

Claim No. 11-07484

RECEIVED

JUN 18 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED

APR 12 2002

Department of Water Resources
Eastern Region

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that PRESTON MONTPELIER IRRIGATION COMPANY C/O GOLDEN KEETCH
(Name of Claimant)
377 BERGREEN RD, MONTPELIER ID 83254 Telephone No: (208) 847-0139
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) APRIL 15, 1877
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
BEAR RIVER tributary to GREAT SALT LAKE

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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>15.00 CFS</u>	Use <u>STOCKWATER</u>	Period of Use From <u>01/01</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. 15.00 CFS TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 8 Township 14S Range 45E B.M., BEAR LAKE County; additional
points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.).
Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
HEADWORKS OF PRESTON MONTPELIER IRRIGATION CANAL. STOCKWATER IS PROVIDED TO
STOCKHOLDERS ALONG THE LENGTH OF THE CANAL AND ITS LATERALS.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
STOCKWATER FOR APPROXIMATELY 3000 HEAD OF RANGE CATTLE.

NOTE: Include here the type and number of stock watered: _____

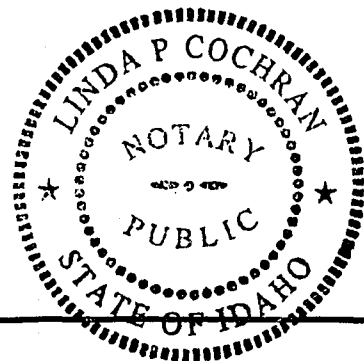
7. Remarks: QUANTITY CLAIMED IS DUE TO FLAT TERRAIN OF CANAL. THIS AMOUNT IS NEEDED TO ALLOW WATER FLOW THE LENGTH OF THE SYSTEM AND PROVIDE STOCKWATER ALONG THE ENTIRE LENGTH OF THE CANAL SYSTEM.
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Bear Lake) ss. Keene K. Ogby - President
Pamela Nelson, Vice President

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing 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.

Golden B. Kettered & Co.
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 11th day of April, 2002.



Linda P. Cochran
Notary Public
Residing at: Montpelier
My commission expires: 5-2004

FOR DEPARTMENT USE ONLY

Received by HWT Date 4-12-02 Published in News Examiner
Prelim. check by _____ Date _____ Publication dates May 1 & 8, 2002
Fee 250 Receipt # 12027633 Publication checked by SC Date 6/10/02
Receipt prepared by HWT Date 4-12-02 Exceptions filed by Pacificorp

Claim No. 11-07484

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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APR 12 2002

Department of Water Resources
Eastern Region

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(Name of Claimant)
377 BERGREEN RD, MONTPELIER ID 83254 Telephone No: (208) 847-0139
(Mailing Address) (Zip Code)

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BEAR RIVER tributary to GREAT SALT LAKE

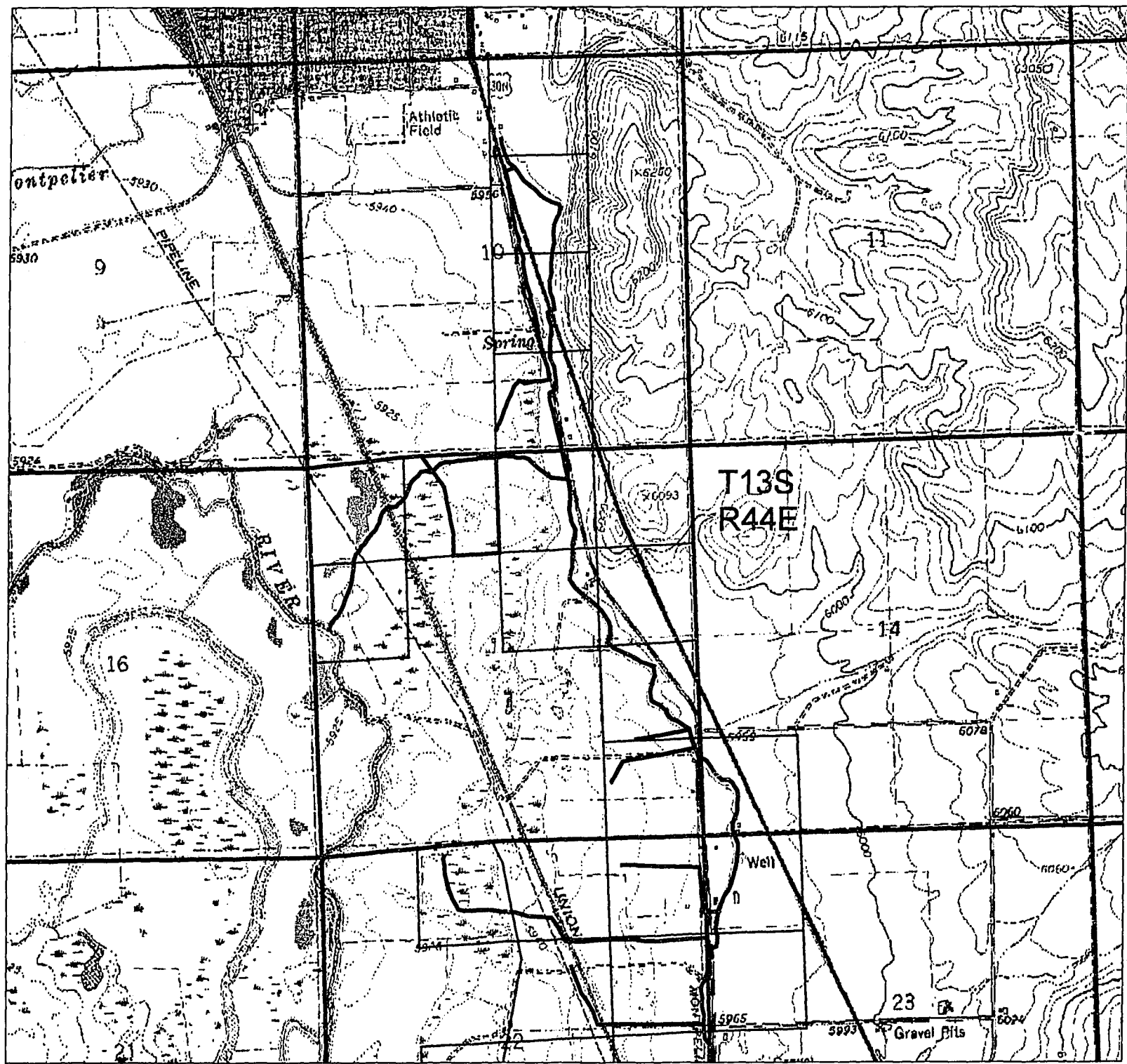
3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)	
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Quantity	_____	Use _____	Period of Use From _____	to _____
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Sec. 8 Township 14S Range 45E B.M., BEAR LAKE County; additional
points of diversion, if any: _____

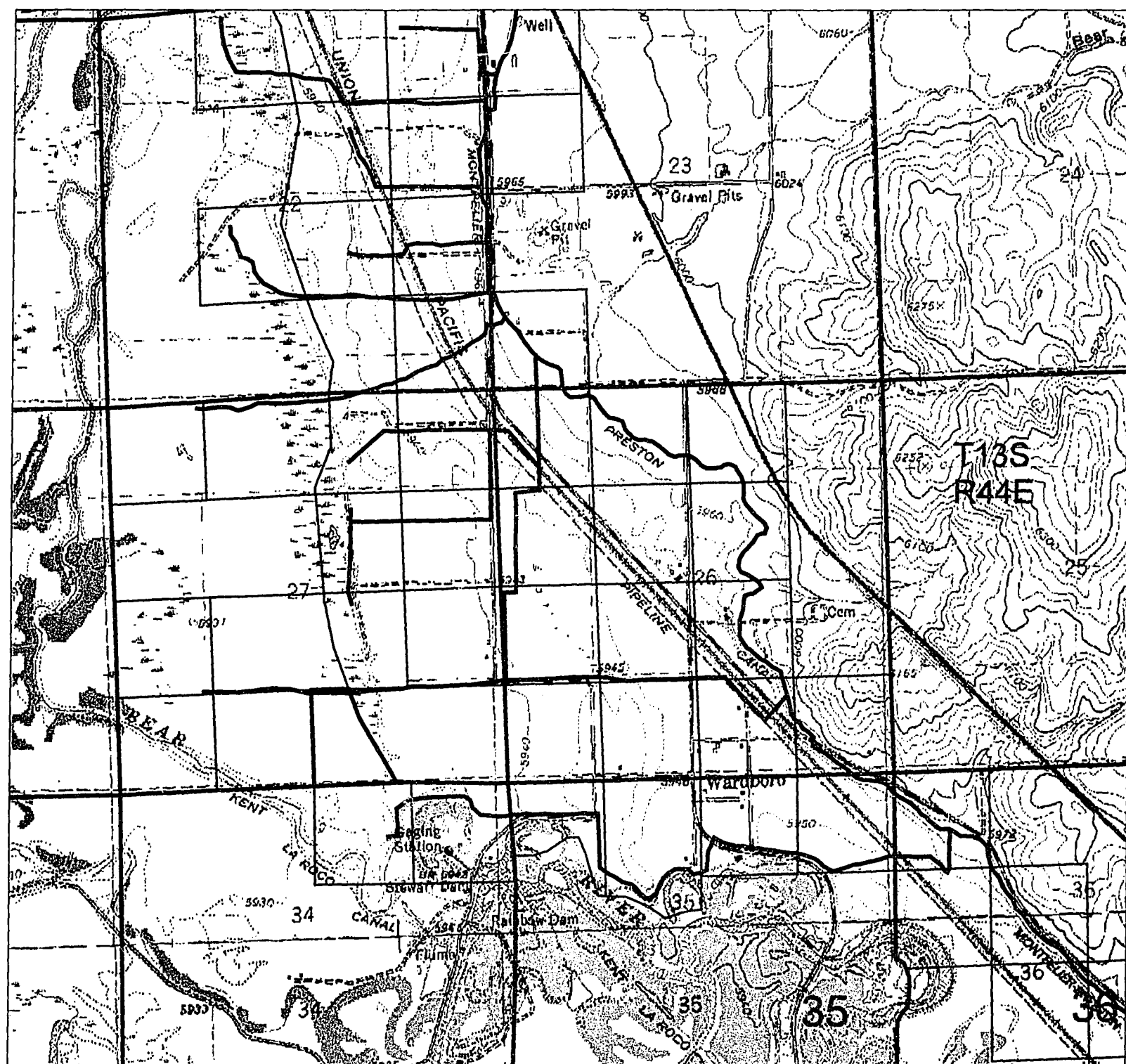
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HEADWORKS OF PRESTON MONTPELIER IRRIGATION CANAL. STOCKWATER IS PROVIDED TO
STOCKHOLDERS ALONG THE LENGTH OF THE CANAL AND ITS LATERALS.



0.5 0 0.5 1 1.5 Miles
1:24000

11-07484
Preston Montpelier Irrigation



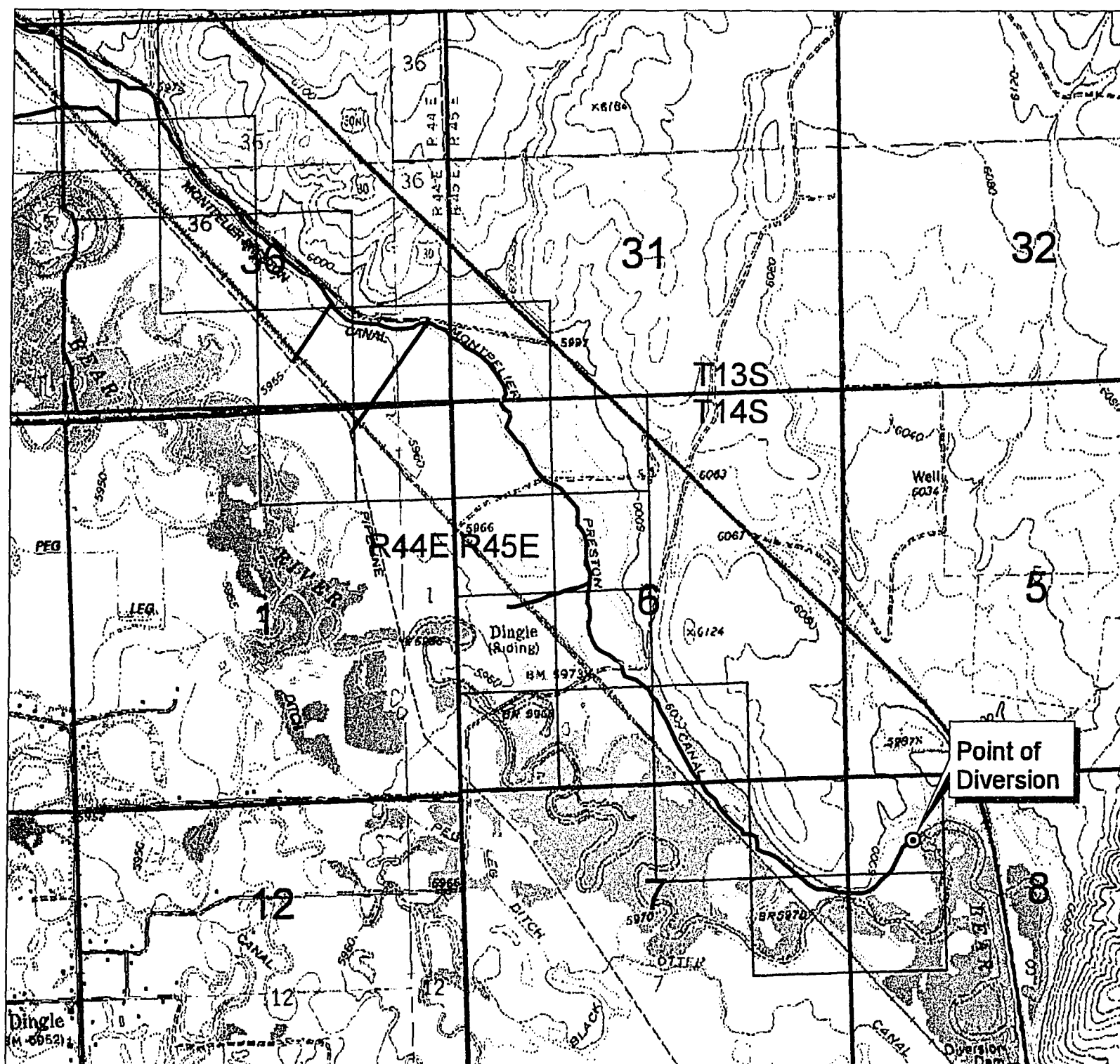


0.5 0 0.5 1 1.5 Miles

1:24000



11-07484
Preston Montpelier Irrigation



0.5 0 0.5 1 1.5 Miles

1:24000

11-07484
Preston Montpelier Irrigation



Water Right Report 11-7484

WATER RIGHT NUMBER: 11-7484

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRESTON MONTPELIER IRRIGATION CO C/O GOLDEN KEETCH 377 BERGREEN RD MONTPELIER, ID 83254 (208)847-0139

Priority Date: 04/15/1877
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01	to 12/31	15.000 CFS	
		Total Diversion:	15.000 CFS	

<u>Location of Point(s) of Diversion</u>		
BEAR RIVER	SE1/4NW1/4NW1/4	Sec. 8, Twp 14S, Rge 45E, B.M.
BEAR LAKE County		

Place of Use
STOCKWATER

[illegible]

Water Right Report 11-7484

[illegible]

Comments:

Licensed Date:
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Formal Action Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Page 3

04/12/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-7484



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Statutory Claim No. 11-7484

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before May 20, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*e-mailed
4/25/02
SC*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

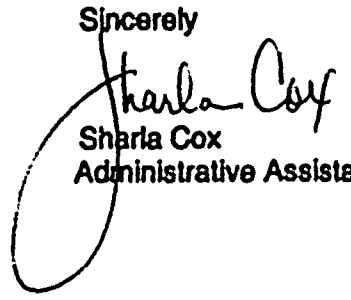
RE: Statutory Claim

Dear LEGAL NOTICE DEPARTMENT:

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Sincerely


Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Statutory Claim No. 11-7484

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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Sincerely

Sharia Cox
Administrative Assistant

Mailed
4/25/02
sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
POST-REGISTER
PO BOX 1800
IDAHO FALLS ID 83402

RE: Statutory Claim No. 11-7484

Dear Cathy Von Borstel:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before May 20, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
4/25/02
sc*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
April 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

RE: Statutory Claim No. 11-7484

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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Sincerely

Sharla Cox
Administrative Assistant

*Mailed
4/24/02
SC*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Statutory Claim No. 11-7484

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Sincerely

Sharla Cox
Administrative Assistant

*E-mailed
4/24/2002
sc*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

PRESTON MONTPELIER IRRIGATION CO
C/O GOLDEN KEETCH
377 BERGREEN RD
MONTPELIER ID 83254

RE: Water Right Claim No 11-7484

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner, Idaho Statesman, Post Register, Times News and Lewiston Tribune on May 2 and 9, 2002. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the 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. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,
Harold W. Jones
Harold W Jones
Water Right Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2002

Jody L Williams
Kruse Landa & Maycock
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Claim to a Water Right #11-07484

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 20, 2002, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
100564	651098	LEGAL NOTICE	\$164.50
Attention:	P.O. #	Run Dates	
SHARLA COX		MAY 2, 9, 2002	
IDAHO DEPT. WATER RESOURCES EAST 900 N. SKYLINE DR., SUITE A IDAHO FALLS, ID 83402-1718			Number of Lines 47 X 2
			Attidavit 1
			Legal # 13321

LEGAL NOTICE

The following claim(s) have been filed based on diversion and beneficial use of water:
11-7484

PRESTON MONTEPIELIER IRRIGATION CO
C/O GOLDEN KEETCH
377 BERGREEN RD
MONTEPIELIER ID 83254

Point(s) of Diversion: SENWNW S8 T14S R45E, BEAR LAKE County
Source BEAR RIVER Tributary To GREAT SALT LAKE

Source BEAR RIVER, Tributary To GREAT SALT LAKE
Use: STOCKWATER 01/01 To 12/31 15 CFS

Total Diversion: 15 CFS

Date Filed: 03/19/2002
Place Of Use: STOCKWATER

Place Of Use: STOCKWATER
T13S R44E S10 NWN SWNE NWSE SWSE

T13S R44E S14 SWSW
T13S R44E S15 NNE

113S R44E
NESE SESE

T13S R44E S22 NENE NWNE Lot 1 SWNE Lot 2 SENE NENW Lot 8 NESW Lot

6 NESE NWSE Lot 3 SWSE Lot 4 SESE
T13S R44E S23 NWNW SWNW SWSW

T13S R44E S26 NWNE SWNE NENW NWNW SWNW NESW NWSW SWSW SESW

T13S R44E S27 NENE NWNE lot 1 SWNE lot 2 SENE NENW lot 8 MNW NWSE

113S R44E S27 NENE NWNE Lot 1 SWNE Lot 2 SENE NENW Lot 8 NWNW NESW
Lot 6 NWSW SWSW SESW NESE NWSE Lot 3 SWSE.

Lot 5 SESE Lot 4
T12S R44E S34 NENE ANNE

T13S R44E S34 NENE NWNE
T13S R44E S35 NENE NWNE NENW Lot 2 NWNW Lot 1

T135 R44E S36 NWNW SWNW Lot 1 SENW NESW NWSE SWSE SESE

T13S R45E S31 SWSW
T14S R44E S1 NENE 1

T14S R45E S6 NENW Lot 3 NWNW Lot 4 SENW NESW NWSW Lot 6 SESW SWSE

T14S R45E S7 NENE NWNE SENE
T14S R45E S8 NWNW SWNW

5. I am not a member of the Department of Water Resources, Eastern

Exceptions to a claim m
region 900 N Skyline Dr

region, 900 N Skyline Dr.
\$5.00.

KARL J DREHER, D

13321

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single

consecutive daily insertion(s) odd skip

beginning issue of: MAY 2 , 2002

ending issue of: MAY 9 , 2002

Jamie Aldreth

STATE OF IDAHO)
) ss.

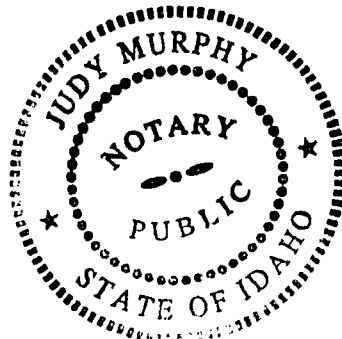
COUNTY OF ADA)

On this 9 day of MAY in the year of 2002
before me, a Notary Public, personally appeared before me
Janice Hildreth 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 she executed the same.

RECEIVED

MAY 13 2002

Department of Water Resources
Eastern Region



Notary Public for Idaho

Residing at: ~~Boise~~, Idaho

My Commission expires:

116102

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

RECEIVED
MAY 13 2002

Department of Water Resources
Eastern Region

**LEGAL ADVERTISING
INVOICE**

Date 05/09/2002

INVOICE NO. 293351

Account No. 446600

Description 293351 The following cl

Times 2

Lines 38

Tab. Lines

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE DR, STE A
IDAHO FALL ID 83402

\$ 113.62

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

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11-7484

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C/O GOLDEN KEETCH

377 BERGREEN RD

MONTPELIER ID 83254

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T13S R44E S10 NWNE SWNE NWSE SWSE

T13S R44E S14 SWSW

T13S R44E S15 NWNE SWNE SENE NENW Lot 1 NENW Lot 8 NWNW

SWNW NESE SESE

T13S R44E S22 NENE NWNE Lot 1 SWNE Lot 2 SENE NENW Lot 8

NESW Lot 6 NESE NWSE Lot 3 SWSE Lot 4 SESE

T13S R44E S23 NWNW SWNW SWSW

T13S R44E S26 NWNE SWNE NENW NWNW SWNW NESW NWSW

SWSW SESW NWSE SWSE SESE

T13S R44E S27 NENE NWNE Lot 1 SWNE Lot 2 SENE NENW Lot 8

NWNW NESW Lot 6 NWSW SWSW SESW NESE

NWSE Lot 3 SWSE Lot 5 SESE Lot 4

T13S R44E S34 NENE NWNE

T13S R44E S35 NENE NWNE NENW Lot 2 NWNW Lot 1

T13S R44E S36 NWNW SWNW Lot 1 SENW NESW NWSE SWSE SESE

T13S R45E S31 SWSW

T14S R44E S1 NENE Lot 7 NWNE Lot 8

T14S R45E S6 NENW Lot 3 NWNW Lot 4 SENW NESW NWSW Lot 6

SESW SWSE

T14S R45E S7 NENE NWNE SENE

T14S R45E S8 NWNW SWNW

Exceptions to a claim may be filed with the Department of Water Re-

source, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402

together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on May 2 and 9, 2002

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 293351 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 05/02, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 05/02/2002, and the last publication thereof being on the 05/09/2002, and said 293351 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

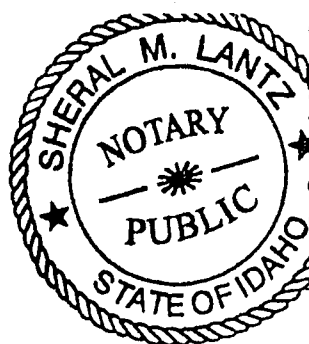
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 9th day of May in the year of 2002, before me, a Notary Public, personally appeared Karen J Lewis, 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.



Sheral M Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

LEGAL NOTICE

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7484

PRESTON MONTPELIER IRRIGATION CO.

C/O GOLDEN KEETCH

377 BERGREEN RD.

MONTPELIER, ID 83254

Point(s) of Diversion:

SENNW S8 T14R R45E,

BEAR LAKE County

Source BEAR RIVER,

Tributary To GREAT SALT

LAKE

Use: STOCKWATER

01/01 To 12/31 15 CFS

Total Diversion: 15 CFS

Date Filed: 03/19/2002

Place of Use: STOCK-

WATER

T13S R44E S10

NWNE SWNE NWSE

SWSE

T13S R44E S14 SWSW

T13S R44E S15

NWNE SWNE SENE

NENW Lot 1 NENW Lot 8

NWNW SWNW NESE

SESE

T13S R44E S22

NENE NWNE Lot 1 SWNE

Lot 2 SENE NENW Lot 8

NESW Lot 6 NESE NWSE

Lot 3 SWSE Lot 4 SESE

T13S R44E S23

NWNW SWNW SWSW

T13S R44E S26

NWNE SWNE NENW

NWNW SWNW NESW

NWSW SWSW SESW

NWSE SWSE SESE

T13S R44E S27

NENE NWNE Lot 1 SWNE

Lot 2 SENE NENW Lot 8

NWNW NESW Lot 6

NWSW SWSW SESW

NESE NWSE Lot 3 SWSE

Lot 5 SESE Lot 4

T13S R44E S34

NENE NWNE

T13S R44E S35

NENE NWNE NENW Lot 2

NWNW Lot 1

T13S R44E S36

NWNW SWNW Lot 1

SENE NESW NWSE

SWSE SESE

T13S R45E S31 SWSW

T14S R44E S1

NENE Lot 7 NWNE Lot 8

T14S R45E S6

NENW Lot 3 NWNW Lot 4

SENE NESW NWSW Lot

6 SESE SWSE

T14S R45E S7

NENE NWNE SENE

T14S R45E S8

NWNW SWNW

Exceptions to a claim

may be filed with the

Department of Water

Resource, Eastern Region,

900 N Skyline Dr., Ste A,

Idaho Falls, ID 83402

together with an exception

fee of \$25.00.

KARL J DREHER, Director

PUBLISH: May 2 and 9,

2002

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 44001

I, Ruby Anderson being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated May 2, 2002, and ending with the issue dated May 9, 2002.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 9th day of May in the year 2002, before me, a Notary Public, personally appeared Ruby Anderson, 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.

DA CAPPE-MOORE
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

5/13/02

Proof of Publication

The Post Register

RECEIVED
MAY 16 2002
Department of Water Resources
Eastern Region

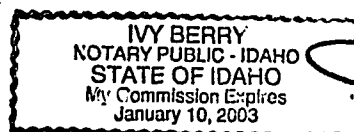
State of Idaho
County of Bonneville

I, Lynn Winter or Danae Jacobsen, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of MAY 2002, last publication having been made on the 9TH day of MAY 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, this 15TH day of MAY 2002




Notary Public

My commission expires January 10, 2003

PUBLIC NOTICE

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7484

PRESTON MONTPELIER

IRRIGATION CO

C/O GOLDEN KEETCH

377 BERGREEN RD

MONTPELIER ID 83254

Point(s) of Diversion: SENWNW S8

T14S R45E BEAR LAKE County

Source BEAR RIVER

Tributary To GREAT SALT LAKE

Use: STOCKWATER

01/01 To 12/31 15 CFS

Total Diversion: 15 CFS

Date Filed: 03/19/2002

Place Of Use: STOCKWATER

T13S R44E S10 NWNE SWNE

NWSE SWSE

T13S R44E S14 SWSW

T13S R44E S15 NWNE SWNE

SENE NENW Lot 1 NENW Lot 8

NWNW SWNW NESE SESE

T13S R44E S22 NENE NWNE Lot 1

SWNE Lot 2 SENE NENW Lot 8

NESW Lot 6 NESE NWSE Lot 3

SWSE Lot 4 SESE

T13S R44E S23 NWNW SWNW

SWSW

T13S R44E S26 NWNE SWNE

NENW NWNW SWNW NESW

NWSW SWSW SESW NWSE SWSE

SESE

T13S R44E S27 NENE NWNE Lot 1

SWNE Lot 2 SENE NENW Lot 8

NWNW NESW Lot 6 NWSW SWSW

SESW NESE NWSE Lot 3 SWSE Lot

5 SESE Lot 4

T13S R44E S34 NENE NWNE

T13S R44E S35 NENE NWNE

NENW Lot 2 NWNW Lot 1

T13S R44E S36 NWNW SWNW Lot

1 SENW NESW NWSE SWSE SESE

T13S R45E S31 SWSW

T14S R44E S1 NENE Lot 7 NWNE

Lot 8

T14S R45E S6 NENW Lot 3 NWNW

Lot 4 SENW NESW NWSW Lot 6

SESW SWSE

T14S R45E S7 NENE NWNE SENE

T14S R45E S8 NWNW SWNW

Exceptions to a claim may be filed

with the Department of Water

Resource, Eastern Region, 900 N

Skyline Dr Ste A, Idaho Falls ID

83402 together with an exception fee

of \$25.00.

KARL J. DREHER, Director

Published: May 2, 9, 2002

No 6371

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 10 2002

STATE OF IDAHO,

County of Bear Lake

SS Department of Water Resources
Eastern Region

Rosa J. Moosman

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

May 1 2002, and ending
with the issue of *May 8* 2002.

Fees, *\$132.92*

Subscribed and sworn to before me this *3/5*

of *May* 2002

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *August 28* 2002

PUBLIC NOTICE

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7484

PRESTON MONTPELIER IRRIGATION CO

C/O GOLDEN KEETCH

377 BERGREEN RD

MONTPELIER ID 83254

Point(s) of Diversion: SENWNW

S8 T14S R45E, BEAR LAKE

County Source BEAR RIVER,

Tributary to GREAT SALT LAKE

Use: STOCKWATER 01 / 01

To 12/31 15 CFS

TOTAL DIVERSION: 15 CFS

Date Filled: 03/19/2002

Place Of Use: STOCKWATER

T13S R44E S10 NWNE SWNE

NWSE SWSE

T13S R44E S14 SWSW

T13S R44E S15 NWNE SWNE

SENE NENW

Lot 1 NENW

Lot 8 NWNW

SWNW NESE

SESE

T13S R44E S22 NENE NWNE

Lot 1 SWNE

Lot 2 SENE

NENW Lot 8

NESW Lot 6

NESE NWSE

Lot 3 SWSE

Lot 4 SESE

T13S R44E S23 NWNW SWNW

SWSW

T13S R44E S26 NWNE SWNE

NENW NWNW

SWNW NESW

NWSW SWSW

SESW NWSE

SWSE SESE

T13S R44E S27 NENE NWNE

Lot 1 SWNW

Lot 2 SENE

NENW Lot 8

NWNW NESW

Lot 6 NWSW

SWSW SESW

NESE NWSE

Lot 3 SWSE Lot

5 SESE Lot 4

T13S R44E S34 NENE NWNE

T13S R44E S35 NENE NWNE

NENW Lot 2

NWNW Lot 1

T13S R44E S36 NWNW SWNW

Lot 1 SENW

NESW NWSE

SWSE SESE

T13S R45E S31 SWSW

T14S R44E S1 NENE Lot 7

NWNE Lot 8

T14S R45E S6 NENW Lot 3

NWNW Lot 4

SENW NESW

NWSW Lot 6

SESW SWSE

T14S R45E S7 NENE NWNE

SENE

T14S R45E S8 NWNW SWNW

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls Id 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director
Publish May 1 and 8, 2002 —
Legal # 6371



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KRUSE LANDA & MAYCOCK, LLC
C/O JODY WILLIAMS
50 W BRDWAY, SUITE 800
PO BOX 45561
SALT LAKE CITY, UT 84101

RE: Claim No. 11-007486 FERN KEETCH, and 11-07484 PRESTON MONTPELIER

Dear Jody Williams:

We have received the exception dated May 7, 2002, 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.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous 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 resources 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 of final censorship of the described rights.

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

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PRESTON MONTPELIER IRRIGATION CO
C/O GOLDEN KEETCH
377 BERGREEN RD
MONTPELIER, ID 83254

RE: Claim No. 11-007484

Dear Golden Keetch:

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.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous 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 resources 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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If you have any questions regarding this matter, please contact us.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

Jody L. Williams, Esq.
Steven J Vuyovich, Esq.
Kruse, Landa & Maycock, L.L.C.
50 West Broadway, Suite 800
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

RECEIVED
JUN 18 2002
Department of Water Resources

Attorneys for PacifiCorp dba Utah Power and Light

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

In the Matter of the	)	Exception of PacifiCorp,
Claim to Water Right	)	an Oregon Corporation, dba
No. 11-7484	)	Utah Power & Light Company,
Preston Montpelier Irrigation Co.	)	PacifiCorp
Claimant	)	

1. Claudia Conder, for PacifiCorp being duly sworn, states as follows: PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power & Light Company ("PacifiCorp"), 1407 W No Temple Suite 110, Salt Lake City, Utah 84140, hereby files this exception before the Department of Water Resources in the above-referenced proceedings. Please send notices and correspondence regarding this exception to:

Claudia Conder
Water Rights Administrator
PacifiCorp
1407 W No Temple Suite 110
Salt Lake City, UT 84140

With a copy to:

Jody L. Williams
Kruse, Landa & Maycock
50 West Broadway, #800
Salt Lake City, UT 84101

RECEIVED
MAY 10 2002
Department of Water Resources
Eastern Region

E027741

2. PacifiCorp owns water rights in the Bear River, the tributaries to Bear Lake, and Bear Lake decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation Company, et al*, February 21, 1922, as well as other rights in the Bear River below Claimant's proposed point of diversion.

3. Claimant has filed a Statutory Claim for 15.00 cfs of surface water in the Bear River used since April 15, 1877 for stockwatering. The Statutory Claim predates all other irrigation water rights of Preston Montpelier Irrigation Company with a point of diversion in Bear River, and PacifiCorp questions whether the canal and its laterals were in existence for stockwater use prior to irrigation use.

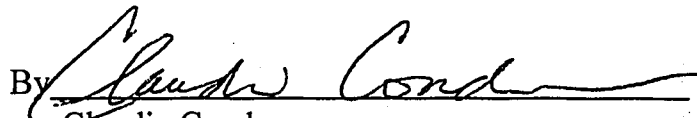
4. PacifiCorp questions whether the uses specified in the claim were in existence on April 15, 1877, and if so, whether the water has been used continuously since that date without enlargement or forfeiture. Stockwater use in extremely cold winter months in the canal and all laterals may not have occurred due to freezing.

5. PacifiCorp believes the claimed use will interfere with its water rights in Bear River and will cause additional releases of Bear Lake storage water to satisfy other early priority irrigation water rights which will suffer interference due to Claimant's diversion.

WHEREFORE, PacifiCorp respectfully states this exception to the above-referenced claim.

DATED this 7 day of MAY, 2002.

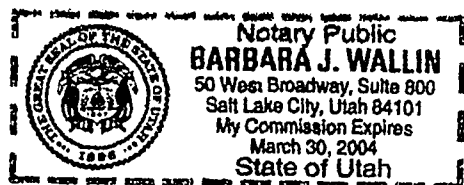
PACIFICORP, dba
UTAH POWER & LIGHT COMPANY

By 
Claudia Conder
Water Rights Administrator
PacifiCorp
1407 W No Temple Suite 110
Salt Lake City, UT 84140

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

On this 7th day of May 2002, before me, the undersigned, a notary public in and for said state, personally appeared Claudia Conder, known to me to be the person whose name is subscribed to the within instrument, who duly acknowledged to me that she executed the same.

WITNESS my hand and official seal.



Barbara J. Wallin
Notary Public

MAILING CERTIFICATE

On this 7th day of May, 2002, I mailed a true and correct copy of the foregoing Exception, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

Preston Montpelier Irr. Co.
c/o Golden Keetch
377 Bergreen Rd
Montpelier, ID 83254

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
P.O. Box 1391
Pocatello, Idaho 83204

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335

Jim Kimbal
P.O. Box 145
St. Charles, Idaho 83272

Brent Rose, Esq.
Clyde, Snow, Sessions & Swenson
201 South Main, Suite 1300
Salt Lake City, Utah 84111

Barbara L. Wallin



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2003

PRESTON MONTPELIER IRRIGATION CO
C/O GOLDEN KEETCH
377 BERGREEN RD
MONTPELIER, ID 83254

RE: Claim No. 11-7484

Dear - PRESTON MONTPELIER IRRIGATION CO:

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.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous 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 resources 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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If you have any questions regarding this matter, please contact us.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2003

WESTFORK IRRIGATION COMPANY
C/O VIRGIL BOEHME
42137 US HWY 89
GENEVA, ID 83238

RE: Claim No. 11-7515 – Peg Leg Irrigation
Claim No. 11-7510 – Ream Crockett
Claim No. 11-7507 – Grimmer-Black Otter
Claim No. 11-7484 – Preston Montpelier Irrigation

Dear - WESTFORK IRRIGATION COMPANY:

We have received the exception dated <date>, 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.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous 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 resources 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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If you have any questions regarding this matter, please contact us.

Sincerely,

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc

April 30, 2003

Westfork Irrigation Company
C/O Virgil Boehme
42137 U.S. Highway 89
Geneva, ID 83238

Karl J. Dreher, Director
Idaho Department of Water Resources, Eastern Region
900 North Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Mr. Dreher:

It has come to our attention that various irrigation companies have filed additional claims on Bear River water in extreme southeast Idaho. We wish to file an exception to such claims. Following is the list of irrigation companies and claim numbers that we are filing an exception to:

Peg Leg Irrigation	11-7515
Ream Crockett	11-7510
Grimmett-Black Otter	11-7507
Preston Montpelier Irrigation	11-7484

These claims are based on certain ongoing diversions of water in the non-irrigation season. All of these companies fall under the 1924 decree—"Bear River from Wyoming-Idaho line to Stewart Dam, 1924 Preston-Montpelier Irrigation Co. vs. Dingle Irrigation Company, et al."

These applications were done at the urging of DWR personnel in November of 2001. It is our understanding that this was done as an attempt to establish ongoing traditional usage for stock water that may not be decreed. It is our further understanding these applications were done at the urging of the PacifiCorp Power Company.

The Westfork Irrigation Company will not be filing additional claims. The water used is adequately described through the existing decree allowing a minimum of 5cfs to "pass Wardboro Dam for domestic use," and 40 cfs to pass when not required for irrigation rights."

RECEIVED

MAY 06 2003

Department of Water Resources
Eastern Region

Receipt # ED28770

April 30, 2003

It is our concern that these new applications apply only to stock water. Any attempt to use this water for purposes of fall flooding, or the extending of existing decreed irrigation seasons should be prohibited. Experience in the last two dry seasons has shown that some of the "meadow right" irrigators have maintained this so call "stock water" claim to the point that the Westfork Irrigation Company has been unable to maintain the continuous flow of the allotted 5cfs. This problem has occurred in September and October. Possibly this is a situation that should be monitored by the regional water master, Pete Petersen.

We are asking that the water continue to be divided according to the requirements of the 1924 decree. We are asking that none of these additional claims in any way alter the decree, which is quite specific in its requirements. We would hope there would not be any change in actual diversions based on these pending claims. The Westfork Irrigation Company claims only that which is rightly decreed. Any effort to use these stock water claims to change these diversions during irrigation season should be avoided.

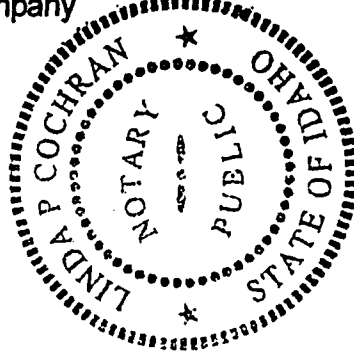
A check for \$100.00 is enclosed to cover the costs of filing.

Sincerely,



Virgil Boehme, President,
as authorized by the Board of Directors
Westfork Irrigation Company

pb



Date 5-5-05
Linda Cochran, Notary
Montpelier Idaho
License Expires 5-2004