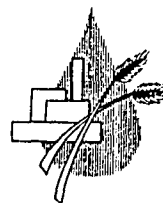


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Don Eliason and Sons

(Name of Claimant)

Holbrook, Idaho 83243

(Mailing Address)

Telephone No. 698-3333

(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) June 1, 1910

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)

Rock Creek

tributary to

Sinks

(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, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.92 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>5-1</u>	To <u>10-15</u>
Quantity <u>0.07 cfs</u>		Use <u>Stockwater</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) 1.97 cfs TOTAL QUANTITY USED.

(cfs, af)

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

NE ¼ NW ¼, Sec. 9 Twp. 14S Rge. 32E B.M., County of Oneida

Additional points of diversion: SESW, Sec. 10, T. 14S, R. 32E.

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. Pump and sprinkler on section 9 and flood irrigation from diversion dam in section 10

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	32E	9					25	4		1									30
		10											16			19	1		36
		15	7	23															30

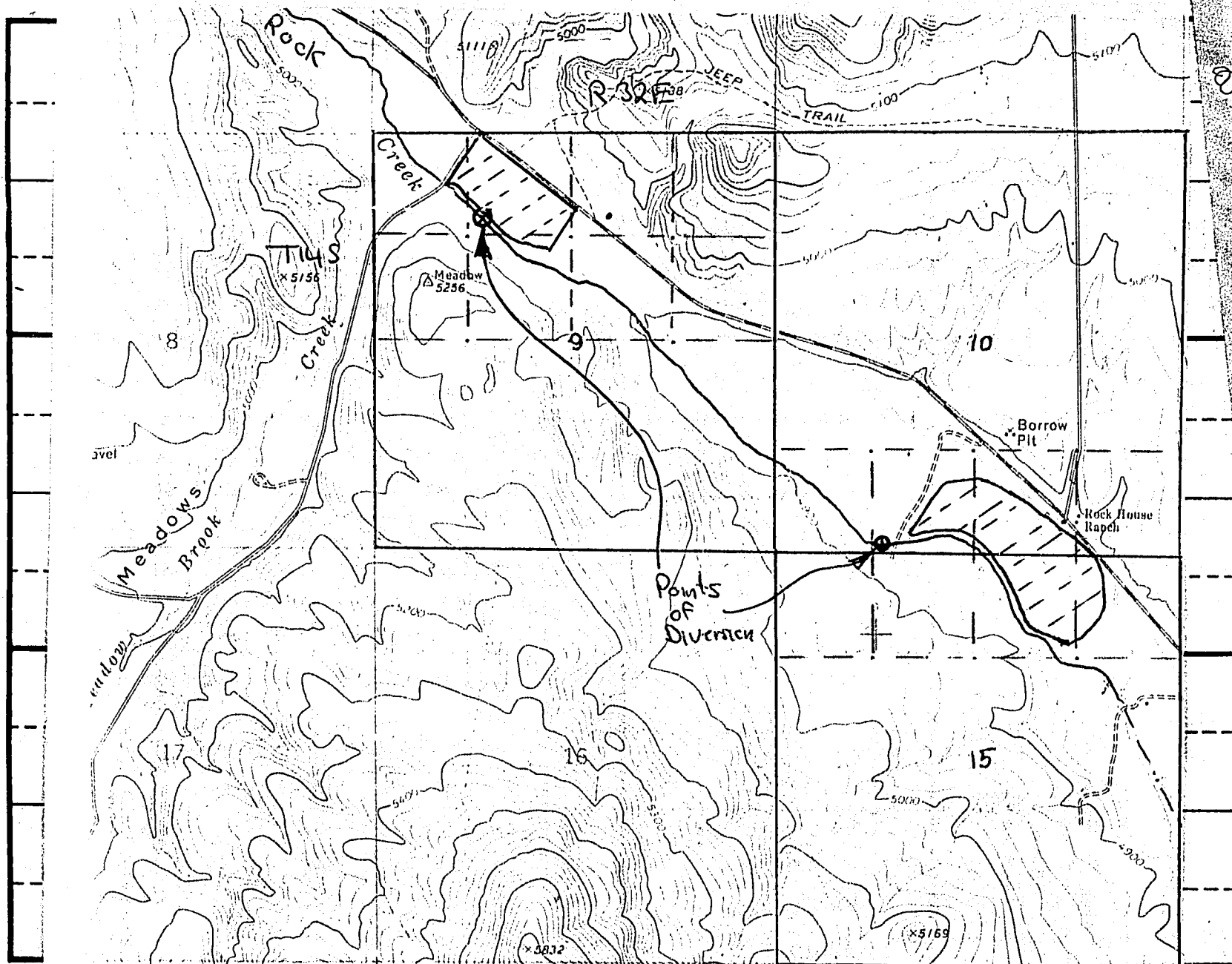
No. of acres 96

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

NOTE: Include here the type and number of stock watered: 240 head cattle

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)

County of 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.

x Don Elison

(Claimant)

Sworn to before me this 15th day of March, 19 83.

Cindy Williams

Notary Public

Residing at Malad, Idaho

My commission expires 4-5-86

Assist by HWJ ^(u) 3-29-83
Received by CW Date 3-17-83 FOR DEPARTMENT USE ONLY
Prelim. check by HWS Date 3-29-83 Exception filed by: _____
\$30.00 fee received by CW Date 3-29-83 #25577 Forwarded to claimant by: _____
Published in Idaho Enterprise _____ Date _____
Dates 4/7 ; 4/14/83 _____

Nº 388

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Oneida

John Ward

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

April 6, 1983, and ending

with the issue of April 13, 1983

John Ward

Fee \$ 20.80

Subscribed and sworn to before me this 14th day

of April, 1983

John Hawley

Notary Public, Residing at Malad, Idaho

My Commission Expires May 5, 1985

RECEIVED

APR 15 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

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

17-4052

WRIGHT, KEITH J. and/or LAMAR J.
2180 W. 5650 S., ROY, UT 84067

Source: GROUNDWATER

Priority Date: 03-20-1918

Diversion Pt: SENE Sec 32 T 15S R 34E

Use: DOMESTIC (0.12 CFS)

In: SENE Sec 32 T 15S R 34E SWNW

NWSW Sec 33 T 15S R 34E

17-4053

DON ELIASON and SONS

HOLBROOK, ID 83243

Source: ROCK CREEK trib. to SINKS

Priority Date: 06-01-1910

Diversion Pt: NENW Sec 09 T 14S R 32E

SESW Sec 10 T 14S R 32E

Use: IRRIGATION (1.92 CFS)

STOCKWATER (0.07 CFS)

In: NENW NWNW SENW Sec 09 T 14S

R 32E SESW SWSE SESE Sec 10 T 14S

R 32E NENE NWNE Sec 15 T 14S R 32E

FOR 96 ACRES

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

KEN DUNN, Dir.

Published 4-6 and 4-13-83 T2

12-4053

DON ELIASON & SONS

HOLBROOK, ID 83243

Source: ROCK CREEK trib. to SINKS

Priority Date: 06/01/1910

Diversion Pt: NENW Sec 09 T 14S R 32E SESW Sec 10 T 14S R 32E

Use: IRRIGATION (1.92 CFS)
STOCKWATER (0.07 CFS)

In: NENW NWNW SENW Sec 09 T 14S R 32E SESW SWSE SESE Sec 10 T 14S R 32E NENE
NWNE Sec 15 T 14S R 32E FOR 96 ACRES

March 17, 1983

Don Eliason
Holbrook,
Idaho 83243

Dear Mr. Eliason:

Enclosed is your claim to a water right. The claim arrived without the mandatory \$30.00 filing fee. Please resubmit your claim and include a \$30.00 check.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

WWE:bbp

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 17 4053 Applicant Sherson

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.

By Ernest [Signature] Date April 27, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 5-2-83

April 25, 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 25, 1983

DON ELIASON & SONS
HOLBROOK

ID 83243

RE: Claim No. 17-4053

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

RECEIVED

APR 29 1983

Department of Water Resources

Evidence of Priority 17-4053

RECEIVED

DEC 16 2003

Department of Water Resources

This agreement made this 18th day of June, 1938, between David B. Dille and wife Edwene Dillie, of Holbrook, Idaho, sellers and Chester Eliason of Stone, Idaho, buyer, witnesseth:

That the sellers and the buyer in consideration of their mutual promises to each other hereinafter stated, have agreed, and by these presents do agree, as follows: The sellers agree to sell to the buyer his heirs and assigns the following described real property situated in the County of Oneida, State of Idaho, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 10; SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, Tp. 14 S. R. 32 EBM; less the following tract commencing at a point in the center of the Meadow Brook Creek 12 rods East of the NW Corner SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, Tp. 14 S. R. 32 EBM, thence running East 68 rods, thence South 32 rods to the center of said creek, thence following the bed of said creek in its meandering course in a Northwest-erly direction 75.15 rods, more or less, to the place of beginning, containing 7 acres; also (there is covered by this contract the following)

Commencing at the Northeast corner of the SE $\frac{1}{4}$ Sec. 9, Tp. 14 S. R. 32 EBM, thence running West 16 rods to post on highway for the point of beginning; thence running West 64 rods, thence North 26 rods, ~~thence~~ to highway fence; thence 72 rods in a Southeasterly direction to the point of commencement

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; also, all water rights appurtenant to said property or any part thereof; also all horses, 100 tons of old hay and all machinery on said premises and all livestock range rights

And the buyer agrees to purchase said property and to pay the sellers therefor the sum of \$13,000.00, as follows, the sum of \$6000.00 cash on the execution and delivery of this agreement the receipt whereof is hereby acknowledged and the sum of \$7000.00 on January 1, 1939;

It is agreed that the buyer shall at once occupy, till and in all respects cultivate the same premises in a farm like manner and according to the usual course of farming practiced in the neighborhood, that he will not commit any waste or damage, nor suffer any to be done; that he will keep the fences and buildings on said premises in good condition and repair, and also will take good care of said horses and machinery, and that the buyer is to have all crops now growing and to be grown thereon, and shall pay all taxes assessed against said property beginning with the year 1938

The sellers agree to execute a warranty deed in the usual form to said premises, with buyer named therein as grantee, and shall place the same in escrow in the First Natl Bank at Malad, Idaho, and also an abstract of title to said premises, and on the payment by the buyer of the said purchase price at the time and in the manner herein stated, sellers agree that said deed and abstract may be delivered to the buyer

The due performance of all covenants and agreements on the part of the buyer is a condition precedent whereon depends the performance of the agreements on the part of the sellers. In event of the failure of the buyer, his heirs or assigns, to keep and perform the covenants and agreements or any thereof on his part entered into, the sellers shall be released from all obligation in law or in equity to transfer and convey the said property or any part thereof, and the buyer shall relinquish all rights under this agreement, and all moneys which he shall theretofore have paid hereunder shall be considered as rent for the use of the said premises up to the time of default and as liquidated damages for such default and not as a penalty, and in such event the buyer will vacate and surrender the said premises and property and all crops and improvements thereon to the sellers on demand

SCANNED

DEC 11 2003

The buyer may transfer this agreement at any time with the written consent of the sellers.

Time is of the essence of this agreement which shall be executed in triplicate.

All of the provisions hereof shall extend to and bind the heirs, executors, administrators and assigns of the respective parties.

In witness whereof the said parties have hereunto set their hands the day and year first above written

Edwene Dille
David B. Dille
Sellers
Chester Eliason
Buyer

State of Idaho
County of Oneida, ss

On this 18th day of June, 1938, before me T. E. Ray, a Notary public in and for said State, personally appeared David B. Dille and his wife, Edwene Dille, sellers, and Chester Eliason, buyer, known to me to be the persons whose names are subscribed to the within instrument and 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. E. Ray Notary public
Residing at Malad, Idaho
(Seal)

SCANNED

DEC 11 2003