

Claim No.

11-7507

RECEIVED

SEP 24 2002

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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 Grimmett Black OTTER IRRIGATION CO.
P.O. Box 13 Dingle, ID 83233 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No: 208-847-0288

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) 4/15/1877
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	Use	Period of Use From	to
<u>20.00</u>	<u>Stock water</u>	<u>7/2</u>	<u>4/14</u>
<u>0.03</u>	<u>wildlife</u>	<u>7/2</u>	<u>4/14</u>

4. 20.00 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW NE Govt. Lot
Sec. 17 Township 14 S Range 45 E 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.
rock diversion dam. Concrete headgate, ditch (approximately 7 miles of ditch).

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	
14S	44E	10	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
		9	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
		11	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

TOTAL ACRES _____

See attached legal.

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: Stockwater: 7280 head of range cows.
and 10,000 geese & ducks.

7. Remarks: This claim is being filed for fall, winter and spring stock watering in addition to irrigation claim.

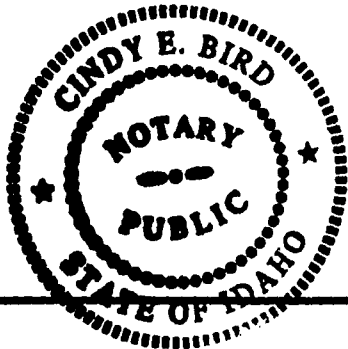
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Bannock) ss.

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.

William B. Robinson (Pres.)
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 23rd day of September, 2002.



Cindy E. Bird
Notary Public

Residing at: Lava Hot Springs

My commission expires: May 1, 2007

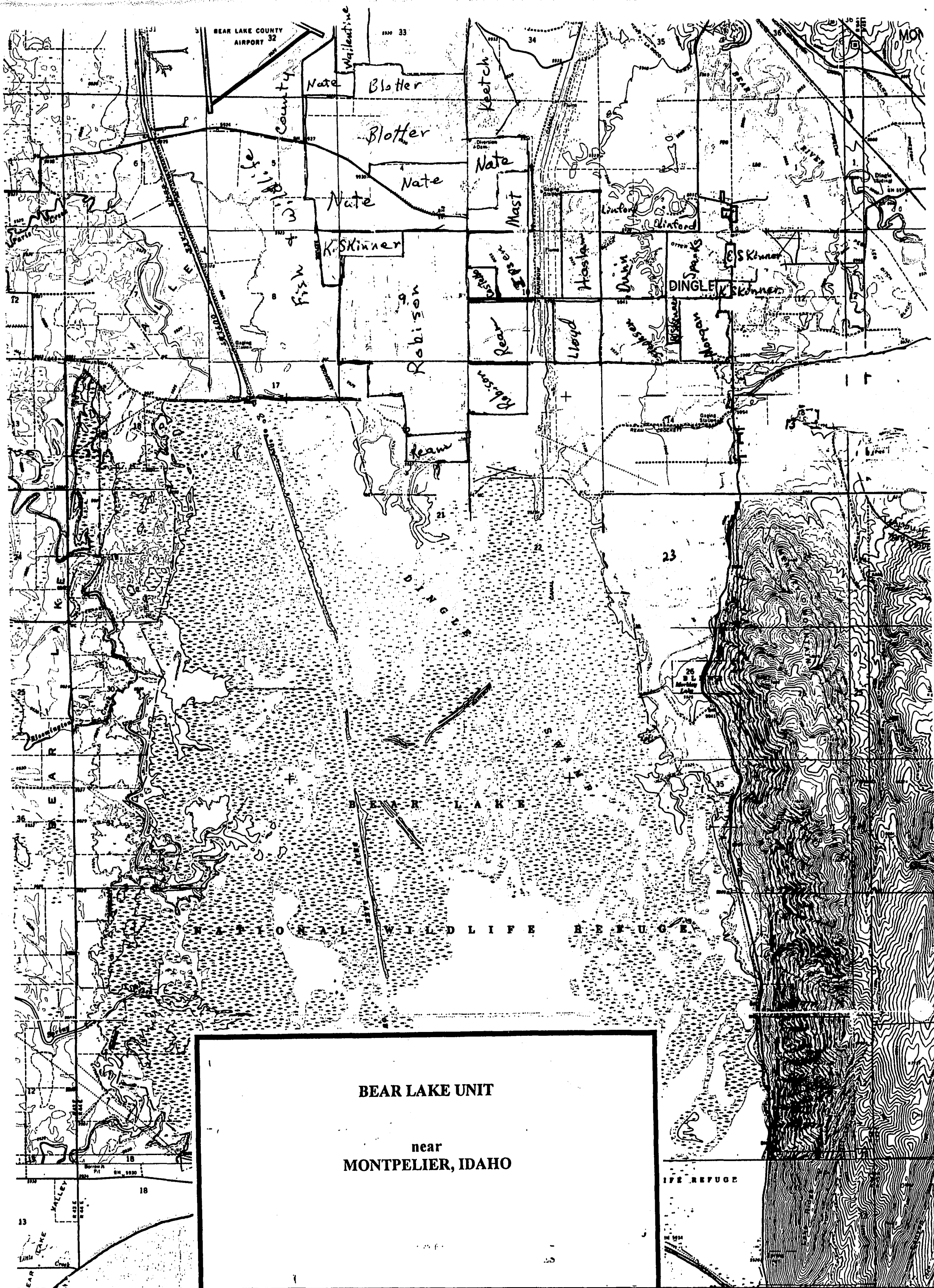
FOR DEPARTMENT USE ONLY

Received by HWT Date 9-24-02 Published News Examiner in

Prelim. check by _____ Date _____ Publication dates 10/2 & 10/9/02
Fee 250 Receipt # E028188 Publication checked by _____ Date _____
Receipt prepared by _____ Date _____ Exceptions filed by _____

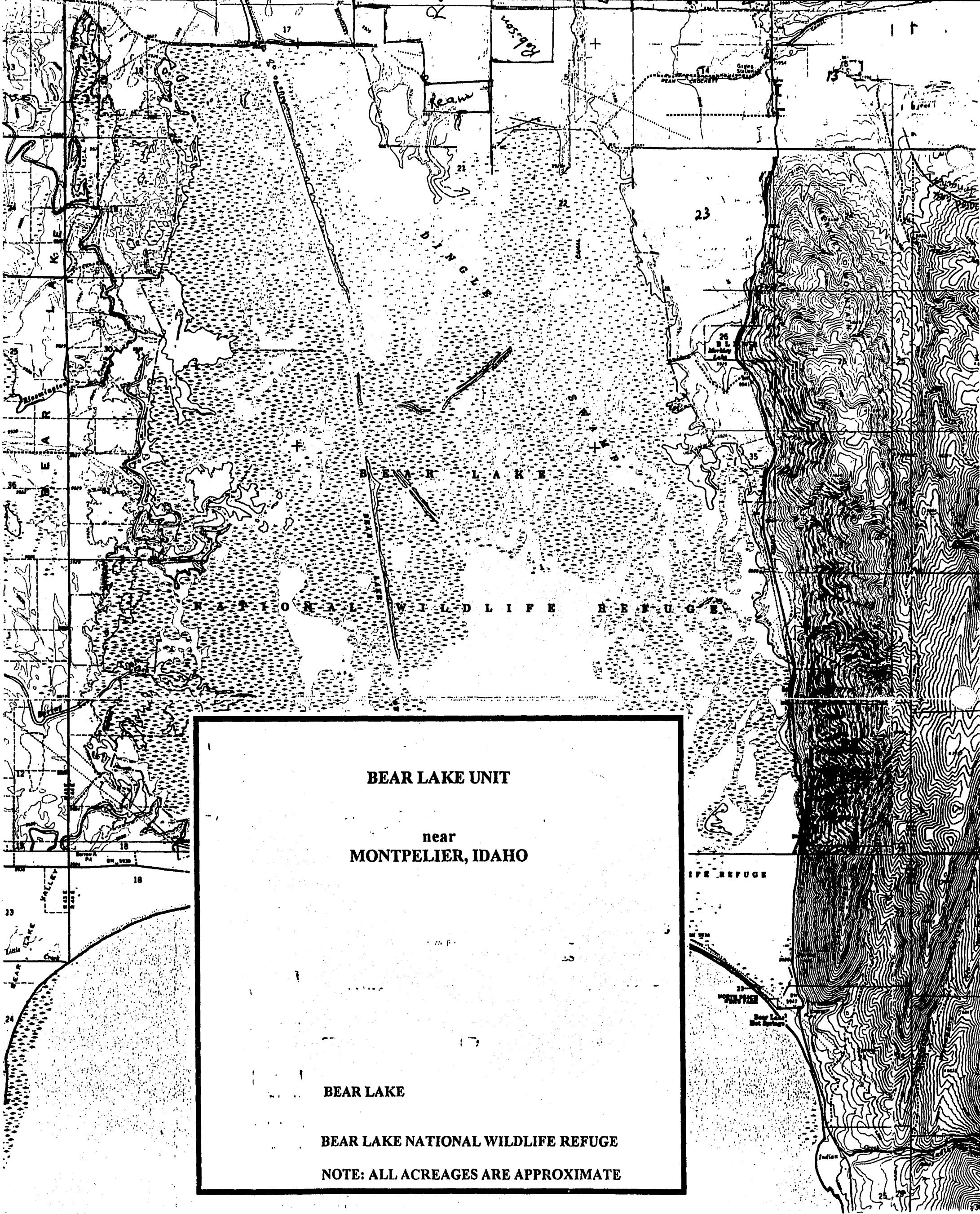
additional legal POW

[illegible]



BEAR LAKE UNIT

near
MONTPELIER, IDAHO



BEAR LAKE UNIT

**near
MONTPELIER, IDAHO**

BEAR LAKE

BEAR LAKE NATIONAL WILDLIFE REFUGE

NOTE: ALL ACREAGES ARE APPROXIMATE

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

☒ Water Right Number(s): 11-908

☐ Old Mailing Address: _____

☒ New Mailing Address: William B. Robison, President

PO Box 13

Dingle, ID 83233

☒ Telephone Number: 208-847-0288

☒ Signature of Claimant: William B. Robison

☒ Date: September 23, 2002

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

(D)

John Ipsen 120a
S10 T14 R44
E $\frac{1}{2}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$

300 head

Dell Haslam 46.25 a
S3 T14 R44
Fraction S $\frac{1}{2}$ SE

100 head

93.5 a
S10 T14 R44
Fraction NE $\frac{1}{4}$

David Stephenson 130a
S11 T14 R44
Fraction SW $\frac{1}{4}$ Fraction SE SW

175 head

Doyle Lloyd 100a
S10 T14 R44
Fraction SE $\frac{1}{4}$

300 head

Hella Sparks 109a
S11 T14 R44
Fraction NE $\frac{1}{4}$

200 head

James Costello 40a
S10 T14 R44
SW NW

80 head

(2)

Dann Family 160 a 180 head
S11 T14 R44
NW $\frac{1}{4}$

- Paul Keetch 290 a 400 head
S33 T13 R44
Fraction SE NW, W $\frac{1}{2}$ NW NESW,
S $\frac{1}{2}$ NE, N $\frac{1}{2}$ SE, Fraction NENE, S $\frac{1}{2}$ SE
50 a
S34 T13 R44
NWSW, Fraction SWNW

Dee Ann Linford 120 a 100 head
S2 T14 R44
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

J. R. Ream Ranch 80 a 400 head
S16 T14 R44
NWSE, NESE
157 a
S16 T14 R44
Fraction SW $\frac{1}{4}$

Martin Mast 120 a 160 head
S3 T14 R44
NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

(3)

Steven Morgan 42.88 a 75 head
S11 T14 R44
Fraction N $\frac{1}{2}$ SE, Fraction NWSE

Cloyd Wallentine 84 a 50 head
S33 T13 R44
Fraction SWNW; SWNW, NWSW

Evan Skinner 70 head

Kent Skinner 57 a 1,000 head
S9 T14 R44
Fraction NWNW, Fraction E $\frac{1}{2}$, Fraction N $\frac{1}{2}$ N
28.75 a

S8 T14 R44
Fraction E $\frac{1}{2}$ NE
33.25 a

S11 T14 R44
Fraction E $\frac{1}{2}$ SW
5.4 a

S11 T14 R44
Fraction SENE

(4)

1100 head

Fred Note 23a

S 9 T 14 R 44

Fraction N $\frac{1}{2}$ NW

90a

S 4 T 14 R 44

Fraction NESW, S $\frac{1}{2}$ SW

40a

S 4 T 14 R 44

Fraction NESW

20a

S 5 T 14 R 44

Fraction SESE

9a

S 8 T 14 R 44

Fraction NE NE

150a

S 4 T 14 R 44

Fraction S $\frac{1}{2}$

40a

S 4 T 14 R 44

NWSW

21a

S 32 T 13 R 44

Fraction SESE

36a

S 32 T 13 R 44

Fraction E $\frac{1}{2}$ SE, Fraction SESW

5

Fred Mate (Continued)
16 a

S 33 T 13 R 44
Fraction SWSW

1350 head

P.T. Blotter 243.22 a

S 4 T 14 R 44
Fraction NW $\frac{1}{4}$, Fraction N $\frac{1}{2}$,
Fraction Lot 4, SWNW, SE NW
34.03 a

S 4 T 14 R 44
Fraction N $\frac{1}{2}$ NE
S 4 T 14 R 44 — 33.75 a
Fraction Lots 3 + 4
100 a

S 33 T 13 R 44
SESW, Fraction S $\frac{1}{2}$ SE
44 a

S 5 T 14 R 44
S $\frac{1}{2}$ Lot 1, Fraction SENE
30 a

S 4 T 14 R 44
Fraction NW NW, Fraction NENE
20 a

S 33 T 13 R 44
E $\frac{1}{2}$ SWSW

(6)

William Robison

1300 head

117.5 a

S 16 T 14 R 44

Fraction NWNE, Fraction NENE

Fraction NENW

40 a

S 16 T 14 R 44

SWNE

80 a

S 16 T 14 R 44

SESE, SENE

236.5 a

S 15 T 14 R 44

Fraction NW $\frac{1}{4}$, N $\frac{1}{2}$ SW

80 a

S 9 T 14 R 44

NENE, NWNE

50 a

S 9 T 14 R 44

Fraction S $\frac{1}{2}$ SE

150 a

S 9 T 14 R 44

Fraction S $\frac{1}{2}$, Fraction S $\frac{1}{2}$ SW

50 a

S 9 T 14 R 44

Fraction N $\frac{1}{2}$ S $\frac{1}{2}$, Fraction NWSW

(7)

William Robison (continued)
230a

SQ TK R44
SWNW; SENW, S $\frac{1}{2}$ NE, Fraction N $\frac{1}{2}$ S $\frac{1}{2}$

Total. 7280 lead.



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Pocatello Field Office
1111 N 8th Avenue
Pocatello, Idaho 83201-5789

RECEIVED
OCT 31 2002
Department of Water Resources
Eastern Region

In Reply Refer To:

7520

October 30, 2002

Harold Jones
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RE: Statutory Claim Number #11-07507

Dear Mr. Jones:

This office wishes to formally protest the Statutory Claim #11-07507 filed by the Grimmatt Black Otter Irrigation Company. The basis for this protest is that the Company does not have authorization to use the public land described as T 13 S., R 44 E., Section 34, SWSW, that is included in their claim as a Point of Use.

It is BLM policy not to authorize the use of privately claimed water on public land without a formal agreement and they have none.

We would withdraw this protest if the Grimmatt Black Otter Irrigation Company removed the above described 40 acres of public land from their claim.

Please direct questions to Geoff Hogander at (208) 478-6345.

Sincerely,

For.

Phil Damon
Field Office Manager

RECEIVED

JAN 27 2003

Department of Water Resources

Jody L. Williams, Esq.
Steven J Vuyovich, Esq.
Holme Roberts & Owen LLP
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2263
Telephone: (801) 521-5800

RECEIVED
JAN 10 2003

Department of Water Resources
Eastern Region

Attorneys for PacifiCorp dba Utah Power

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

In the Matter of the
Claim to Water Right
No. 11-7507
Grimmett Black Otter Irr. Co.
Claimant

Exception of PacifiCorp,
an Oregon Corporation, dba
Utah Power

1. Claudia Conder, for PacifiCorp being duly sworn, states as follows: PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power ("PacifiCorp"), 1407 W No Temple Suite 110, Salt Lake City, Utah 84116, 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 84116

With a copy to:

Jody L. Williams
Holme, Roberts & Owen LLP
299 So Main, Suite 1800
Salt Lake City, UT 84111

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. Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v.*

Receipt
#E028443

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 Claim for 20.00 cfs of surface water in the Bear River for stockwatering.

4. PacifiCorp questions whether the entire canal was constructed and in operation in the winter beginning in 1877.

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 9 day of JANUARY, 2003.

PACIFICORP, dba UTAH POWER

By *Claudia Conder*
Claudia Conder

Water Rights Administrator

PacifiCorp

1407 W No Temple Suite 110

Salt Lake City, UT 84140

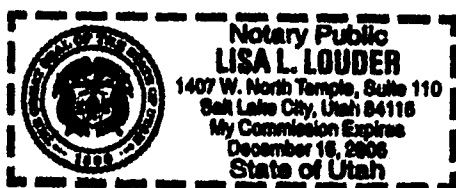
STATE OF UTAH)

:ss.

COUNTY OF SALT LAKE)

On this 9th day of January, 2003, 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.



Lisa L. Louder
Notary Public

MAILING CERTIFICATE

On this _____ day of _____, 2003, 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

Grimmett Black Otter Irrigation Co.
P O Box 13
Dingle ID 83233

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



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

September 25, 2002

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

RE: Statutory Claim No. 11-7507

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 October 21, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*faxed
8:15 AM
9/26/02
sc*

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

11-7507

GRIMMETT BLACK OTTER IRRIGATION CO
C/O WILLIAM ROBISON
P O BOX 13
DINGLE ID 83233

Point(s) of Diversion: SWNE S17 T14S R45E, BEAR LAKE County

Source BEAR RIVER, Tributary To GREAT SALT LAKE

Use: STOCKWATER 07/02 To 04/14 20 CFS

Use: WILDLIFE 07/02 To 04/14 0.03 CFS

Total Diversion: 20 CFS

Priority Date: 4/15/1877

Place Of Use: STOCKWATER

• T13S R44E S32	SESW NESE SESE
• T13S R44E S33	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
• T13S R44E S34	NWNW SWNW NESW NWSW SWSW SESW
• T14S R44E S10	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
• T14S R44E S11	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
• T14S R44E S15	NENW NWNW SWNW SENW NESW NWSW
• T14S R44E S16	NENE NWNE NENW NESE NWSE
• T14S R44E S2	NWSW SWSW SESW SWSE
• T14S R44E S3	NENW NWNW SWNW SENW NESW NWSW SWSW SESW SWSE SESE
• T14S R44E S4	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
• T14S R44E S5	NENE SENE SESE
• T14S R44E S8	NENE SENE
• T14S R44E S9	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

Place Of Use: WILDLIFE

• T14S R44E S17	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
• T14S R44E S5	SWNE SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE
• T14S R44E S8	NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE 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 October 2 and 9, 2002



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

September 25, 2002

Pete Peterson
PO Box 349
Preston ID 83263-0349

RE: Claim to a Water Right #11-7507

Dear Pete:

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.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

RECEIVED

SEP 30 2002

Department of Water Resources
Eastern Region

9/20/02

William Sparks and Dora Sparks
Purchased this property in 1937
Their son William Dean Sparks
and Sheila King Sparks has
run the Ranch. he passed
away in 2000 his wife Sheila
still operates this property
We have watered cattle
and irrigated out of the
Black after up to 200 head
and still need to have
the water rights to irrigate
and water stock

Sheila Sparks

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SEP 30 2002

Department of Water Resources
Eastern Region

Continuation of Abstract of Title
BEAR LAKE ABSTRACT COMPANY
PARIS and MONTPELIER, IDAHO

Abstract No.

Sheet No.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

THE FEDERAL LAND BANK OF SPOKANE,
a corporation,

Plaintiff,

-vs-

Albert Humburg, also known as Albert E.
Humburg, and Jenett Humburg, husband and
wife; William Sparks and Dora Sparks,
husband and wife; and Montpelier National
Farm Loan Association, a corporation;
Defendants.

LIS PENDENS

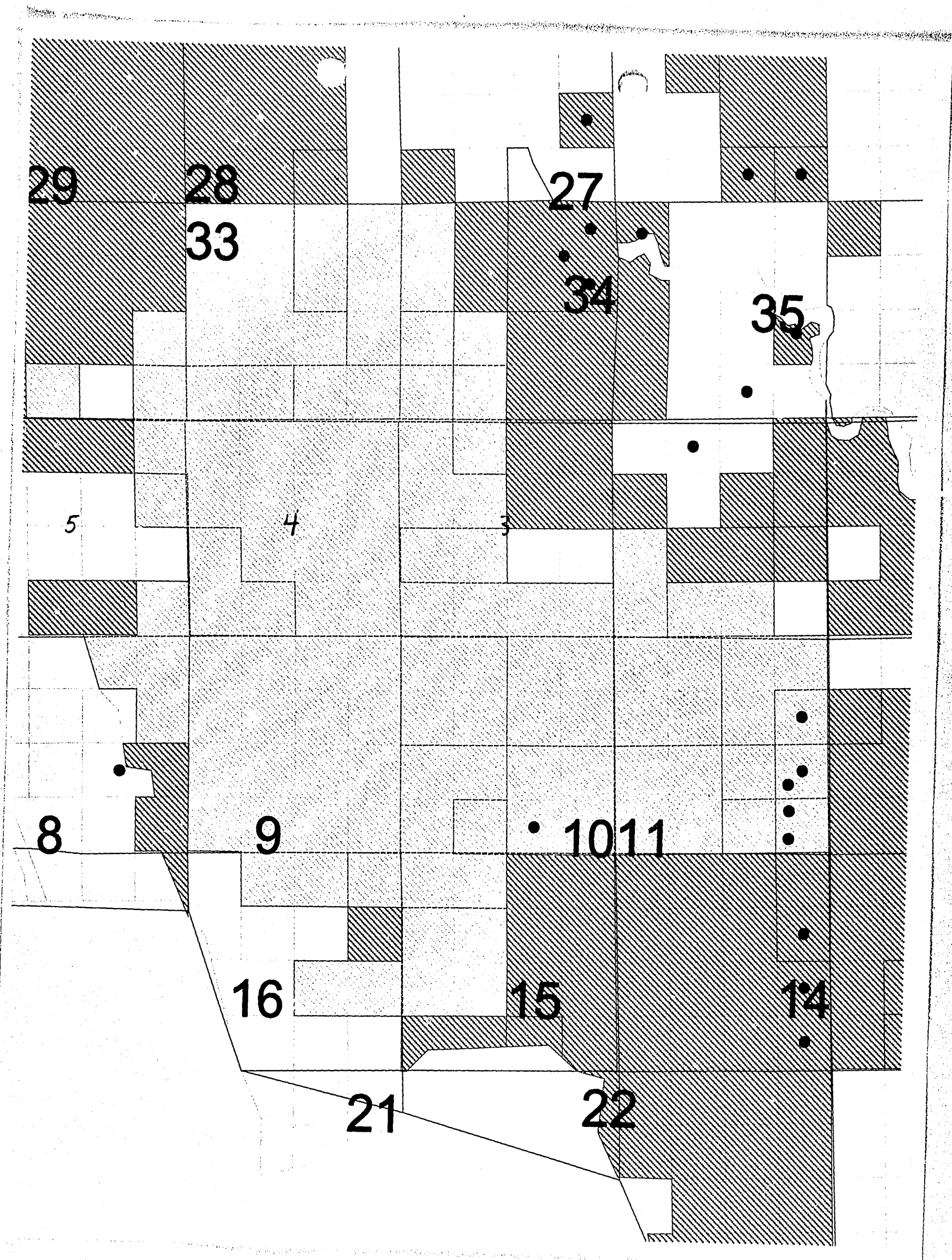
NOTICE IS HEREBY GIVEN that The Federal Land Bank of Spokane, a corporation, has instituted in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bear Lake, an action against the above named defendants and each of them for the purpose of foreclosing a certain real estate mortgage made, executed and delivered by Albert E. Humburg and Jenett Humburg, husband and wife, to the plaintiff, which mortgage was for the sum of \$7600.00 and covers the following described real property situated in the county of Bear Lake, State of Idaho, to-wit:

Commencing at the Southwest Corner of the Northeast Quarter of Section Eleven, Township Fourteen, South of Range Forty-four, East of the Boise Meridian, and running thence North 160 rods, thence East 12 rods to the thread of the stream of the Black Otter Slough; thence following the windings of the Black Otter Slough a distance of 40 rods in a Southeasterly direction; thence 79 rods in a Northeasterly direction to the Northern Section line of Section Eleven; thence along said line to the thread of the Black Otter Slough; thence following the windings of said Slough in a Southeasterly direction a distance of 25 rods; thence South 58 rods, thence West 5 rods, thence South 12 rods; thence Southeast 12 rods and 6 links; thence South 34 rods thence West 53 rods thence South 33 rods thence West 84 rods to the place of beginning, containing 121 acres, more or less.

The etc., etc..

Subject to the rights acquired by deed recorded in Book 11 of Deeds at page 118 records of Bear Lake County, Idaho, to which reference is hereby made, and

All water and water rights used upon or appurtenant to said property and however evidenced, including (but not limited to) a water right evidenced by 75 shares of Stock in Grinnett Black Otter Irrigation Company, evidenced by stock certificate #1, and 16 shares of stock in Dingle Irrigation Company, evidenced by stock certificate #269.



September 21, 2002

To Whom It May Concern:

My name is Forrest Dayton and I am 82 years old and have lived in Dingle all of my life. My Grandfather homesteaded in the Dingle area and we have continued to ranch in the area since that time.

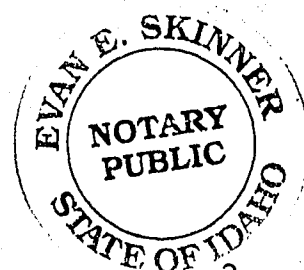
I am very familiar with the Black Otter Irrigation system and the long time use of Black Otter water for livestock use in the fall, winter, and early spring months. I have operated my own ranch in the area as well as worked on other ranches in the area. I started working on the Nate Ranch in 1948 and was there for six years. Part of this ranch was located in Sections 4, 5, 8, 9, 32, and 33 in Township 14 Range 44. I then worked seven years on the Quale Ranch which is now the Robison Ranch located in Sections 9, 15, and 16 in Township 14 Range 44. I was then foreman for the Ream Ranch for twenty-two years. The part of the Ream Ranch using Black Otter water is located in Sections 10 and 16 in Township 14 Range 44.

After retiring from ranch work, I worked as water master on the Black Otter. I have worked in this capacity for the last 15 years.

From information from my family, my personal knowledge, Quale, Nate, and Ream ranches I know beyond any doubt that Black Otter water has always been used for livestock water in the fall, winter, and spring months since the Bear Lake Valley was settled in the 1800's. Livestock interests in the Dingle area depend heavily on Black Otter water for stock water use in winter months. Without this water source for livestock use, livestock production would be adversely affected in the Dingle area.

Sincerely,

Forrest Dayton
Forrest Dayton



EVAN E. SKINNER
EXPIRE 1-30-06

Evan E. Skinner

September 22, 2002

RECEIVED
SEP 30 2002
Department of Water Resources
Eastern Region

To Whom It May Concern:

My name is Fred Nate and I am 59 years old. My Father, my Grandfather, and myself have ranched and ran cattle in the Dingle bottoms all of our lives. Our ranch is located in Sections 4, 5, 8, 9, 32, and 33 in Township 14 Range 44. We have always had access to Black Otter water for livestock watering during the fall, winter and early spring months since the 1800's.

My Grandfather, Charlie Nate, was 86 years of age when he died. He passed away in 1961. He ran cattle on the Dingle bottoms and used Black Otter water for livestock use in the winter throughout his life.

My Father, Ferris Nate, was 84 years of age when he died and he passed away in December of 2000. He continued his Father's tradition of running cattle in the Dingle meadows and using Black Otter water for livestock in the fall, winter and early spring months.

I have continued my Father and Grandfather's tradition of running cattle in the Dingle Meadows. Black Otter water for livestock use is critical in the fall, winter and spring months. Without the water our livestock operations would be severely curtailed. In fact, it would be impossible to winter cattle in the Dingle meadows without the use of Black Otter water. Our family has always regarded Black Otter water as a dependable source of water for livestock use in the fall, winter, and early spring months since the 1800's.

Sincerely,

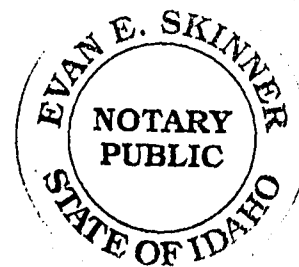
Fred Nate

Fred Nate

EVAN E. SKINNER

Expires 1-30-06

Evan E. Skinner



Idaho Department of Water Resources Receipt

Receipt ID E028188

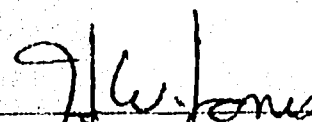
Payment Amount \$250.00 Date Received 9/24/2002 11:22:11 AM Region Eastern Status ☒
Payment Type Check Check Number 7741

RECEIVED
SEP 30 2002
Department of Water Resources
Eastern Region

Payer ROBISON, WILLIAM
Comment 243 Claim for Grimmer Black Otter Irrig

Fee Detail

Amount Description Fund FD PCA SO
\$250.00 PERMITS 0229 21 63103 1155


Signature Line (Dept. Representative)

September 27, 2002

RECEIVED
SEP 30 2002
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Attn: Harold Jones
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Mr. Jones:

Would you please file the enclosed letters with Claim 243 for
Grimmett Black Otter Irrigation. These letters are further
documentation of the historical use of Black Otter water for stock use
since the 1800's.

Thank you.

Sincerely,

William B. Robison
William B. Robison
President, Black Otter Irrigation Co.



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

September 25, 2002

Grimmett Black Otter Irrigation Co.
PO Box 13
Dingle ID 83233

RE: Water Right Claim No 11-7507

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 October 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

HWJ:sc

No 6482

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. 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

October 2, 2002, and ending
with the issue of October 9, 2002

Rosa S. Moosman
Fees, \$145.40

Subscribed and sworn to before me this 30th day
of October, 192002

Sherry Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

NOTICE TO WATER USERS

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

11-7507
GRIMMETT BLACK OTTER
IRRIGATION CO
C/O WILLIAM ROBISON
P O BOX 13
DINGLE ID 83233

Point(s) of Diversion: SWNE
S17 T14S R45E, BEAR LAKE
County

Source BEAR RIVER, Tributary
To GREAT SALT LAKE

Use: STOCKWATER

07/02 To 04/14 20 CFS

Use: WILDLIFE

07/02 TO 04/14 0.03CFS

TOTAL DIVERSION: 20 CFS

Priority Date: 4/15/1877

Place Of Use: STOCKWATER

T13S R44E S32 SESW NESE

SESE

T13S R44E S33 NENE NWNW

SWNE SENE NENW NWNW

SWNW SENW NESW NWSW

SWSW SESW NESE NWSE

SWSE SESE

T13S R44E S34 NWNW

SWNW NESW NWSW SWSW

SESE

T14S R44E S10 NENE NWNW

SWNE SENE NENW NWNW

SWNW SENW NESW NWSW

SWSW SESW NESE NWSE

SWSE SESE

T14S R44E S11 NENE NWNW

SWNE SENW NENW NWNW

NWNW SENW NESW NWSW

SWSW SESW NESE NWSE

SWSE SESE

T14S R44E S15 NENW

NWNW SWNW SENW NESW

RECEIVED
NOV 18 2002
Department of Water Resources
Eastern Region

November 15, 2002

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Dear Mr. Jones:

This letter is in regard to the protest filed by the BLM on Statutory Claim #11-07507. That was a mistake on our part so would you please delete T 13 S., R 44 E., Section 34, SWSW, that is included in the Grimmatt Black Otter Irrigation Company water filing.

Hopefully everything else is in order, if not please let us know. We appreciate the help you have given us on this matter. Thank you.

Sincerely,

William B. Robison
William B. Robison



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

January 21, 2003

Jody L Williams, Esq.
Holme Roberts & Owen LLP
299 S Main St, Ste 1800
Salt Lake City UT 84111-2263

**RE: Claim to a Water Right #11-8507 for Grimmatt Black Otter and
Claim to a Water Right #11-7510 for Ream Crockett Irrigation**

Dear Jody Williams:

Your exception against the above referenced claims have been received and a copy has been sent to the applicants.

If this office can be of further assistance, please contact us.

Sincerely,

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2003

Grimmett Black Otter Irrigation Co.
PO Box 13
Dingle ID 83233

RE: Claim to a Water Right No.: 11-7507

Dear Sir:

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:

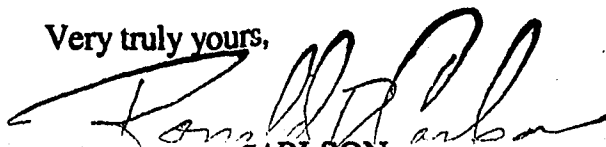
?42-244. Recording of claims by Department -Corrections.-

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.

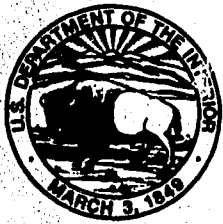
Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights.

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

Very truly yours,


RONALD D. CARLSON
Eastern Regional Manager

RDC:sc



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

RECEIVED
JAN 21 2003
Department of Water Resources
Eastern Region

JAN 15 2003

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

RE: Claim No. 11-7507

Dear Sir or Madam:

The Fish and Wildlife Service reviewed the Claim to Water Right No. 11-7507, filed by Grimmatt Black Otter Irrigation Company, for 20.0 cfs of surface water in the Bear River for stockwatering in Bear Lake County, Idaho.

The Service hold a 1000 cfs water right, with a priority date of 1928, for fish and wildlife uses at the Bear River Migratory Bird Refuge. Therefore, we are concerned about water use in the Bear River basin in Idaho, as well as Utah. The Service has the same concerns as PacifiCorp expressed in their January 9 exception (copy attached for your reference) and requests that your office provide us with future notices and copies of correspondence concerning this claim.

If you have questions or require further information, please contact me at (303) 236-5321 extension 223.

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

cc: Grimmatt Black Otter Irrigation Co.
P.O. Box 13
Dingle, ID 83233

Jody L. Williams, Esq.
Steven J Vuyovich, Esq.
Holme Roberts & Owen LLP
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2263
Telephone: (801) 521-5800

Attorneys for PacifiCorp dba Utah Power

**BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

In the Matter of the
Claim to Water Right
No. 11-7507

Grimmett Black Otter Irr. Co.
Claimant

Exception of PacifiCorp,
an Oregon Corporation, dba
Utah Power

1. Claudia Conder, for PacifiCorp being duly sworn, states as follows: PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power ("PacifiCorp"), 1407 W No Temple Suite 110, Salt Lake City, Utah 84116, 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 84116

With a copy to:

Jody L. Williams
Holme, Roberts & Owen LLP
299 So Main, Suite 1800
Salt Lake City, UT 84111

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. 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 Claim for 20.00 cfs of surface water in the Bear River for stockwatering.

4. PacifiCorp questions whether the entire canal was constructed and in operation in the winter beginning in 1877.

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 9 day of JANUARY, 2003.

PACIFICORP, dba UTAH POWER

By

Claudia Conder
Claudia Conder

Water Rights Administrator

PacifiCorp

1407 W No Temple Suite 110

Salt Lake City, UT 84140

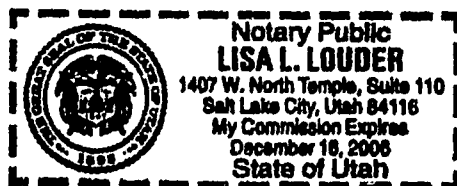
STATE OF UTAH)

:SS.

COUNTY OF SALT LAKE)

On this 9th day of January, 2003, 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.



Lisa L. Louder
Notary Public



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Pocatello Field Office
1111 N 8th Avenue
Pocatello, Idaho 83201-5789
(208) 478-6340

RECEIVED

JAN 27 2003

Department of Water Resources

RECEIVED
JAN 22 2003
Department of Water Resources
Eastern Region

In Reply Refer To:

7520

January 21, 2003

Harold Jones
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RE: Statutory Claim Number #11-07507

Dear Mr. Jones:

This office received a copy of a letter dated November 15, 2002, from Mr. William B. Robinson of the Grimmer Black Otter Irrigation Company. In it he asks the IDWR to drop the POU described as T13S., R44E., Section 34, SWSW, from their statutory claim #11-07507.

This request resolves our concerns and we withdraw our protest of October 30, 2002, since public land would no longer be erroneously claimed as being irrigated by their company.

Please direct questions to Geoff Hogander at (208) 478-6345.

Sincerely,

Philip L. Damon
Phil Damon
Field Office Manager

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.

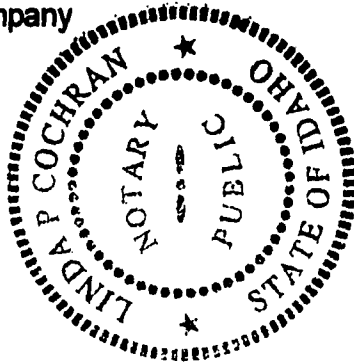
A check for \$100.00 is enclosed to cover the costs of filing.

Sincerely,

Virgil Boehme

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

pb



Date 5-5-03
Linda Cochran, Notary
Montpelier Idaho
License Expires 5-2004



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

GRIMMETT BLACK OTTER IRRIGATION CO
C/O WILLIAM ROBISON
P O BOX 13
DINGLE, ID 83233

RE: Claim No. 11-007507

Dear - GRIMMETT BLACK OTTER 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.

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

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.

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

Enclosure(s)

HWJ:sc