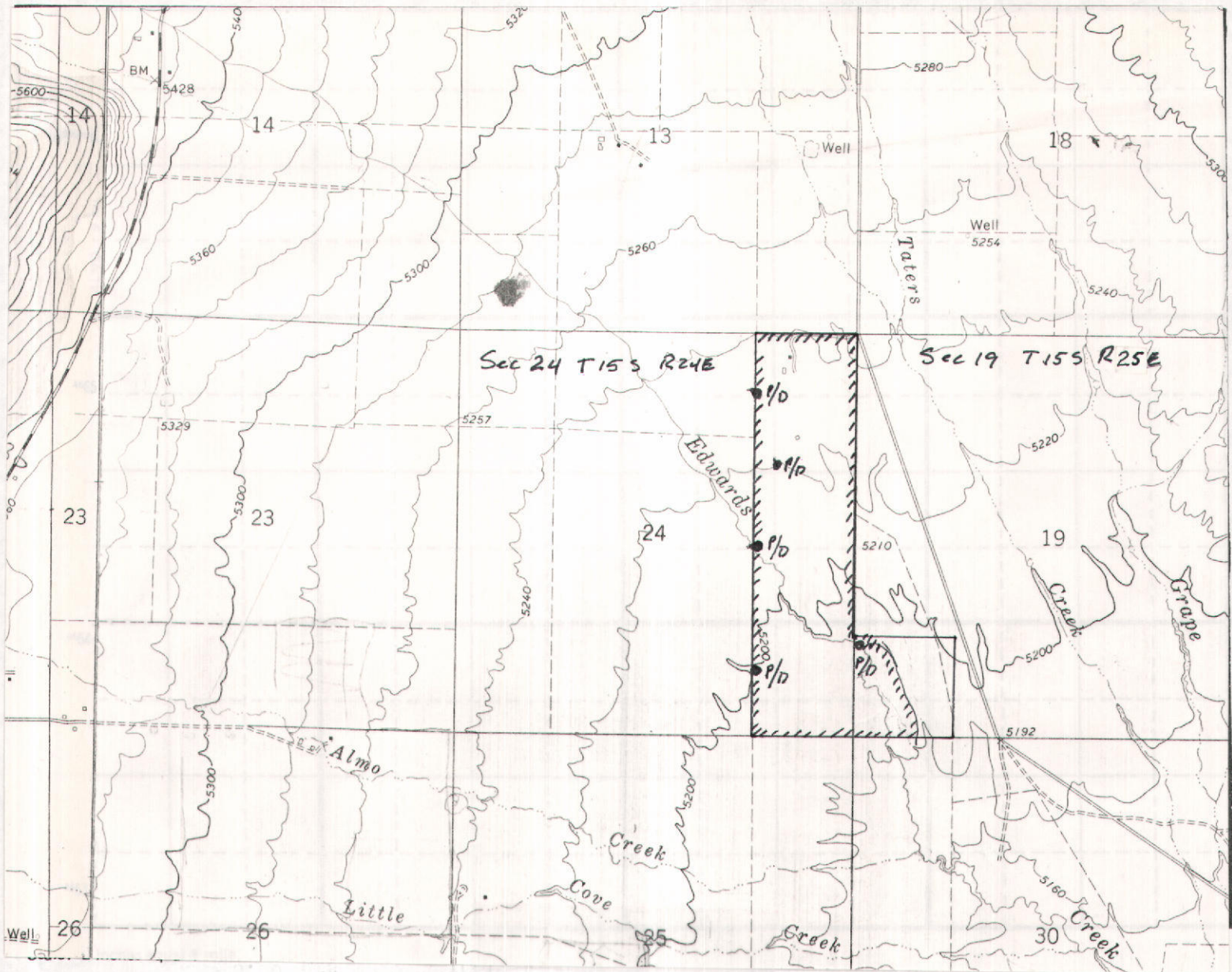


MICROFILMED

(8) Remarks



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.

Robert W. Ward
(Claimant)

Sworn to before me this 23 day of October, 19 85.

Loren O. Halmer
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by JD Date 10/23/85 Exception filed by: _____ Forwarded to claimant by: _____ Date: _____
Prelim. check by JD Date 10-24-85
\$200 \$30.00 Fee received by Margie Date 10/23/85
Published in South id press
Dates 11/7 & 11/14/85

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 Robert W. Ward
(Name of Claimant)
Elba, Idaho 83326 Telephone No. 824-5589
(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) May 25, 1907

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)
Waste Water tributary to Edwards Creek & Almo Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.60 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov. 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) 3.60 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 24 Twp. 15S Rge. 24E B.M., County of Cassia
Additional points of diversion: SE 1/4 NE 1/4, SE 1/4 SE 1/4, NE 1/4 SE 1/4, Sec. 24; SW 1/4 SW 1/4, Sec. 19, T15S, R25E T. 15S R. 24E

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 & ditches

(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	
15S	25E	19											20						20
15S	24E	24	40			40									40			40	160

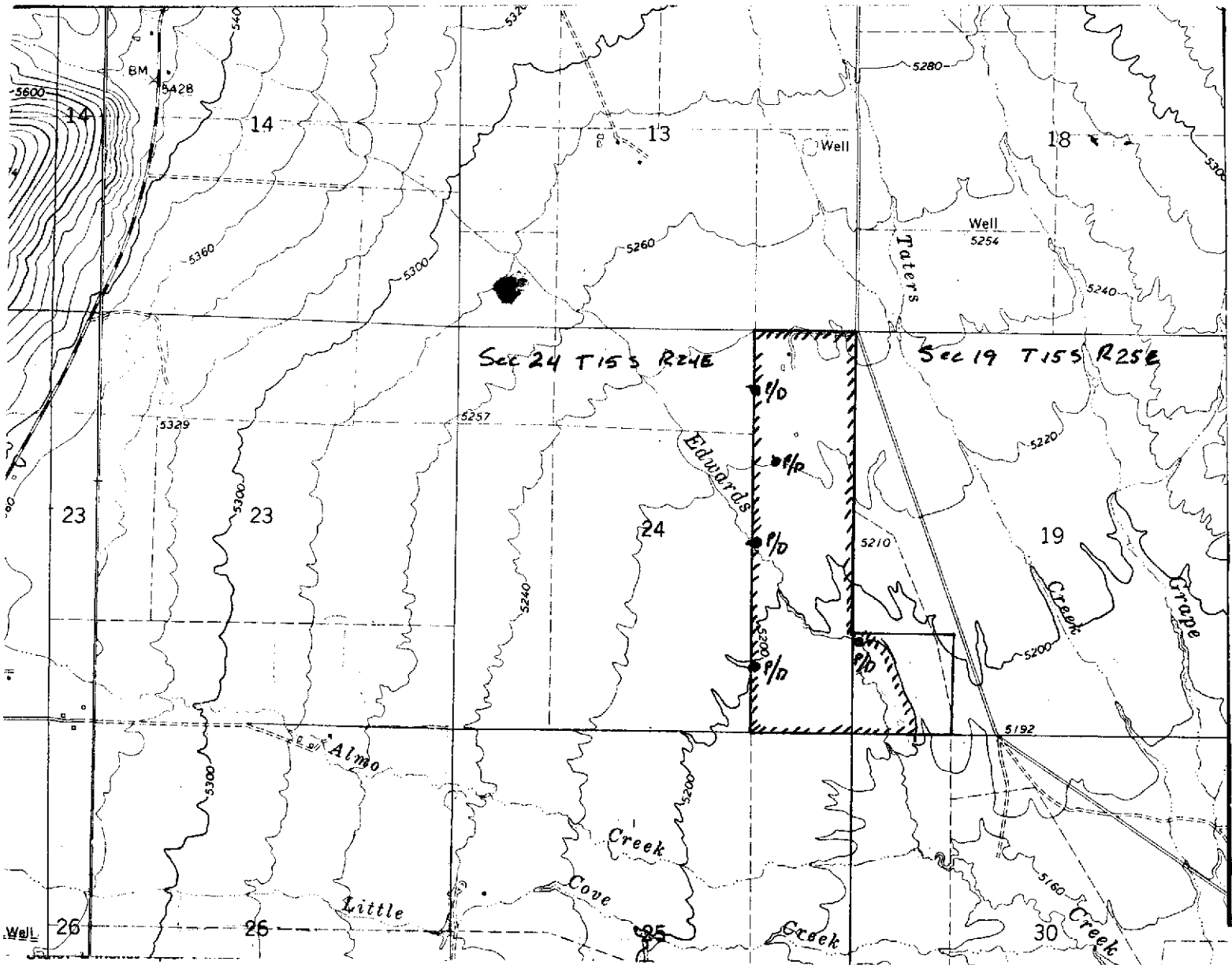
No. of acres 180

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 _____



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)
) ss.
 County of Twin Falls)

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.

Robert W. Ward
 (Claimant)

Sworn to before me this 23 day of October, 19 85.

Loren O. Halverson
 Notary Public
 Residing at Twin Falls, Idaho 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>JH</u>	Date <u>10/23/85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JP</u>	Date <u>10-24-85</u>		claimant by:	
\$200 \$30.00 fee received by <u>Morgan</u>	Date <u>10/23/85</u>			
Published in <u>South Idaho Press</u>				
Dates <u>11/7 & 11/14/85</u>				



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 24, 1985

Robert W. Ward

Elba, Idaho 83326

Re: Claim to a Water Right

Dear Mr. Ward:

While reviewing your claim, prepared in this office on October 23, 1985, it was discovered that an error had been made in describing the lands in Sec. 19. The land is in Sec. 19, T15S, R25E, instead of R24E.

I have taken the liberty of correcting the map, land list, and point of diversion on the claim form.

A copy is enclosed for your records.

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

cc: Alfred E. Barrus

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SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Marge Barendregt, being first

duly sworn, deposes and says that...he is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 two consecutive weeks, commencing with the issue

dated Nov 11 1985, and ending

with the issue dated Nov 14 1985

Marge Barendregt

Subscribed and sworn to before me

this 21st day of Nov

1985.

Dottie Staker Notary Public

Cost of Publication 21.12

Notary Fee .50

Total Cost 21.62

85-437

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:

43-4241

WARD, ROBERT W.

ELBA, ID 83326

Source: WATE WATER trib. to EDWARDS CREEK,

WASTE WATER trib. to ALMO CREEK.

Diversion Pt: NENE, SENE, SESE, NESE Sec 24 T

15S R 24E SWSW Sec 19 T 15S R 25E

Use: IRRIGATION (3.6 CFS)

Priority Date: 05/25/1907

In: SWSW Sec 19 T 15S R 25 E NENE SENE NESE

SESE Sec 24 T 15S R 24E FOR 180 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho

Department of Water Resources, 1041 Blue

Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published in the South Idaho Press November 7,
and 14, 1985.

ok
marge

RECEIVED

NOV 22 1985

Department of Water Resources
Southern District Office

MEMORANDUM

TO: FILE 43-4241
FROM: VAULT
RE: TRANSFER # 5704/66071
DATE: 6-6-00

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 45-2457

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

November 25, 1985

RECEIVED

NOV 26 1985

VIA CERTIFIED MAIL W/RETURN RECEIPT
REQUESTED No. P641 131 508

Department of Water Resources
Southwest District Office

RECEIVED
DEC 23 1985

Director of The Department
of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources

Re: Clarification of Protest of Application
To Waste Water Right No. 43-4241
R. O. Jones & Sons, Inc.

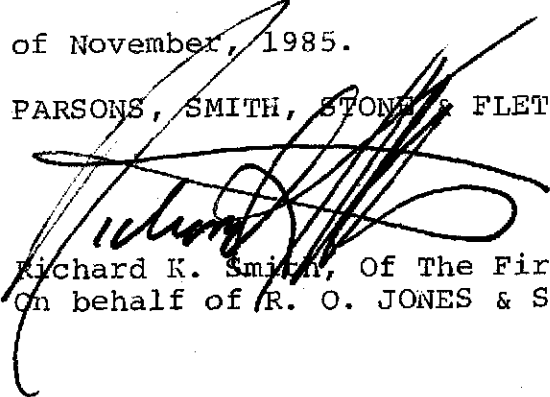
Gentlemen:

Be advised that in stating our protest to the Application for Waste Water Right No. 43-4241, we inadvertently referred to the pending application for change of "place of use". The protest as submitted should read a "pending application for change of point of diversion".

As amended, the protest, as originally filed, is reiterated.

DATED this 25th day of November, 1985.

PARSONS, SMITH, STONE & FLETCHER


Richard K. Smith, Of The Firm
On behalf of R. O. JONES & SONS, INC.

RKS/dmj

cc: R. O. Jones & Sons, Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 25, 1985

ROBERT W. WARD
ELBA

ID 83326

RE: Claim No. 43-4241

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,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

A. Kenneth Dunn
Director

November 22, 1985

Robert W. Ward
Elba, Idaho 83326

Re: Claim to a Water Right No.43-4241

Dear Mr. Ward:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right submitted by Richard K. Smith, attorney, in behalf of R. O. Jones & Sons, Inc.

The following excerpt from Section 42-243b of the IDAHO CODE explains what has been done and what will be done in regards to the exception you have filed:

422-243b 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 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 of the described rights.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

FHF1:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

A. Kenneth Dunn
Director

November 22, 1985

Richard K. Smith
Attorney at Law
P. O. Box 910
Burley, Idaho 83318

Re: Claim to a Water Right No. 43-4241

Dear Mr. Smith:

We are in receipt of your exception to a Claim to a Water Right filed by Robert W. Ward, in behalf of R. O. Jones & Sons, Inc.

The following excerpt from Section 42-243b of the IDAHO CODE explains what has been done and what will be done in regards to the exception you have filed:

422-243b 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 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 of the described rights.

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

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:mar**

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

November 21, 1985

VIA CERTIFIED MAIL W/RETURN RECEIPT REQUESTED P 399 831 577

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Protest of Application Waste Water
Right No. 43-4241
R. O. JONES & SONS, INC.

Gentlemen:

R. O. JONES & SONS, INC., does hereby protest the granting of the application for a waste water right on Edward's Creek and Almo Creek, in the County of Cassia, State of Idaho, which Claim of Right was published in the South Idaho Press on November 7th and 14th, of 1985.

Exception is taken to such application on the basis that a pending application for change of place of use under established water rights will result in a more efficient use of the water and eliminate the waste water upon which application #43-4241 is based. It is further believed the undersigned has the right, as the owner of the priority water rights, to cease wasting so long as it is not injurious to established rights and is applied to beneficial use.

DATED this 21st day of November, 1985.

PARSONS, SMITH, STONE & FLETCHER

Richard K. Smith, Of The Firm
On behalf of R. O. JONES & SONS, INC.

RKS/dmj
cc: Richard O. Jones, President
R. O. JONES & SONS, INC.

RECEIVED

NOV 22 1985

Idaho Department of Water Resources
Twin Falls District Office

MICROFILMED

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:

43-4241

WARD, ROBERT W.

ELBA, ID 83326

Source: WASTE WATER trib. to EDWARDS CREEK
WASTE WATER trib. to ALMO CREEK

Diversion Pt: NENE SENE SESE NESE Sec 24 T 15S R 24E SWSW
Sec 19 T 15S R 25E

Use: IRRIGATION (3.6 CFS)

Priority Date: 05/25/1907

In: SWSW Sec 19 T 15S R 25E NENE SENE NESE SESE Sec 24 T 15S R 24E
FOR 180 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 11/7 & 11/14/85.

MICROFILMED

85-437

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:

43-4241

WARD, ROBERT W.

ELBA, ID 83326

Source: WATE WATER trib. to EDWARDS CREEK,

WASTE WATER trib. to ALMO CREEK.

Diversion Pt: NENE, SENE, SESE, NESE Sec 24 T

15S R 24E SWSW Sec 19 T 15S R 25E

Use: IRRIGATION (3.6 CFS)

Priority Date: 05/25/1907

In: SWSW Sec 19 T 15S R 25 E NENE SENE NESE

SESE Sec 24 T 15S R 24E FOR 180 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published in the South Idaho Press November 7,
and 14, 1985.

ob
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10/31/85

STATE OF IDAH
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 25, 1985

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

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 25, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J P Stanton

Right Number 43-4241 Applicant WARD, Robert W.

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 Adn Date 12/12/85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 12/19/85

RECEIVED
DEC 19 1985

Department of Water Resources
RECEIVED
DEC 05 1985

Department of Water Resources

MICROFILMED