

February 14, 1979

TO WHOM IT MAY CONCERN:

The purpose of this letter is to register protest to the "Claim to a water right" No. 13-4088 as printed in the Preston Citizen February 8, 1979, by Delmer L. Olsen for unnamed springs of Station Creek.

I would like to present to you the history of waters of Station Creek as supported by the enclosed recorded documents. First, the "public" notice of March 11, 1882 by George Davis (the first settler in Station Creek Area) in which he appropriated all the waters of Station Creek. He later sold his ranch to D. P. Evans. I have worked on this ranch since 1928 and purchased it in 1947. I have used this water ever since the purchase.

Evans and

Next the "Agreement & Contract" between the Preston Riverdale & Mink Creek Canal Co., which built their canal in 1896, in which they agreed to deliver to this ranch so many inches of water as flowed into this canal at Station Creek in exchange for Mr. Evans ditch right-of-way. Their watermaster delivered this water to the Evans ranch every year since.

Then the Final Decree of 1920 which establishes as Station Creek & Springs Decrees No 482, 483 and 484. This is over-decreed on dry years. Station Creek heads in low hills with only small unnamed springs for permanent water. There is a large run-off early until about June 1st. After that, it is a small stream, approximately the amount decreed.

Delmer Olsen owns the decree of Gustave Olsen, .06 C.F.S., which he only used for one house and yard.

In 1948 Preston Riverdale Mink Creek Canal Co. built another canal which crossed Station Creek above these ranches and goes to Preston by way of Worm Creek and Glendale Reservoir.

Delmer Olsen rented water from their canal which he has sprinkle irrigated with for approximately ten years. Now they will no longer rent their water, so he is without irrigation water except for 12 shares which he purchased from them. He uses this water in the pond & pipe described in his claim.

Mr. Olson's son is in the real estate business and has constructed a house across the road from his Father's house two years ago and connected his water line on to Delmer's house water. They are planning the possibility of three more homes.

It would seem to me unjust that you could possibly consider granting him additional water ~~which~~ which my ranch has used for nearly 100 years.

I am enclosing some statements from some of the older people living here who are familiar with these ranches and Station Creek Water.

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

Sincerely,

Theo L. Smith

Theo L. Smith

Rt 2

Preston, Idaho

83263

Date 2-8-79

TO WHOM IT MAY CONCERN:

I am 74 years of age. I own the property where Station Creek joins the Preston, Riverdale & Mink Creek Canal which is located at the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 27 Twp 14S Range 40 East of the Boise Meridian, County of Franklin. I have lived here my entire life. It has been my understanding that the Evans Ranch, owned by Theo L. Smith since 1947 has had the use of so many inches of water as flowed into the Preston, Riverdale & Mink Creek Canal throughout the entire irrigation season from Station Creek.

SIGNED

Armen A. Westerberg

Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 8th. day of Feb. 1979

Paul L. Brown
Notary

My Commission expires 3/4/82

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

February 14, 1979

TO WHOM IT MAY CONCERN:

I was born and raised in the Station Creek Area. I was personally acquainted with Alfred Westerberg, D. P. Evans and Gustave Olsen. I was employed on the Gustave Olsen ranch in my youth. I have been on their ranches and am very familiar with them and have been throughout my lifetime. I am 93 years of age. D. P. Evans was the first settler of those three and had a ditch from Station Creek with which he irrigated his ranch. The Olsen ranch was never irrigated, to my knowledge. My twin sister was Olsens nearest neighbor.

Signed:

Clara A. Keller

Clara A. Keller

La Rae E. Johnson, Notary Public

Subscribed & Sworn to before me a notary
public, State of Idaho, Doun^y of Franklin
this 15th day of Feb. 1979

My commission expires

Lifetime

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

DATE 2-12-79

TO WHOM IT MAY CONCERN:

I am 58 years of age. I have been familiar with the operation of Preston, Riverdale & Mink Creek Canal Company most of my life. I am Water Master of Twin Lakes Canal Co. which divides water from the same source as Preston, Riverdale & Mink Creek Canal Co. It has always been my understanding that the Evans Ranch now owed by Theo L. Smith has had the use of so many inches of water as flowed into Preston, Riverdale & Mink Creek Canal from Station Creek.

SIGNED Theo L. Smith
L. Rae S. Johnson, Notary Public
Subscribed & Sworn to before me a notary
public, State of Idaho, County of Franklin
this 15th day of Feb. 1979

My Commission expires Lifetime

RECEIVED

FEB 1979

Department of Water Resources
Eastern District Office

Agreement and Contract

This agreement, made the 25 day of January in the year of our lord 1896: Preston Riverdale & ~~Mink Creek~~

Between The ~~Mink Creek Riverdale and Preston~~ Canal Company, whose place of business is at Preston, ~~Amide~~ Co. State of Idaho, the party of the first part. And David P. Evans of Mink Creek Precinct, County of Amide, and State of Idaho, the party of the second part:—witnesseth: That the said party of the first part, in consideration of the covenants and agreements, on the part of the said party of the second part, herein after contained, hereby covenants with the said party of the second part, that the said party of the first part, will deliver to the said party of the second part so many inches of water as shall flow into said Canal from Station Creek through out the entire irrigating season, in each and every year that said Canal is in working order, and has a legal existence At his Ranch (the same being situated and lying at the foot of what is known as Davis Dugway) And the said party of the second part, in consideration of the said covenants, on the part of the said party of the first part, herein before contained, agrees to, and with the said party of the first part, that the said party of the second part, will give and bequeath to the said party of the first part his right of way, and private ditch (the same having been constructed to carry water from Station Creek to his Ranch, the same being situated and lying at the foot of what is known as Davis Dugway.)

In witness whereof, the said parties of the first part
Directors of said Canal have hereunto set their hands
and seals, the day and year first above written

x John Larson
x John Greene
x Joseph Davis
x C. C. Crockett
x

In witness whereof the said party of the second part
has hereunto set his hand and seal, the day and year
first above written

+ E. P. Evans

Signed, sealed and delivered in the
presence of John A. Woolf
David C. Carnes

COMPARED

INDEXED

Received

By _____

of Office _____

page 419

In Book 7

At 2d 2d 2d

May 30 11

1862.0

1862.0

David Evans

Theo L Smith
RFD #2

Preston, Idaho
832263



Director of Idaho Water Resources
1515 Lincoln Road
Idaho Falls, Idaho



83401

DEPARTMENT OF RECLAMATION

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

THE LAST CHANCE CANAL COMPANY,

Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

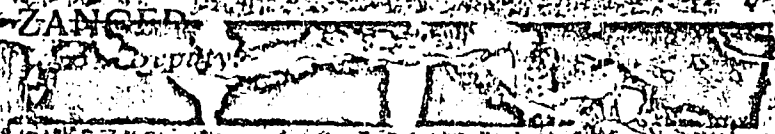
Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. MEREYNOLDS,

Clerk.

SEAL OF ZANGER



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DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
481. <i>Elmer Larsen and Jancus Keller:</i> 1882—May 1	0.3 c.f.s.	For the irrigation of 5 and 10 acres re- spectively in Section 8, Township 14 South, Range 41 East.

STATION CREEK AND SPRINGS.

482. <i>Alfred Westerberg:</i> 1884—May 1: Apr. 20 to July 25 July 25 to Sept. 1 Sept. 1 to Sept. 30	 0.62 c.f.s. 0.41 c.f.s. 0.31 c.f.s.	To be diverted from said creek and springs through a ditch diverting therefrom in Section 36, Township 14 South, Range 40 East, for the irrigation of 31 acres in said Section 36.
483. <i>D. P. Evans:</i> 1882—May 1	0.4 c.f.s.	To be diverted from said creek and springs in Section 36, Township 14 South, Range 40 East, for the irrigation of 20 acres in the Southeast quarter of said Section 21.
484. <i>Gustave Olsen:</i> 1898—May 1	0.06 c.f.s.	To be diverted from said springs in Sec- tion 35, Township 14 South, Range 40 East, for the irrigation of 33 acres in the Northeast quarter of said Section 36.

BEAR CREEK SPRINGS.

485. <i>Nevada A. Larson and Martin Christensen:</i> 1888—May 1: Apr. 20 to July 25 July 25 to Sept. 1 Sept. 1 to Sept. 30	 0.5 c.f.s. 0.33 c.f.s. 0.25 c.f.s.	To be diverted from said springs in Sec- tion 24, Township 14 South, Range 40 East, B.M. For the irrigation of 25 acres (two-thirds thereof to said Nevada A. Larson and one-third thereof to said Mar- tin Christensen), in the Northwest quarter of the Northeast quarter, the South half of the Northeast quarter and the North- west quarter of the Southeast quarter of Section 23, said Township and Range.
486. <i>Steffen C. Christensen and An- drew Jepson:</i> 1887—May 1	0.28 c.f.s.	To be diverted from said Bear Creek Springs in Section 24, Township 14 South, Range 40 East, for the irrigation of 14 acres (7 acres to each defendant) in the said Section 24.

SPRING IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 14 SOUTH, RANGE 40 EAST.

487. <i>Charles Berquist and Edward Berquist:</i> 1890—May 1	0.04 c.f.s.	To be diverted at the said spring for the irrigation of 2 acres in Section 26, Town- ship 14 South, Range 40 East.
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Public Notice

Notice is hereby given that George Davis of Franklin Precinct Oneida County Idaho Territory have on this ~~the~~ 10th day of March AD 1882 appropriated all the waters of Station Creek which is situated in the County of Oneida Territory of Idaho to be taken out of said Station Creek about one half mile from where said Creek empties into Bear River and at the point and monument where this notice is posted said water is to be used for agricultural and irrigating purposes and is conducted by means of a ditch which is three feet wide on the bottom five feet wide on the top and about two feet deep (said ditch being about one and one ~~four~~ miles long) to and on the S^W₄ of the S^E₄ and S^E₄ of S^W₄ of Sec 21st N^E₄ of N^W₄ and N^W₄ of N^E₄ of Section No 28 in Township 14 South of Range 40 East Dated this 10th Day of } George Davis
March AD 1882

RECEIVED

FEB 20 1979

Department of Water Resources
Eastern District Office

Received at the
Request of George
Davis this 16th
day of March
AD 1882 in Book
"A" of Record
page 162
JPM:J Shew
Do Record
by H. R. Evans
8/16/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Delmer L. Olson
(Name of Claimant)
Rt. #2, Preston, Idaho 83263 Telephone No. 852-1643
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) Sept. 2, 1892

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
3 unnamed springs tributary to Stokes Station Creek.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				Period of Use From	To
Quantity <u>0.40</u>		Use <u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity <u>0.03</u>		Use <u>Stockwater</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>0.04</u>		Use <u>Domestic</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.47 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 27, T. 14S, R. 40E, B.M., County of Franklin.
Additional points of diversion: SW NW Sec 26, T. 14S, R. 40E.
NE SE Sec 27, T. 14S, R. 40E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Two of the springs flow into small pond where water is stored and diverted by electric pump for sprinkler irrigation. Remaining spring is piped to 2 houses for culinary purposes.

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>14S</u>	<u>40E</u>	<u>27</u>													<u>5</u>			<u>15</u>	<u>20</u>

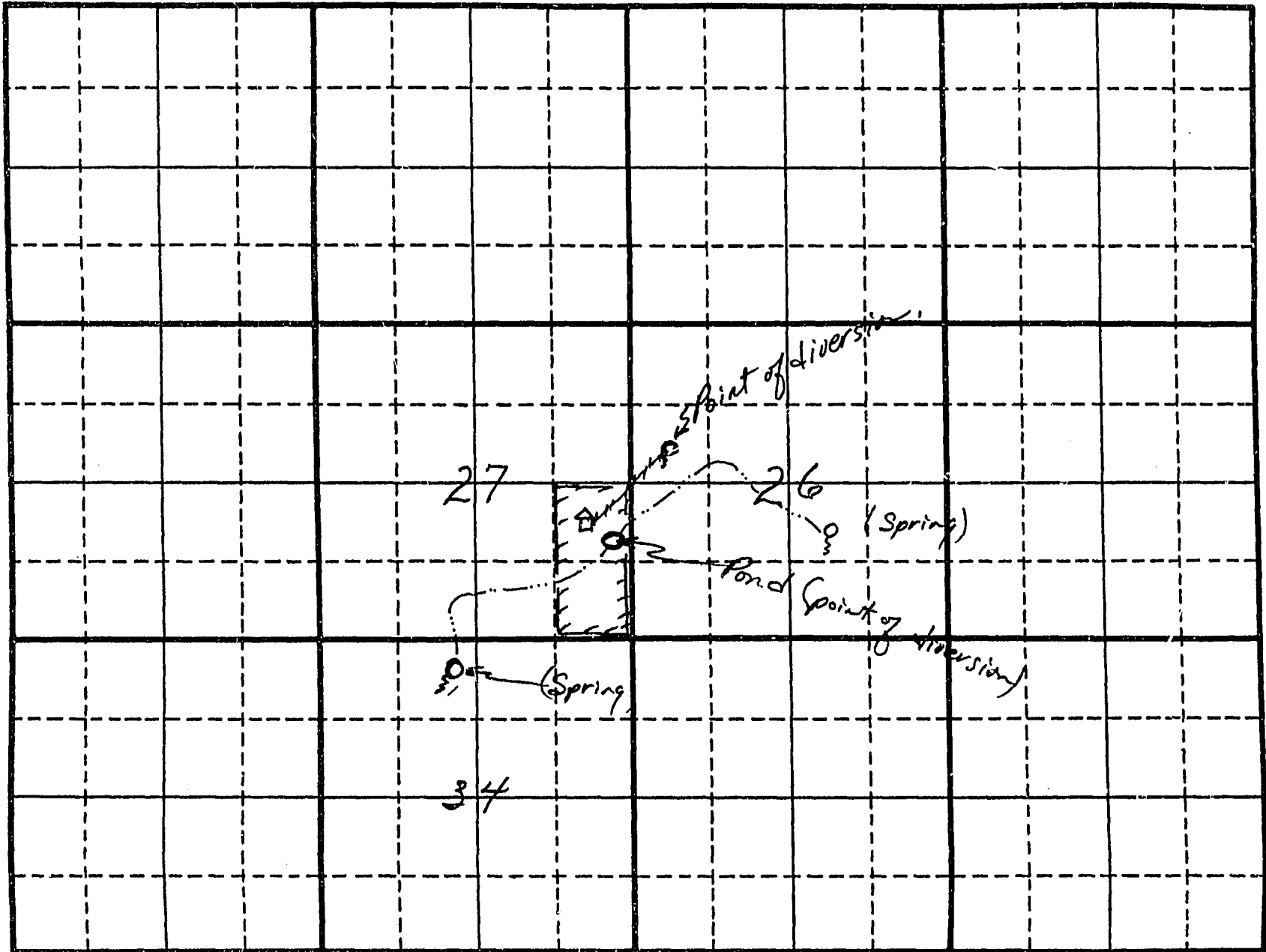
No. of acres 20

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: stock water,
culinary for 2 homes.

NOTE: Include here the type and number of stock watered: 50 head beef cattle.

- (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 Franklin) ss.

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

Sworn to before me this 29th day of January 19 79.

Debmur L. Olson
(Claimant)

John E. Johnson
Notary Public
Residing at Preston, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>1-30-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AC</u>	Date _____		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>1-30-79</u>	#12854		
Published in <u>Preston Citizen</u>		Theo L. Smith	<u>dh</u>	<u>6-13-79</u>
Dates <u>February 8 & 15, 1979</u>				

Inst. No. 53042

AFFIDAVIT

State of Idaho ss.

County of Franklin.

The undersigned being duly sworn deposes and says:

That they are well and personally acquainted with the farm owned by Gustaf E. Olson and described as follows, to-wit:

The East half of the Southeast quarter of Section 27, Township 14 South, Range 40 East of the Boise Meridian.

Also the water rights used on said land, being described as all waters coming from a certain unnamed spring located one-half mile Southwest of said land and all the waters from

another unnamed spring located one-half mile East of said land, and also two-thirds of all the waters from another unnamed spring located one mile East of said land.

The undersigned of their own personal knowledge each know for themselves that the said Gustaf E. Olson has had the free, undisputed, notorious and unmolested use of the waters of the above named springs as designated. And said waters have been used on the lands above described for more than 20 years last past. And that the right to the use of said waters has not been questioned by anyone, and that the said Gustaf E. Olson is now in the undisputed possession of said waters.

In Witness whereof we have hereunto set our hands this 11th day of August, 1937.

Alfred E. Westerberg

A. H. Jensen

Subscribed and sworn to before me this 11th day of August, 1937.

(SEAL)

J. N. Larsen

Notary Public, Preston, Idaho

STATE OF IDAHO

SS

COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 10:15 A.M. November 8, 1937.

Fee \$.40

Cleo L. Swenson

Ex-Officio Recorder

By

David D. Swenson
Deputy Recorder

Compared

o o o o

No 815

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

Feb. 8, 1979, and ending with the issue of Feb. 15, 1979.

Fee \$ 17.76

Subscribed and sworn to before me this 15th day of Feb., 1979.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

FEB 26 1979

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4038

OLSON, DELMER L.
ROUTE NO. 2, PRESTON, ID 83263
Source: 3 UNNAMED SPRINGS tributary to STATION CREEK
Priority Date: 09/02/1892
Amount: 0.47 CFS
Diversion Point: SWNW Sec 26 T 14S R 40E NESE Sec 27 T 14S R 40E, FRANKLIN CO.
Use: IRRIGATION (0.40 CFS) from 04/01 to 11/01
STOCKWATER (0.03 CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NESE SESE Sec 27 T 14S R 40E for 20 ACRES
Diversion Means: HOLDING POND, PUMP & PIPELINE
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published 2/8 & 2/15/79.

Legal No. 815-24L - Pub. Feb. 8 and 15, 1979.

JS

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: John Carlson

Right Number 13-4088 Applicant Delmer L. Olson

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. YES.

By Ernest Carlson Date 6/18/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jani Date 6/28/79

Permaed

January 30, 1979

Delmer L. Olson
Route #2
Preston, Idaho 83263

Dear Sir:

Re: Application for Claim to Water Right

Attached herewith is Departmental receipt No. 12854 in the amount of \$20.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4088-

OLSON, DELMER L.

ROUTE #2, PRESTON, ID 83263

Source: 3 UNNAMED SPRINGS tributary to STATION CREEK

Priority Date: 09/02/1892

Amount: 0.47 CFS

Diversion Point: SWNW Sec 26 T 14S R 40E NESE Sec 27 T 14S R 40E,
FRANKLIN Co.

Use: IRRIGATION	(0.40 CFS)	from 04/01 to 11/01
STOCKWATER	(0.03 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: NESE SESE Sec 27 T 14S R 40E FOR 20 ACRES

Diversion Means: HOLDING POND, PUMP & PIPELINE

EMC

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

C. STEPHEN ALLRED

Director

Published 2/8 & 2/15/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 2, 1979

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 11, 1979

Theo L. Smith
Rural Route 2
Preston, Idaho 83263

RE: Claim No. 13-4088

Dear Sir:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of 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 confirmation or final censorship the described rights.

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

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 11, 1979

Delmer L. Olson
Route 2
Preston, Idaho 83263

RE: Claim No. 13-4088

Dear Sir:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of 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 confirmation or final censorship the described rights.

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

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 26, 1979

DELMER L. OLSON
ROUTE #2
PRESTON

ID 83263

RE: Claim No. 13-4088

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your 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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

IN THE MATTER OF:

Station Creek
Springs & Water

State of Idaho
County of Franklin

AFFIDAVIT

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office

Asael E. Bell being first duly sworn,

deposes and says:

I am 81 years of age. My
Brother Herman lived neighbors to
Gustaf E. Olson until about 1920. I would
stay at his place at times. I was
well acquainted with Gustaf and knew
about his large green orchard, also the
field next to my brother's land. I
know he used water from Snake Creek
and springs to water his land.

I have also known Delmer L. Olson
and that he acquired the farm from
Gustaf and has continued this
practice along with improvements
until this time.

Asael E. Bell
(Signature)

Subscribed and sworn to before me this 18 day of July, 1977.

Robert J. Henderson
(Notary Public)

Residing at Renton, WA
My Commission Expires September

Carter was reported to have left most of his Cabinet in the dark, but he telephoned Vice President Walter Mondale, apparently to tell him of the cancellation.

At mid-afternoon, a White House aide told reporters the president would fly down from his mountaintop retreat Thursday afternoon and return there following the speech from the White House.

Only moments later, White House

telephoned a conference-call hookup to reporters:

"The president has asked me to say he has decided to cancel the speech for Thursday night. I have nothing to add to that announcement," he said.

No further explanation was forthcoming. A White House source insisted the decision "had nothing to do with the president's health." Asked if a crisis was brewing, another source replied, "Relax."

Longtime R.H. mayor honored

RIVER HEIGHTS — Heber Olson, the first mayor of River Heights, was honored by the community during part of the July 4 festivities. Olson was mayor for 24 years.

Among other honors given to Olson, during the day, the River Heights City Council passed a resolution naming the city park the "Heber Olson Park."

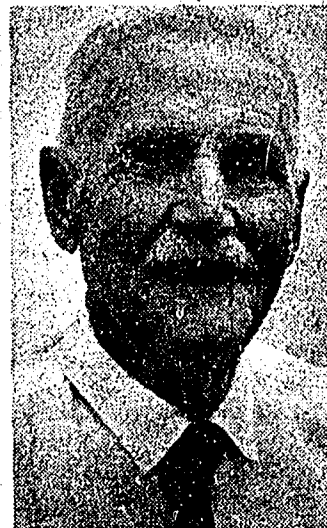
"He was instrumental in obtaining that section of town for the purpose of a park, and the community has benefited from it," said Mayor Boyd Humphreys.

Olson, who is now 83, is still called on to help the community leaders.

"If we need to know where sewer or water pipes are, Heber can tell us the location," said Humphreys.

Heber Olson's name used to be a sub-heading under River Heights. When people spoke of what River Heights was doing they meant what Heber Olson was doing," he said.

The presentation was made during the final program of the River Heights July 4 program, and was made by Susan Nielsen, Miss Utah Teenager, a River Heights resident.



Heber Olson
...honored by city

Byrd pleased
with talks
in Moscow

IN THE MATTER OF:
Station Creek
springs and water

State of Idaho
County of Franklin

AFFIDAVIT

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office

Heber L. Olson being first duly sworn,
deposes and says: My Grandfather Lars E. Olson
and Delmore Olson's Grandfather are the
same person. He and my father Lehi each
homesteaded a tract of land in the Station
Creek area. I well remember the reservoir
my Grandfather built, the ditches that
diverted water from the stream of Snake
Creek and also Station Creek.

During the years of 1912 thru 1922
I worked for and visited my
uncle Gustaf E. Olson. He maintained
a large orchard, alfalfa and grass
fields. He irrigated these fields from
these aforementioned streams. No one ever
questioned whether or not he owned
the water.

Heber L. Olson
(Signature)

Subscribed and sworn to before me this 18 day of July, 1979

Constance L. Smith
(Notary Public)

Residing at Laramie, Utah:
My Commission Expires 8-30:

August 11⁽⁷⁾ 1979

Dehmer L. Olson
Claim # 13-4088

Dept of Water Resources
Eastern Region
Donald D. Carlson Supervisor

Dear Sir,

I in regards to my water
filing and claim # 13-4088

I am enclosing herewith 2
affidavits concerning my water
claims. Will you please file them
with my records?

Sincerely
Dehmer L. Olson
Rt # 2
Preston, Ida

RECEIVED

AUG 8 1979

Department of Water Resources
Eastern District Office