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	AJU 14 2002	Claim No. 11-7501	
D	epartment of Water Resources	RECEIVED	
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DEPARTMENT OF	WATER RESOURC	ES JUN 2 7 2002	
CLAIM TO	A WATER RIG	HT Eastern Region	
ust file a claim with the Dep Water rights represented by of water for domestic purp	artment of Water Resou a valid permit, license oses as defined in Sec	rces. The filing of this claim does not con e, decree, or previous claim are exempt from ction 42-111, <i>Idaho Code</i> . A filing fee mus	nfirm n this
Bar-M Land & Lives	tock of Idaho, L	<u>.c</u>	
n, Ogden, UT 84401	(Name of Clair (Zip Code)	^{rant)} Telephone No: <u>(801) 399–9994</u>	
on and beneficial use of surf	ace or ground water. T	he extent and nature of said claim is as follow:	s:
er with a priority date later t			
vater: (Name of stream, lake	spring, etc., or ground	water)	
	tributary to T	S homak Fork River	
		the year when you have used the right claime (Both dates inclusive) (MM/DD) (MM/DD)	
Use <u>stockwa</u>	tering	Period of Use From _01/01 to _12/3	1
Use	والمراجع المراجع المراجع والمراجع والمراجع المراجع المراجع المراجع المراجع والمراجع والمراجع والمراجع	Period of Use From to	
Use		Period of Use From to	
TOTAL	QUANTITY USED.		
	STA DEPARTMENT OF M CLAIM TO CLAIM TO CLAIM TO Stion 42-243, Idaho Code, a ust file a claim with the Depa Water rights represented by of water for domestic purpore ee the instruction sheet to do Bar-M Land & Lives h, Ogden, UT 84401 on and beneficial use of surface water the water was first applied to ble for the use of surface water water: (Name of stream, lake, g r which the water has been u af) (Irrigation, D Use	STATE OF IDAHO DEPARTMENT OF WATER RESOURCH CLAIM TO A WATER RIGH ation 42-243, Idaho Code, any person claiming a w ust file a claim with the Department of Water Resour Water rights represented by a valid permit, license of water for domestic purposes as defined in Sec ee the instruction sheet to determine the appropriate Bar-M Land & Livestock of Idaho, LI (Name of Claim h, Ogden, UT 84401 (Zip Code) on and beneficial use of surface or ground water. The water was first applied to beneficial use) ble for the use of surface water with a priority later er with a priority date later than March 25, 1963, un (1, Idaho Code. water: (Name of stream, lake, spring, etc., or ground g	STATE OF IDAHO JUN 2 7 2002 DEPARTMENT OF WATER RESOURCES JUN 2 7 2002 Department of Water Resources Department of Water Resources Eastorn Region Eastorn Region stion 42-243, Idaho Code, any person claiming a water right established by diversion and applicitus Department of Water Resources. The filing of this claim does not com water rights represented by a valid permit, license, decree, or previous claim are exempt from of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee muste et the instruction sheet to determine the appropriate fee. Bar-M Land & Livestock of Idaho, LLC (Name of Claimant) (Name of Claimant) Telephone No: (801) 399-9994 (Zip Code) (Zip Code) on and beneficial use of surface or ground water. The extent and nature of said claim is as follow: the water was first applied to beneficial use) May 15, 1880 bie for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable or with a priority date later than March 25, 1963, unless the water is used for domestic purpose (1, Idaho Code. water: (Name of stream, lake, spring, etc., or ground water) (Both dates inclusive) g

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small stock pond located north 42.26402 and west 111.09222 at elevation 6195 feet is used to capture the overflow from the water trough. See attached map.

trough is located at north 42.26431 and west 111.09367 at elevation 6233 feet.

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Form I-243 7/98

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

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Twp	Rge	Sec		NE	Ξ¼			NV	V1⁄4			SV	V1⁄4			SI	Ξ¼		TOTAL
			NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	SE	SW	ACRES
13S	46E	29				S													
		28							S										

TOTAL ACRES

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. <u>Water is used for</u> <u>domestic livestock watering</u>

300 cattle

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

- 7. Remarks: <u>Two affidavits from former owners of the West Unit of the Thomas Fork</u> <u>Ranch are attached in support of this claim.</u>
- 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.

UT State of SS. Davis County of

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.

	Claimant's Signature (and til	le if claim is for an organization)
Sworn to before me this 24	day of June	2002
Notary Public	Audith by A	June
JUDITH L HAYNES 1355 WEST 500 NORTH #198 CLEARFIELD, UT 84015 My Commission Expires	Notary Public	ousty. UT
AUGUST 31, 2003 STATE OF UTAH	Residing at: <u>Laurs</u> C	31/173

FOR DEPARTMENT USE ONLY Date 6-28-22 Published News Blammer Received by _____ in July 17 & 24,02 Date 6-28-02 Publication dates Prelim. check by Hut Date Fee 250 460 Receipt # E077908. Date 8/18/02 Publication checked by 50 Receipt prepared by Date_ Exceptions filed by_

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AFFIDAVIT OF PAUL J. ETCHEVERRY REGARDING WATER USE FROM SPRINGS AND RUNOFF

CA.

STATE OF IDAHO COUNTY OF BEAR LAKE

PAUL J. ETCHEVERRY, after being first duly sworn, voluntarily deposes and

) : ss.

states as follows:

- 1. I am the owner and/or caretaker of the Thomas Fork Ranch (the "Ranch"), have personal knowledge of the information included in this affidavit and am intimately familiar with water use on the Ranch located approximately 21 miles east of Montpelier, Idaho.
- 2. I was born on <u>12 20 54</u>, ____
- 3. The West Unit of the Ranch consists of land legally described as:

The following parcels in Township 13 South, Range 46 East of the Boise Meridian:

Section 21: SE ¼ SW ¼; Except Therefrom:

Beginning at the Northwest Corner of the SE ¼ SW ¼ of said Section 21, and running thence South 1388 feet; thence North 77 degree East 1800 feet to the West side of Thomas Fork Creek; thence along said Creek North 34 degrees West 166 feet; thence North 43 degrees East 337 feet; thence South 81 degrees East 200 feet; thence North 2 degrees West 268 feet; thence North 25 degrees West 193 feet; thence South 87 degrees West 356 feet; thence North 31 degrees West 142 feet; thence North 20 degrees East 232 feet to the North side of homestead (which is the North line of said SE ¼ SW ¼ of Section 21); thence West 1149 feet to the Point of Beginning.

Section 27: NW ¼ SW ¼ lying Westerly of Raymond Canal, and the SW ¼ SW ¼ lying Westerly of that certain County Road known as Evans Lane.

Section 28: SE-14; SW-14; S 1/2 NW 14; NE 1/2 NW 14; S 1/2 NE 1/2

Except Therefrom: All that portion of the SE ¼ NE ¼ and the NE ¼ SE ¼ lying Easterly of the Raymond Canal.

Section 29: E ¼ SE ¼; SW ¼ SE ¼; SE ¼ NE ¼; SW ¼ SW ¼

Section 30: SE ¼ SE ¼

Section 31: N 1/2 NE 1/4; SE 1/2 NE 1/4; E 1/2 SE 1/2

Section 32: E ½ NE ¼; NE ¼ SE ¼; W ½ NW ¼; E ½ SW ¼; SE ¼ SE ¼

Section 33: NW 14; N 1/2 SW 14; S 1/2 SW 1/4

The following parcels in Township 14 South, Range 46 East of the Boise Meridian:

Section 4: Lots 3 & 4; S ½ NW ½; N ½ SW ½

Section 5: Lots 3 & 4; S ½ NW ½; SE ½ NE ½; SE ½; an undivided 27/28th interest in and to the following described land, to wit: Lots 1 & 2; SW ½ NE ½; SE ½ SW ½

Section 6: Lot 1

Section 8: NE 14; SE 14; SE 14 NW 14

Section 9: SW ¼ NW ¼; W ½ SW ¼

- 4. I irrigated land, watered stock and supplied the homestead of the West Unit of the Ranch with water naturally occurring in springs and runoff, from 1989 to the present time.
- 5. I witnessed the full maximum beneficial use for irrigation of land, watering stock and to supply the homestead of the West Unit from 1965 to the present time, being well acquainted with the West Unit and its prior owners.
- 6. I used and witnessed use of water from springs and runoff in the following locations:
 - Section 28, T13S, R46E, Boise Meridian: Spring and runoff located near W ¼ corner of Section 28. ο
 - Section 30, T13S, R46E, Boise Meridian: Two springs located in SE 1/4 SE 1/4 of Section 30. ο
 - Section 31, T13S, R46E, Boise Meridian: Spring located near SW corner of SE ¼ of NE ¼ in Section 31. О
 - O Section 32, T13S, R46E, Boise Meridian: Spring located near SE corner of NW ¼ of SW ¼ in Section 32; and Spring located near SW corner of NW ¼ of SE ¼ of Section 32; and Spring located near SE corner of Section 32.
 - О Section 33, TI3S, R46E, Boise Meridian: Runoff located near NW corner of Section 33, irrigating approximately 35 acres in and near the NW 1/4 of NW 1/4 of Section 33.
 - O Section 5, T14S, R46E, Boise Meridian: Spring located in NW ¼ of Section 5; and Spring near N ¼ corner of Section 5; and spring near unimproved road and near NW corner of SW ¼ of SE ¼ of Section 5; and Spring near SW corner of SW ¼ of SE ¼ of Section 5.
 - Section 8, T14S, R46E, Boise Meridian: Spring located in NE ¼ of SW ¼ of Section 8. ο
- 7. I used and witnessed use of water from springs and runoff in the above locations for the stockwatering of 300 cattle, the domestic use of 1 family residence and the irrigation of 35 acres.

DATED this 22 day of April Paul J. Etcheverry

SUBSCRIBED AND SWORN to before me this 22 day of <u>hori</u>, 2002.



My commission expires: 9.01-2001-

AFFIDAVIT OF JOHN ETCHEVERRY REGARDING WATER USE FROM SPRINGS AND RUNOFF

STATE OF IDAHO): ss.COUNTY OF BEAR LAKE)

JOHN ETCHEVERRY, after being first duly sworn, voluntarily deposes and states as follows:

1. I am the prior owner and/or caretaker of the Thomas Fork Ranch (the "Ranch"), have personal knowledge of the information included in this affidavit and am intimately familiar with water use on the Ranch located approximately 21 miles

east of Montpelier, Idaho.

- 2. I was born on Out the ki
- 3. The West Unit of the Ranch consists of land legally described as:

The following parcels in Township 13 South, Range 46 East of the Boise Meridian:

Section 21: SE ¼ SW ¼; Except Therefrom:

Beginning at the Northwest Corner of the SE ¼ SW ¼ of said Section 21, and running thence South 1388 feet; thence North 77 degree East 1800 feet to the West side of Thomas Fork Creek; thence along said Creek North 34 degrees West 166 feet; thence North 43 degrees East 337 feet; thence South 81 degrees East 200 feet; thence North 2 degrees West 268 feet; thence North 25 degrees West 193 feet; thence South 39 degrees West 200 feet; thence South 88 degrees West 310 feet; thence South 87 degrees West 356 feet; thence North 31 degrees West 142 feet; thence North 20 degrees East 232 feet to the North side of homestead (which is the North line of said SE ¼ SW ¼ of Section 21); thence West 1149 feet to the Point of Beginning.

Section 27: NW ½ SW ½ lying Westerly of Raymond Canal, and the SW ½ SW ½ lying Westerly of that certain County Road known as Evans Lane.

Section 28: SE ¼; SW ¼; S ½ NW ¼, NE ¼ NW ¼; S ½ NE ¼

Except Therefrom: All that portion of the SE ¼ NE ¼ and the NE ¼ SE ¼ lying Easterly of the Raymond Canal.

Section 29: E ½ SE ¼; SW ¼ SE ¼; SE ¼ NE ½; SW ¼ SW ¼

Section 30: SE 1/4 SE 1/4

Section 31: N ½ NE ½; SE ½ NE ½; E ½ SE ½

Section 32: E ½ NE ½; NE ½ SE ½; W ½ NW ½; E ½ SW ½; SE ½ SE ½

Section 33: NW 14; N 1/2 SW 14; S 1/2 SW 1/4

The following parcels in Township 14 South, Range 46 East of the Boise Meridian:

Section 4: Lots 3 & 4; S ½ NW ¼; N ½ SW ¼

Section 5: Lots 3 & 4; S ½ NW ½; SE ½ NE ½; SE ½; an undivided 27/28th interest in and to the following described land, to wit: Lots 1 & 2; SW ½ NE ½; SE ½ SW ½

Section 6: Lot 1

Section 8: NE 14; SE 14; SE 14 NW 14

Section 9: SW ¼ NW ¼; W ½ SW ¼

- 4. I irrigated land, watered stock and supplied the homestead of the West Unit of the Ranch with water naturally occurring in springs and runoff, from 1962 to the present time.
- 5. I witnessed the full maximum beneficial use for irrigation of land, watering stock and to supply the homestead of the West Unit from 1945 to the present time, being well acquainted with the West Unit and its prior owners.

6. I used and witnessed use of water from springs and runoff in the following locations:

- o Section 28, T13S, R46E, Boise Meridian: Spring and runoff located near W ¼ corner of Section 28.
- o Section 30, T13S, R46E, Boise Meridian: Two springs located in SE ¼ SE ¼ of Section 30.
- O Section 31, T13S, R46E, Boise Meridian: Spring located near SW corner of SE ¼ of NE ¼ in Section 31.
- O Section 32, T13S, R46E, Boise Meridian: Spring located near SE corner of NW ¼ of SW ¼ in Section 32; and Spring located near SW corner of NW ¼ of SE ¼ of Section 32; and Spring located near SE corner of Section 32.
- Section 33, T13S, R46E, Boise Meridian: Runoff located near NW corner of Section 33, irrigating approximately 35 acres in and near NW 1/4 of NW 1/4 of Section 33.
- O Section 5, T14S, R46E, Boise Meridian: Spring located in NW ¼ of Section 5; and Spring near N ¼ corner of Section 5; and spring near unimproved road and near NW corner of SW ¼ of SE ¼ of Section 5; and Spring near SW corner of SW ¼ of SE ¼ of Section 5.
- O Section 8, T14S, R46E, Boise Meridian: Spring located in NE ¼ of SW ¼ of Section 8.
- 7. I used and witnessed use of water from springs and runoff in the above locations for the stockwatering of 300 cattle, the domestic use of 1 family residence and the irrigation of 35 acres.

DATED this 22 day of april 2002.

John/Etcheverry



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

BAR M LAND & LIVESTOCK LLC 910 W 2100 S OGDEN UT 84401

11-7494

Point(s) of Diversion: SWNWNW S5 T14S R46E, BEAR LAKE County Source SPRING, Tributary To SHEEP CREEK Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 07/02/2002

Place Of Use:STOCKWATFR

T14S R46E S5 NWNW

11-7495

Point(s) of Diversion: SWSESE S29 T13S R46E, BEAR LAKE CountySource UNNAMED STREAM, Tributary To THOMAS FORKUse:IRRIGATION04/15 To 10/15 0.48 CFSUse:STOCKWATER01/01 To 12/31 0.07 CFS

Total Diversion:

0.55 CFS

Date Filed:07/02/2002Place Of Use: STOCKWATER

T13S R46E S29 SESE

Place Of Use: IRRIGATION

T13S R46E S33 NWNW

Number of Acres24

11-7496

Point(s) of Diversion: SWSENE S31 T13S R46E, BEAR LAKE County Source SPRING, Tributary To SHEEP CREEK Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion:0.07 CFSDate Filed:07/02/2002Place Of Use:STOCKWATER

T13S R46E S31 SENE

11-7497

0.07 CFS

Point(s) of Diversion: SWSWSE S5 T14S R46E, BEAR LAKE CountySource SPRING, Tributary To THOMAS FORKUse:STOCKWATER01/01 To 12/31 0.07 CFS

Total Diversion:

Date Filed:07/02/2002Place Of Use: STOCKWATERT14S R46E S5 SWSE

T14S R46E S8 NENE

11-7498
Point(s) of Diversion: SWSESE S30 T13S R46E, BEAR LAKE County
Source SPRINGS, Tributary To SHEEP CREEK
Use: STOCKWATER 01/01 To 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 07/02/2002
Place Of Use:STOCKWATER
T13S R46E S30 SESE

11-7499

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Point(s) of Diversion: SENWSE S5 T14S R46E, BEAR LAKE County Source SPRING, Tributary To THOMAS FORK Use: STOCKWATER 01/01 To 12/31 0.07 CFS Use: DOMESTIC 01/01 To 12/31 0.04 CFS Total Diversion: 0.11 CFS Date Filed: 07/02/2002 Place Of Use:STOCKWATER

T14S R46E S5 NESE NWSE

Place Of Use:DOMESTIC

T14S R46E S5 NESE

11-7500

Point(s) of Diversion: SESESE S32 T13S R46E, BEAR LAKE County Source SPRING, Tributary To THOMAS FORK Use: STOCKWATER 01/01 To 12/31 0.07 CFS Total Diversion: 0.07 CFS Date Filed: 07/02/2002 Place Of Use:STOCKWATER T13S R46E S32 SESE

11-7501

Point(s) of Diversion: SWSENE S29 T13S R46E, BEAR LAKE County Source SPRING, Tributary To THOMAS FORK Use: STOCKWATER 01/01 To 12/31 0.07 CFS Total Diversion: 0.07 CFS Date Filed: 07/08/2002

Place Of Use: STOCKWATER T13S R46E S28 SWNW

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T13S R46E S29 S

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11-7502

Point(s) of Diversion: NWNWNE S5 T14S R46E, BEAR LAKE County Source SPRING, Tributary To THOMAS FORK Use: STOCKWATER 01/01 To 12/31 0.07 CFS Total Diversion: 0.07 CFS Date Filed: 07/08/2002 Place Of Use: STOCKWATER

T14S R46E S5 NWNE

11-7503

Point(s) of Diversion: SWSESE S8 T14S R46E, BEAR LAKE County Source SPRING, Tributary To THOMAS FORK Use: STOCKWATER 01/01 To 12/31 0.07 CFS

Total Diversion: 0.07 CFS

Date Filed:07/08/2002Place Of Use:STOCKWATER

T14S R46E S8 SESE

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 on July 17 and 24, 2002

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State of Icho 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

July 09, 2002

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

RE: Statutory Claim No. 11-7494, 11-7495, 11-7496, 11-7497, 11-7498, 11-7499, 11-7500, 11-7501, 11-7502 and 11-7503

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 August 5, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox **Administrative Assistant**



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State of Ic o C 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

July 09, 2002

Bar M Land & Livestock LLC 910 W 2100 S Ogden UT 84401

RE: Water Right Claim No: 11-7494, 11-7495, 11-7496, 11-7497, 11-7498, 11-7499, 11-7500, 11-7501, 11-7502 and 11-7503

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 on July 17 and 24, 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,

and a. Jones

Harold W Jones & Water Right Supervisor

HWJ:sc

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County of Bear Lake		
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county aforesaid, an	nd in the vicinity of Montpelier; that the	e 🖁
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Department of Water Resources Eastern Region

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Department of Water Herburger Epotern Frenzer

01/To 12/31 0.07 CFS Total Diversion: 0.07 CFS Date Filed: 07/08/2002 Place Of Use: STOCKWATER T14S R46E S5 NWNE 11-7503 Point(s) of Diversion: SWSESE S8 T14S R46E, BEAR LAKE County

Source SPRING, Tributary To THOMAS FORK