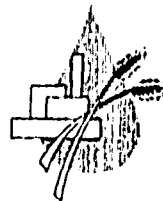


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Larry Don Matthews

(Name of Claimant)

Clifton, Idaho 83228

(Mailing Address)

Telephone No. 747-3313

(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) May 12, 1885

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)
Anderson Spring tributary to Sink

- (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, gpm)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>.02</u>	Use <u>Stock</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 _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) .06 TOTAL QUANTITY USED.

(cfs, gpm)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 5 Twp. 14 S Rge. 38 E B.M., County of Franklin

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. Describe any changes in the system and give the date of the change. Water collection box, 2 1/2 inch pipe from collection box to 1 1/2 inch pipe which delivers water for domestic/stock use. Improvements accomplished in about 1950.

- (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	
14 S	38 E	4										X							

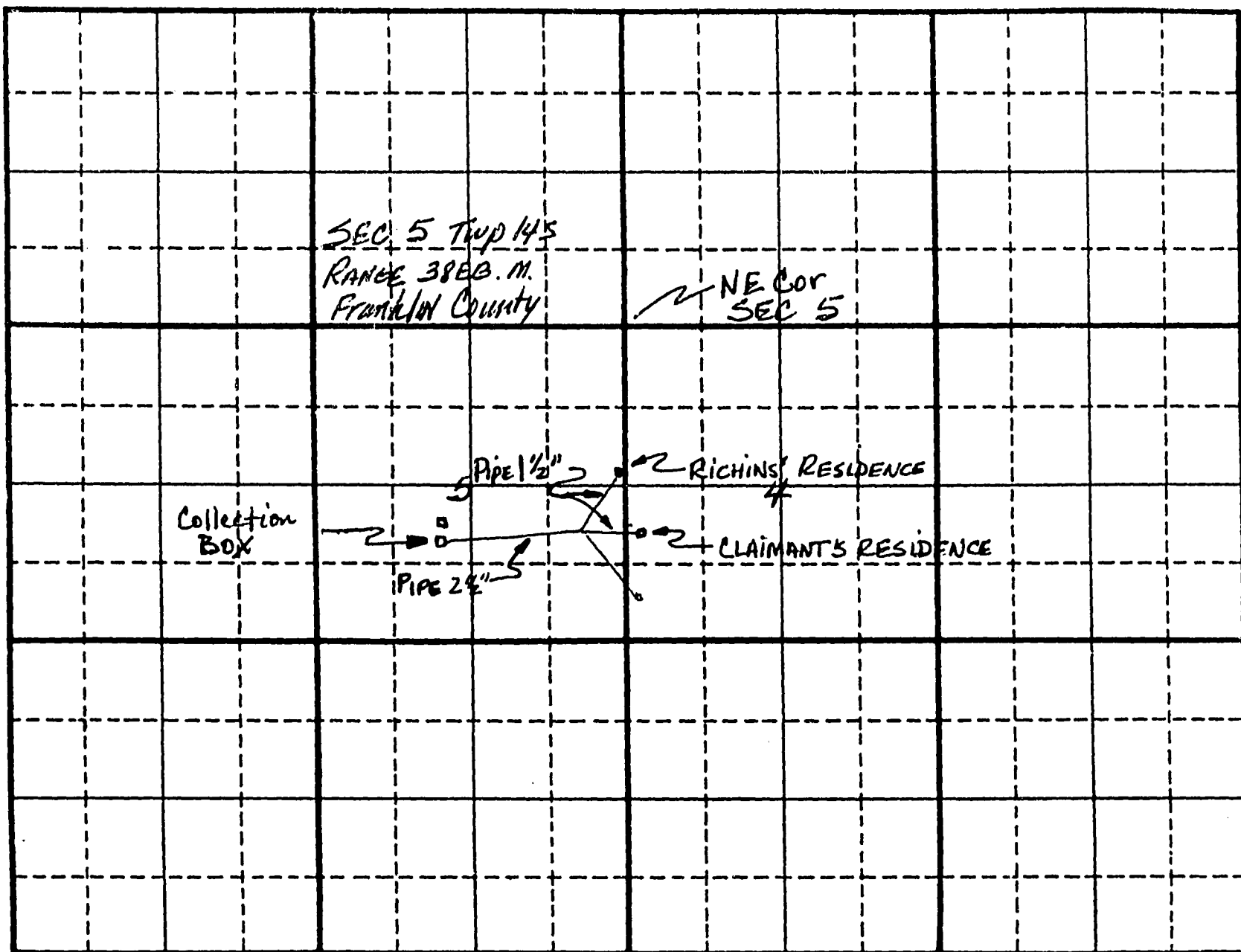
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Water to be used for culinary purposes of claimants household and to irrigate up to 1/2 acre of lawn and/or garden and for stock to include 60 chickens, 3 goats, 25 rabbits 3 calves, dogs and cats.

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

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Claimant acknowledges rights of Kayle and Claude Richins to use water for domestic use in equal amounts with claimant's said use.



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.

Lance Math
(Claimant)

Sworn to before me this 30th day of June, 1983.

Linda Lowe
Notary Public
Residing at Franklin

My commission expires Lifetime

CW 7-13-83 FOR DEPARTMENT USE ONLY
Received by CW Date 7-01-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Kay Date 8-10-83 claimant by: _____
\$30.00 fee received by CW Date 7-14-83 #29329
Published in Preston Citizen
Dates 9/1 & 9/8/83

10 1000

#875

SEP 15 1983

No 1933

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

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

Sept. 1, 1983, and ending

with the issue of Sept 8, 1983

Fee \$ 13.13

Subscribed and sworn to before me this 30th day

of Sept, 1983.

Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1983

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

13-4248

MATTHEWS, LARRY DON

CLIFTON, ID 83228

Source: ANDERSON SPRING trib. to SINKS

Priority Date: 05/12/1885

Diversion Pt: NESW Sec 05 T 14S R 38E

Use: STOCKWATER (0.02 CFS)

Use: DOMESTIC (0.04 CFS)

In: NWSW Sec 04 T 14S R 38E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 9/1 & 9/8/83.

Legal No. 1933 -21L- Published September 1, 8, 1983.

RECEIVED

OCT 5 1983

Department of Water Resources
Eastern District Office

13-4248

MATTHEWS, LARRY DON

CLIFTON, ID 83228

Source: ANDERSON SPRING trib. to SINKS

Priority Date: 05/12/1985

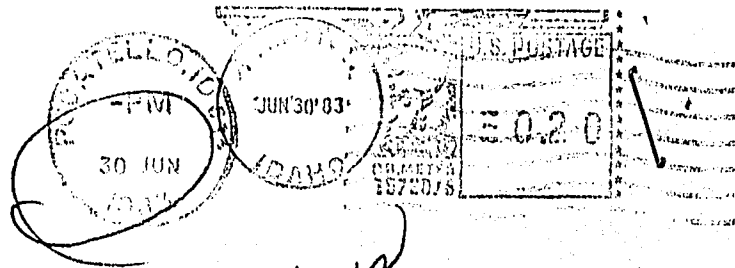
Diversion Pt: NESW Sec 05 T 14S R 38E

Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)

In: NWSW Sec 04 T 14S R 38E

*Proofed
by phone
BP 8/30/83*

Law Office
Jay R. McKenzie
5 East Onaida
Preston, Idaho 83263



Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401

*Matthews
Claim*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup - Suite 1
Idaho Falls, Idaho 83401
(208) 525-7161

July 8, 1983

Jay R. McKenzie
5 East Oneida
Preston, ID 83263

Dear Claimant:

This office is in receipt of a Claim to a Water Right filed in your name. Please be advised that the claim cannot be formally accepted until the following information is provided:

- _____ Complete name.
- _____ Complete mailing address.
- ✓ _____ Date of priority (month, day, and year).
- _____ Source of water.
- _____ Quantity claimed to have been used.
- _____ Nature of use and period of use.
- ✓ _____ Location of point(s) of diversion. Township 14 S Range 38 E
- ✓ _____ Location of place of use (acres irrigated if water is claimed for irrigation). Item 6A
- _____ Filing Fee (Amount \$ _____).
- _____ Signature.
- _____ Notarization of signature.
- ✓ _____ Other: Item 6B describe number of domestic units you are claiming and type and number of stock.

Please note that your claim has been stamped and initialed as received. If you amend this claim by adding the needed information and return the claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Encl: Check #92-365 for
\$30.00

Sincerely,

Keth C. Wilson

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith C Wilson

Right Number

13 4248

Applicant

Larry Don Matthews

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. N/A

By

Ernest Carlson

Date

Sept 19, 1983
Oct 11, 1983

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By

Date

RECEIVED

OCT 11 1983

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

September 20, 1983

RE: Claim to a Water Right No. 13-4247 WHITNEY
13-4248 MATTHEWS
13-4249 FELLOWS
13-4252 CLEVELAND HOT SPRINGS
13-4253 "

Application for Permit No. 13-7403 JONES
13-7404 "

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on September 1 and 8, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

SEPTEMBER 19, 1983

LARRY DON MATTHEWS
CLIFTON

ID 83228

RE: Claim No. 13-4248

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

11

RECEIVED
SEP 27 1983

Department of Water Resources
Western Regional Office

September 20, 1983

Dear Sir

As it was recently brought to our attention we believe a Mr Larry Mathews has filed a claim on the spring on our land, the same as Mr Jess Elgin did May 4, 1977 on the NW 4 SE 4 Sec 5 T 14 S 38 E. Would you please check to make sure our claim is on file, if in fact our claim was not recorded at that time, we wish to again file rights on any of the excess water that we have been using up to now.

We have been gradually developing this project and as it takes much time and money on our own so far without any help from the government or anyone else we finished the pipe lines and pond. We use a wheel line or better from this spring.

If there is anything else we need to do to file claim on this spring and as your department has been so good to advise us right along we would appreciate any further advice that we may need.

Attached is a copy of the meeting we had in 1977 with Mr Elgin on a dispute about this spring.

Thank you.

Kayle G. Richins
Kayle G. Richins

Claude L. Richins
Claude L. Richins



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 26, 1983

Claude L. & Kayle G. Richins
13650 S. 13th W.
Riverton, UT 84065

RE: Water Rights from a Spring

Dear Mr. and Mrs. Richins:

We are in receipt of your letter dated September 20, 1983, in which you indicated that you have water rights on a spring located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, Twp. 14S., Rge. 38E. In the letter you indicated that you use water from the spring for irrigation purposes, and that you are concerned about the other water right filings on the spring.

For your information we have enclosed a copy of Claim to a Water Right No. 13-4248, filed by Mr. Larry Don Matthews to record a claimed use of the waters from Anderson Spring for domestic and stockwater use, with date of first use claimed to be May 12, 1885. The procedure for the recording of claims includes a process where if you cannot agree with the information shown on the claim, you can submit a letter of objection to this office. A copy of the letter is sent to the claimant, and your original letter is placed in the file. No further action is taken by this Department to determine the validity of the claimed right, but rather the information is saved in anticipation of any future water rights action by the court.

We have investigated water rights from the spring and have found no existence of a water right from a spring in your name. You may be aware of the requirements to claim existing beneficial use rights. The filing fee to claim a right during this fiscal year, that is until June 30, 1984, is \$100.00. The filing fee next fiscal year will be \$200.00 per claim, and the deadline for filing claims for existing beneficial use rights for irrigation purposes is June 30, 1985.

Claude L. & Kayle G. Richins
October 25, 1983
Page 2

If you feel that you have already recorded a water right for diversion from the spring, please advise this office with additional information and we will investigate further based on that information. If you do not have evidence of an existing recorded right, may I suggest that you contact our Eastern Regional Office located at 150 Shoup Ave. in Idaho Falls for assistance in properly recording your water right. Personnel in that office will be happy to help you.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

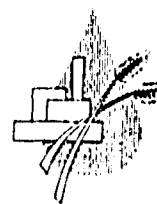
cc: Eastern Region

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT AMENDED



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 Larry Don Mathews

(Name of Claimant)

Clifton, Idaho 83228

(Mailing Address)

Telephone No. 747-3313

(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) May 12, 1885

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)

Anderson Spring tributary to Sink

- (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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>.06 cfs</u>	TOTAL QUANTITY USED.		

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 5 Twp. 14S Rge. 38E B.M., County of Franklin

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. Describe any changes in the system and give the date of the change. Water collection box, 2½ inch pipe from collection box to 1½ inch pipe which delivers water for domestic/stock use. Improvements accomplished in about 1950

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	38E	4										X							
		5														S			

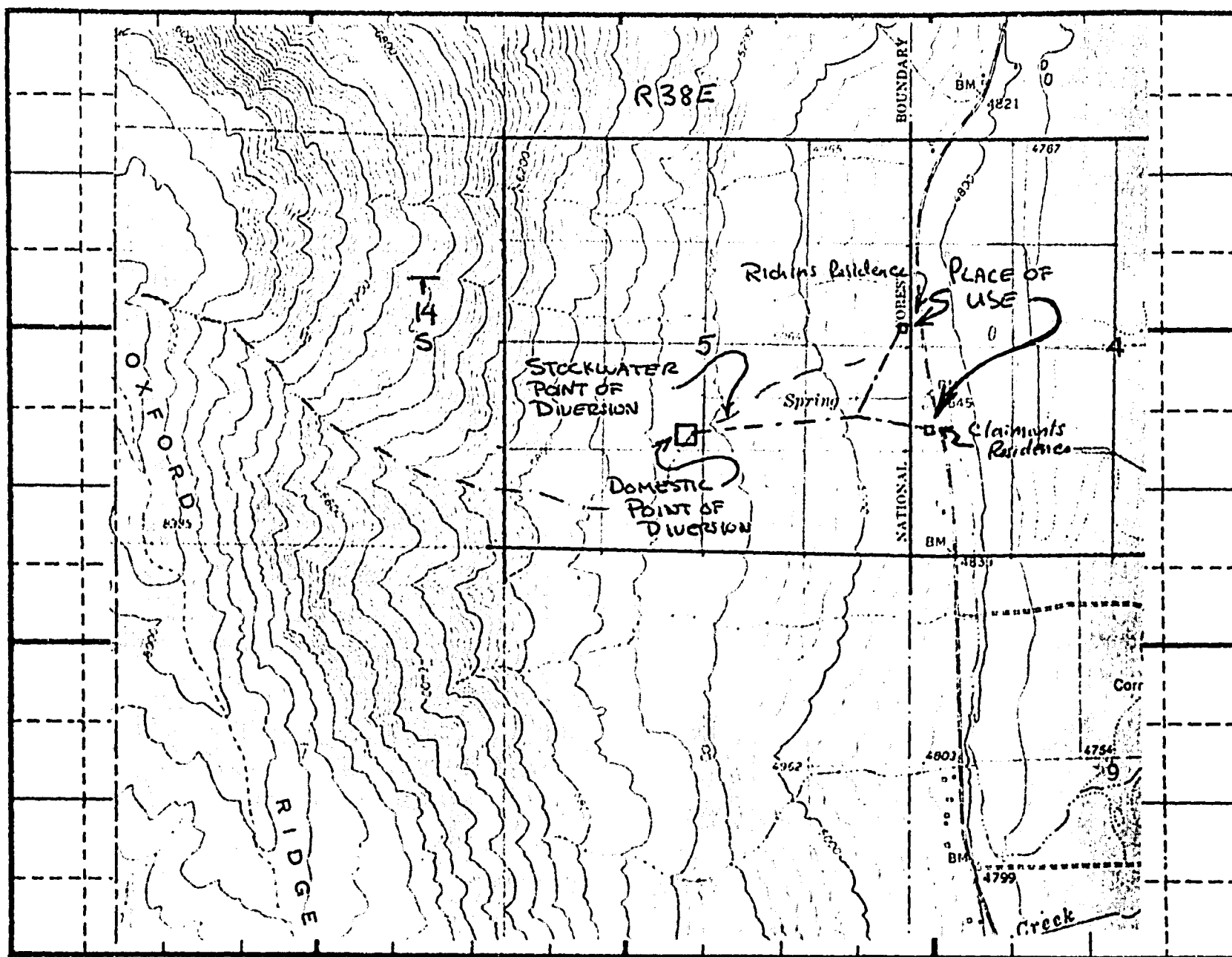
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Water to be used for culinary purposes of claimants household and to irrigate up to ¼ acre of lawn and/or garden and for stock to include 60 chickens, 3 goats, 25 rabbits 3 calves, dogs and cats.

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

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Claimant acknowledges rights of Kayle and Claude Richins to
use water for domestic use in equal amounts with claimants said use.



Scale: 2 inches equal 1 mile.
1:24000

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 Benewille) 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 7th day of March, 1984.

James Matthews
(Claimant)
William Wiley
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

Assisted by

Received by Keith C Wilson Date 7 Mar 84

Prelim. check by HWT Date 3-9-84

\$30.00 fee received by N/A Date

Published in Posten Citizen

Dates 3/22 - 3/29/84

FOR DEPARTMENT USE ONLY

Exception filed by:

Forwarded to
claimant by:

Date

#875

No 2076

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Wallace 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

March 22, 1984, and ending with the issue of March 29, 1984.

Fee \$ 16.88

Subscribed and sworn to before me this 31st day of March, 1984
Ken O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

APR 10 1984

Department of Water Resources
Eastern District Office

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim No. 13-4248 in the name of Larry Don Mathews, Clifton, Idaho was filed with a priority date of May 12, 1885 for the application to beneficial use of .06 cfs of water from Anderson Spring tributary to Sinks with the point of diversion within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 14S, R. 38E, B.M. Franklin County; the water is claimed to be used from Jan. 1 to Dec. 31 for stockwater and domestic purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 14S, R. 38E, B.M.

The claimant now proposes to amend Claim No. 13-4248 amending the place of use to within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T. 14S, R. 38E, B.M.

Any exception to any claim of water right may be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, ID 83401.

A. KENNETH DUNN
Director

Published in the Preston Citizen on 3-22 & 3-29-84.

Legal No. 2076-27L — Pub. March 22, 29, 1984.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

NOV 2 1983

Department of Water Resources
Eastern District Office

October 26, 1983

Claude L. & Kayle G. Richins
13650 S. 13th W.
Riverton, UT 84065

RE: Water Rights from a Spring

Dear Mr. and Mrs. Richins:

We are in receipt of your letter dated September 20, 1983, in which you indicated that you have water rights on a spring located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, Twp. 14S., Rge. 38E. In the letter you indicated that you use water from the spring for irrigation purposes, and that you are concerned about the other water right filings on the spring.

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We have investigated water rights from the spring and have found no existence of a water right from a spring in your name. You may be aware of the requirements to claim existing beneficial use rights. The filing fee to claim a right during this fiscal year, that is until June 30, 1984, is \$100.00. The filing fee next fiscal year will be \$200.00 per claim, and the deadline for filing claims for existing beneficial use rights for irrigation purposes is June 30, 1985.

Claude L. & Kayle G. Richins
October 25, 1983
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If you feel that you have already recorded a water right for diversion from the spring, please advise this office with additional information and we will investigate further based on that information. If you do not have evidence of an existing recorded right, may I suggest that you contact our Eastern Regional Office located at 150 Shoup Ave. in Idaho Falls for assistance in properly recording your water right. Personnel in that office will be happy to help you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

cc: Eastern Region

Enclosures

RECEIVED

NOV 2 1983

OCTOBER 21, 1983

Department of Water Resources
Eastern District Office

DEAR MR CARLSEN

AS PER OUR TELEPHONE CONVERSATION I AM SENDING YOU A COPY
OF THE LETTER AND MAPS I SENT SEPT. 20.

I WOULD STILL LIKE TO CONTEST THE CLAIM TO A WATER RIGHT
BY LARRY DON MATTHEWS ON THE ANDERSON SPRING, UNTIL THIS IS
ALL CLEARED UP HE ONLY HAS A PERCENTAGE OF THE INCH AND A HALF
LINE ALONG WITH MR PETERSON - IF MR PETERSON WOULD LIKE TO GIVE
UP HIS INTEREST IN THE SPRING THAT WOULD BE FINE WITH US - THEN
MR MATTHEWS CLAIM FOR AN INCH AND A HALF PIPE WOULD BE LEGAL.

AS YOU WILL SEE ON THE AGREEMENT WE HAD BEFORE IT WAS TO
BE A 50 - 50 SPLIT WITH RICHINS BROS. AND JESS ELGIN. MR ELGIN
SOLD MORE THAN HE SHOULD HAVE TO MR MATTHEWS AND MRS PETERSON
EACH ARE SUPPOSED TO HAVE AND INCH AND A HALF LINE NOW IN USE,
SO ONE OF THE LINES IS ILLEGAL. WE BROUGHT THIS TO MR ELGINS
ATTENTION BEFORE HE SOLD THE PROPERTIES, BUT IT IS STILL NOT
SETTLED AND SHOULD BE.

IF THIS LETTER DOES NOT HANDLE THIS MATTER PLEASE ADVISE
US AS TO WHAT NEEDS TO BE DONE.

I WOULD APPRECIATE A REPLY AS SOON AS POSSIBLE.

THANK YOU AGAIN.


KAYLE G. RICHINS
RICHINS BROS. MINK RANCH
13650 SO. 13TH WEST
RIVERTON, UTAH 84065

September 20, 1983

Dear Sir

As it was recently brought to our attention we believe a Mr Larry Mathews has filed a claim on the spring on our land, the same as Mr Jess Elgin did May 4, 1977 on the NW 4 SE 4 Sec 5 T 14 Sr 38 E. Would you please check to make sure our claim is on file, if in fact our claim was not recorded at that time, we wish to again file rights on any of the excess water that we have been using up to now.

We have been gradually developing this project and as it takes much time and money on our own so far without any help from the government or anyone else we finished the pipe lines and pond. We use a wheel line or better from this spring.

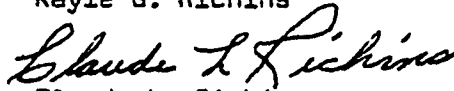
If there is anything else we need to do to file claim on this spring and as your department has been so good to advise us right along we would appreciate any further advice that we may need.

Attached is a copy of the meeting we had in 1977 with Mr Elgin on a dispute about this spring.

Thank you.



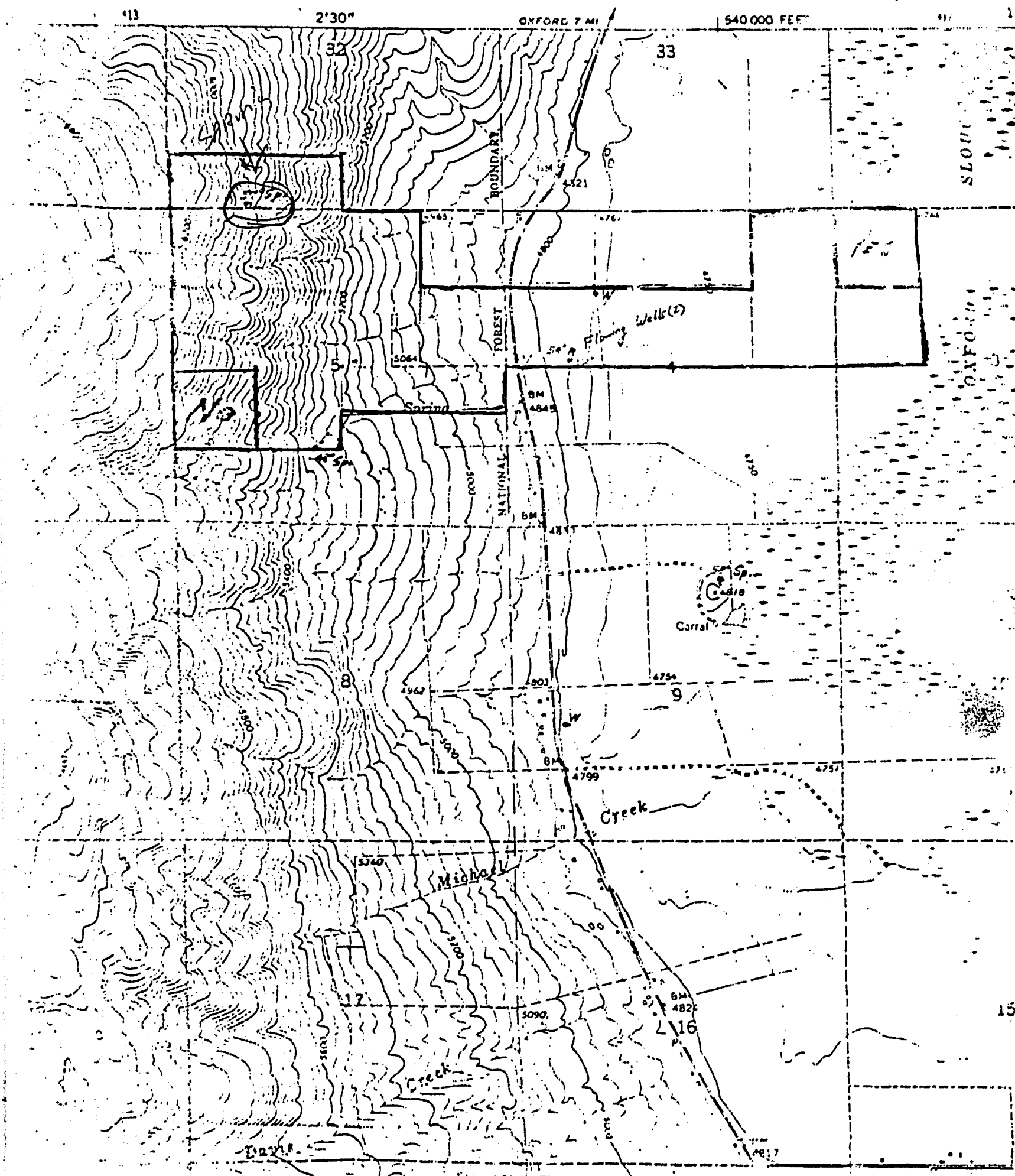
Kayle G. Richins



Claude L. Richins

Scale 1:25,000 (1" = 2,000')

7.5 MINUTE SERIES (TOP OF CHA)



In The Matter of Protests)
Against Approval of) withdrawal of
Application for Permit) Protests
NO. 13-7157 JESS ELGAN)

We hereby agree to withdraw
our protest against approval of
the above referenced application
for Permit with the understanding
that our permit No 13-7116 is earlier
in priority and that permit 13-7157
will be subject to our prior
water rights.

Signed at Preston Idaho
this 4th day of May 1977.

Gayle M. Perkins
Blaine L. Perkins
Earl H. Wood
Frank A. West

In The Matter of Protests)
Against Approval of) STIPULATION
Application for Permit) AND AGREEMENT
No. 13-7157 in the Name)
of JESS ELGAN)

It is understood that the water from the spring located in the NW¹SE⁴ SEC 5 T14S R38E has been used equally for domestic purposes by Kayle & Claude Richins and Jess Elgan. It is agreed that any development under taken by the applicant will not change the 50-50 division of the water ^{in the existing 2 1/2" pipe} or diminish the flow from this spring to the extent that these existing water rights will be damaged.

It is further agreed that no development of the spring will interfere with the watering of stock in the NW¹4 of SE¹4 of Sec 5 T14S, R38E

It is further agreed that the pipe will remain full prior to allowing any overflow to occur.

It is further agreed that if the development of the spring in Lot 5 (SW¹4NW¹4) Sec 6 T14S R38E interferes with the spring in Sec 5, T14S R38E. that the diversion from the spring in Lot 5 Sec 6 will be terminated

Kayle Richins
Claude Richins
Jess Elgan
Earl H. Ward
Derek L. Lott



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 4, 1983

Kayle G. Richins
Richins Bros. Mink Ranch
13650 So. 13th West
Riverton, UT 84065

Dear Mr. Richins:

Your letter of October 21, 1983 and accompanying documents arrived the same day we received a copy of Mr. Dave Tuthill's letter responding to your September 20, 1983 enquiry. In conjunction with the information provided in Mr. Tuthill's letter, I have enclosed a Claim to Water Right form with instructions and a couple of affidavits.

The affidavits can be used for filing an exception to Mr. Matthews claim #13-4248 or you can submit a letter bearing the seal of a notary public. This exception can be submitted any time. It will be placed in the claim file and considered the same as other evidence included with the claim.

Since there is no recorded right for your use of the spring on file with the Dept. you may wish to file a claim describing how you and your predecessors historically use the spring. Evidence supporting your claim can also be furnished in the form of certified copies of documents or notarized statements from individuals knowledgeable of diversions from the spring. Included with the claim should also be a check for payment of the statutory filing fee. This fee is \$100 until June 30, 1984. After that date and until June 30, 1985 the fee will be \$200.

Feel Free to call or contact me should you have any questions concerning this situation.

Respectfully submitted,

Ernest Carlson

ERNEST CARLSEN
Asst. Regional Supervisor

EC:jk

Enclosures

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim No. 13-4248 in the name of Larry Don Mathews, Clifton, Idaho was filed with a priority date of May 12, 1885 for the application to beneficial use of .06 cfs of water from Anderson Spring ^{tributary} to Sinks with the point of diversion within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5, T. 14S, R. 38E, B.M. Franklin County; the water is claimed to be used from Jan. 1 to Dec. 31 for stockwater and domestic purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T. 14S, R. 38E, B.M.

The claimant now proposes to amend Claim No. 13-4248 amending the place of use to within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T. 14S, R. 38E, B.M.

Any exception to any claim of water right may be filed with the Dept. of Water Resources 150 Shoup Ave. Suite 15, Idaho Falls, ID 83401.

A. KENNETH DUNN

Director

Published in the Preston Citizen on 3/22 & 3/29/84.

*Prescribed
by phone
3-20-84*

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

Amended

INITIAL REVIEW BY: AWJ

Right Number 13-4248 Applicant Mathews

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.

April 9, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date April 9, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By De Date 4/12/84

RECEIVED

APR 12 1984

Department of Water Resources

W

April 10, 1984

RE: Amended Claim to a Water Right No. 13-4248

Larry Don Mathews
Clifton,
Idaho 83228

Dear Mr. Mathews:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 amended 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 claim.

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

We are enclosing, for your records, a copy of your amended claim. 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
Eastern Regional Supervisor

RDC:cw

Enclosure

OCTOBER 21, 1983

DEAR MR CARLSEN

AS PER OUR TELEPHONE CONVERSATION I AM SENDING YOU A COPY OF THE LETTER AND MAPS I SENT SEPT. 20.

I WOULD STILL LIKE TO CONTEST THE CLAIM TO A WATER RIGHT BY LARRY DON MATTHEWS ON THE ANDERSON SPRING, UNTIL THIS IS ALL CLEARED UP HE ONLY HAS A PERCENTAGE OF THE INCH AND A HALF LINE ALONG WITH MR PETERSON - IF MR PETERSON WOULD LIKE TO GIVE UP HIS INTEREST IN THE SPRING THAT WOULD BE FINE WITH US - THEN MR MATTHEWS CLAIM FOR AN INCH AND A HALF PIPE WOULD BE LEGAL.

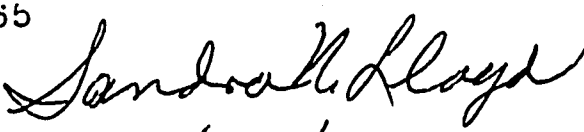
AS YOU WILL SEE ON THE AGREEMENT WE HAD BEFORE IT WAS TO BE A 50 - 50 SPLIT WITH RICHINS BROS. AND JESS ELGIN. MR ELGIN SOLD MORE THAN HE SHOULD HAVE TO MR MATTHEWS AND MRS PETERSON EACH ARE SUPPOSED TO HAVE AND INCH AND A HALF LINE NOW IN USE, SO ONE OF THE LINES IS ILLEGAL. WE BROUGHT THIS TO MR ELGINS ATTENTION BEFORE HE SOLD THE PROPERTIES, BUT IT IS STILL NOT SETTLED AND SHOULD BE.

IF THIS LETTER DOES NOT HANDLE THIS MATTER PLEASE ADVISE US AS TO WHAT NEEDS TO BE DONE.

I WOULD APPRECIATE A REPLY AS SOON AS POSSIBLE.

THANK YOU AGAIN.


KAYLE G. RICHINS
RICHINS BROS. MINK RANCH
13650 SO. 13TH WEST
RIVERTON, UTAH 84065


2/18/85

RECEIVED
APR 27 1984

Department of Water Resources

April 22, 1984

Dear Mr. Tuthill

I wish to place a letter of objection against Mr. Roy Peterson & Mr. Larry Don Matthews claim 13-4248 in regards to the illegal hookup they have at Clifton, Idaho, and that these two men should have to work there water rights out separately on Mr. Matthews own 1 1/2 inch line, which does not allow a 2nd hookup of 3/4 inch pipe to a 3" line which Mr. Peterson has now on the main 2 1/2 inch line.

This water right was originally set up in 1950 for 2 hookups, 1 1/2 inch hookup for each party with equal amounts of water to be used.

We feel that as we have stated previously Mr. Matthews has every right to share his 1 1/2 inch hookup line if he so chooses, but he should not have any right to our 1 1/2 inch hookup line.

This matter has been presented to Mr. Peterson but so far he will not correct this illegal use.

We would appreciate your help in clearing this matter up between the 3 parties as there has been hard feelings and a bitter argument with Mr Peterson who does not want to work this out in anyway. However it seem's Mr. Matthews would like to try and work something out if possible.

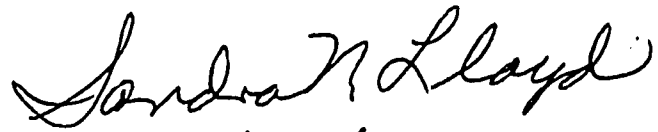
We need to have someone explain to Mr. Peterson that he has no right on our line, but he does have a right on Mr. Matthews line if Matthews is willing to share his 1 1/2 inch line.

It has been brought to our attention that Mr. Roy Peterson has an advertisement in the paper of a claim on lot 5, which if it interferes with our claim in any way we object as we also objected on Mr. Jess Elgan's claim no. 137157 May 4, 1977. This is probably on your file as your department represented this protest at that time and witnessed the signitures, copies of such are attached to this letter.

Thank you,



Kayle G. Richins


2/10/85

May 22, 1984

RE: Claim to a Water Right No, 13-4248

Kayle G. Richins
Richins Bros. Mink Ranch
13650 S. 13th W.
Riverton, UT 84065

Dear Mr. Richins:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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.

If we can be of further assistance, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

May 22, 1984

RE: Claim to a Water Right No, 13-4248

Larry Don Matthews
Clifton,
Idaho 83228

Dear Mr. Matthews:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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.

If we can be of further assistance, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

file 13-4248

June 12, 1984

RE: Claim to a Water Right No. 13-4248

Larry Don Mathews
Clifton,
Idaho 83228

Dear Mr. Mathews:

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:

42-225b. 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
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

June 12, 1984

RE: Claim to a Water Right No. 13-4248 LARRY DON MATHEWS

Kayla G. Richins
Clifton,
Idaho 83228

Dear Mr. Richins:

We have received the exception dated April 22, 1984, 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:

42-225b. 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
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECEIVED

APR 26 1984

Department of Water Resources
Eastern District Office

April 22, 1984

Dear Mr. Tuthill

I wish to place a letter of objection against Mr. Roy Peterson & Mr. Larry Don Matthews claim 13-4248 in regards to the illegal hookup they have at Clifton, Idaho, and that these two men should have to work there water rights out separately on Mr. Matthews own 1 1/2 inch line, which does not allow a 2nd hookup of 3/4 inch pipe to a 3" line which Mr. Peterson has now on the main 2 1/2 inch line.

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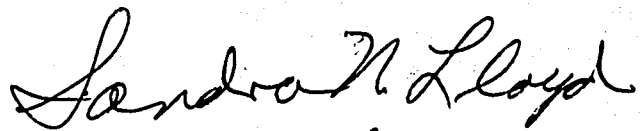
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Thank you,


Kayle G. Richins


2/10/85