

Claim No. **13 4061**

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Don W. Gilbert and Richard W. Gilbert
(name of claimant)
of Grace, Idaho 83241, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Densmore Creek
, tributary to, Beaver Dam Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>1.20 csf</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 1.20 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 5-01-1900

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 2 Twp. 11 S Rge. 39 E B.M. County of Caribou
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. existing cement headbox and eight (8) inch pipeline.

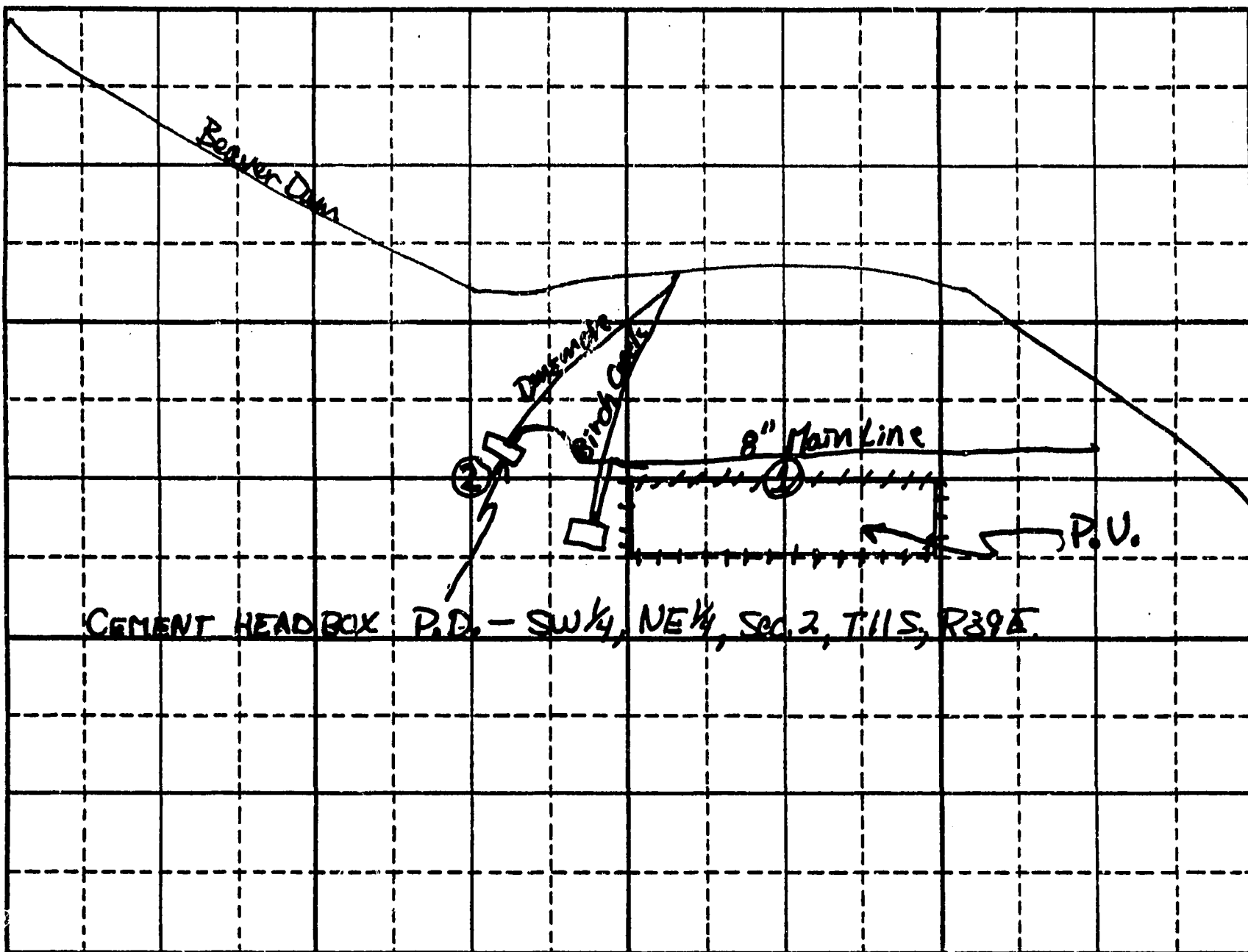
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 100

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- _____
- _____
- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Caribou) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Richard W. Gilbert
Don W. Gilbert
(Claimant)

Sworn to before me this 28th day of December, 1977.

Randall C. Budge
Notary Public RANDALL C. BUDGE
Residing at Notary Public State of Idaho
BODA SPRINGS, IDAHO
Comm. Exp: 10-15-80

My commission expires

For Department Use Only

Received by <u>me</u>	Date <u>12-30-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>me</u>	Date <u>1-3-78</u>		claimant by:	
\$10.00 fee received by <u>cu</u>	Date <u>1-03-78</u>			
Approved for publication by <u>me</u>	Date <u>1-27-78</u>	<u>Atty General</u>	<u>cu</u>	<u>2-03-78</u>
Published in <u>(Caribou County News)</u>		<u>Jones</u>		
Dates <u>Jan. 12 & 19-1978</u>		<u>Atty Max</u>	<u>cu</u>	<u>2-03-78</u>
		<u>Carroll</u>		

MAX F. PARRISH
Attorney & Counsellor at Law
250 East Center Street
POCATELLO, IDAHO 83201
Phone (208) 233-1155

RECEIVED

JAN 30 1978

Department of Water Resources
Eastern District Office

1 BEFORE THE STATE OF IDAHO, DEPARTMENT OF RECLAMATION

2 In The Matter of a Claim of)
3 a Water Right filed by:)
4 DON W. GILBERT and)
5 RICHARD W. GILBERT.)
6 Claim No. 13-4061
7 PETITION TO DETERMINE THAT HYRUM WENDELL SMITH AND ADELLA M. SMITH HAVE
8 CO-EQUAL RIGHTS WITH CLAIMANTS, DON W. GILBERT AND RICHARD W. GILBERT
9 -----
10 COMES NOW, HYRUM WENDELL SMITH and ADELLA M. SMITH
11 pursuant to that certain public notice in reponse to a NOTICE
12 OF CLAIM OF WATER RIGHT on file in this matter and respond
13 as follows:
14 1. That Hyrum Wendell Smith and Adella M. Smith own
15 co-equally with petitioners herein, Don W. Gilbert and
16 Richard W. Gilbert, any and all right, title or claim in
17 and to any water rights affected by that certain NOTICE OF
18 CLAIM to a water right on file in this matter.
19 2. That Hyrum Wendell Smith and Adella M. Smith do
20 protest any determination that would grant to Don W. Gilbert
21 and Richard W. Gilbert any rights superior to or greater
22 than the rights to which Hyrum Wendell Smith and Adella M.
23 Smith are entitled.
24 WHEREFORE, Hyrum Wendell Smith and Adella M. Smith
25 petition that any determination made by the State of Idaho,
Department of Reclamation respecting the claim to a water
right shall establish that Hyrum Wendell Smith and Adella
M. Smith own a co-equal right with Don W. Gilbert and Richard

1 W. Gilbert.

2 DATED JAN 26 1978

Max F. Parrish
MAX F. PARRISH
Counsel for Hyrum Wendell Smith
and Adella M. Smith

6 STATE OF IDAHO

7 COUNTY OF BANNOCK. ss

8 HYRUM WENDELL SMITH and ADELLA M. SMITH, first being
9 sworn, say:

10 That affiants have read the above and foregoing
11 document and that the information therein contained is true,
12 accurate and correct according to their best information and
13 belief.

14 DATED JAN 26 1978

Hyrum Wendell Smith
HYRUM WENDELL SMITH

16 DATED JAN 26 1978

Adella M. Smith
ADELLA M. SMITH

18 SUBSCRIBED AND SWORN TO

19 DATED JAN 26 1978

Jan A. Shultz
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello, ID

24 I, MAX F. PARRISH, do hereby certify that I did deposit
25 in the United States Mail, postage prepaid, a copy of the
26 foregoing document, addressed to:

RANDALL C. BUDGE, ESQUIRE
P. O. Box 833
Soda Springs, ID 83276

28 DATED JAN 26 1978

Max F. Parrish
MAX F. PARRISH

MAX F. PARRISH
Attorney & Counsellor at Law
250 East Center Street
POCATELLO, IDAHO 83201
Phone (208) 233-1155

RECEIVED
JAN 27 1978

Department of Water Resources
Eastern District Office

EXCEPTION TO NOTICE OF CLAIM TO WATER RIGHT

TO: C. Stephen Allred
1515 Lincoln Road
Idaho Falls, Idaho 83401

NOTICE IS HEREBY GIVEN that MERLIN SMITH and EARLENE SMITH, husband and wife, of Grace, Idaho, take exception to the Notice of Claim to a Water Right No. 13-4061 filed by Don W. Gilbert and Richard W. Gilbert, Grace, Idaho, in the following particulars:

1. That the irrigation rights of Don W. Gilbert and Richard W. Gilbert to the waters of Birch Creek and Densmore Creek which are tributaries to Beaver Dam Creek, in Caribou County, Idaho, were established by Judgment of the Honorable Francis J. Rasmussen, District Judge of the Sixth Judicial District of the State of Idaho, entered in civil case No. 2164, records of Caribou County, Idaho, and which case was thereafter affirmed by the Supreme Court of the State of Idaho in 552 P.2d 1220, a copy of said Judgment is attached hereto and by reference incorporated herein.

2. Don and Richard Gilbert are not the owners of any of the waters of Densmore Creek. Don and Richard Gilbert are the purchasers under contract of .6 cfs of the waters of Densmore Creek with a priority date of May 1, 1900; the lands being purchased by Don and Richard Gilbert to which said water is appurtenant lies only within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 11 South, Range 39 E.B.M. and the Densmore Creek water being purchased by Don and Richard Gilbert is not used to irrigate 100 acres.

DATED this 26 day of January, 1978.

Merlin R. Smith
Merlin Smith

Earlene Smith
Earlene Smith

LAMONT JONES, CHARTERED
P. O. BOX 967 - 405 WEST WHITMAN
FOCATELLO, IDAHO

FILED:

'75 MAY -8 AM 9 32

CARIBOU COUNTY CLERK

Edna Peterson
DEPUTY

~~Lamont Jones~~

JONES, POMEROY & JONES
P. O. BOX 610
POCATELLO, IDAHO 83201
TELEPHONE: (208) 232-3461

ATTORNEYS FOR ~~Defendants~~

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CARIBOU

DON W. GILBERT AND DELORES
GILBERT, husband and wife,
RICHARD W. GILBERT and
CHRISTINE N. GILBERT, husband
and wife; MAX E. SMITH and
EILEEN SMITH, husband and
wife, and H. WENDELL SMITH
and DELLA SMITH, husband and
wife,

Plaintiffs,

vs

MERLIN SMITH and EARLENE
SMITH, husband and wife, and
all other persons claiming
an adverse interest to the
water rights of Beaver Dam
Creek, Densmore Creek and
Birch Creek, tributaries of
the Bear River,

Defendants.

CIVIL NO. 2164

J U D G M E N T

The above entitled cause came on regularly for trial on
the 26th day of February, 1975, at Soda Springs, Caribou County,
Idaho, before the court, sitting without a jury, the Honorable
Francis J. Rasmussen presiding; Gus Carr Anderson and Isaac
McDougall appeared as counsel for the plaintiffs and Lamont Jones
appeared as counsel for the defendants; Evidence, both oral
and documentary, having been introduced and the cause submitted
for decision, and the Court having heretofore made and caused
to be filed herein its written findings of fact and conclusions
of law and being fully advised;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the defendants Merlin Smith and Earlene Smith are the owners of the following described real property and water rights appurtenant thereto, to-wit:

SE $\frac{1}{4}$ Section 6, Township 11 South, Range 40 E.B.M., and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 5, Township 11 South, Range 40 E.B.M., in Caribou County, Idaho, together with the right to divert from the existing diversion points:

1.4 c.f.s. water from Densmore Creek with a priority date of May 1, 1882;

1.3 c.f.s. from Beaver Dam Creek with a priority date of May 1, 1882; and

1.0 c.f.s. from Birch Creek with a priority date of May 1, 1882;

all of said waters having been decreed to said defendants' predecessors in interest as appropriation numbers 240, 243 and 245 under the Decree dated July 14, 1920, recorded in Book 41 of Deeds at page 191, records of Bannock County, Idaho.

2. That the plaintiffs Max E. Smith and Eileen Smith and their contract purchasers, Don W. Gilbert, Delores Gilbert, Richard W. Gilbert and Christine Gilbert are the owners of the following described real property and water rights appurtenant thereto, to-wit:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 11 South, Range 39 E.B.M., together with the right to divert from said plaintiffs' existing diversion points:

0.6 c.f.s. water from Densmore Creek with priority date of May 1, 1900; and

0.4 c.f.s. water from Birch Creek with priority date of May 1, 1900;

Said water rights being an undivided one-half of the water rights decreed said plaintiffs' predecessors in interest as appropriation numbers 241 and 246 under the Decree dated July 14, 1920, recorded in Book 41 of Deeds at page 191, records of Bannock County, Idaho.

3. That the plaintiffs H. Wendell Smith and Della Smith are the owners of the following described real property and water rights appurtenant thereto, to-wit:

Lot 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, Township 11 South, Range 39 E.B.M., and Lot 5, Section 6, Township 11 South, Range 40 E.B.M., together with the right to divert from said plaintiff's existing diversion points:

0.6 c.f.s. water from Densmore Creek with priority date of May 1, 1900; and

0.4 c.f.s. water from Birch Creek with priority date of May 1, 1900;

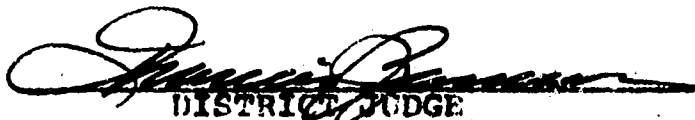
Said water rights being an undivided one-half of the water rights decreed said plaintiffs' predecessors in interest as appropriation numbers 241 and 246 under the Decree dated July 14, 1920, recorded in Book 41 of Deeds at page 191, records of Bannock County, Idaho.

4. That the plaintiffs and each of them are forever enjoined and restrained from in any manner interfering with the water rights of the defendants in Densmore, Birch and Beaver Dam Creeks.

5. That So long as there is sufficient water in Densmore and Birch Creek to fill defendants' priority water rights in each creek, said defendants are enjoined and restrained from in any manner interfering with the junior water rights of plaintiffs in said Densmore and Birch Creeks.

6. That the respective parties shall bear their own costs incurred herein.

DATED this 8 day of May, 1975.


DISTRICT JUDGE


RECEIVED

JAN 27 1978

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4061**

Notice is hereby given that Don W. Gilbert and Richard W. Gilbert, Grace, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 1.20 cubic feet per second of water from Densmore Creek tributary to Beaver Dam Creek with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 11S, R. 39E, B.M., Caribou County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of May 1, 1900 the place of use is within the N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 1, T. 11S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in the Caribou County Sun, Soda Springs, Idaho on January 12 and January 19, 1978.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

12th day of
January, 19 78

The date of the last publication

being the 19th day of
January, 19 78

Mark Steele

Subscribed and sworn to be-

fore me this 24th day

of January, 19 78

Richard H. Steele

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

19 80.

January 3, 1978

C
RE: Claim to a Water Right No. 13-4060 GILBERT
13-4061

Mr. Randall C. Budge
Attorney at Law
P.O. Box 833
Soda Springs, ID 83276

Dear Mr. Budge:

Attached herewith is Departmental receipt No. 9155 in the amount of \$20.00 for the above referenced claims in the name of Don W. Gilbert and Richard W. Gilbert.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4061

Notice is hereby given that Don W. Gilbert & Richard W. Gilbert,
Grace, Idaho

have ~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 1.20 cubic feet per second ~~acres feet per annum~~
of water from Densmore Creek tributary to Beaver Dam Creek
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 11S, R. 39E, B.M.,
Caribou County

The water is claimed to be used from Apr. 1 to Nov. 1
for the irrigation of 100 acres
with a priority of May 1, 1900;
the place of use is within the N $\frac{1}{2}$ S $\frac{1}{2}$, Sec. 1, T. 11 S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on January 12 and January 19, 1978

D-^{mk}
AW-L

January 6, 1978

RE: Claim to a Water Right No. 13-4060 GILBERT
13-4061 "
Application for Permit No. 13-7226 "
13-7227 "

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (4)

Bill submitted 1-27-78 by me



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

January 30, 1978

RE: Claim to a Water Right No. 13-4060
13-4061

Don W. Gilbert
and Richard W. Gilbert
Grace, Idaho 83241

Gentlemen:

The Department of Water Resources has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee, you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claims number when corresponding with this office.

We are enclosing for your records, a copy of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures

MAX F. PARRISH
ATTORNEY & COUNSELLOR AT LAW

RECEIVED

JAN 30 1978

Department of Water Resources
Eastern District Office

PROFESSIONAL SUITES
CENTER AT SECOND
POCATELLO, IDAHO 83201
PHONE: (208) 233-1155

January 27, 1978

IDAHO DEPARTMENT OF
WATER RESOURCES
1515 Lincoln Road
Idaho Falls, ID 83401

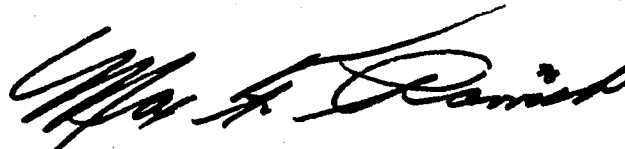
RE: CLAIM NO. 13-4061: STATE OF IDAHO, DEPARTMENT OF
RECLAMATION; Our File 78-51

Gentlemen:

Enclosed please find the verified original of PETITION
TO DETERMINE THAT HYRUM WENDELL SMITH AND ADELLA M.
SMITH HAVE CO-EQUAL RIGHTS WITH CLAIMANTS, DON W. GILBERT
AND RICHARD W. GILBERT in this case.

Would you please mail me a copy of the original APPLICATION
on file in this matter.

Sincerely,



MAX F. PARRISH
Attorney at Law

MFP:jyw

Enclosures

CC: Hyrum Wendell Smith
Leo Nielsen
Thomas Duffin
Randall C. Budge



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

February 3, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Claim to a Water Right No. 13-4060 and 13-4061

Don W. Gilbert & Richard W. Gilbert
Grace,
Idaho 83241

Gentlemen:

Enclosed please find a copy of two exceptions filed by Lamont Jones, in behalf of Merlin R. and Earlene Smith and Max R. Parrish, in behalf of Hyrum Wendell and Adella M. Smith in connection with your Claim No. 13-4061 and 13-4060. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

February 2, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Claim to a Water Right No. 13-4060 and 13-4061 GILBERT

Mr. Max F. Parrish
Attorney at Law
Center at Second
Pocatello, Idaho 83201

Dear Mr. Parrish:

We have received the exception dated January 26, 1978, filed in behalf of Hyrum Wendell and Adella M. Smith against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

February 3, 1978

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Claim to a Water Right No. 13-4060 and 13-4061 GILBERT

Mr. Lamont Jones
Attorney at Law
P.O. Box 967
Pocatello, Idaho 83201

Dear Mr. Jones:

We have received the exception dated January 26, 1978, filed in behalf of Merlin Smith and Earlene Smith against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw