

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Cheapbeck Water Co.

c/o Scott F. Elsmore, President

(Name of Claimant)

Telephone No: 208-425-3648

631 Bench View Road, Grace, ID 83241

(Mailing Address)

(Zip Code)

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

1. Date of Priority: (When the water was first applied to beneficial use) April 1, 1928
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Cheapbeck 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:
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)
(MM/DD) (MM/DD)

Quantity	Use	Period of Use From	to
<u>0.29 cfs/30.6AF</u>	<u>Domestic</u>	<u>1/01</u>	<u>12/31</u>
<u>0.12 cfs/7.0AF</u>	<u>Stock Water</u>	<u>1/01</u>	<u>12/31</u>
<u>0.33 cfs</u>	<u>Fire Protection</u>	<u>1/01</u>	<u>12/31</u>
<u>1.0 cfs</u>	<u>Irrigation</u>	<u>4/01</u>	<u>12/31</u>

4. 1.74 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Govt. Lot Caribou County;
Sec. 3 Township 11 S. Range 41 E. B.M., Caribou County;
additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
(2) cement collection boxes, buried 6" pipeline, gravity flow.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
10S	41E	33											D 5	D 5			D 5		15
10S	41E	32													D5		D5		10
11S	41E	5	D10	DS5															15
11S	41E	4		D5			D10		D5				D5		D5				30
TOTAL ACRES			70																

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
Domestic, fire protection and stock water for 11 homes.

NOTE: Include here the type and number of stock watered: 450 beef cows and 25 horses

7. Remarks: See attached map depicting point of diversion, head box, pipeline, and places of use.

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

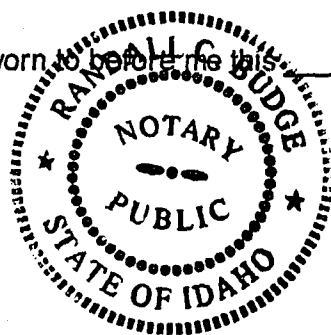
State of Idaho)
County of Caribou) ss.

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

Cheapbeek Water Co.

Scott F. Elmore
Claimant's Signature (and title if claim is for an organization)
Scott F. Elmore, President

Sworn to before me this 11th day of January, 2000.



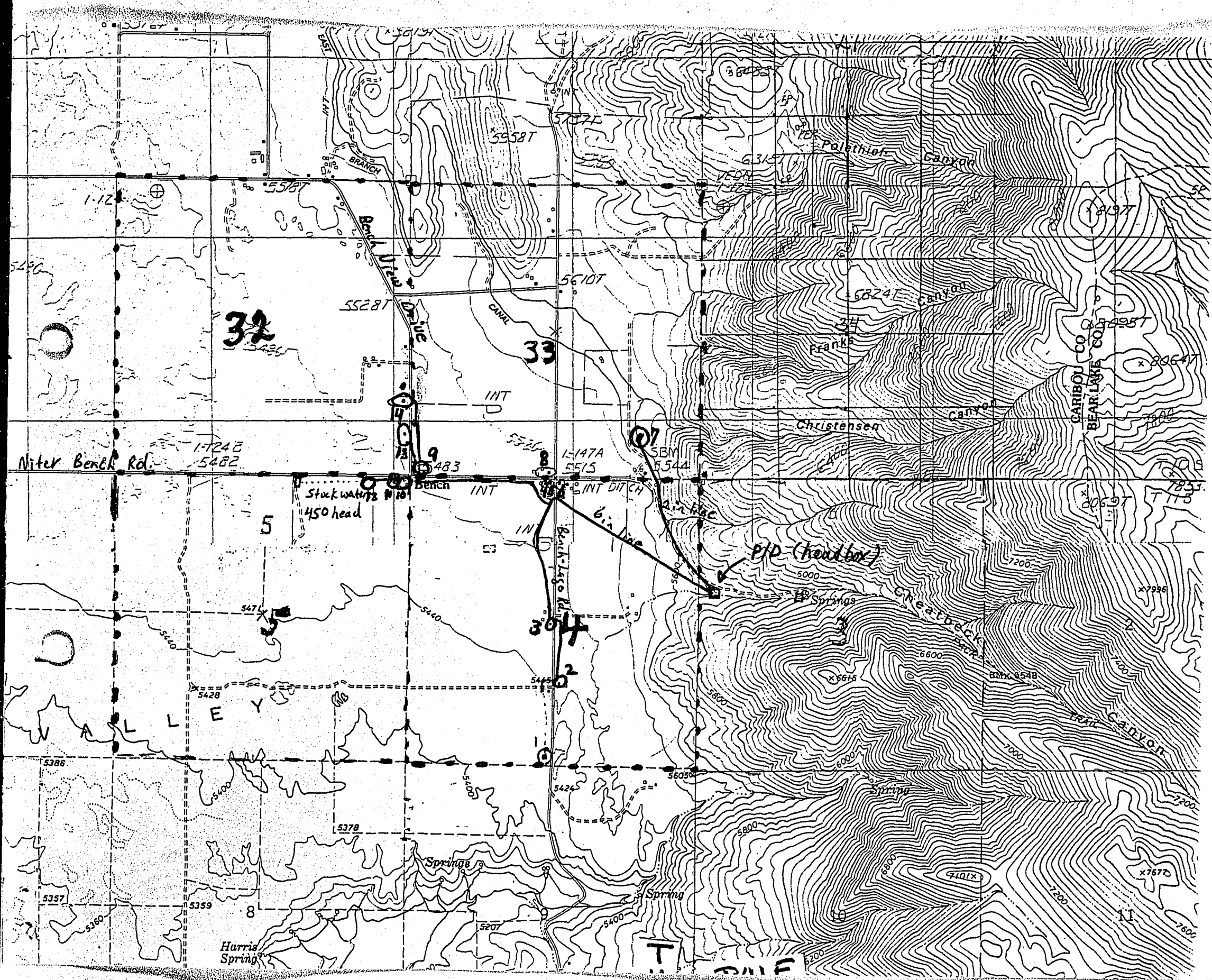
Randall C. Budge
Notary Public

Residing at: Pocatello, ID.

My commission expires: 10/11/2000

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Published _____ in _____
Prelim. check by HWS Date 1-26-2000 Publication dates 2/2 & 2/9/2000
Fee 250.00 Receipt # C047741 Publication checked by _____ Date _____
Receipt prepared by J. M. M. Date 1-13-00 Exceptions filed by _____



State of Idaho
Department of Water Resources
900 North Skyline Drive
Suite A
Idaho Falls, Idaho 83402

RECEIVED

MAR 06 2000

Department of Water Resources
Eastern Region

February 14, 2000

ED25651

RECEIVED

FEB 22 2000

Department of Water Resources
Eastern Region

Dear Mr. Jones,

We would like to file a protest on the Claim to Water Right No. 1304348, Cheapbeck Water Company, for the following reasons;

- 1) The Claim has been made for more water than there is available.
- 2) Present irrigation rights have been forfeited.
- 3) The priority date should not be listed as April 1, 1928. Instead, 1981 would be more accurate.

Thank you for your time.

Signed,

Don W. Gilbert
1805 Grace Run Rd
Grace, Ida 83241

State of Idaho)
County of Caribou) ss.

On this 25th day of February, 2000, before me, a Notary Public, personally appeared Don W. Gilbert, who is known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.



Karla L. Remus
Notary Public
Residing at Grace, ID
Commission Expires: 10/23/2003

MAR 20 2000

RECEIVED

MAR 09 2000

**Department of Water Resources
Eastern Region**

Steven S. Dunn, Esq.
Merrill & Merrill
P.O. Box 991
Pocatello, Idaho 83204
Telephone: (208) 232-2286

Attorneys for PacifiCorp dba Utah Power and Light

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

No. 13-04348

**Cheapbeek Water Company
Claimant**

**Exception of PacifiCorp,
an Oregon Corporation, dba
Utah Power & Light Company,
PacifiCorp**

1. Doug Bornemeier, for PacifiCorp being duly sworn, states as follows:
- PacifiCorp, an Oregon corporation doing business in Idaho as Utah Power & Light Company ("PacifiCorp"), 825 NE Multnomah, Suite 1500, Portland, Oregon 97232, hereby files this exception before the Department of Water Resources in the above-referenced proceedings.

Please send notices and correspondence regarding this exception to:

Doug Bornemeier
Senior Lead Planner
PacifiCorp
825 NE Multnomah, Suite 1500
Portland, OR 97232

EOZS660

With a copy to:

Jody L. Williams
Kruse, Landa & Maycock
50 West Broadway, #800
Salt Lake City, UT 84101

2. PacifiCorp owns water rights in the Bear River, the tributaries to Bear Lake, and Bear Lake decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation Company, et al*, February 21, 1922, as well as other rights in the Bear River below Claimant's proposed point of diversion.

3. Claimant has filed a Statutory Claim for 1.74 cfs of surface water tributary to the Bear River used since April 1, 1928 for the domestic use of 11 homes, stockwatering, fire protection and irrigation.

4. PacifiCorp questions whether the uses specified in the claim were in existence on April 1, 1928, and if so, whether the water has been used continuously since that date without enlargement or forfeiture.

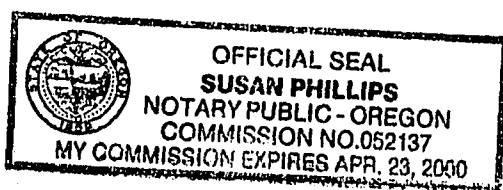
5. PacifiCorp believes the claimed use will interfere with its water rights in Bear River and will cause additional releases of Bear Lake storage water to satisfy other early priority irrigation water rights which will suffer interference due to Claimant's diversion.

DATED this 28th day of February, 2000.

By

STATE OF)
) ss.
COUNTY OF)

WITNESS my hand and official seal.



Notary Public

MAILING CERTIFICATE

On this 6th day of March, 2000, I mailed a true and correct copy of the foregoing Exception, postage prepaid, to:

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

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, Utah 84335

Cheapbeck Water Co.
c/o Scott F. Elsmore
631 Bench View Road
Grace, ID 83241

Jim Kimbal
P.O. Box 145
St. Charles, Idaho 83272

Randall Landolt
PacifiCorp
1407 West North Temple, Room 199
Salt Lake City, Utah 84140

Brent Rose, Esq.
Clyde, Snow & Swenson
201 South Main, Suite 1000
Salt Lake City, Utah 84111

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
Corner First & Center
P.O. Box 1391
Pocatello, Idaho 83204

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Barbara Waller

RECEIVED

JAN 13 2000

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

Idaho Department of Water Resources

LOUIS W. THOMAS, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN

*ALSO MEMBER IL & WY BARS

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

January 11, 2000

RECEIVED

JAN 13 2000

Department of Water Resources

Idaho Department of Water Resources
Attn: Shelley W. Keen
Water Right Supervisor
1301 N. Orchard Street
Boise, Idaho 83706-2273

Re: *Cheapbeck Water Company*
License No. 13-07347

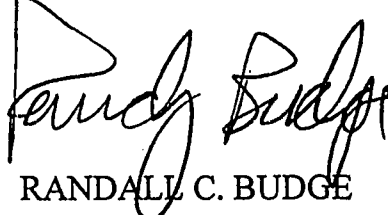
Dear Shelley:

Enclosed please find my letter to you of December 16 which contains some minor corrections pointed out by our clients. Please replace the prior letter with this one.

Also enclosed for filing is a Form 243 Claim to a Water Right, together with Cheapbeck Water Company's check in the amount of \$250 for filing fees. Please file and process the same.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Cheapbeck Water Company

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
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*ALSO MEMBER IL & WY BARS

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEI
WARREN W. DOWDLE
LANE V. ERICKSON

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

January 25, 2000

RECEIVED

JAN 26 2000

Department of Water Resources
Eastern Region

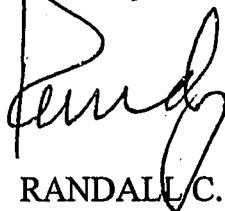
Harold Jones
IDWR, Eastern Division
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Cheapbeck Water Company*
License No. 13-07347

Dear Harold:

Per our phone conversation, enclosed please find a corrected page 1 of the Claim to a Water Right, Form 1-243 reflecting a change in the point of diversion from SE1/4 SE1/4 NW1/4 of Section 3 to SW1/4 SW1/4 NW1/4 of Section 3. Please amend the claim accordingly. Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosure

cc: Shelley W. Keen (w/encl.)
Cheapbeck Water Co.

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04348

CHEAPBECK WATER CO
C/O SCOTT F ELSMORE, PRESIDENT
631 BENCH VIEW ROAD
GRACE, ID 83241

Source: SPRING

Tributary: CHEAPBECK CREEK

Diversion Pt: SWSWNW Sec 3 T 11S R 41E in CARIBOU County.

Use: DOMESTIC	(	0.290 CFS)	(	30.60 AF)
STOCKWATER	(	0.120 CFS)	(	7.00 AF)
FIRE PROTECTION	(	0.330 CFS)		
IRRIGATION	(	1.000 CFS)		
Total Diversion:	(	1.740 CFS)		

Claimed Priority: 4/ 1/1928

In: CARIBOU County

T10S R41E S32	NESE	SESE		
S33	SWSW	SESW		
T11S R41E S04	NWNE	NENW	SESE	
	NWSE		SENW	SESW
S05	NENE	NWNE		

70.0 ACRES TOTAL

Exceptions to a claim may be filed with the Department of Water
Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls, Idaho
83402, together with an exception fee of \$25.00.

KARL J. DREHER, Director

Published: 2/ 2/2000 & 2/ 9/2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JANUARY 26, 2000

Legal Notices Department
CARIBOU COUNTY SUN
P.O. BOX 815
SODA SPRINGS, ID 83276

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

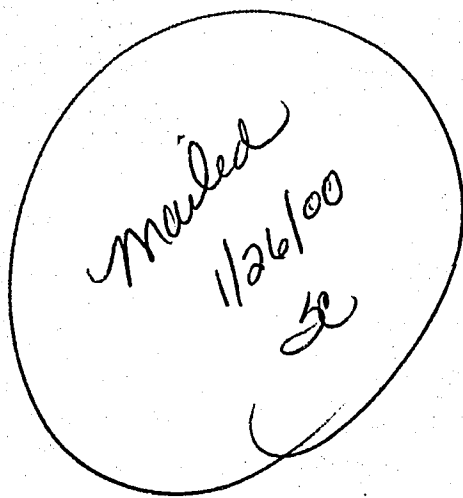
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 22, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



RECEIVED

MAR 13 2000

Department of Water Resources
Eastern Region

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, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said
County uninterruptedly and con-
tinuously 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

3rd day of
February, 2000

The date of the last publication
being the 10th day of
February, 2000

On this 3rd day of March
in the year of 2000, before
me, a Notary Public, personally
appeared

known or identified to me to be
the person whose name sub-
scribed to the within instrument,
and being by me first duly
sworn, declared that the state-
ments therein are true, and
acknowledges to me that he exe-
cuted the same.

Mark Steele
Notary Public for Idaho

Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF CLAIMS TO WATER RIGHT

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

13-04348

CHEAPBECK WATER CO.
C/O SCOTT F. ELSMORE,
PRESIDENT

631 BENCH VIEW ROAD
GRACE, ID 83241

Source: SPRING

Tributary: CHEAPBECK CR.

Diversion Pt.: SWSWNW Sec. 3

T11S R41E in CARIBOU COUN-
TY

Use: DOMESTIC (0.290 CFS)

(30.60 AF)

STOCKWATER (0.120 CFS)

(7.00 AF)

FIRE PROTECTION (0.330
CFS)

IRRIGATION (1.000 CFS)

Total Diversion: (1.740 CFS)

Claimed Priority: 4/1/1928

In: CARIBOU COUNTY, T10S

R41E S32 NESE SESE, S33

SWSW SESW SESE, T11S R41E

S04 NWNE NENW SENW SESW

NWSE, S05 NENE NWNE

70.0 ACRES TOTAL

Exceptions to a claim may be
filed with the Department of Water
Resources, Eastern Region, 900
North Skyline Drive Ste. A, Idaho
Falls, Idaho 83402, together with
an exception fee of \$25.00.

Published Feb. 3 and 10, 2000 in
the Caribou County Sun.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

FEBRUARY 24, 2000
KARL J. DREHER
DIRECTOR

CHEAPBECK WATER CO
C/O SCOTT F ELSMORE, PRESIDENT
631 BENCH VIEW ROAD
GRACE, ID 83241

Re: Claim No. 13-04348

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD D CARLSON
Eastern Region Manager

Enclosure

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHEAPBECK WATER CO
C/O SCOTT F ELSMORE, PRESIDENT
631 BENCH VIEW RD
GRACE ID 83241

RE: Claim No. #13-04348

Dear Applicant:

We have received the exceptions dated February 14, 2000, and February 28, 2000, filed against the above referenced claims to a water right. The following is a quote from the provisions of the Idaho Code under which these claims have been filed:

'42-244. Recording of claims by department - Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees 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,

HAROLD W. JONES
Water Right Supervisor

HWJ/sc
Enc.

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 15, 2000

DON W GILBERT
1805 GRACE POWER PLANT RD
GRACE ID 83241

RE: Claim to a Water Right #13-04348

Dear Mr. Gilbert:

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ::sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 15, 2000

JODY L WILLIAMS, ESQ
KRUSE LANDA & MAYCOCK LLC
50 W BROADWAY STE 800
SALT LAKE CITY UT 84101

RE: Claim to a Water Right #13-04348

Dear Jody:

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

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ::sc

E025869

6. Bear Lake Watch, Inc. believes that the requested water such as that proposed by the Applicant, will affect it and its members by reducing the contribution of water to the surface flow of the Bear River below Bear Lake.

7. Indeed, many of the members of Bear Lake Watch, Inc. have already been directly and negatively impacted by low water levels in Bear Lake, which have resulted, in part, from the huge demand for water from those currently entitled to water in the Bear River basin. As a result, more water may be removed from Bear Lake to meet those downstream demands, thereby lowering Bear Lake further than it would have been without the proposed withdrawals.

8. Further lowering of Bear Lake will greatly impact the members of Bear Lake Watch. It will result in lower property values, negatively affect habitat of five species of indigenous fish, reduce fishing opportunities, cause additional boating problems, reduce business ventures derived from the tourists who flock to a stable and healthy environment but stay away from a marshy and infested waterfront.

9. WHEREFORE, Protestant respectfully intervenes and protests the above-referenced application and requests that it be denied.

DATED: this 23rd day of May, 2000.

BEAR LAKE WATCH, INC.

BY Carol I. Braun

Carol I. Braun
BEAR LAKE WATCH, INC.
P.O. Box 205
Fish Haven, ID 83287
Telephone: (208)945-2872

MAILING CERTIFICATE

On this 23rd day of May, 2000, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

Idaho Division of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, ID 83402

Cheapbeck Water Co.
c/o Scott F. Elsmore
631 Bench View Road
Grace, ID 83241

Randall C. Budge
Racine, Olson, Nye, Cooper, & Budge
P.O. Box 1391
Pocatello, ID 83204-0391

Jim Kimbal
P.O. Box 145
St. Charles, ID 83272

Brent Rose
Clyde, Snow, Sessions, & Swenson
201 South Main, Suite 1300
Salt Lake City, UT 84111

Bear River Water Users Association
c/o J. Kent Horton
587 Wasatch Blvd.
Smithfield, UT 84335

Cheryl C. Willis
Chief, Division of Wildlife Resource
U.S. Fish & Wildlife Service
P.O. Box 25486
Mail Stop: 60189
Denver, CO 80225

Randall Landolt
PacifCorp
1407 West North Temple, Room 199
Salt Lake City, UT 84140

Carol I. Braun
Signature

3/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUL 13 2000

Department of Water Resources
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

RECEIVED

JUL 17 2000

Department of Water Resources

1. Matter being
protested Notice of Claims to Water Right #13-04348

2. Name of protestant
Kent Clegg

3. Protestant's representative for service (If different than protestant)
A. Bruce Larson, Meyers, Thomsen & Larson, PLLP

4. Service mailing address
P.O. Box 608, Soda Springs, ID 83276

5. Service telephone no.
(208) 547-2186

6. Basis of protest (including statement of facts and law upon which the protest is based)

- ☒ A) The claim exceeds the available water supply of the claimed source
in Cheapbeck Springs
- ☐ B) The claim interferes with existing water rights in the same spring
owned by Protestant.
- ☐ C) The claim amounts to an enlargement of any actual right held by Claimant.
- ☐ D) The claim asserts ownership of water rights owned by Protestant.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest?

The claimant be stopped from expanding its use of the water in Cheapbeck
Springs and from other sources set forth in the claim.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly

scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12th day of July, ~~X19~~ 2000.

Kent Clegg

PROTESTANT

A. Bruce Larson

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Receipted by _____ # _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

July 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KENT CLEGG
A. BRUCE LARSON, MEYERS, THOMSEN & LARSON
PO BOX 608
SODA SPRINGS ID 83276

RE: Claim to a Water Right #13-04348

Dear Mr. Clegg:

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

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ::sc



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 13, 2000

CHEAPBECK WATER CO
C/O SCOTT F ELSMORE, PRESIDENT
631 BENCH VIEW ROAD
GRACE ID 83241

RE: Claim No.: 13-04348

Dear Mr. Elsmore:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

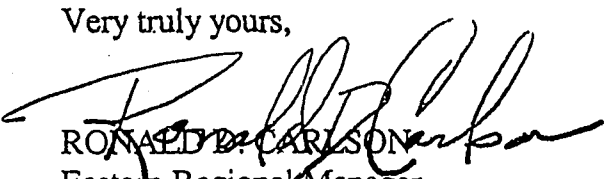
?42-244. Recording of claims by Department -Corrections.-

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

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

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

Very truly yours,


RONALD D. CARLSON
Eastern Regional Manager

RDC:sc