

15-4030
RECEIVED

APR 26 1979

Department of Water Resources
Eastern District Office

IN THE DEPARTMENT OF WATER RESOURCES, STATE OF IDAHO

In the Matter of the Claim
of
NORMAN GROVER

Case No.

AFFIDAVIT OF EXCEPTION
OF CLIVE GARN

STATE OF IDAHO)
County of Bonneville) ss.

COMES NOW CLIVE GARN who, after being first duly sworn, deposes and says: My name is Clive Garn, a general partner of Garn Farms Partnership, a Utah General Partnership; I do hereby file exception to the above referenced claim for water right in the amount of .06 cfs of water from Grover Spring or Bond Spring, tributary to Grover Hollow, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, T 16S, R 35 E.B.M., County of Oneida, with priority of March 1, 1909, on the following grounds:

1. Affiant and his predecessors in interest, to-wit: Oleen Garn, Maxine B. Garn, Darvel Garn, Bonnie L. Garn, Clive Garn, Aloha Garn, and Arthur N. Grover Farms, Inc., a corporation, have been previously appropriating and continuously using .06 cfs of water with the foregoing point of diversion, from and after March 1, 1909 for domestic and stock water uses in Sections 13, 19, 24, and 25 of T 16S R34 E.B.M., Oneida County, Idaho; further, the interest in said waters was specifically ordered, adjudged and decreed to the predecessors of Garn Farms Partnership in that certain Civil Action Nos. 10038 and 10081, in the District Court of Box Elder County, State of Utah, entitled A. Norman Grover, et al v. Oleen Garn et al, on the 18th day of December, 1968. A copy of said Decree is attached hereto

and incorporated herein as if set forth in full.

2. Affiant is personally familiar with the use of waters from the said Grover Spring or Bond Spring by Norman Grover, and affiant states that the contents of Claim No. 15-4030 filed by said Norman Grover is false and inaccurate in the following particulars:

A. Said Norman Grover has not appropriated and put to beneficial use .02 cfs for purposes of irrigation at any time since 1963.

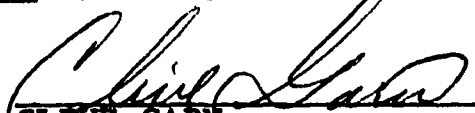
B. Said Norman Grover has not appropriated and put to beneficial use .02 cfs of water for purposes of stock watering at any time since 1963.

C. Said Norman Grover has improperly claimed 30" of water, when the maximum water available has been 3".

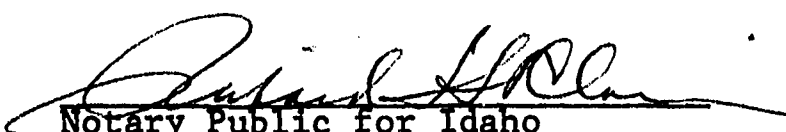
D. Said Norman Grover has not appropriated and put to beneficial use any stock water for 200 head of beef cattle, nor has said Norman Grover had 200 head of beef cattle on the subject property.

E. By virtue of the attached Judgment and Decree the most water said Norman Grover could claim would be $\frac{1}{2}$ (one-half) of the waters of the springs supplying the Lone Spring Water Company, represented by 50 shares of stock in Lone Spring Water Company.

DATED this 26th day of April, 1979.


CLIVE GARN

Subscribed and sworn to before me this 26th day of April, 1979.


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission expires: Life Term

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

NORMAN GROVER
(Name of Claimant)
404 E. 2ND St. BRIGHAM CITY UTAH 84302
(Mailing Address) (Zip Code) Telephone No. 723-3085

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) MARCH 1 1909

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)

GROVER SPRING OR BOND SPRING tributary to GROVER HOLLOW

- (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)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.02</u>	Use	<u>IRR</u>	Period of Use From	<u>4-1</u> To <u>11-1</u>
Quantity	<u>.02</u>	Use	<u>STOCK WATER</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity	<u>.08</u>	Use	<u>DOMESTIC</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

- (4) 30 inches TOTAL QUANTITY USED.

.06 (cfs) gpd, AFA

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

SW 1/4 SW 1/4, Sec. 8 Twp. 16S Rge. 35E B.M., County of ONEIDA
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. WOODEN HEAD WORKS 4" PIPE DOWN TO 2" PIPE OVER A DISTANCE OF 2.3 MILES

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16S	35E	30							X	DOMESTIC & STOCK WATER									1.5

No. of acres 1.5

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

1 FAMILY household
STOCK WATER

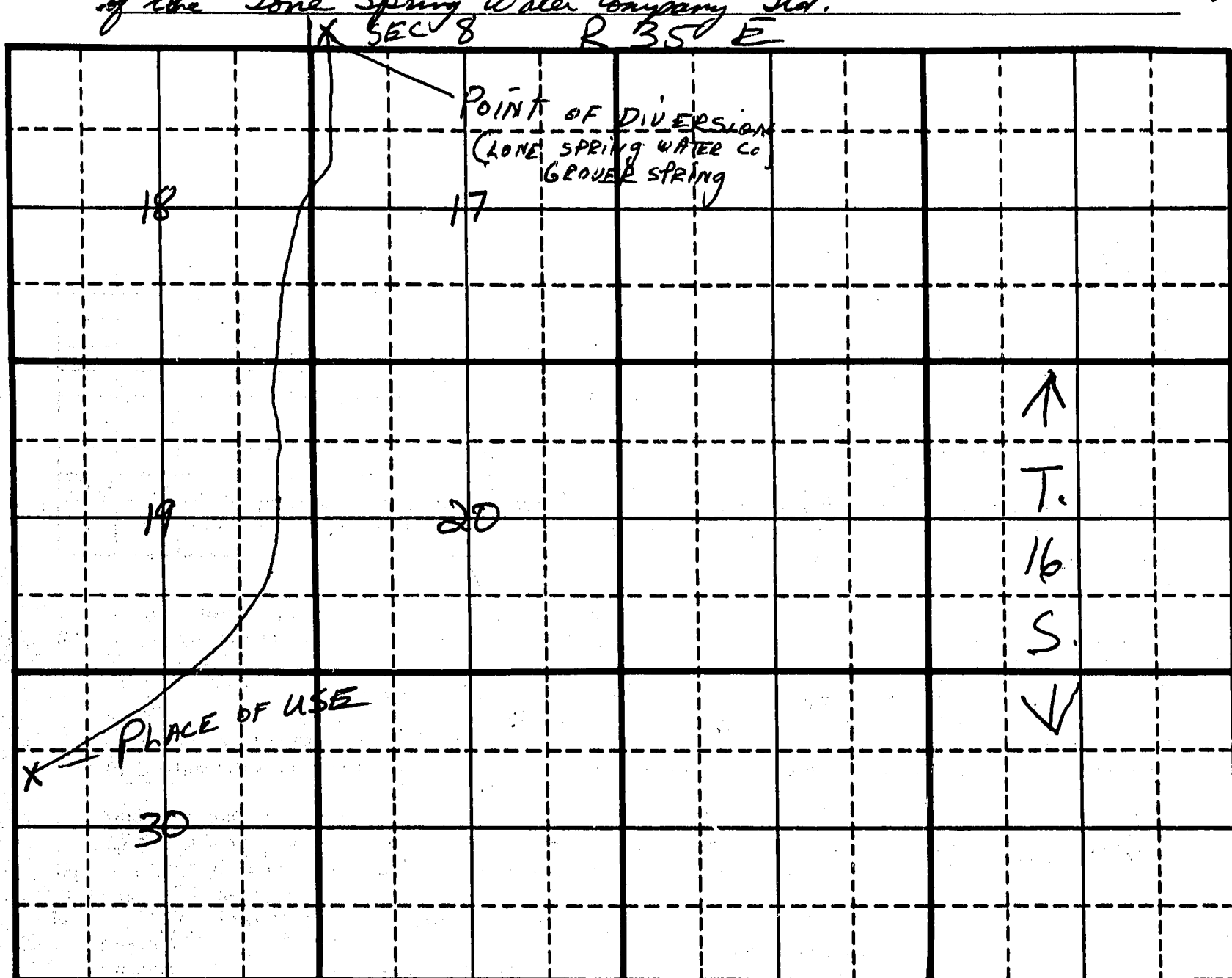
NOTE: Include here the type and number of stock watered:

200 HEAD BEEF Cattle

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

LOAN

Chaignant and his family own $\frac{3}{4}$ of the total 200 shares originally issued by the Lone Spring Water Company Ltd. and therefore claim $\frac{3}{4}$ of the water right. Another party used a different amount of water, thru the same system. At all all of the water was distributed thru the water stock ownership of the Lone Spring Water Company Ltd.



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 Oneida) 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 _____, 1979.

Norman Grover
(Claimant)

James H. Frandenberger
Notary Public
Residing at Malad, Idaho

My commission expires Life Term

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>4-3-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.P.</u>	Date		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>4-3-79</u>	#12996		
Published in <u>Idaho Enterprise</u>		<u>Clive Garn of</u>	<u>dh</u>	<u>6-13-79</u>
Dates <u>April 12 & 19, 1979</u>		<u>Garn Farms Partnership</u>		

12-1080



STATE OF IDAHO

SECRETARY OF STATE

BOISE

PETE T. CENARRUSA
SECRETARY OF STATE

18

AME
DAHO.

March 22, 1978

Norman Grover
404 E. 2nd S.
Brigham City, UT 84302

RE: LONE SPRING WATER COMPANY, LT'D & ARTHUR N. GROVER FARMS, INC.

Dear Mr. Grover:

We have received from you annual statements and checks for the above corporations to renew their licenses. However, since these corporations are both presently in good standing, we are returning this material to you. You need not file your annual statement and license tax until July 1, 1978. There will be no license tax for LONE SPRING WATER COMPANY LT'D as it is a non-profit corporation.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Barb Myers

Barb Myers
Corporation Clerk

enclosures

supporting evidence

HONE SPRING WATER COMPANY, LTD. THE
 Hone Spring Water Company, Ltd.
 (Ex. 8-59)
 Placedale, Oneida County
 PRINCIPAL PLACE OF BUSINESS *For Lake Valley, Oneida Co*
 FILE NUMBER *6398* \$2,000 DATE FILED *July 14 1909*
 ARTICLES OF INCORPORATION FILED
 CHARTER FORFEITED, DEC. 1, 1912. REINSTATED MAY 1, 1913.
 CHARTER FORFEITED DEC. 2, 1916. REINSTATED Mar. 13 1923
 CHARTER FORFEITED NOV. 30, 1923 REINSTATED Nov. 25 1941
 CHARTER FORFEITED NOV. 30, 1945
 REINSTATED - - - Aug 24 1961
 FILMED 11-30-71 FORFEITED DEC. 2, 1945

This will show that the stock
 has never been reduced from 300 shares to 200
 General Winkler under Sec. 2

Supporting evidence

NON - PROFIT CORPORATION LICENSE

STATE OF IDAHO
OFFICE OF SECRETARY OF STATE

LICENSE

NO. 006398

DATED THIS TWENTY-EIGHTH DAY OF AUGUST 1978

The below-named non-profit corporation has filed in the office of the Secretary of State its non-profit corporation annual statement for the fiscal year ending June 30, 1979 in accordance with the provisions of Section 30-601, Idaho Code. The corporation is hereby granted authority to exercise its corporate rights within the State of Idaho, subject to existing laws, during the fiscal year, or fractional part thereof, for which the annual statement was filed.

LONE SPRING WATER COMPANY, LIMITED (THE)
A NORMAN GROVER
404 E 2ND S
BRIGHAM CITY UTAH

A CORPORATION

84108

B. D. Conner
SECRETARY OF STATE

Supporting evidence

IN THE DISTRICT COURT OF BOX ELDER COUNTY, STATE OF UTAH

A. NORMAN GROVER; ARTHUR N.
GROVER; ESTELLA V. GROVER;
FLOYD E. GROVER; FAY G. WIGHT;
AMY G. JENSEN; MAX L. GROVER;
JESSE G. PARRY; JOYCE ANNA G.
SMITH and JUNE G. HUFFMAN,

Plaintiffs,

vs.

OLEEN GARN and MAXINE B. GARN,)
his wife; DARVEL GARN and BONNIE)
L. GARN, his wife; CLIVE GARN and)
ALOHA GARN, his wife and ARTHUR)
N. GROVER FARMS INC. a corporation,)

Defendants.)

OLEEN GARN and MAXINE B. GARN,)
his wife; DARVEL GARN and BONNIE)
L. GARN, his wife; CLIVE GARN and)
ALOHA GARN, his wife,)

Defendants and Cross Claimants,)

vs.)

ARTHUR N. GROVER FARMS INC.)
a corporation)

Cross Defendants,)

ARTHUR N. GROVER FARMS INC.
a corporation,

Plaintiff

vs.

OLEEN GARN and MAXINE B. GARN,
his wife; DARVEL GARN and BONNIE L.
GARN, his wife and CLIVE GARN and
ALOHA GARN, his wife,

Defendants.

This matter coming on regularly for trial before the Honorable Lewis
Jones, District Judge, sitting without a jury; commencing with the 6th day
of May, 1968 and continuing thereafter on the 7, 8, 10, 15 days of May and the
17th day of July, 1968; Civil numbers 10038 and 10081 having been combined
for the purposes of trial pursuant to stipulation of the parties and their

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APR 26 1969

Department of Water Resources
Eastern District Office

JUDGMENT AND DECREE

Civil #10038

Civil #10081

counsel; and the plaintiffs, A. Norman Grover, Arthur N. Grover; Estella V. Grover; Floyd E. Grover; Fay G. Wight; Amy G. Jensen; Max L. Grover; Jesse G. Parry; Joyce Anna G. Smith and June G. Huffman and Arthur N. Grover Farms Inc., a corporation, either shown as plaintiffs or cross defendants, being present and represented by their counsel Clifford L. Ashton of the firm of VanCott, Bagley, Cornwall and McCarthy and E. J. Skeen; the defendant, Oleen Garn and Maxine B. Garn, his wife; Darvel Garn and Bonnie L. Garn, his wife; Clive Garn and Aloha Garn, his wife, whether known as defendants or cross claimants being present in court and represented by their counsel Walter G. Mann and Reed W. Hadfield of the firm of Mann and Hadfield and the parties having offered evidence in support of their pleadings both oral and documentary and the court being fully advised and having made and entered its memorandum of opinion in Civil #10038 finding generally in favor of the defendants and against the plaintiffs on plaintiffs' complaint and finding generally in favor of the plaintiffs and against the defendants except as to the defendants' claim for fifty (50) shares of Lone Spring Water Company stock and sixty-five (65) animal permits of United States Taylor Grazing rights on defendants' counterclaim and cross claim and the court having made and entered its memorandum opinion in Civil #10081 finding generally in favor of the defendants and against the plaintiff on plaintiff's complaint and all amendments and supplements thereto and finding in favor of the defendants and against the plaintiff on defendants' cross claim relating to fifty (50) shares in the Lone Spring Water Company, together with sixty-five (65) shares or permits for sixty-five (65) head of cattle under the Taylor Grazing Act and finding generally against the defendants on other portions of defendants cross claim and in favor of the plaintiff thereon and both matters of Civil numbers 10038 and 10081 having been tried jointly and simultaneously on the stipulation of counsel and the court being fully advised in the matter and the court having made and entered its Findings of Fact and Conclusions of Law constituting the decision of the court in said matter,

NOW, THEREFORE on motion of Walter G. Mann and Reed W. Hadfield Esquires, of the firm of Mann and Hadfield, it is hereby,

ORDERED, ADJUDGED AND DECREED that the plaintiff, A. Norman Grover, Floyd E. Grover, Fay G. Wight, Amy G. Jensen, Max L. Grover, Jesse G. Parry, Joyce Anna G. Smith and June G. Huffman, have no standing either as stockholders or otherwise to attack the contract transaction in question and that any claimed cause of action filed by them is hereby dismissed with prejudice, no cause of action. It is further,

ORDERED, ADJUDGED AND DECREED that on the 1st day of October, 1964, the said Arthur N. Grover and Estella V. Grover, his wife, were physically and mentally capable of understanding and appreciating the nature and effect of the contract agreement into which they entered with the defendants Garn. That they did understand the nature and effect of the said transaction and did exercise their own free will in the execution thereof. It is further,

ORDERED, ADJUDGED AND DECREED that Arthur N. Grover Farms Inc. is but the instrumentality through which the said Arthur N. Grover and Estella V. Grover, the owners of the stock thereof, for convenience, transacted their business and the court hereby pierces the corporate veil of Arthur N. Grover Farms Inc. and hereby decrees that any statute relating to corporations and particularly to meetings of the stockholders, was either complied with or waived when the owners of the stock of said corporation entered into said contract and further hereby decrees that the said Arthur N. Grover Farms Inc. Arthur N. Grover, individually, and Estella V. Grover, individually, are bound as a corporation and as individuals by the contract entered into on the 1st day of October, 1964, with the said defendants. It is further,

ORDERED, ADJUDGED AND DECREED that the plaintiffs, Arthur N. Grover and Estella V. Grover, individually, and Arthur N. Grover Farms Inc. by their acts and deeds are estopped from declaring said contract of

sale entered into by and between the said Arthur N. Grover Farms Inc. by Arthur N. Grover, as secretary and Estella V. Grover, as vice-president on the 1st day of October, 1964, with the defendants Garn, which said contract of sale is attached to plaintiffs' complaint, to be of no force and effect. It is further,

ORDERED, ADJUDGED AND DECREED that plaintiffs' complaint in Civil #10038 and 10081 and all causes of action thereunder be and they are hereby dismissed with prejudice, no cause of action. It is further,

ORDERED, ADJUDGED AND DECREED that the said Arthur N. Grover and Estella V. Grover, individually, and the corporation Arthur N. Grover Farms Inc. shall ^{79 When this decree becomes final} immediately file with the escrow holder fifty (50) shares of stock in the Lone Spring Water Company representing one half (1/2) of the waters of the springs supplying the Lone Spring Water Company, which share of water is appurtenant to the lands purchased by the defendants and the court hereby reserves jurisdiction to hear and fix damages that the defendants will suffer in the event said water stock is not, or cannot be delivered within a reasonable time. It is further,

ORDERED, ADJUDGED AND DECREED that judgment is hereby entered against the plaintiffs, Arthur N. Grover Farms Inc. Arthur N. Grover, individually and Estella V. Grover, individually, in favor of the defendants for the sum of Five Hundred and Twenty Five (\$525.00) Dollars representing the value of fifteen (15) head or shares of Taylor Grazing rights at the rate of Thirty-five (\$35.00) Dollars per share, together with interest thereon at the rate of 6% per annum from the 1st day of October, 1964, to date of judgment and at the rate of 8% per annum from date of judgment until paid. It is further,

ORDERED, ADJUDGED AND DECREED that the defendants Garn have no judgment against the plaintiffs for damages either general or exemplary for any alleged willful acts of attempting to set aside said contract on the part of certain plaintiffs. It is further,

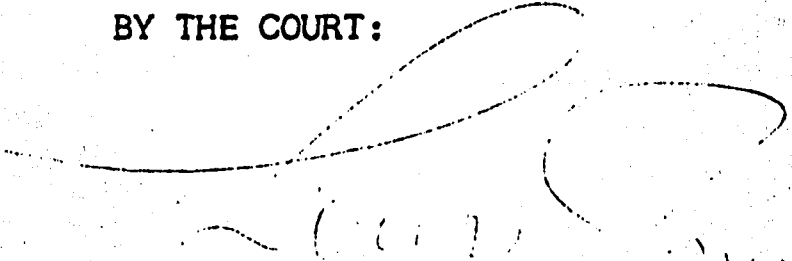
transmitted to
Supreme Court
#11472

ORDERED, ADJUDGED AND DECREED that the defendants Garn hae
and they are hereby granted judgment against the plaintiffs
Arthur N. Grover Farms Inc., ~~Arthur N. Grover and Estelle V.~~
~~Grover, individually~~, as and for attorneys fees in enforcing
said contract, in the sum of \$5,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the contracts
involved in this litigation should be, and accordingly are, or-
dered specifically performed by each and all of the parties
hereto insofar as their interests may appear.

DONE IN OPEN COURT this 18th day of December, 1968.

BY THE COURT:



FIRST JUDICIAL DISTRICT
STATE OF UTAH
BOX ELDER COUNTY

I, the undersigned Clerk of the First District Court for
the State of Utah, do hereby certify that the annexed
and foregoing is a true and full copy of an original
document on file in my office as said Clerk.
Witness my hand and the seal of said Court
this 25 of April 1979

K. B. OLSEN, Clerk
By: Sharon J. Dugg Deputy

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:

No. 15-4025
JONES, OREN J.
ROUTE 1, BOX 243, MALAD,
ID. 83252
Source: SPRING CREEK
tributary to MALAD RIVER
Priority Date: 04-01-1890
Amount: 2.00 CFS
Diversion Point: NWSW Sec.
28 T 14S R. 36E, Oneida Co.
Use: IRRIGATION (2.00 CFS)
from 04-01 to 05-15
Place of Use: NWNW SWNW
Sec. 33 T. 14S R. 36E SENE Sec.
32 T. 14S R. 36E for 43 ACRES
Diversion Means: DITCH

No. 15-4026
SMITH FARM
333 SOUTH 100 WEST,
MALAD, ID. 83252
Source: DRY CREEK
tributary to DEEP CREEK
Priority Date: 04-01-1923
Amount: 1.00 CFS
Diversion Point: NESW Sec.
32 T. 14S R. 37E, Oneida Co.
Use: IRRIGATION (1.00 CFS)
from 04-01 to 10-01
Place of Use: NESW NWSW
SWSW Sec. 32 T. 14S R. 37E SESE
Sec. 31 T. 14S R. 37E for 30
acres
Diversion Means: DITCHES

No. 15-4027
SCHWARTZ, DALE
214 WEST 300 NORTH,
MALAD, ID. 83252
Source: LITTLE MALAD
RIVER tributary to BEAR
RIVER
Priority Date: 03-20-1918
Amount: 0.04 CFS
Diversion Point: NENW Sec.
12 T. 13S R. 34E SWSW SESW
Sec. 01 T 13S R 34E, Oneida Co.
Use: STOCKWATER (0.02
CFS) from 09-01 to 12-01
DOMESTIC (0.02 CFS) from
04-01 to 11-01
Place of Use: SWSW SESW
Sec. 01 T 13S R 34E NENW Sec.
12 T 13S R 34E
Diversion Means: PUMP &
PIPELINES

No. 15-4028
BRIGGS, HOWARD W.
ROUTE 1, MALAD, ID. 83252
Source: UNNAMED
SPRINGS tributary to SINKS
Priority Date: 04-21-1950
Amount: 1.00 CFS
Diversion Point: SWSW Sec.
05 T. 13S R 35E NENE Sec. 07 T
13S R 35E NWNW Sec. 08 T 13S R
35E, Oneida Co.
Use: IRRIGATION (0.80 CFS)
from 04-01 to 11-01
STOCKWATER (0.20 CFS)

No. 15-4029
PRICE, JOHN W.
ROUTE 1, BOX 231, MALAD, ID. 83252
Source: GROUNDWATER
Priority Date: 06-01-1907
Amount: 0.04 CFS
Diversion Point: SWNW
SENW Sec. 35 T 14S R 35E,
Oneida Co.
Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31
Place of Use: SWNW SENW
Sec. 35 T 14S R 35E
Diversion Means: TWO
ARTESIAN WELLS &
DELIVERY SYSTEM

No. 15-4030
GROVER, NORMAN
404 EAST 2nd SOUTH,
BRIGHAM CITY, UT. 84302
Source: GROVER SPRING
(BOND SPRING) tributary to
GROVER HOLLOW
Priority Date: 03-01-1909
Amount: 0.06 CFS
Diversion Point: SWSW Sec.
08 T. 16S R 35E, Oneida Co.
Use: DOMESTIC (0.02 CFS)
from 01-01 to 12-31
STOCKWATER (0.02 CFS)
from 01-01 to 12-31
IRRIGATION (0.02 CFS) from
04-01 to 11-01
Place of Use: SWNW Sec. 30 T
16S R 35E for 2 acres
Diversion Means: HEADBOX
& PIPELINES

No. 17-4027
HUBBARD, CLARK L.
HOLBROOK ROUTE,
MALAD ID. 83252
Source: GROUNDWATER
Priority Date: 03-01-1963
Amount: 0.15 CFS
Diversion Point: SWSW Sec.
29 T 14S R 33E, Oneida Co.
Use: STOCKWATER (0.06
CFS) from 01-01 to 12-31
IRRIGATION (0.09 CFS) from
04-01 to 11-01
Place of Use: SWSW Sec. 29 T
14S R 33E for 80 acres
Diversion Means: WELL,
PUMP & SPRINKLER
SYSTEM
Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1515

Lincoln Road, Idaho Falls, Idaho
83401
C. STEPHEN ALLRED
Director
Published in The Idaho Enterprise
4-12 & 4-19 79
4-12-1972

RECEIVED
AFFIDAVIT OF PUBLICATION
MAY 10 1979

Department of Water Resources
Eastern District Office

being first duly sworn on
oath, states That s/he is Soondy
Idaho Enterprise, a newspaper of general circulation
da County, Idaho published weekly at Malad, in said
that said newspaper has been published in said
uninterruptedly and continuously for over seventy-
insecutive weeks, prior to the first publication of the
& notice or advertisement:

said Idaho Enterprise was at all of the times of publi-
f said notice a newspaper of general circulation made
least four pages of at least five columns each, printed
be matter or stereotyped forms of at least seventeen
se-fourths inches depth, and said newspaper during
e times of publication aforesaid had more than 200
e subscribers thereto living within the County of
in which said newspaper was published at regular
not less frequently than once a week.

ne annexed notice was published per clipping attach-
e regular and entire edition of said newspaper and
ny supplement thereof for 2 successive weekly
ereof of the date of the first publication being the
of May, 1979, the day of the last
in being the 19 day of May

and sworn to before me this 9th of May

James H. Funderburg
Notary Public, residing at Malad, Idaho

mission expires the 9th day of May, 1979

as at 23c per line first insertion \$ 32.89

es tabulated as 34 1/2c per line \$

e each subsequent insertion \$ 21.45

TOTAL \$ 54.34

es for legal notices are fixed by Idaho law)

ED

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: John C.

Right Number 15-4030 Applicant Norm Thorne

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 Joni Date 6/28/79

April 3, 1979

Norman Grover
404 East 2nd South
Brigham City, Utah 84302

Dear Mr. Grover:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 12996 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

NOTICE OF CLAIM 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.

15-4030-

GROVER, NORMAN

404 EAST 2ND SOUTH, BRIGHAM CITY, UT 84302

Source: GROVER SPRING (BOND SPRING) tributary to GROVER HOLLOW

Priority Date: 03/01/1909

Amount: 0.06 CFS

Diversion Point: SWSW Sec 08 T 16S R 35E, ONEIDA Co.

Use: DOMESTIC	(0.02 CFS)	from 01/01 to 12/31
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
IRRIGATION	(0.02 CFS)	from 04/01 to 11/01

Place of Use: SWNW Sec 30 T 16S R 35E FOR 2 ACRES

Diversion Means: HEADBOX & PIPELINES

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 4/12 & 4/13/79.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7185

APRIL 6, 1979

Idaho Enterprise
P. O. Box 205
Malad City, Idaho 83252

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 sales 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 APRIL 30, 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

Clive Garn
Garn Farms Partnership
Fielding, Utah 84311

RE: Claim No. 15-4030

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

Norman Grover
404 East 2nd South
Brigham City, Utah 84302

RE: Claim No. 15-4030

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

APRIL 30, 1979

NORMAN GROVER
404 EAST 2ND SOUTH
BRIGHAM CITY

UT 84302

RE: Claim No. 15-4030

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.

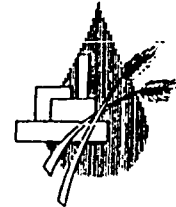
We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

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 NORMAN GROVER

(Name of Claimant)

404 East 200 South, Brigham City, Utah 84302
(Mailing Address)

Telephone No. 723-3085

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) 21 June 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)
Grover Spring or Bond Spring tributary to Grover Hollow

- (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>Irrig.</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.02 cfs.</u>	Use <u>Domestic</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.		

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
S/W 1/4, S/W 1/4, Sec. 8, Twp. 16 S, Rge. 35 E, B.M., County of Oneida
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. Wooden headworks to a 4" pipe down to a 2" pipe for a distance of 2 or 3 miles.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16S	35E	30							(Lot#2)										5.0 Acres

No. of acres 5.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: one family household, yard, garden, and irrig.

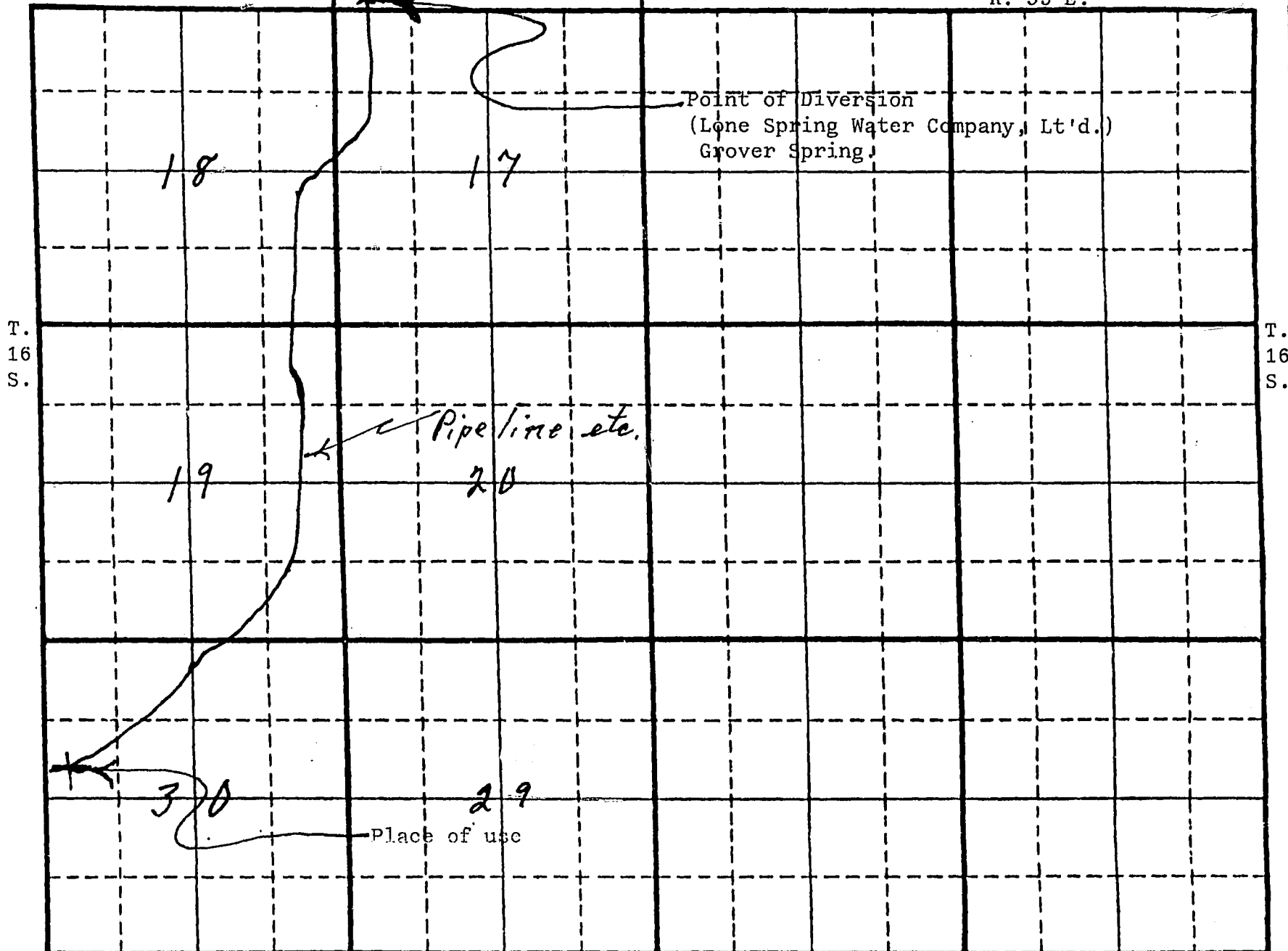
NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: The Lone Spring Water Company, Lt'd., an Idaho Corporation

Sect 9

(8) Remarks Claimant and his family own 150 shares (3/4) of the 200 shares of stock issued by The Lone Spring Water Company, Lt'd. and thier claim was previously filed with the Idaho Secretary Of State 14 July 1909, as a part of the filing of thier Articles of Incorporation. As stated in Article VIII of the said Articles of Incorporation of The Lone Spring Water Company, Lt'd., (Continued on page # 3 hereof)

R. 35 E.



Scale: 2 inches equal 1 mile.

R. 35 E.

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~~ Utah)
) ss.
County of Box Elder)

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.

Norman Grover

(Claimant)

Sworn to before me this 25th day of August

19 89

Alton D. Book

Notary Public

Residing at

Residing at Brigham City, U.

Commission expires 8 April 1991

Residing at Brigham City, Utah

Commission expires 8 April 1991

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by HLW Date 8-30-89 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by Norm Grover Date _____
Published in Idaho Enterprise _____
Dates 10-5-89 12-89 _____

Page # 3 of Claim To A Water Right # 17-4038 as Amended 25 Aug 1989.

Continued from (8) Remarks on Page 2:

" That the corporation herein accepts in full payment of its capital stock, in place of money, the water in what is known as Lone Spring in Pocatello Valley heretofore owned and controlled by Pocatello Water Company " Claimant thereby claims continuity of water use and rights from the Pocatello Water Company to The Lone Spring Water Company back to 21 June 1892.

Nº 1170

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }

ss.

County of Oneida }

Sandra Struhs

being duly sworn,

deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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

October 5, 1989, and ending

with the issue of October 12, 1989

Sandra Struhs

Fee \$ 47.12

Subscribed and sworn to before me this 1st day

of November, 1989.

Sumner J. Witterman

Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 1994

Water Right Notice

NOTICE OF AMENDED CLAIM TO A WATER RIGHT No. 17-4033 (18-4030)

Notice is hereby given that Claim to a Water Right No. 17-4038 in the name of Norman Grover, Brigham City, Utah, was filed with a priority date of March 1, 1909 for the diversion and application to beneficial use of .08 cfs. of water from Grover Spring or Bond Spring tributary to Grover Hollow with the point of diversion within SWSW SEC8 T16S R35E, B.M., Oneida County; the water is claimed to be used from April 1 to November 1 for the irrigation of 1.5 acres, from January 1 to December 31 for 200 head of stockwater, and from January 1 to December 31 for one household domestic purposes within the SWNW SEC30 T16S R35E.

The claimant now proposes to amend Claim No. 17-4038 with a priority date of June 21, 1892 for domestic purposes and the irrigation of 5 acres from January 1 to December 31 within SWNW SEC 30 T16S R35E, (Lot 2).

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83402.

R. Keith Higginson
Director

No. 1170
10-5-12 T2

RECEIVED

Department of Water Resources
Eastern District Office

This Claim has been previously filed with the Idaho Sec. of State in 1909.
Form No. 243
9/81
Claim No. 17-04038

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Attachment "1" hereto and attachments thereto are an intricate part of this Claim to a Water Right.

AMENDED

CLAIM TO A WATER RIGHT

AMENDED

OCT - 3 1989

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 The Lone Spring Water Company, Lt'd.

(Name of Claimant)

404 East 200 South, Brigham City, Utah 84302

(Mailing Address)

Telephone No. 723-3085

(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) 21 June 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) Lone Spring (aka: Grover Spring or Bond Spring) tributary to Grover Hollow

- (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>.04 cfs</u>	Use <u>Irrig.</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.04 cfs</u>	Use <u>Stockwatering</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

- (4) .12 cfs TOTAL QUANTITY USED.
(cfs, af)

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

SW $\frac{1}{4}$ S/W $\frac{1}{4}$, S/W $\frac{1}{4}$, Sec. 8, Twp. 16S, Rge. 35E, B.M., County of Oneida

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. Wooden Headworks to a 4" pipe down to a 2" pipe for a distance of 3 or 4 miles and including diversion boxes and lines stubbed in thereto

- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	34E	24																X	Domestic
16S	34E	24													X			X	Stockwater
16S	35E	19								(L3)						X			Stockwater
16S	35E	30								(Lot #2)									Domestic & Irrig. 5.0

No. of acres 5. ac

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: 2 family households, yard, garden, stock watering for 200+ head of cattle, and Irrig.

NOTE: Include here the type and number of stock watered: 200+ head cattle

- (7) If you are claiming water as a member of an organization, list name of organization: The Lone Spring Water Company, Lt'd., a non-profit Idaho Corporation, distributes water to it's Stockholders (including #17-4028 and #17-4038). See para (8) herein.

Remarks _____

See Attachment "F" hereto (page 3 of
drawing 89K101)

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.

acre subdivisions,

Attest: Richard K. Grover
Richard Grover, Sec.

Sworn to before me this 23 day of Sept

Alton I. Cook

My commission expires _____

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date: _____
Prelim. check by KCW Date 3-19-1990 claimant by: _____
\$30.00 fee received by _____ Date _____
Published in Idaho Enterprise _____
Dates 5-3 & 10-90 _____

THE LONE SPRING WATER COMPANY, LTD.
404 EAST 200 SOUTH
BRIGHAM CITY, UTAH 84302
801-723-3085

ATTACHMENT #1 To "Claim to A Water Right" Filed by The Lone Spring Water Company, Lt'd. with the Idaho Department of Water Resources. (with attachments)

- - - - -

The attached Claim to a Water Right having been previously filed with the Idaho Secretary of State in 1909 is hereby filed with your office by The Lone Spring Water Company, Lt'd., an Idaho non-profit Corporation, in behalf of it's Stockholders with a "date of priority" of 21 June, 1892. The source of the water claimed is Lone Spring (also known as Grover Spring or Bond Spring) and is a tributary to Grover hollow in the SW $\frac{1}{4}$, of the SW $\frac{1}{4}$, of Section 8, T. 16 S., R. 35 E., BB&M located in Oneida County, Idaho. This water was diligently developed under the "Constitutional Use Doctrine - use it and its yours, yours as long as you continue to use it for that purpose" as described by Bill Rhoads, Idaho Falls regional planner for your Department in newspaper article published in the Idaho Enterprise on Thur., 22 March, 1979, see Attachment "A".

The following is a brief chronology of events supporting the above Claim or pertinent thereto.

1. The Pocatello Water Company, Lt'd. was incorporated 21 June 1892, See Attachment "B".
2. As stated in Article VIII of the Articles of Incorporation, Attachment "C", of The Lone Spring Water Company, Lt'd. "That the corporation herein accepts in full payment of its capital stock, in place of money, the water in what is known as Lone Spring in Pocatello Valley, heretofore owned and controlled by Pocatello Water Company." Thereby claiming continuity of water use and rights from the Pocatello Water Company to the Lone Spring Water Company, Lt'd.
3. The purpose of the said Corporation (see Article II of Attachment "C") was then and is now to " . . . own, control, conserve, conduct, and convey through a pipe line or otherwise for culinary and domestic use as well as for irrigation purposes the waters of a certain stream, known as Lone Spring in Pocatello Valley, Idaho; and further to develop said spring to increase the waters thereof, as well as distribute the same among the stockholders of this company."
4. This Corporation and its predecessor Company have diligently developed, used, and maintained a collection and distribution system of pipelines, diversion boxes, flow

controls, and right-of-ways supplying water to more than 33 stockholders and their families in the Pocatello Valley area as detailed within the herein Water Users Claim over a period in excess of 96 years (See Attached page 3 of Drawing #89K101 Attachment "F" hereto.).

5. In 1978 the Idaho Legislature passed a law (Code 42-243) which requires that all water rights in Idaho, which had not been previously filed with the State, must be submitted for filing at the Idaho Department of Water Resources in support of said Claims of Water Rights. It is in compliance of the said law that we the Lone Spring Water Company, Lt'd. hereby submit the enclosed Water Users Claim to the Department of Water Resources for filing as stated even though it was previously recorded with the Idaho Sec. of State in 1909.

6. Pertinent to the above, on 29 March 1979 Norman Grover, a Stockholder of this Corporation, filed a Water users Claim #15-4030 (later changed to #17-4038) in behalf of himself and on 26 April 1979 Garn Farms, a Utah partnership pertaining to Oleen Garn, a stockholder also filed Water Users Claim #17-4028 in his behalf. Both claims properly recognizing The Lone Spring Water Company, Lt'd. as the organization that they were claiming water as a member thereof on paragraph #7 of each "Claim to a Water Right", see Attachment "D" and "E" hereto. Said claims made by the Garn Farms and Norman Grover thereby being a part of the herein Water Users Claim made by The Lone Spring Water Company, Lt'd. in behalf of its Stockholders.

Enclosed herewith is our Claim of Water Rights with attachments as stated and should additional information be desired I may be reached at telephone #801-723-3085 or the above address.

Sincerely,


Norman Grover, President

Attachment "A" - 22 March 1979 Newspaper Article in Idaho Enterprise
"Agency outlines water right claims program"

Attachment "B" - Pocatello Water Company, Articles of Incorporation
dated 21 June 1892.

Attachment "C" - The Lone Spring Water Company, Lt'd. Articles of
Incorporation dated 14 July 1909 plus amendments thereto.

Attachment "D" - Claim to A Water Right #17-4038

Attachment "E" - Claim to A Water Right #17-4028

Attachment "F" - Pg. 3 of Drawing #89K101.

Cert. of Corporation in "good standing"

State of Idaho

Department of State

CERTIFICATE OF CORPORATE STATUS OF

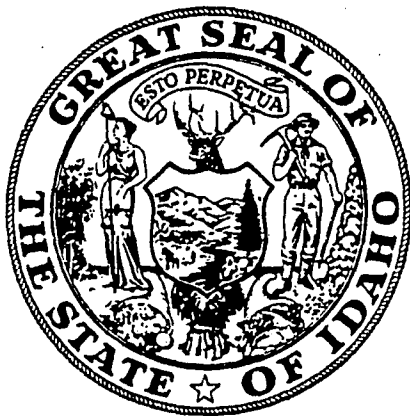
THE LONE SPRING WATER COMPANY, LT'D.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named corporation was incorporated under the laws of Idaho and was issued a certificate of incorporation in Idaho on July 14, 1909.

I FURTHER CERTIFY That the corporation's authority to do business has not been forfeited.

Dated September 8, 1989



Pete T. Cenarrusa
SECRETARY OF STATE

by *Larry J. Clark*

Nº 1219

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 11 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Oneida } ss.

Sandra Struhs

being duly sworn,
deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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

May 3, 1990, and ending
with the issue of May 10, 1990

Sandra Struhs

Fee \$ 54.14

Subscribed and sworn to before me this 6th day

of June, 1990

Susan A. Wittman
Notary Public, Residing at Malad, Idaho

My Commission Expires 2-9, 1994

Amended Claim

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 17-04038

Notice is hereby given that Claim to a Water Right No. 17-04038 in the name of NORMAN GROVER, BRIGHAM CITY, UT, was filed with a priority date of MARCH 1, 1909 for diversion and application to beneficial use of .08 CFS of water from Grover Spring (or Bond Spring) tributary to Grover Hollow with the point of diversion within the SWSW SEC 8 T 16S R 35E, B.M. County of Oneida; the water is claimed to be used from April 1 to November 1 for irrigation of 1.5 acres, from January 1 to December 31 for stockwater and domestic within the SWNW SEC 30 T 16S R 35E, B.M.

Claim No. 17-04038, now being amended changing the name to THE LONE SPRING WATER COMPANY, LTD, BRIGHAM CITY, UT, and proposes to change the priority date to June 21, 1892, the amount of water to .12 CFS, the period of use for irrigation of 5 acres to January 1 to December 31, and the place of use to within the SESE (DOMESTIC) E1/2SE/14 (STOCKWATER) SEC 24 T 16S R 34E, NESW LOT 3, NWSE (STOCKWATER) SEC 19, LOT 2 (DOMESTIC & IRRIGATION) SEC 30 T 16S R 35E, B.M.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON
DIRECTOR

No. 1219
4-3-10 T2

RECEIVED
AUG 28 1989

Department of Water Resources

25 Aug. 1989
Norman Grover
404 East 200 South
Brigham City, Utah
84302

Idaho Department Of Water Resources
1301 N. Orchard St.
Boise, Idaho
83706-2237

SUBJECT: Amended Claim To A Water Right # 17-4038.

Dear Sir:

Inclosed Please find an Amended CLAIM TO A WATER RIGHT # 17-4038 submitted
herewith for filing with your Department.

Norman Grover
Norman Grover

RECEIVED

AUG 30 1989

Department of Water Resources
Eastern District Office

22-Sep-1989

Idaho Enterprise
P.O. Box 205
Malad, ID 83252

Gentlemen:

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 notices 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 October 23, 1989.

Respectfully submitted,

Rita Bodell
Office Secretary

Enclosure

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 17-4038 (15-4030)

Notice is hereby given that Claim to a Water Right No. 17-4038 in the name of Norman Grover, Brigham City, Ut, was filed with a priority date of March 1, 1909 for the diversion and application to beneficial use of .06 cfs of water from Grover Spring or Bond Spring tributary to Grover Hollow with the point of diversion within SWSW SEC8 T16S R35E, B.M., Oneida County; the water is claimed to be used from April 1 to November 1 for the irrigation of 1.5 acres, from January 1 to December 31 for 200 head of stockwater, and from January 1 to December 31 for one household domestic purposes within the SWNW SEC30 T16S R35E.

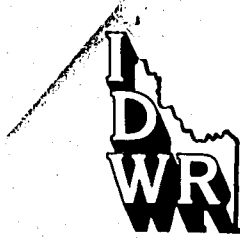
The claimant now proposes to amend Claim No. 17-4038 with a priority date of June 21, 1892 for domestic purposes and the irrigation of 5 acres from January 1 to December 31 within SWNW SEC30 T16S R35E, (LOT 2).

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402.

R. Keith Higginson

Director

Published in the IDAHO ENTERPRISE October 5 & 12, 1989.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 10, 1989

Alton Cook
c/o Lone Spring Water Co.
404 E. 200 S.
Brigham City, UT 84302

Dear Mr. Cook:

Attached is your claim (243) and supporting documents which you recently submitted. Also enclosed is a copy of Idaho Code 42-243 which addresses acceptability of claims. As I interpret the code only claims for domestic use are acceptable after June 30, 1988.

If you wish to refile your claim with domestic use only then I will credit said claim with the \$30.00 you originally sent. If I do not hear from you within thirty (30) days I will return said fee.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk

Encs.

THE LONE SPRING WATER COMPANY, LTD.
404 East 200 South
Brigham City, Utah 84302
801-723-3085

29 Dec. 1989

RECEIVED

JAN - 2 1990

Department of Water Resources
Eastern District Office

Harold W. Jones
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones:

As stated in the attached letter from Norman C. Young, Administrator, Resource Administration Division, dated 7 Dec. 1989, the Idaho Department of Water Resources can accept the claim resubmitted to you by The Lone Spring Water Company, Lt'd. on 4 Nov. 1989 (which you are holding) as an amendment to either or both of the existing claims (# 17-4038 and/or # 17-4028).

This letter therefore, is a request that you accept the said claim you are holding as an amendment to Claim # 17-4038 owned by The Lone Spring Water Company, Lt'd. I make this request as Norman Grover, the individual originally filing Claim # 15-4030 (later changed to # 17-4038), and also as the President of The Lone Spring Water Company. Lt'd.

If further information is desired, I may be reached at the above telephone number or address.

Sincerely,


Norman Grover, Pres.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 7, 1989

Mr. Norman Grover
404 East 200 South
Brigham City, Utah 84302

Dear Mr. Grover:

I am writing in response to your letter of November 4, 1989, concerning the Claim to a Water Right that was returned to you by Mr. Jones of our Eastern Region office, and which you resubmitted.

Idaho Code Section 42-243 requires such a claim to be filed by any person claiming rights to use the public waters of the state of Idaho by June 30, 1988. (The deadline set by statute was originally June 30, 1983, but was extended by statute to June 30, 1988.) As noted by Mr. Jones, there is an exception which permits late filing of a Claim to a Water Right for domestic use. However, "domestic use" is defined by statute as including only $\frac{1}{2}$ acre of irrigation. Since your Claim to a Water Right includes five acres of irrigation, it cannot be filed after June 30, 1988, pursuant to the domestic exception.

As you correctly pointed out, the Claim to a Water Right form states that an exception to the filing requirement exists for uses for which a claim was previously filed. In other words, if a person had previously filed a Claim to a Water Right with IDWR, then another Claim to a Water Right is not required to be filed. The 1909 filings attached to your letter are filings of Articles of Incorporation with the Secretary of State's Office. They are not Claims to a Water Right filed with IDWR that would meet the requirements of Section 42-243.

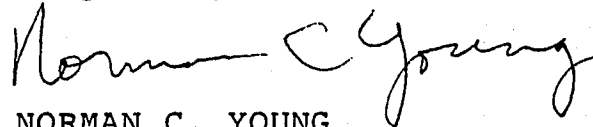
Also attached to your letter were two Claims to a Water Right, Nos. 17-4028 and 17-4038. If Lone Spring Water Co. is the owner of either or both of the water rights represented by Claim Nos. 17-4028 and 17-4038, the Notice of Claim you sought to file can be accepted by IDWR as an amendment to those claims Lone Spring owns. No fee is required. But please note that to the extent that your amendment expands the water right originally claimed, it is questionable whether your Notice of Claim meets the requirements of the statute as to the expansion. This is a

Mr. Norman Grover
Page 2
December 7, 1989

question that can be answered only by a court of law when the water right(s) is determined in an adjudication of water rights pursuant to Idaho Code, title 42, chapter 14.

Mr. Jones is holding the claim that you resubmitted, so if Lone Spring is now the owner of 17-4028 and/or 17-4038, and you wish to file the Lone Spring claim as an amendment to either or both of the existing claims, please let him know in the near future that you wish to file it as an amendment and which claims are to be amended. Otherwise, the claim will be returned to you if it has not been already.

Very truly yours,



NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:dc



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

TELEPHONE
(208) 334-2400

November 30, 1989

Mr. Norman Grover
Lone Spring Water Co., Ltd.
404 East 200 South
Brigham City, UT 84302

Re: Claim to Water Right

Dear Mr. Grover:

The Attorney General has asked me to respond to your letter of November 4, 1989, regarding your attempt to file a late claim to a water right with the Idaho Department of Water Resources (IDWR) pursuant to section 42-243, Idaho Code.

Based upon the information supplied with your letter, it appears that the claim you seek to file on behalf of the Lone Spring Water Company, Ltd., duplicates timely claim Nos. 17-4028 and 17-4038 filed respectively by Clive Garr, on behalf of Garr Farms, and yourself acting in your individual capacity. Both claims indicate that the water is claimed as a member of the Lone Spring Water Company, Ltd.

The Director of IDWR has indicated his intent to accept the late notice of claim you sought to file as an amendment to claim Nos. 17-4028 and 17-4038 if Lone Spring is the owner of the water rights represented by the claims. I hope you will find this course of action acceptable.

This office is not able to provide further assistance to you because we are not authorized to provide legal counsel to private parties. Should you require private counsel, you may wish to

Attachment #4

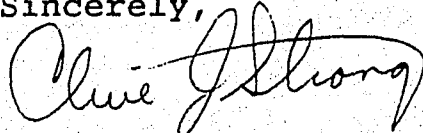
Celebrate
IDAHO
1890 • CENTENNIAL • 1990™

Mr. Norman Grover
November 30, 1989
Page two

contact the Idaho State Bar referral service. The address and telephone number of the referral service are as follows:

Idaho State Bar
204 West State Street
Boise, ID 83702
(208) 342-8958

Sincerely,

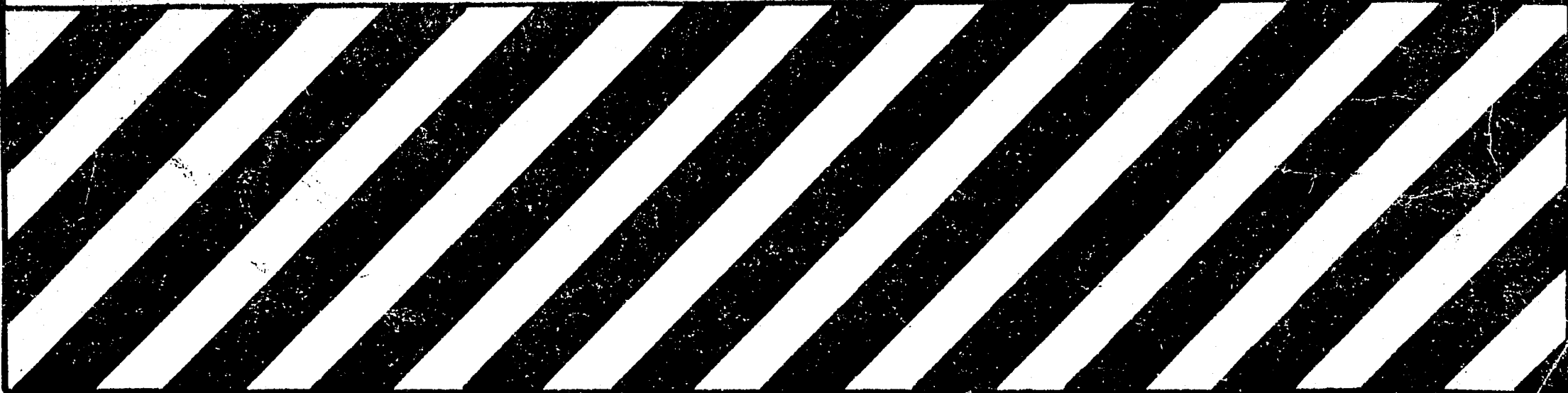


CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resource Division

CJS/dp



**MAP(~~S~~) TOO
LARGE TO FILM -
SEE FILE...**



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1.

10.25

17

POOR QUALITY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

COPY

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 Garn Farms, a Utah partnership
(Name of Claimant)
Fielding, Utah 84311 Telephone No. 458-3729
(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) March 1, 1909 14 July 1909

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)
Grover Spring or Bond Spring tributary to Grover Hollow

(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)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.02</u>		Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>	
Quantity <u>0.04</u>		Use <u>Stock water</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) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 8 Twp. 16S Rge. 35E B.M., County of Oneida
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. Wooden head works 4" pipe down to 2" pipe over a distance of 2-3 miles

(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	
16S	34E	24																x	Domestic
16S	34E	24													x			x	Stockwater
16S	35E	19									x					x			Stockwater

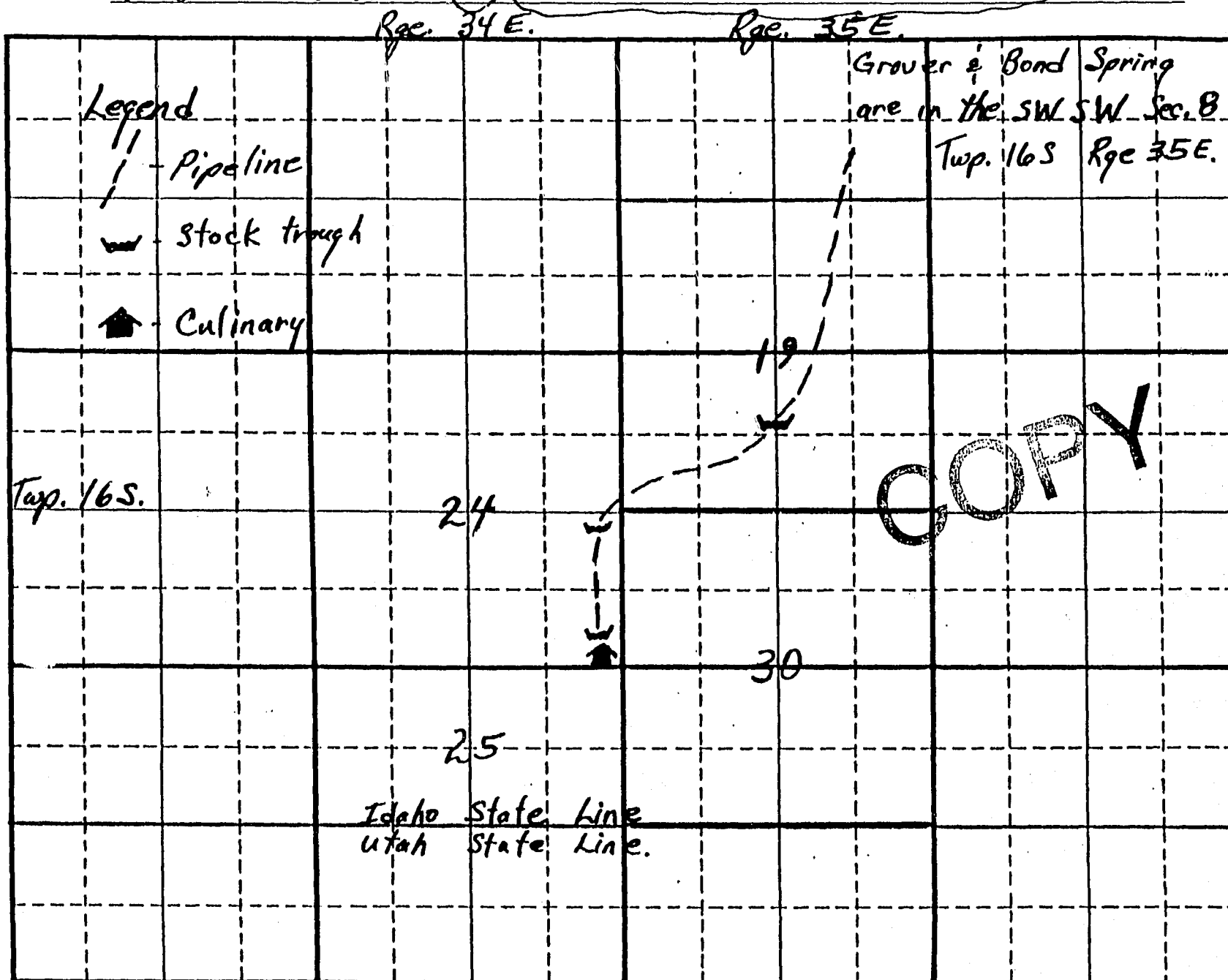
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Single family household
Stockwater for 200 + head cattle

NOTE: Include here the type and number of stock watered: 200+ head cattle

(7) If you are claiming water as a member of an organization, list name of organization:
Lone Spring Water Company, Ltd.

(8) Remarks Claimant is successor in interest to Oleen Garn, Maxin Garn, Darvel Garn, Bonnie L. Garn, Clive Garn, Aloha Garn and Arthur N. Grover Farms, Inc. and owner of one-half of all waters of the Grover Spring or Bond Spring supplying Lone Spring Water Company, Ltd. (and) one-half of all stock of Lone Spring Water Company, Ltd.



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 Bonneville) 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 26th day of April, 1979.

Clive Garn
(Claimant)

Colleen Way
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

EMC Date 4/20/79 Exception filed by: Forwarded to Date
by EMC Date 4/26/79
by EMC Date 4/26/79 #11838
Idaho Enterprise
10 & 17, 1979

R-34-E

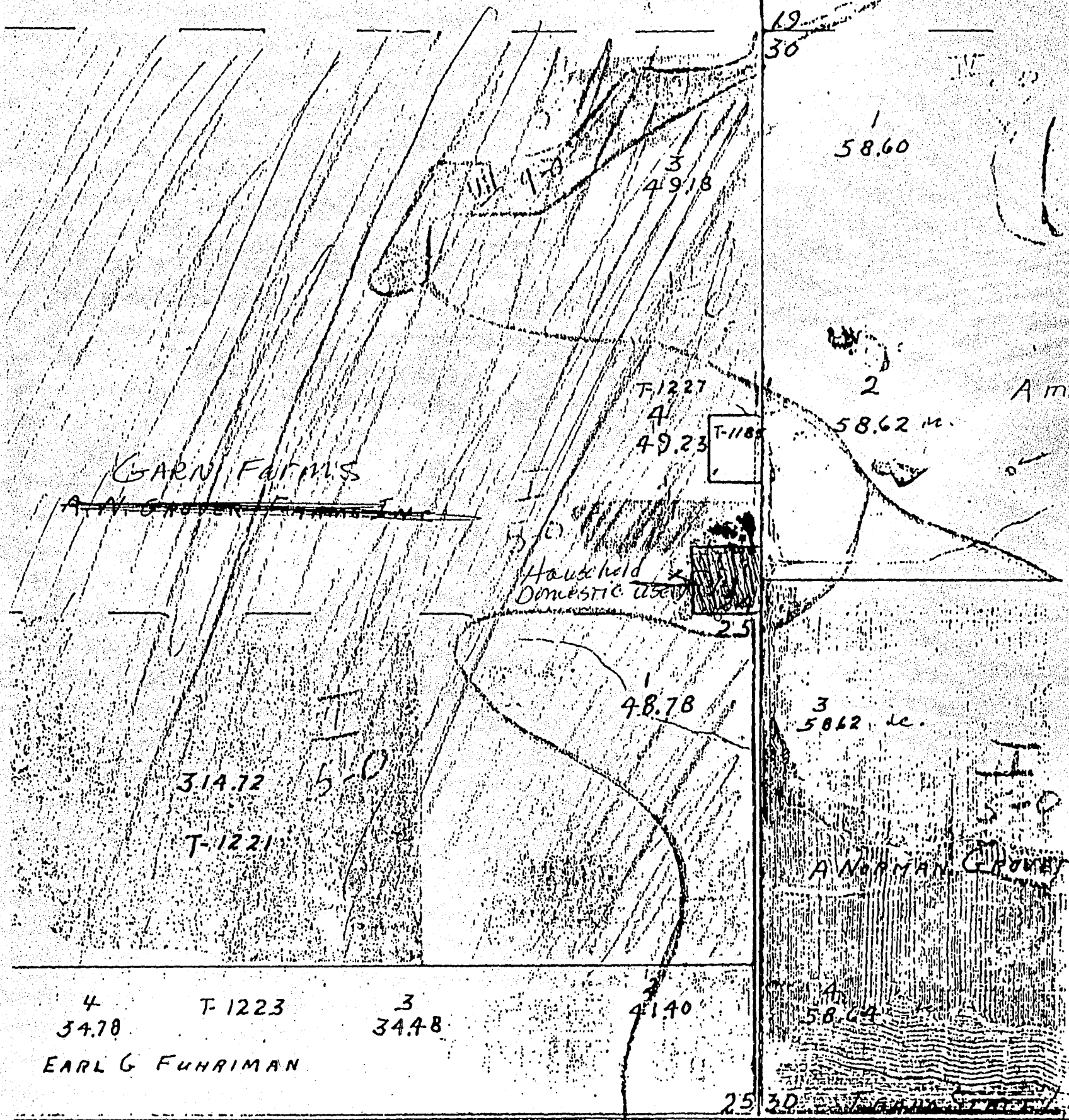
! send.

Shaded Area = GARIN Farms Partnership
Yellow area = Diversion for Stock Littering use
Red area = House for domestic use

T-16-S

P-35-

4-168



UTAH STATE

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ORIGIN
M. Section
T. 16.5 R35E

18 17
19 20

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ART. 1

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9.7

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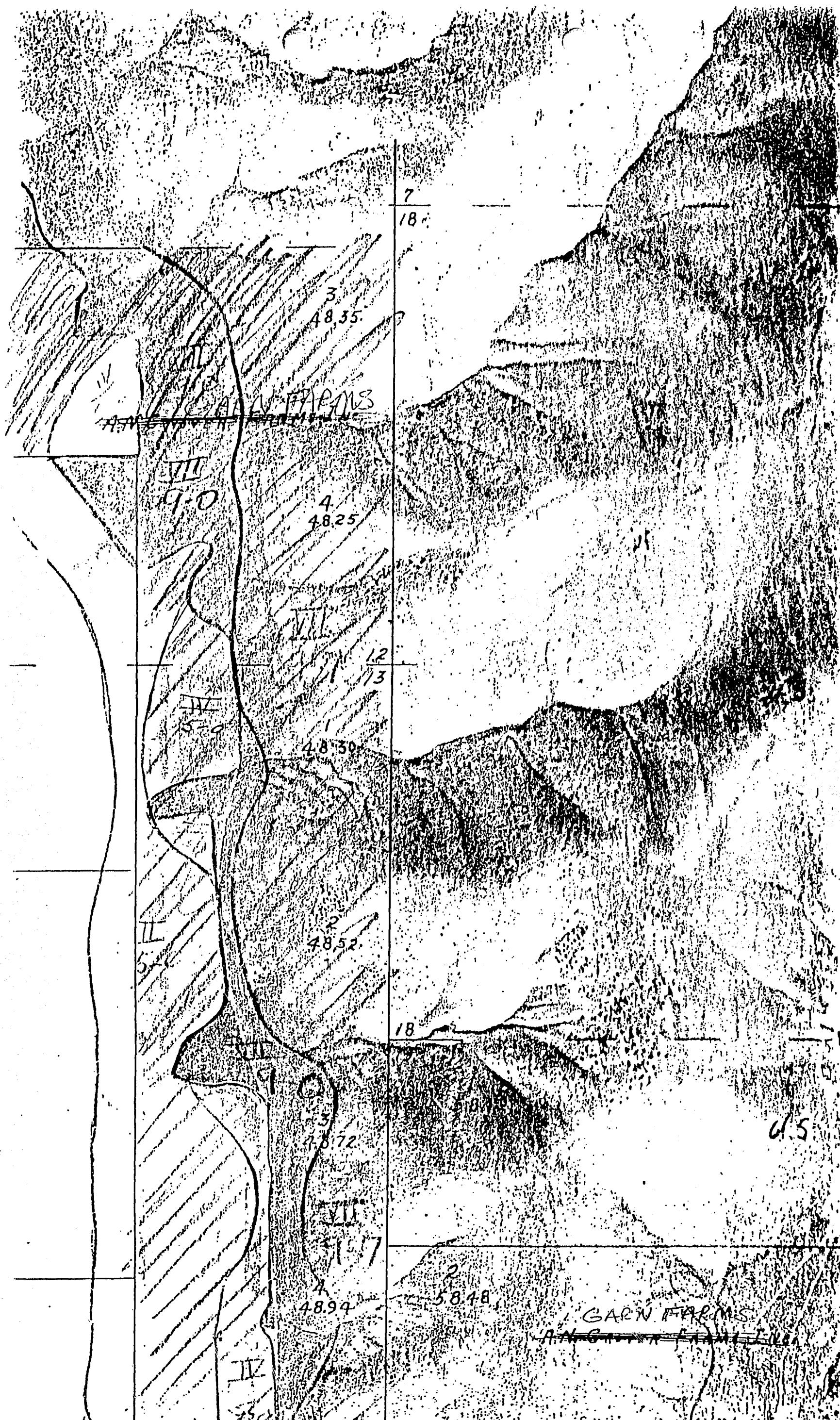
ENSEN

11

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Amy B. JENSEN

19
30



Attachment "7"

Claim No. 17-4038
~~15-4030~~

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

COPY

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 NORMAN GROVER
(Name of Claimant)

404 E. 2ND St. BRIGHAM CITY UTAH 84302 Telephone No. 723-3085
(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) MARCH 1 1909

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)
GROVER SPRING OR BOND SPRING tributary to GROVER HOLLOW

(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)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.02</u>		Use <u>IRR</u>		Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>.02</u>		Use <u>STOCK WATER</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>.02</u>		Use <u>DOMESTIC</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

(4) 30 inches TOTAL QUANTITY USED.
.06 (cfs) gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 8 Twp. 16S Rge. 35E B.M., County of ONEIDA
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.
WOODEN HEAD WORKS 4" PIPE DOWN TO 2" PIPE OVER A DISTANCE OF 2.5 MILES

(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	
16S	35E	30							X	DOMESTIC & STOCK WATER									1.5

No. of acres 1.5

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
1 FAMILY household
STOCK WATER

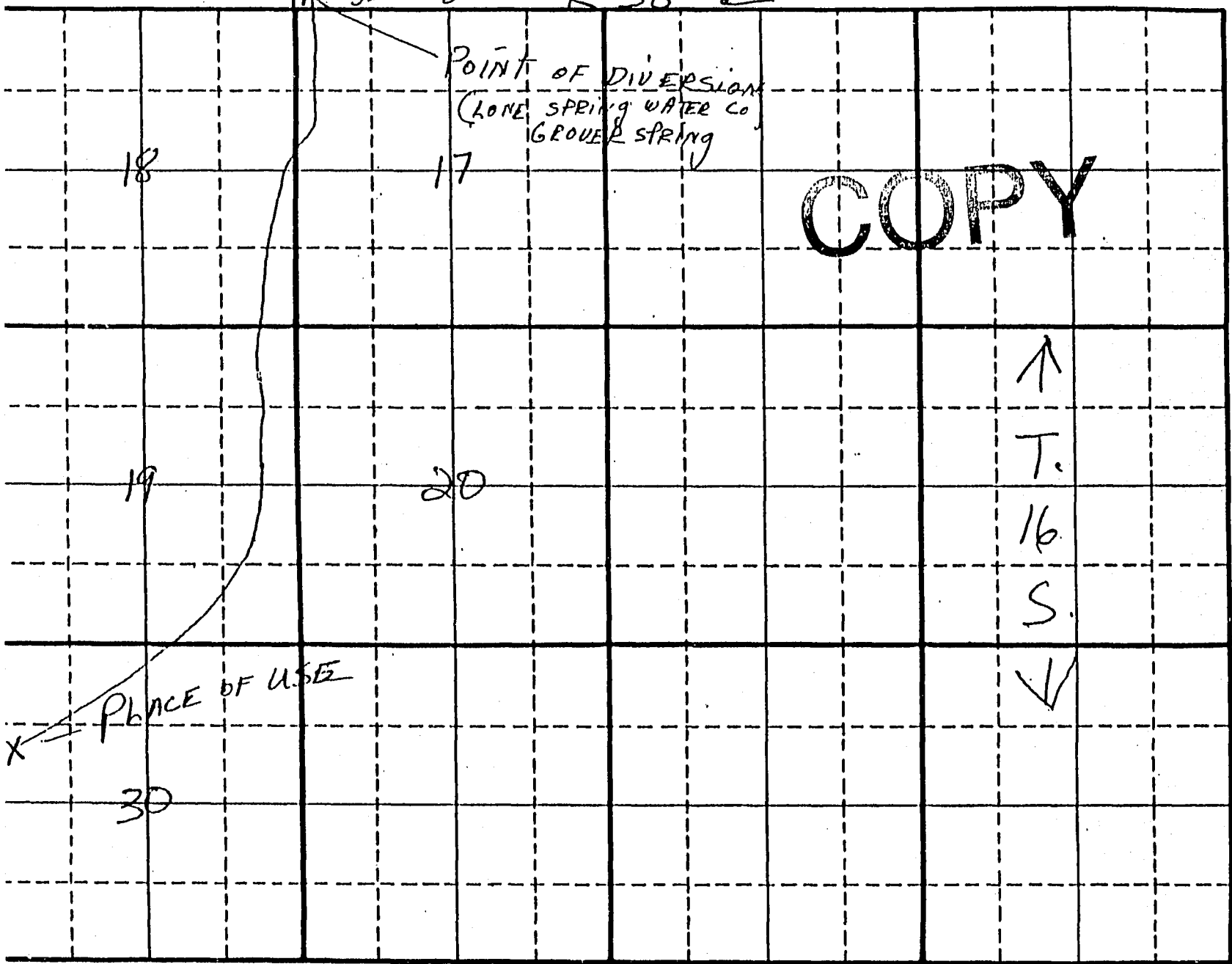
NOTE: Include here the type and number of stock watered: 200 HEAD BEEF cattle

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

MICROFILMED

Claimant and his family own $\frac{3}{4}$ of the total 200 shares originally issued by the Lone Spring Water Company, Inc. and therefore

(8) Remarks: Claim $\frac{3}{4}$ of the water right. Another party used a different amount of water, thru the same system. At all all of the water was distributed thru the water stock ownership of the Lone Spring Water Company, Inc.



Scale: 2 inches equal 1 mile.

R 35 E

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 Oneida) 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 April, 1979.

Norman Grover
(Claimant)
James H. Funderburg
Notary Public
Residing at Oneida, Idaho

My commission expires Life time

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>4-3-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.P.</u>	Date		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>4-3-79</u>	#12996		
Published in <u>Idaho Enterprise</u>		<u>Clive Garn of</u>	<u>dh</u>	<u>6-13-79</u>
Dates <u>April 12 & 19, 1979</u>		<u>Garn Farms Partnership</u>		

Attachment "C"

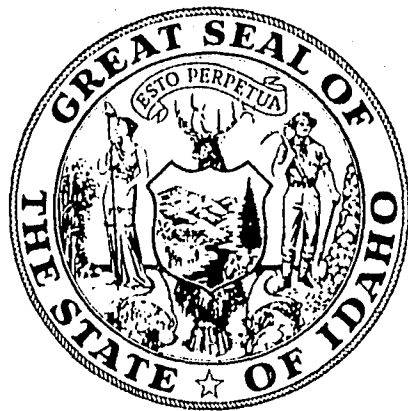
State of Idaho

Department of State.

I, PETET. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of
articles of incorporation of THE LONE SPRING WATER COMPANY,
LT'D, an Idaho corporation received and filed in this
office on the 14th day of July, 1909 including all
amendments thereto as appears of record in this office
as of this date.

Dated: February 3, 1989



Pet. Cenarrusa

SECRETARY OF STATE

by: *Angie Holen*

ARTICLES OF INCORPORATION

OF

"THE LONE SPRING WATER COMPANY, LT'D".

Know all men by these presents: That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation under and by virtue of the Laws of the State of Idaho. And we hereby certify:

I

That the name of said corporation "The Lone Spring Water Company, Lt'd"

II/

That the purposes and objects for which said corporation is formed are: To own, control, conserve, conduct and convey through a pipe line or otherwise for culinary and domestic use as well as for irrigation purposes the waters of a certain stream, known as Lone Spring in Pocatello Valley, Idaho; and further to develop said spring to increase the waters thereof, as well as distribute the same among the stockholders of this company.

III

That the place where its principal business is to be conducted and transacted shall be Pocatello Valley, Oneida County, Idaho.

IV

That the term for which it is to exist is fifty(50) years from and after the date of its incorporation.

V.

That the number of directors of said corporation shall be five, and that the names and residences of those who are elected for the first year(a majority of those subscribing being present and voting thereon) are:

Names	Residence
Soren Hanson(who shall be President)	Pocatello Valley, Idaho
Amos Hawks(who shall be Vice Pres.)	Pocatello Valley, Idaho.

Hyrum Hokanson (Sec'y & Treas.)	Pocatello Valley, Idaho
J. W. Hawks	Pocatello Valley, Idaho.
George D. Hanson	Pocatello Valley, Idaho

VI.

That the amount of the capital stock of this corporation shall be two thousand (2000) dollars, divided into two hundred (200) shares of the par value of ten (10), dollars each.

VII

That the amount of said capital stock which has been actually subscribed is two thousand (2000) dollars, and the following are the names of the persons by whom the same has been subscribed, to-wit:

Names-----	No. of shares	Amount.
J. W. Hawks-----	57-1/2	\$575.00
Myron Bond-----	35	\$350.00
Ho O. Hunsaker	5	50.00
Parley L. Hunsaker	5	50.00
Hyrum Hunsaker	10	100.00
J. B. Humphreys	5	50.00
J. R. Fuhrman	5	50.00
Godfrey Fuhrman	2-1/2	25.00
Con Alder	5	50.00
Andrew Anderson	5	50.00
Soren Hanson	50	500.00
Hyrum Hokanson	5	50.00
George D. Hanson	5	50
Amos W. Hawks	5	50

VIII

That the corporation herein accepts in full payment of its capital stock, in place of money, the water in what is known as Lone Spring in Pocatello Valley, heretofore owned and controlled by Pocatello Water Co., as copartnership.

In witness whereof, we have hereunto set our hands and seals
this the 12th day of July, 1909.

-----J. W. Hawks-----L.S.
-----Soren Hanson-----L.S.
-----Hyrum Hokanson-----L.S.
-----Hyrum Hunsaker-----L.S.
-----George D. Hanson-----L.S.
-----Amos Hawks-----L.S.

State of Idaho,
County of Oneida:ss

On this 12th day of July, 1909, before me, T.D. Jones,
a notary public, in and for the within county, personally appeared
J. W. Hawks, Soren Hanson, Hyrum Hokanson, Hyrum Hunsaker, George D.
Hanson and Amos Hawks, known to me to be the persons whose names are
subscribed to the within instrument, and they ad each of them duly
acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first above
written.



-----T.D. Jones-----
Notary Public.

Office of the County Recorder, Oneida county, Idaho
State of Idaho,
County of Oneida:ss

I, John J. Evans, Auditor & Recorder & ex-officio
clerk of the District Court of Oneida county, Idaho, do hereby that
the above and foregoing instrument is a true and correct copy of the
articles of incorporation of "The Lone Spring Water Co.", and the
whole thereof, now on file in my office in Oneida county, Idaho.

Witness my hand and the seal of the Recorder's Office of Oneida
County, Idaho, this 12th day of July, 1909.

-----John J. Evans-----
County Recorder.

6398

Copy of the Articles

of Incorporation of

The Lone Spring
Water Co. Ltd.

DEPARTMENT OF STATE

Secretary's Office,

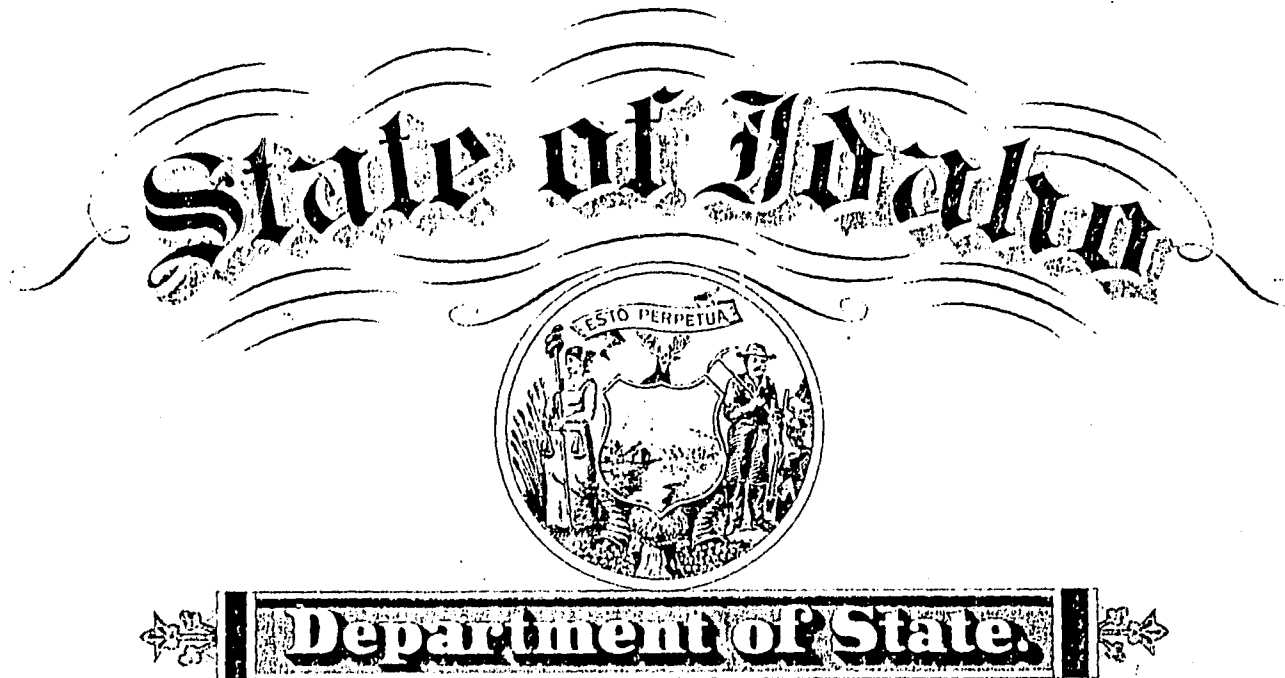
Filed this July 19 1909 day of
at 10
o'clock 9 A.M. and Recorded in Book
of Done Coffey
on page 274

Records of the State of Idaho

Robert Lawson

Secretary of State.

1440 ✓



CORPORATION REINSTATEMENT CERTIFICATE

I, GEO. H. CURTIS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that THE LONG SPRING WATER COMPANY, LTD.

..... a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Idaho located at Hidrecaho, Idaho, forfeited on the 30th day of November, 1942, its charter or authority to do business in the State of Idaho, because of failure to pay the annual license tax and penalty due the State of Idaho for the fiscal year ending June 30th, 1942, as provided by Section 29-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the 20th day of November, 1942, paid the annual license tax and penalty assessed against it and the said THE LONG SPRING WATER COMPANY, LTD. is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 20th day of November, in the year of our Lord one thousand nine hundred forty-two, and of the Independence of the United States of America the One Hundred sixty-sixth

Secretary of State.

State of Idaho



Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

THE LONE SPRING WATER COMPANY, LT'D.

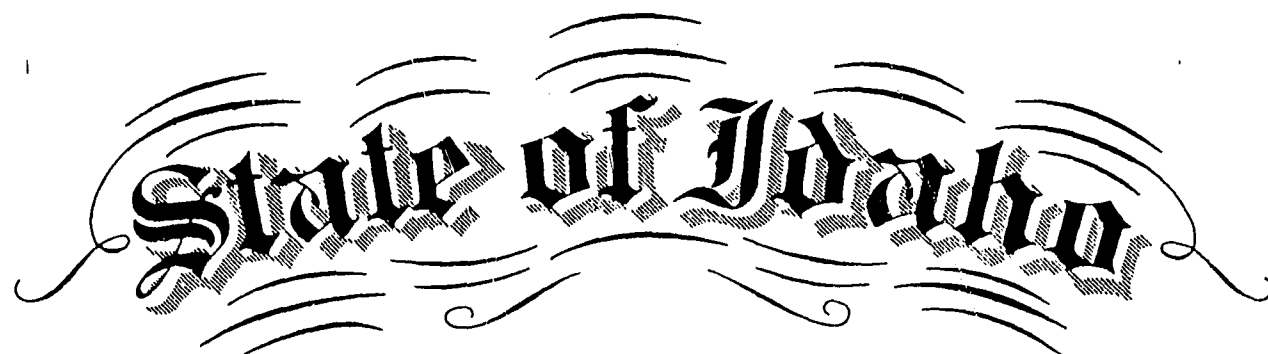
a corporation organized and existing under and by virtue of the laws of the State of Idaho with its principal place of business in Idaho located at Ridgedale, Idaho, forfeited on the 30th day of November, 19 48, its charter or authority to do business in the State of Idaho, because of failure to file required annual statement due the State of Idaho for the fiscal year ending June 30th, 19 48, as provided by Section 30-608, Idaho Code.

AND I FURTHER CERTIFY That the said corporation has subsequently and on the 24th day of August, 19 61, submitted an annual statement and paid the accrued fees and the said corporation is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State.
Done at Boise City, the Capital of Idaho, this
24th day of August,
A. D., 19 61.

Secretary of State.

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO



CERTIFICATE OF AMENDMENT
OF

THE LONE SPRING WATER COMPANY, LT'D.

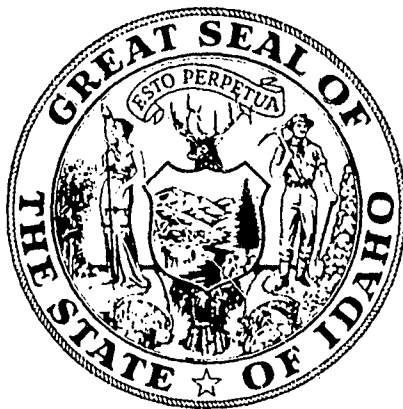
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho hereby, certify that
duplicate originals of Articles of Amendment to the Articles of Incorporation of _____

THE LONE SPRING WATER COMPANY, LT'D.

duly signed and verified pursuant to the provisions of the Idaho Nonprofit Corporation Act, have
been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Amendment to the Articles of Incorporation and attach hereto a duplicate original of the Articles
of Amendment.

Dated _____ July 17 _____, 19 89.



Pete T. Cenarrusa

SECRETARY OF STATE

Henry J. Clark
Corporation Clerk

RECEIVED
SEC. OF STATE
JUL 15 11 14 AM '09

ARTICLES OF AMENDMENT
to
ARTICLES OF INCORPORATION
of

"THE LONE SPRING WATER COMPANY, LT'D".

Dated 12 July, 1909

Numbered 006398, and

Filed on 14 July, 1909 at 10:am with Idaho Department of State, Secretary's Office and Recorded in Book Z of Domestic Corporations on page 274, Records of the State of Idaho by Robert Lansdon, Secretary of State.

and

Also, filed 12 July 1909, at 4:30pm by John J Evans, County Recorder in Oneida County, in the Articles of Incorporation Files, State of Idaho.

Article IV of the Articles of Incorporation of the above named Corporation is hereby amended to read:

" IV

That the period of it's duration is perpetual, unless dissolved pursuant to law. "

All other Articles of the said Articles of Incorporation shall remain unchanged.

The officers who sign this Amendment hereby certify that this Amendment was duly authorized under a resolution duly adopted by the Board of Directors of the herein Corporation at a lawful meeting duly held and attended by a quorum on 5 June 1989 and ratified by the members (stockholders) owning 75% of the capital stock of the Corporation at the Annual Stockholders Meeting attended by a quorum on 5 June 1989.

In witness whereof, the Corporation has caused it's corporate name and seal to be hereunto affixed by it's duly authorized officers this 15th day of June, A. D. 19 89.

The Lone Spring Water Company, Lt'd.

by Norman Grover
Norman Grover, President

[illegible]

Alton I. Cook
Notary Public

My commission expires _____ My residence is _____

No. 6398-a

THE LONE SPRING WATER COMPANY, LT'D.

Amend to extend duration
to perpetual

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the
corporation records of the State of
Idaho

Date July 17, 1989

Time 11:14 a.m.

FEES PAID \$ 20.00

Pete T. Cenarrusa

SECRETARY OF STATE

By: Sally I Clark

Invoice # 90371

CCR # 38162

Filing Party

The Lone Spring Water Company Lt'd.

404 East 200 South

Brigham City, Utah 84302

115233

Microfilm No.

26 Day July 19 89

At 9:05 O'clock A M

Joyce H. Freidenberger
Oneida Co. Recorder

Fee \$ 12.00 Peri Deputy

Recorded at Request of

Cornelius Fredricks

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITOL
BOISE, IDAHO

Cert. of Corporation in good standing



CERTIFICATE OF CORPORATE STATUS
OF

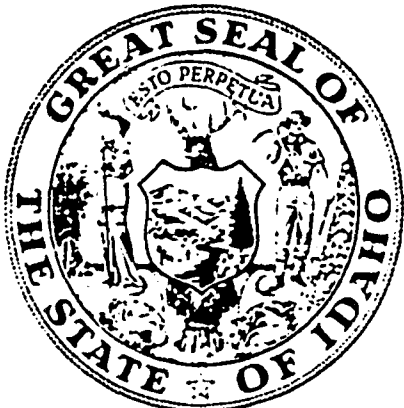
THE LONE SPRING WATER COMPANY, LT'D.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify
that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named
corporation was incorporated under the laws of Idaho and was issued a
certificate of incorporation in Idaho on July 14, 1909.

I FURTHER CERTIFY That the corporation's authority to do business has not been
forfeited.

Dated September 8, 1989



Pete T. Cenarrusa
SECRETARY OF STATE

by

John J. Clark

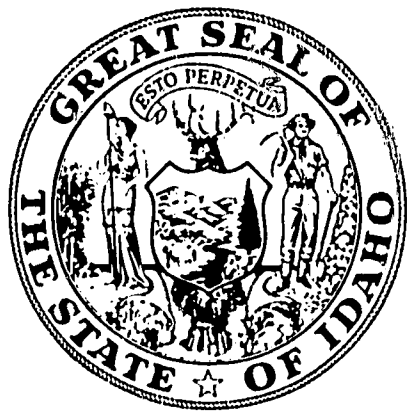
State of Idaho

Department of State

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of
articles of incorporation of POCA TELLO WATER COMPANY, LIMITED, OF
POCA TELLO, IDAHO, an Idaho corporation, received and filed in this
office on the 21st day of June, 1892, including all amendments there-
to, as appears of record in this office as of this date.

Dated: February 17, 1989

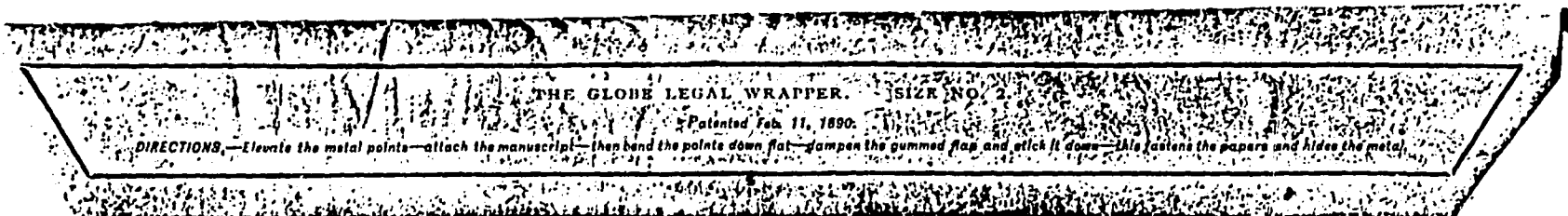


Pete T. Cenarrusa
SECRETARY OF STATE

by: _____

M. J. Timmsman

*Mr. Cook,
There were no annual
reports filed for this
corporation.*



ARTICLES OF INCORPORATION.

Know all men by these presents, that we the undersigned

the majority of whom are residents and freeholders of Pocatello Bingham County Idaho, have this day freely and voluntarily ~~xxxxxxx~~ associated ourselves together for the purpose of forming a corporation under the laws of the state of Idaho, and we certify the following facts to be true, to-wit:

First. that the name of said corporation is and shall be the Pocatello Water Company, limited, of Pocatello Idaho,

Second. That the purpose for which said corporation is created and formed is to run, build and erect ditches, canals and pipes from Mink and Gibson Jack Creeks, and from the Portneuf River and other streams and springs upon the Fort Hall Indian Reservation, to the corporate limits of Pocatello Idaho, and at such places as are convenient to build and erect storage reservoirs and stand pipes for the purpose of utilizing and economizing said water; and within said Pocatello, to lay pipes mains and conduits and to build and erect hydrants and all necessary apparatus for the purpose of furnishing and supplying the inhabitants of the town of Pocatello with water for irrigation culinary and domestic purposes, as well as for power to run machinery, and such other purposes as ~~the~~ said water may be useful and applicable, and to charge therefore reasonable rates, to be regulated by the laws of Idaho.

THIRD. that the place where its principal business is to be carried on and conducted, shall be the town of Pocatello, Bingham County, Idaho.

Fourth. That the term for which said corporation shall exist,

is fifty years from and after the date of its incorporation.

Fifth. That the number of its directors shall be five, and the names and residences of those who are appointed to serve for the first year, are:_____

Names.

Residence.

F. D. Toms, - - - - Pocatello, Idaho.

A. F. Caldwell, - -Pocatello, Idaho.

Thos F. Terrell, - - Pocatello, Idaho.

J. J. J. Cusick, - - - Pocatello, Idaho.

E. J. Adams, - - - -Pocatello, Idaho.

Sixth. That the amount of capital stock of this corporation shall be one hundred thousand (\$100,000.00) Dollars. Divided into four thousand shares of the par value of twenty five (\$25.00) dollars each.

Seventh. That the amount of the capital stock which has been actually subscribed and paid in , is sixty one thousand one hundred (\$61,100.00) Dollars, and the following are the names of the persons by whom the same has been subscribed, to-wit:-

Names of subscribers.

No. of shares.

Amount.

F. D. Toms, - - - - - 1200, - - - - - \$30,000.00.

Jake Miller, - - - - - 1,193 - - - - - \$29,950.00.

J. A. Murray, - - - - - 20- - - - - \$500.00

Thos F. Terrell, - - - - - 14, - - - - - 350.00

A. F. Caldwell, - - - - - 8, - - - - - p- 200.00

J. J. Cusick, - - - - - 2, - - - - - 50.00

a W Fisher Notary Public
Seal

STATE OF IDAHO, }
County of Bingham. } ss.

I hereby certify that the within is a true and correct copy of the original Articles of
Incorporation A of Incorporation, pages 195
as recorded in Book A of Incorporation, pages 195
on the 24th day of June, 1892, of the records of Bingham County, Idaho.

M. P. P. Recorder.

By Deputy.

No. 3628

Certified Copy of
Articles of Incorporation
of The
Pocatello Water
Company Limited

Recorded at the Request of
J. D. Forns
June 21st 1892
at 10 minutes past 9 o'clock
A. M. in Record of Incorporation
page 25
County of Blaine

M. Patne
County Recorder

DEPARTMENT OF STATE,
Secretary's Office,

Filed this 24th day
of June 1892
and Recorded in Book 19
of Incorporations
on page 307
Records of the State of Idaho.

J. P. Lusk
Secretary of State.

POOR QUALITY

Pocatello Water Company, Limited
of Pocatello, Idaho

(DOMESTIC)

PRINCIPAL PLACE OF BUSINESS

Pocatello

FILE NUMBER	ARTICLES OF INCORPORATION FILED	DATE FILED
3628	CHARTER FORFEITED, DEC. 1, 1912.	June 21 1892

FILMED
7-21-71

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO

THE LONE SPRING WATER COMPANY, LTD.
404 East 200 South
Brigham City, Utah 84302
801-723-3085

RECEIVED

9 Jan. 1990 JAN 11 1990

Department of Water Resources
Eastern District Office

R. Keith Higginson, Director
Idaho Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Subject: Claim to a Water Right by The Lone Spring Water
Company, Lt'd. duly filed with the State of Idaho in 1909.

Dear Mr. Higginson:

The enclosed Resubmittal Package represents a matter that
appears to be caught up in a conflict of opinion within
your Department of Water Resources which you may wish to
give your personal attention. May I briefly review the
status.

The Lone Spring Water Company, Lt'd. is an Idaho non-profit
Corporation in good standing (see Attachment # 1).

The subject Claim to a Water Right (same as the enclosed
package) was duly filed with the State of Idaho on the
14th of July 1909 as Article II of the Articles of Incorpor-
ation filed with the Secretaty of State.

The enclosed data package documents the subject Claim and
it was also resubmitted to your Department of Water Resources
for filing on 4 November 1989 under a "previously filed claim
status" (see Attachment # 2).

A duplicate package of documents was sent to Jim Jones, the Idaho Attorney General, for his review, should your Department wish his opinion on the matter (see Attachment # 3).

Mr. Clive J. Strong, Deputy Attorney General, replied 10 Nov. 1989 (See Attachment # 4) to The Lone Spring Water Company, Lt'd. indicating that the Director of the IDWR would accept this Claim as an Amendment to existing claims filed with your Department since both existing claims (17-4028 & 17-4038) in line # 7 thereof indicate that the water is claimed as a member of The Lone Spring Water Company, Lt'd. Further Mr. Strong did not take opposition to this position on the matter.

Mr. Norman C. Young, Administrator, Resource Administration Division, replied to our Claim resubmittal on 7 December 1989 (see Attachment # 5) stating that the enclosed Claim can be accepted by IDWR as an amendment to either or both Claims # 17-4028 or 17-4038 and said to let Mr. Harold W. Jones know in the near future that we wished to file the Claim as an amendment to either or both of the above Claims.

In a letter dated 29 Dec. 1989 I mailed notice (See Attachment # 6) to Mr. Jones that as stated in Mr. Young's letter, dated 7 Dec. 1989, that I requested that the subject Water Claim Package (which he was holding) be filed as an amendment to Claim to a Water Right # 17-4038 owned by The Lone Spring Water Company, Lt'd.

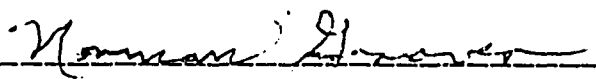
On the 2nd of Jan. 1990 I received a note (see Attachment # 7) dated 29 Dec. 1989 returning the enclosed Claim to Water Rights Package and stating "This Claim cannot be accepted as explained by Norman Young's letter of 28 Nov. 1989". This is confusing after a position had been taken by the Department of Water Resources and reviewed by the Attorney General's office (I have no letter from Mr. Young dated 28 Nov. 1989, but I assume Mr. Jones was referring to

one I received dated 7 Dec. 1989 from Mr. Young).

I am, therefor, resubmitting the Claim and records pertaining to this Water Right (duly filed with the State of Idaho in 1909) for filing as an amendment to Claim # 17-4038 (previously Claim # 15-4030) as stated in my 29 Dec. 1989 letter to Mr. Jones (see Attachment # 6). It appears that this conflict of opinion is an internal Department matter and you may wish to give it your personal attention.

If I can be of further assistance please feel free to contact me. The previous filing of this Claim with the State of Idaho is a matter of record in County and State records but I feel it important that the records of your Department also include the complete data. This Claim of The Lone Spring Water Company, Lt'd. is in behalf of the Stockholder/ users as has been the case since 1909.

Sincerely,


Norman Grover, Pres.

7 Attachments
Inclosure

18-Jun-1990

LONE SPRING WATER COMPANY, LT'D.
404 E. 200 S.
Brigham City, UT 84302

RE: Claim No. 17-4038

Dear Claimant(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,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 17-04038

Notice is hereby given that Claim to a Water Right No. 17-04038 in the name of NORMAN GROVER, BRIGHAM CITY, UT, was filed with a priority date of MARCH 1, 1909 for diversion and application to beneficial use of .06 CFS of water from Grover Spring (or Bond Spring) tributary to Grover Hollow with the point of diversion within the SWSW SEC 8 T 16S R 35E, B.M. County of Oneida; the water is claimed to be used from April 1 to November 1 for irrigation of 1.5 acres, from January 1 to December 31 for stockwater and domestic within the SWNW SEC 30 T 16S R 35E, B.M.

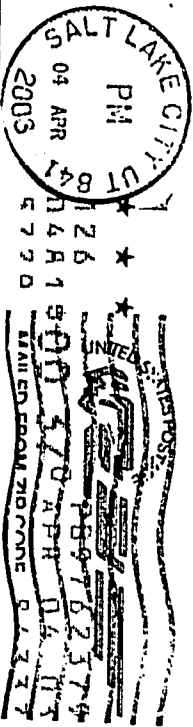
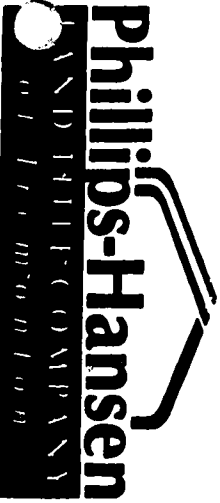
Claim No. 17-04038, now being amended changing the name to THE LONE SPRING WATER COMPANY, LT'D, BRIGHAM CITY, UT, and proposes to change the priority date to June 21, 1892, the amount of water to .12 CFS, the period of use for irrigation of 5 acres to January 1 to December 31, and the place of use to within the SESE (DOMESTIC) E1/2SE/14 (STOCKWATER) SEC 24 T 16S R 34E, NESW LOT 3 NWSE (STOCKWATER) SEC 19, LOT 2 (DOMESTIC & IRRIGATION) SEC 30 T 16S R 35E, B.M.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID 83402.

R. Keith Higginson, Director

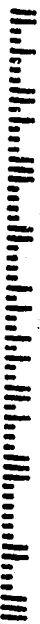
Published in the IDAHO ENTERPRISE May 3 & 10, 1990.

Notice of Pledge for
Claim 17-4038 was enclosed
Keri Lynn
4.11.03



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83706

63706+2237 43



NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Loan No. 0647301501

RECEIVED

APR - 7 2003

Department of Water Resources

Attention: State Engineer

Please be notified that
GARN LAND CO., a Utah Partnership

have this date executed a Real Estate Mortgage in favor of the Western AgCredit, FLCA, covering certain land in Oneida County, State of Idaho, together with all of the Mortgagor's right to use the following:

WATER USER NO. AND PURPOSE OF WATER USE

25 shares of Lone Springs Water Stock, which represents a 25% interest in water evidenced by Water User Claim #17-4038, for stockwatering and domestic purposes

The said Real Estate Mortgage, given to secure a promissory note of even date, was recorded

4-3-03, in the office of the County Recorder of the above referenced County, as

Instrument No. 134037.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Western AgCredit, FLCA, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095.

Dated: March 18, 2003

Western AgCredit, FLCA

By: David G. Brown

David G. Brown
Assistant Vice President

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

LEWISTON STATE BANK
C/O WESTERN AG CREDIT FLCA
ATTN: DAVID G BROWN
406 W SOUTH JORDAN PKWY #500
SOUTH JORDAN UT 84095

RE: Notice of Pledge for Idaho Water Right 17-4038

Dear Mr. Brown:

The Idaho Department of Water Resources has recently received your Notice of Pledge document regarding the above referenced water right. We understand your wish to be included in any future correspondence concerning this water right.

According to Section 42-248(6), Idaho Code (effective July 1, 2000), a **Notice of Security Interest in a Water Right** form must be filed along with the required **\$25.00** per water right filing fee in order for us to accept your request.

Your Notice of Pledge document is being returned to you along with a copy of the Notice of Security Interest in a Water Right form. These forms are also available to you on the Internet at www.idwr.state.id.us. We will be happy to process your request upon receipt of the completed form and fee.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

cc: Phillips-Hansen Land Title Co.
240 E Main St
Tremonton UT 84337