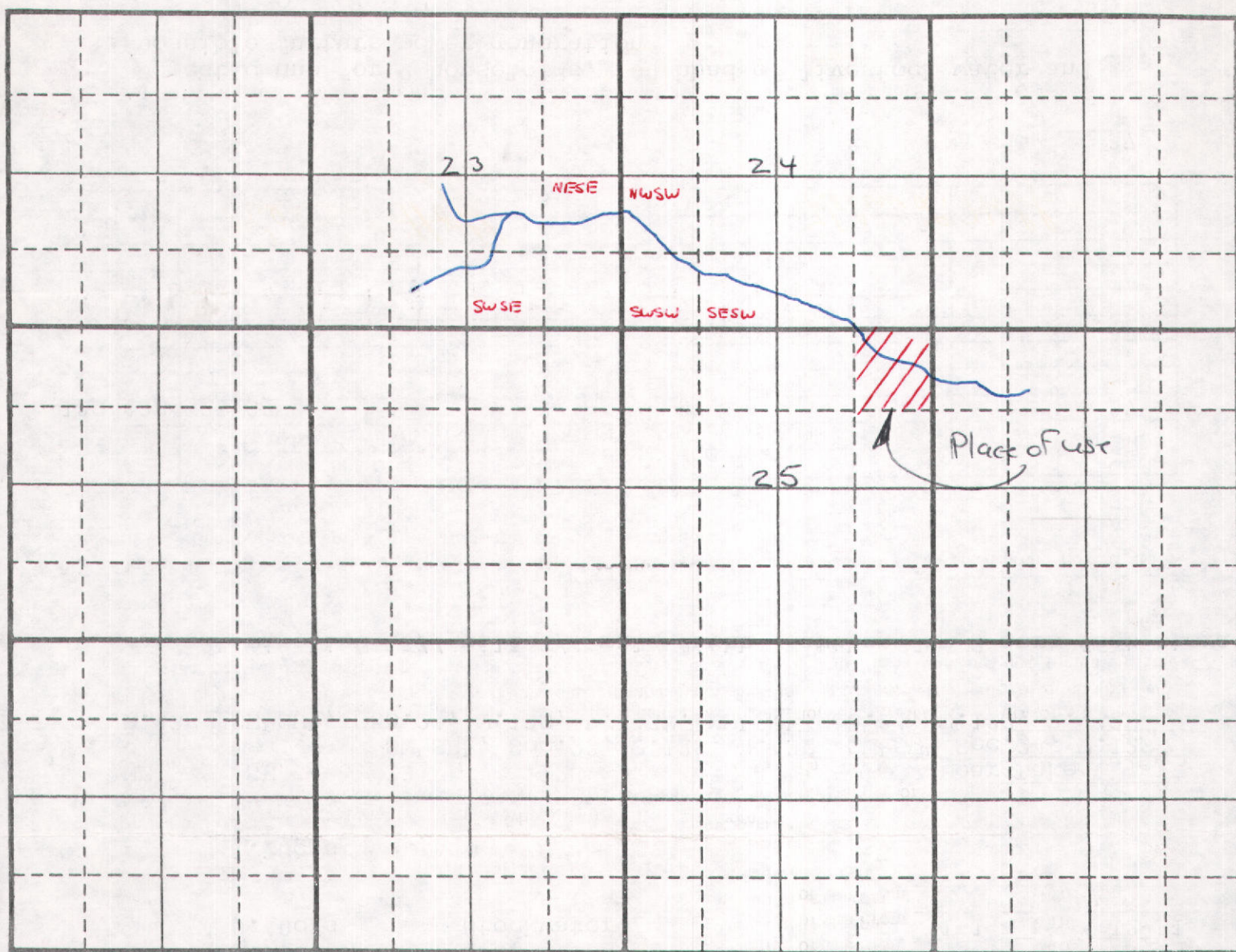


(8) Remarks Notice of water right posted at points of diversion for 2.0cfs
by Rudolph Bienz Sr. June 3, 1897



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 Bear Lake) 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 21st day of November

Lifetime

My commission expires _____

Ray Bienz
(Claimant)

Gronne Demott
Notary Public
Residing at Ovid, ID 83260

11-23-83 FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-30-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>11-28-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-30-83</u>	#25765		
Published in <u>News Examiner</u>		Helen L. Hoff	<u>CW</u>	<u>1/11/84</u>
Dates <u>12/8 - 12/15/83</u>		Reed A. Hoff		

11 4300

JAN 6 1984

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Marie B. Nye

being duly sworn,

deposes and says:

That he is the *Publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; 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 and 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, 19*83*, and ending with the issue of *December 15*, 19*83*.

Marie B. Nye

Fees, \$*26.25*

Subscribed and sworn to before me this *26th* day of *Decem*, 19*83*.

Louise L. Linn

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *Lifetime*, 19*83*.

LEGAL NO. 2472

NOTICE OF CLAIMS TO WATER RIGHTS

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

11-4301

ALLEMAN, LARRY &/or CAROLYN
BIENZ, RAY &/or LOIS
BERN, ID 83220

Source: SHEEP CORRAL HOLLOW
SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH
Priority Date: 06/18/1883

Diversion Pt: NESE SWSE Sec 23 T 12S R
43E SWSW SESW Sec 24 T 12S R 43E

Use: IRRIGATION (2.00 CFS)

In: NWNE SWNE NENW NWNW SWNW
SENE SENW Sec 30 T 12S R 44E NENE SWNE
SENE SENW Sec 25 T 12S R 43E FOR 365
ACRES

11-4300

BIENZ, RAY &/or LOIS
BERN, ID 83220

Source: SHEEP CORRAL HOLLOW
SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH
Priority Date: 06/03/1897

Diversion Pt: NESE SWSE Sec 23 T 12S R
43E SWSW SESW NWSW Sec 24 T 12S R
43E

Use: IRRIGATION (0.90 CFS)

STOCKWATER (0.40 CFS)

DOMESTIC (0.40 CFS)

In: NENE Sec 25 T 12S R 43E FOR 37
ACRES

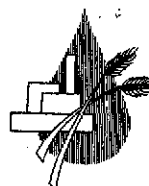
Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN, Dir.

12-8, 12-15
42 LINES

MICROFILMED

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 Ray Bienz and or Lois Bienz
(Name of Claimant)
Bern, Idaho 83220 Telephone No. 847-2144
(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) June 3, 1897

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)
Sheep Corral Hollow Springs & Crtributory to Unnamed Slough

(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>0.40</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.90cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4-15</u>	To <u>10-15</u>
Quantity	<u>0.40cfs</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

(4) 1.70cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 23 Twp. 12S Rge. 43E B.M., County of Bear Lake
Additional points of diversion: SW¼SE¼, Sec.23, T.12S, R.43E SW¼SW¼ Sec.24, T.12S
R.43E SE¼SW¼, Sec.24, T.12S, R. 43E. NW¼SW¼ Sec.24, T.12S, R. 43E

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. 2" pipeline 1 3/4mile 3/4 mile ditch Earthen dam 2 acre feet storage.

(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.

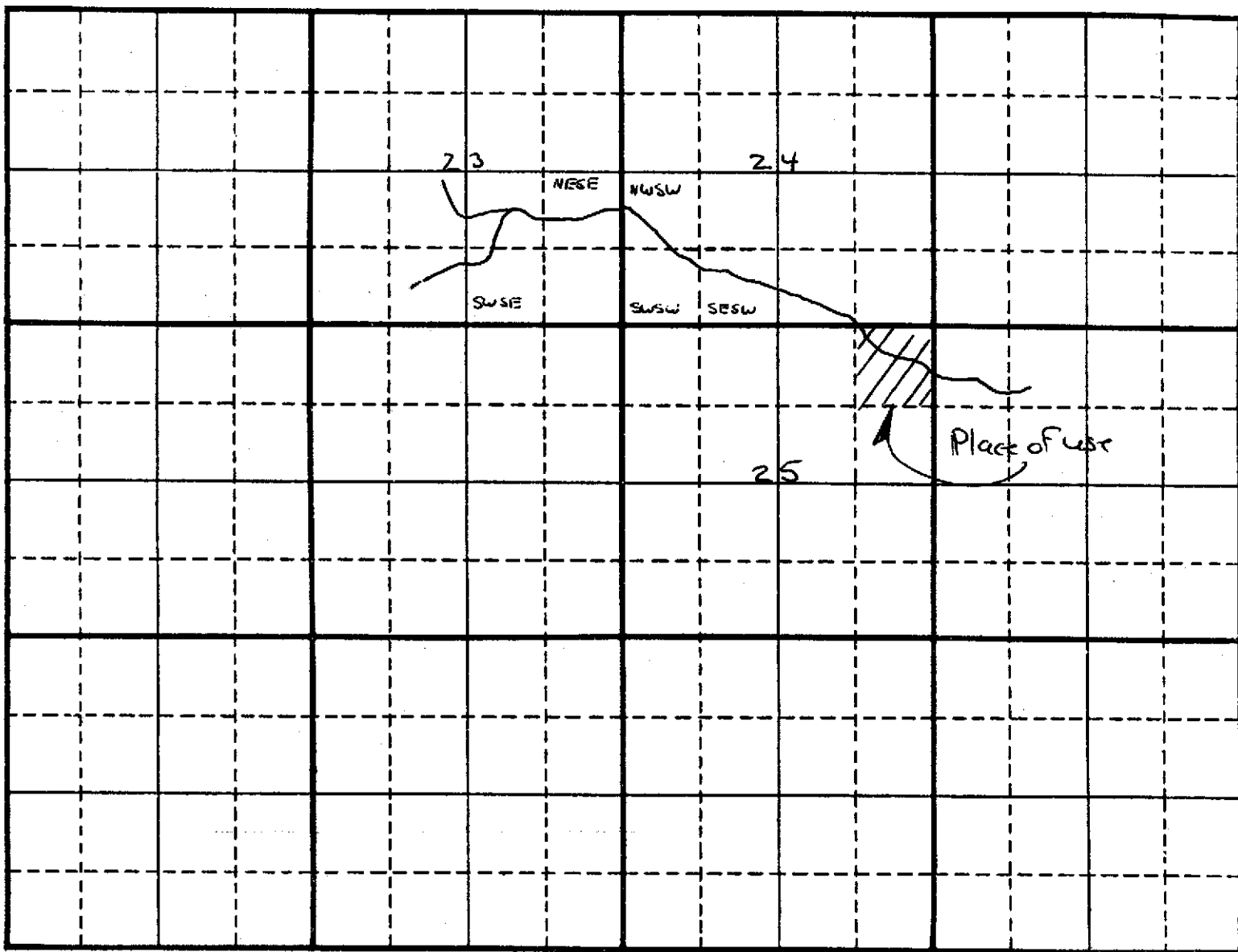
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	43E	25	37																37

No. of acres 37

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for 2 households, 100 head of livestock water and
possible furture power generation

NOTE: Include here the type and number of stock watered: 100 cattle sheep and horses.
If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Notice of water right posted at points of diversion for 2.0cfs
by Rudolph Bienz Sr. June 3, 1897



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 Bear Lake) 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 21st day of November

Lifetime

Ray Bienz
(Claimant)
June Demott
Notary Public
Residing at Ovid, ID 83260

My commission expires _____

11-23-83 FOR DEPARTMENT USE ONLY
Received by CW Date 6-30-83 Exception filed by: _____ Date _____
Prelim. check by Hurt Date 11-28-83 Forwarded to claimant by: _____
\$30.00 fee received by CW Date 6-30-83 #25765
Published in News Examiner Helen L. Hoff CW 1/11/84
Dates 12/8 - 12/15/83 Reed A. Hoff

IN THE MATTER OF:
RE: Claims to Water Rights
No. 11-4300 and 11-4301
Alleman and Bienz.

AFFIDAVIT

State of Idaho
County of Bear Lake

Helen L. Hoff and Reed A. Hoff being first duly sworn,

deposes and says: Reference is made to the notice of claims to water rights No. 11-4300 and 11-4301 referring to claims by Larry Alleman and Ray Bienz to the water of "Sheep Corral Hollow Springs". I wish to make a protest to these rights being issued. The deeds to our property in Sec. 30, Township 12 S, Range 44 EEM stipulates "also", all water rights belonging to the hereinbefore described real property, which said Water right consists of what is known as a five day right in and to all the water of what is commonly known as "Sheep Corral Hollow Creek, in other words, a 1/3 interest in and to the waters of said "Sheep Corral Hollow Creek". I have always recognized the rights of the Claimants, and they have recognized our rights, and we have used the water every year principally for watering the lawns and the livestock. It is our understanding that it is not necessary to file a claim where the water is used for this purpose.

Reed A. Hoff
(signature) Reed A. Hoff

Helen L. Hoff
(Signature) Helen L. Hoff

Subscribed and sworn to before me this 9th day of January, 1984

Jern K. Salloway
(Notary Public)

Residing at Bern, Idaho
My Commission Expires Lifetime

RECEIVED
JAN 10 1984
Department of Water Resources
Eastern District Office

RECEIVED

JAN 6 1984

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

SS.

being duly sworn,

deposes and says:

That he is the Publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; 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 and 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.

Fees, \$26.05

Subscribed and sworn to before me this 26th day

of December, 1983.

Notary Public, Residing at Montpelier, Idaho

My Commission Expires Lifetime, 19

LEGAL NO. 2472

NOTICE OF CLAIMS TO WATER RIGHTS

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

11-4301

ALLEMAN, LARRY &/or CAROLYN
BIENZ, RAY &/or LOIS
BERN, ID 83220

Source: SHEEP CORRAL HOLLOW
SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH

Priority Date: 06/18/1883

Diversion Pt: NESE SWSE Sec 23 T 12S R

43E SWSW SESW Sec 24 T 12S R 43E

Use: IRRIGATION (2.80 CFS)

In: NWNE SWNE NENW NWNW SWNW
SENE SENW Sec 25 T 12S R 43E FOR 365
ACRES

11-4302

BIENZ, RAY &/or LOIS
BERN, ID 83220

Source: SHEEP CORRAL HOLLOW
SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH

Priority Date: 06/03/1897

Diversion Pt: NESE SWSE Sec 23 T 12S R
43E SWSW SESW NWSW Sec 24 T 12S R
43E

Use: IRRIGATION (0.90 CFS)

STOCKWATER (0.40 CFS)

DOMESTIC (0.40 CFS)

In: NENE Sec 25 T 12S R 43E FOR 37
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.

12-8, 12-15
42 LINES

MICROFILMED

January 11, 1984

RE: Claim to a Water Right No. 11-4300 BIENZ

Ray &/or Lois Bienz
Bern,
Idaho 83220

Dear Claimants:

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

January 11, 1984

RE: Claim to a Water Right No. 11-4300 Bienz

Helen L. Hoff
Reed A. Hoff
631 Grant Street
Montpelier, ID 83254

Dear Exceptioners:

We have received the exception dated January 9, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

January 6, 1984

RE: Claims to Water Rights No. 11-4300 and 11-4301 ALLENMAN & BIENZ

Helen L. Hoff
Reed A. Hoff
631 Grant Street
Montpelier, ID 83254

Dear Mr. & Mrs. Hoff:

Pursuant to Section 42-244, Idaho Code, a person may at any time file an exception to a claim along with supporting proof. This exception is made part of the claim file and considered the same as other evidence in the file. Therefore, the statute further stipulates the exception must be in affidavit form.

Your letter received on January 3, 1984 could not be recognized as an exception to claim No. 11-4300 and 11-4301 because it was not notarized. To assist you with providing an exception in proper form, we are returning your letter along with a couple of blank affidavit forms. You may use either the affidavit form or simply rewrite your letter and then sign it in the presence of a notary public.

Feel free to call or contact me if you have any questions concerning this matter.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures



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: Claim to a Water Right No. 11-4301 ALLEMAN &/OR BEINZ
11-4300 BIENZ

Application for Transfer No. 11-0074 CITY OF PARIS

News Examiner
P.O. Box 278
Montpelier, ID 83254

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 IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 27, 1983

RAY BIENZ
LOIS BIENZ
BERN

ID 83220

RE: Claim No. 11-4300

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.

Sincerely,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
JAN 17 1984

Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 11 4300 Applicant Brenz

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.

Dec 27, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Jan 10, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By dc Date 1/18/84

11/18/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 30, 1983

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

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 DECEMBER 27, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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 12/8 & 12/15/83.

11-4300-

BIENZ, RAY &/or LOIS

BERN, ID 83220

Source: SHEEP CORRAL HOLLOW SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH

Priority Date: 06/03/1897

Diversion Pt: NESE SWSE Sec 23 T 12S R 43E SWSW SESW NWSW Sec 24 T 12S R 43E

Use: IRRIGATION	(0.90 CFS)
STOCKWATER	(0.40 CFS)
DOMESTIC	(0.40 CFS)

In: NENE Sec 25 T 12S R 43E FOR 37 ACRES

11-4300

BIENZ, RAY &/or LOIS
BERN, ID 83220

Source: SHEEP CORRAL HOLLOW
SPRINGS trib. to UNNAMED SLOUGH
CREEK trib. to UNNAMED SLOUGH

Priority Date: 06/03/1897

Diversion Pt: NESE SWSE Sec 23 T 12S R
43E SWSW SESW NWSW Sec 24 T 12S R
43E

Use: IRRIGATION (0.90 CFS)
STOCKWATER (0.40 CFS)
DOMESTIC (0.40 CFS)

In: NENE Sec 25 T 12S R 43E FOR 37
ACRES

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
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83402.

KEN DUNN, Dir.

12-8, 12-15
42 LINES