u>	# <u>2016842</u>		
Published in <u>News-Examiner</u>				
Dates <u>2-6-13-92</u>				

No 4323

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Bear Lake } ss.

Rosa S. Mossman
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

February 6, 1992 and ending
with the issue of February 13, 1992

Rosa S. Mossman
Fees, \$37.76

Subscribed and sworn to before me this 27th day
of February, 1992

Henry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 15, 1997

RECEIVED
MAR 05 1992

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS
TO WATER RIGHT

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

11-04341

TUELLER, GORDON
PO BOX 575
AFTON, WY 83110

Source: UNNAMED STREAM
Tributary: SINKS

Diversion Pt: SESW Sec 33 T 12S R
46E in BEAR LAKE County.

SWSE Sec 33 T 12S R 46E in BEAR
LAKE County.

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 1/8/1992

In: BEAR LAKE County

T12S R46E S33 SESW SWSE

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

R. KEITH HIGGINSON, Director
Legal No. 4323 — Published Febru-
ary 6 and 13, 1992.

Dept. of Water Resources
Water Rights Supervisor
150 Shoup Ave. Suite 15
Idaho Falls, Idaho 83402

410 Bauman Lane
Geneva, Id. 83238
March 11, 1992

RECEIVED
MAR 13 1992

Department of Water Resources
Eastern District Office

Dear Mr. Jones:

I am filing an exception to a claim to water by Gordon Tueller #11-04341.

Very truly yours,

Bruce Bauman
Bruce Bauman

Deloy M. Bauman
Geneva, Idaho 83238

Mr Jones:

I am resubmitting my exception to the claim to water by Gordon Tueller #11-04341. This ranch has used this water for irrigation on our meadow since the ranch was developed, also for stock water in our feedlots, in the spring.

If I could be assured that no dams or reservoir would be put into the system, I would have no objection to the claim.

Sincerely,

Bruce Bauman
Bruce Bauman

RECEIVED
MAR 09 1992

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHT

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by diversion and beneficial use:

11-04341

TUELLER, GORDON
PO BOX 575
AFTON, WY 83110

Source: UNNAMED STREAM

Tributary: SINKS

Diversion Pt: SESW Sec 33 T 12S R 46E in BEAR LAKE County.
 SWSE Sec 33 T 12S R 46E in BEAR LAKE County.

Use: STOCKWATER (.020 CFS)
 Total Diversion: (.020 CFS)

Date Filed: 1/ 8/1992

In: BEAR LAKE Count
 T12S R46E S33

SESW

SWSE

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: 2/ 6/1992 & 2/13/1992

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

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 29, 1992

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 FEBRUARY 24, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

20-May-1992

GORDON TUELLER
PO BOX 575
AFTON WY 83110

RE: Claim to a Water Right #11-4341

Dear Claimant:

Enclosed please find a copy of an 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 describe rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted.

Harold Jones
HAROLD JONES *HJ*
Water Right Supervisor

HJ/rb
enc

20-May-1992

BRUCE BAUMAN
410 BAUMAN LN
GENEVA ID 83236

RE: Claim to a Water Right 11-4341

Dear Mr. Bauman:

We have received the exception 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.

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Respectfully submitted,

HAROLD JONES
Water Right Supervisor