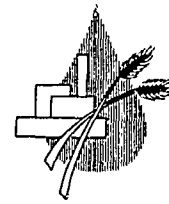


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Le Vell Neal
(Name of Claimant)
Stone, Idaho 83280 Telephone No. 698-3599
(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) February 17, 1901

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)
Deep Creek tributary to Great Salt Lake

(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>2.0 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 2.0 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 15 Twp. 16S Rge. 32E B.M., County of Oneida
Additional points of diversion: SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4 Sec. 15, T. 16S, 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. Check Dams

(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	32E	15					25			25	25			25					100

No. of acres 100

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

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:

Topographic map showing a section of the Colorado River. The map includes a grid with section numbers 16, 14, 21, and 23. A shaded area labeled "Creek" is shown. A handwritten note "POINT OF DIVERSION AND PLACE OF USE" with an arrow points to a location on the creek. Other features include "Well 4609", "Well 4576", "Stone", and various elevation contours.

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.

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.

My commission expires 8-29-87

CW 10-11-83 FOR DEPARTMENT USE ONLY
 Received by LH Date 6-17-83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by KCW Date 10-17-83 claimant by: _____
 \$30.00 fee received by MA Date 6-17-83 #30321
 Published in Idaho Enterprise See more Capital Co CW 11-14-83
 Dates 10/27 & 11/03/83 Cutler J. King CW 11-18-83

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Teri L. Daniels

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 December 8, 1983, and ending

with the issue of December 15, 1983

Teri L. Daniels

Fee \$ 13.00

Subscribed and sworn to before me this 29th day

of Dec., 1983

Don Hawley
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19

RECEIVED

JAN 03 1984

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 17-4059 in the name of Le Vell Neal was advertised incorrectly on 10-28 & 11-2-83. The point of diversion and place of use were advertised as being within the NENW SENW NESW SESW Sec. 15, T. 16S, R. 32E.

WHEREAS, the actual point of diversion and place of use are within the NENW SENW NESW SESW Sec. 15, T. 16S, R. 32E.

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

A. KENNETH DUNN
Director

Published in the Idaho Enterprise 12-8 & 12-15-83.

Nº 485

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Jeri L. Daniels
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 26, 1983, and ending with the issue of Nov. 2, 1983.

Jeri L. Daniels
Fee \$ 15.60

Subscribed and sworn to before me this 2nd day of Nov., 1983.

Joan Hawley
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19

RECEIVED

NOV 21 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:

17-4050

NEAL, LA VELL
STONE, ID 83220

Source: DEEP CREEK trib. to GREAT SALT LAKE

Priority Date: 02-17-1901

Diversion Pt: NENW SENW NESW SESW Sec 15 T765 R 32E

Use: IRRIGATION (2.00 CFS)

In: NENW SENW NESW SESW Sec 15 T765 R 32E FOR 100 ACRES

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

KENDUNN, Dir.

Published 10-26 & 11-02-83.

RECEIVED

CLAIM TO A WATER RIGHT

JUN 30 1983

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

Le Vell Neal

(Name of Claimant)

Stone ID 83280

(Mailing Address)

(Zip Code)

Telephone No. 698-3599

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) Feb 17, 1901

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)

Deep Creek

tributary to Great Salt Lake

- (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>2.00</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
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.

(cfs, af)

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15 Twp. 16S Rge. 32E B.M., County of Oneida

Additional points of diversion: SE⁴NW⁴, NE⁴SW⁴, SE⁴SW⁴ Sec 15 T16S R32E

- 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. *Check Dams*

- (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.

[illegible]

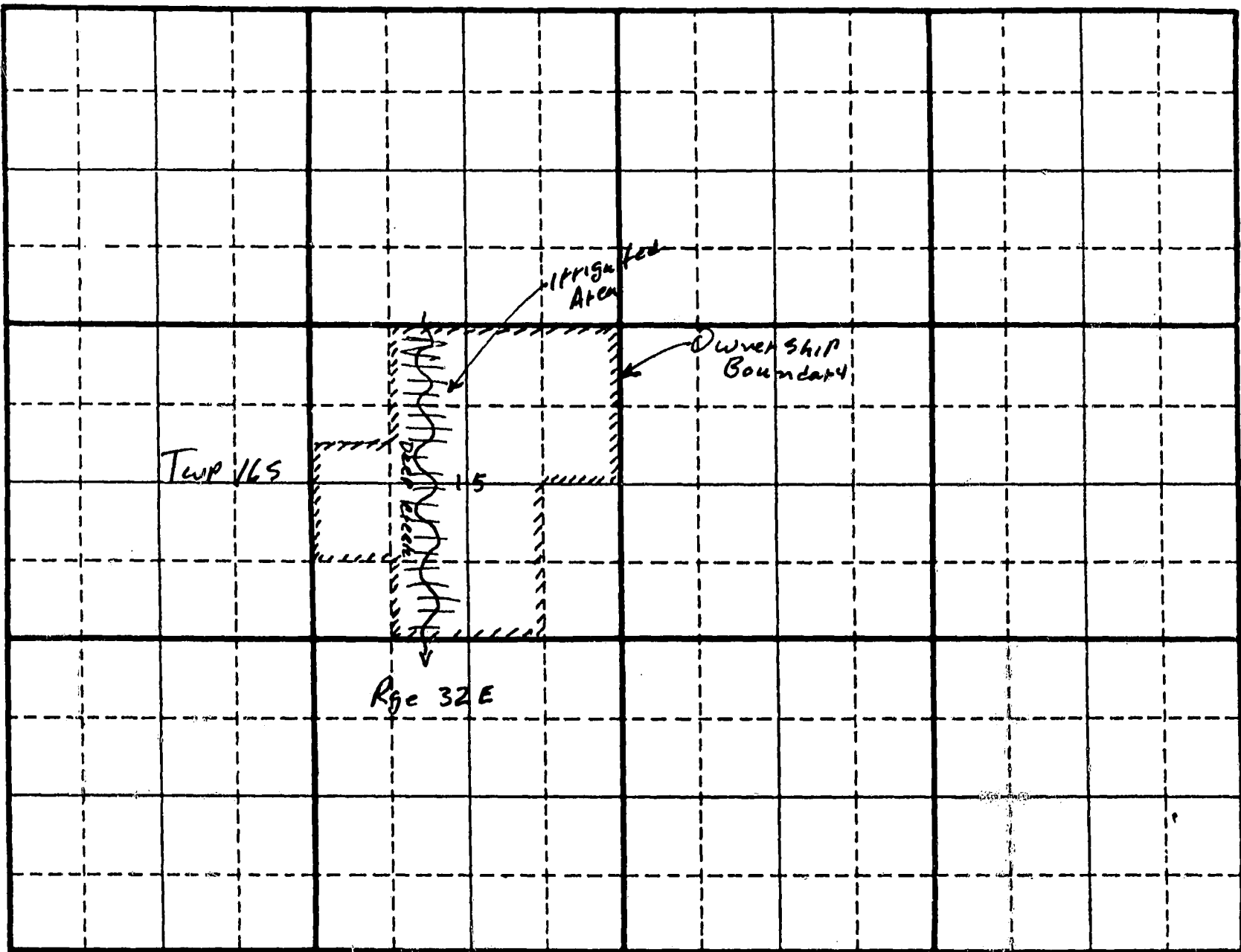
No. of acres 100

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

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

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

(8) Remarks _____



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 Twin Falls) 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.

Loren O. Hahner
(Claimant)

Sworn to before me this 17 day of June, 1983.

Loren O. Hahner
Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ZH Date 6/17/83 Exception filed by: _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by mecca Date 6/17/83 #30321
Published in _____
Dates _____

EXCEPTION TO CLAIMS

RECEIVED

NOV 9 1983

Department of Water Resources
Eastern District Office

Ken Dunn, Director
Idaho Dept. of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83401

Dear Mr. Dunn:

Pursuant to notice in the local newspaper, Delmore Canal Company has been notified of the claim of LaVell Neal of Stone, Idaho to water rights in the Deep Creek tributary to the Great Salt Lake, Claim #17-4059.

By this written Exception to Claim, Delmore Canal Company does object to such claim. Mr. Neal has no right to such water or such claim.

Such objection is based upon the following Court decrees:

1. Idaho District Court of Oneida County Decree -
issued on December 15, 1914.
2. Idaho District Court of Oneida County Decree -
issued on August 9, 1940.

By such decrees, the water claimed by Mr. Neal is owned and authorized for use by Delmore Canal Company and Curlew Irrigation and Reservoir Company.

If Mr. Neals uses or has been using such water, it has been used illegally.

Thank you for your consideration.

DELMORE CANAL COMPANY

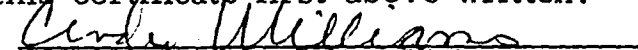

Secretary


President

STATE OF IDAHO)
: SS
County of Bannock)

On this 8th day of November, 1983, before me, a Notary Public, personally appeared Steve Reel and Ronald Skidmore, known to me to be the President and Secretary of Delmore Canal Company and, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that said company 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.


NOTARY PUBLIC For Idaho
Residing at: Malad, Idaho

(SEAL)

EXCEPTION TO CLAIMS

RECEIVED

NOV 14 1983

Ken Dunn, Director
Idaho Dept. of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Dear Mr. Dunn:

Pursuant to notice in the local newspaper, Curlew Irrigation and Reservoir Company has been notified of the claim of LaVell Neal of Stone, Idaho to water rights in the Deep Creek tributary to the Great Salt Lake, Claim #17-4059.

By this written Exception to Claim, Curlew Irrigation and Reservoir Company does object to such claim. Mr. Neal has no right to such water or such claim.

Such objection is based upon the following Court decrees:

1. Idaho District Court of Oneida County Decree -
issued on December 15, 1914.
2. Idaho District Court of Oneida County Decree -
issued on August 9, 1940.

By such decrees, the water claimed by Mr. Neal is owned and authorized for use by Delmore Canal Company and Curlew Irrigation and Reservoir Company.

If Mr. Neals uses or has been using such water, it has been used illegally.

Thank you for your consideration.

CURLEW IRRIGATION AND
RESERVOIR COMPANY

Bernell G. Gubanati

Harvey J. Harris
Secretary

STATE OF IDAHO)
Box Elder : ss
County of Bannock)

On this 10th day of November, 1983 before me, a
Notary Public, personally appeared Bernell Gubanati and
Harvey J. Harris, known to me to be the President
and Secretary of Curlew Irrigation and Reservoir Company and, known to me
to be the persons whose names are subscribed to the within instrument and
acknowledged to me that said company 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.

(SEAL)

Jennifer Smith
NOTARY PUBLIC For Idaho
Residing at: Snowville

17-4052

NEAL, LA VELL

STONE, ID 83280

Source: DEEP CREEK trib. to GREAT SALT LAKE

Priority Date: 02/17/1901

Diversion Pt. NENW SENW NESW SESW Sec 15 T 16S R 32E

Use: IRRIGATION (2.00 CFS)

In. NENW SENW NESW SESW Sec 15 T 16S R 32E FOR 100 ACRES

NOTICE OF CLAIMS TO WATER RIGHTS

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

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 10/27 & 11/03/83.

September 29, 1983

Le Vell Neal
Stone,
Idaho 83280

Dear Sir:

Enclosed is a typed claim that was compiled from information on the original claim. The claim was typed so that the map could be redrawn to eliminate any confusion.

Please sign in front of a notary and return to this office. Processing will begin upon receipt of the completed claim.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 19, 1983

The 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 galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 14, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith C Wilson

Right Number

17 4059

Applicant

Levell Neal

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 Carlson

Date

Jan 5, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

1/10/84

Nov 14, 1983
Dec 27, 1983

RECEIVED
JAN 10 1984

Department of Water Resources

November 14, 1983

RE: Claim to a Water Right No. 17-4059

LeVell Neal
Stone,
Idaho 83280

Dear Mr. Neal:

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

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

November 14, 1983

RE: Claim to a Water Right No. 17-4059 NEAL

Steve Reel, President
Delmore Canal Company
Stone, Idaho 83280

Dear Mr. Reel:

We have received the exception dated November 8, 1983, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

November 18, 1983

RE: Claim to a Water Right No. 17-4059

LeVell Neal
Stone,
Idaho 83280

Dear Mr. Neal:

Enclosed please find an additional exception dated November 10, 1983, and filed against the above referenced claim.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

November 18, 1983

RE: Claim to a Water Right No. 17-4059 LeVELL NEAL

Bernell Yarbanti, Pres.
Curlew Irrigation Company
Snowville, Utah 83346

Dear Mr. Yarbanti:

We have received the exception dated November 19, 1983, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

November 18, 1983

RE: Claim to a Water Right No. 17-4059 NEAL

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on October 27 and November 3, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

November 30, 1983

RE: Notice of Correction No. 17-4059 NEAL

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

Gentlemen:

We are resubmitting a legal notice to be published on December 8 and 15, 1983. This notice was originally published in your paper on October 26 and November 2, 1983. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by December 27, 1983. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosure

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 17-4059 in the name of Le Vell Neal was advertised incorrectly on 10-26 & 11-2-83. the point of diversion and place of use were advertised as being within the NENW SENW NESW SESW Sec. 15, T. 16S, R. 32E.

WHEREAS, the actual point of diversion and place of use are within the NENW SENW NESW SESW Sec. 15, T. 16S, R. 32E.

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

A. KENNETH DUNN

Director

Published in the Idaho Enterprise 12/8 & 12/15/83.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

December 28, 1983

RE: Notice of Correction No. 17-4059 NEAL
Application for Transfer No. 15-2070 JONES
Application for Permit No. 17-7109 FOREST SERVICE
Claim to a Water Right No. 15-4188 JONES
15-4187 WARD

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on December 8 and 15, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary



STATE OF UTAH
NATURAL RESOURCES
Water Rights

1636 West North Temple • Salt Lake City, UT 84116 • 801-533-6071

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dee C. Hansen, State Engineer

December 21, 1983

RECEIVED
DEC 28 1983

Department of Water Resources
Eastern District Office

Mr. Ken Dunn, Director
State of Idaho
Department of Natural Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

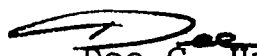
Dear Mr. ^{Kenn}Dunn:

As Utah State Engineer, I have been concerned with the problems of upstream appropriations on Deep Creek, which originates in Oneida County, Idaho and flows into Box Elder County, Utah, near Snowville. Claims on this Creek have been adjudicated under Utah Water Law and by the Idaho courts as well, and the Courts have awarded 417 miners inches of water to be measured at the Larkin Bridge to irrigate Utah land.

Some of the Utah water users were concerned to see a "Notice of Claims to Water Rights" 17-4059 filed by La Vell Neal of Stone, Idaho to claim 2.0 c.f.s. of water from Deep Creek for irrigation purposes. He claims a priority of February 17, 1901. It appears that a claim exerted now on a stream which has been fully adjudicated would not be valid. Our users are fearful that if claims such as this are recognized by Idaho that their downstream rights will be jeopardized. The State of Utah is also apprehensive that any additional diversions in Idaho will result in impairment of Utah's equitable share of the water of Deep Creek.

Utah is committed to protecting its interests in the interstate water resource, and I believe that can be best achieved by the cooperative approach we have enjoyed in the past. It may be useful for us to get together and update one another on recent developments in the area. I would appreciate hearing from you on the matter.

Yours very truly,


Dee C. Hansen, P.E.
State Engineer

DCH:sg

cc: R. Michael Turnipseed

January 5, 1984

RE: Claim to a Water Right No. 17-4059 LeVELL NEAL

Mr. Dee C. Hansen, P.E.
State Engineer
State of Utah
Natural Resources
1636 West North Temple
Salt Lake City, UT 84116

Dear Mr. Hansen:

Since your letter of December 21 was received in my office, Ken Dunn has asked me to respond. We understand the concerns expressed in your letter but do not think the claim filed by Mr. LeVell Neal represents a threat to any other water rights on Deep Creek. Mr. Neal's claim is simply his statement to the world that he believes he is entitled to a water right which has been established through the diversion and beneficial use of Deep Creek water. The Department will take no action on this (or any other) claim, and because it has never been confirmed by court action it would not be recognized by the Deep Creek watermaster unless every other right on the stream was being filled. It is, however, appropriate for anyone with evidence that this claim is in error to submit an affidavit stating their exceptions. All exceptions are included as part of the appropriate claim file and are, thus, available for court review if anyone should ever decide to pursue an adjudication action.

I hope this adequately addresses your concerns.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:CW

cc: LeVell Neal
Ken Dunn

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 14, 1983

LA VELL NEAL
STONE

ID 83280

RE: Claim No. 17-4059

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