

H.E. Survey No. 298

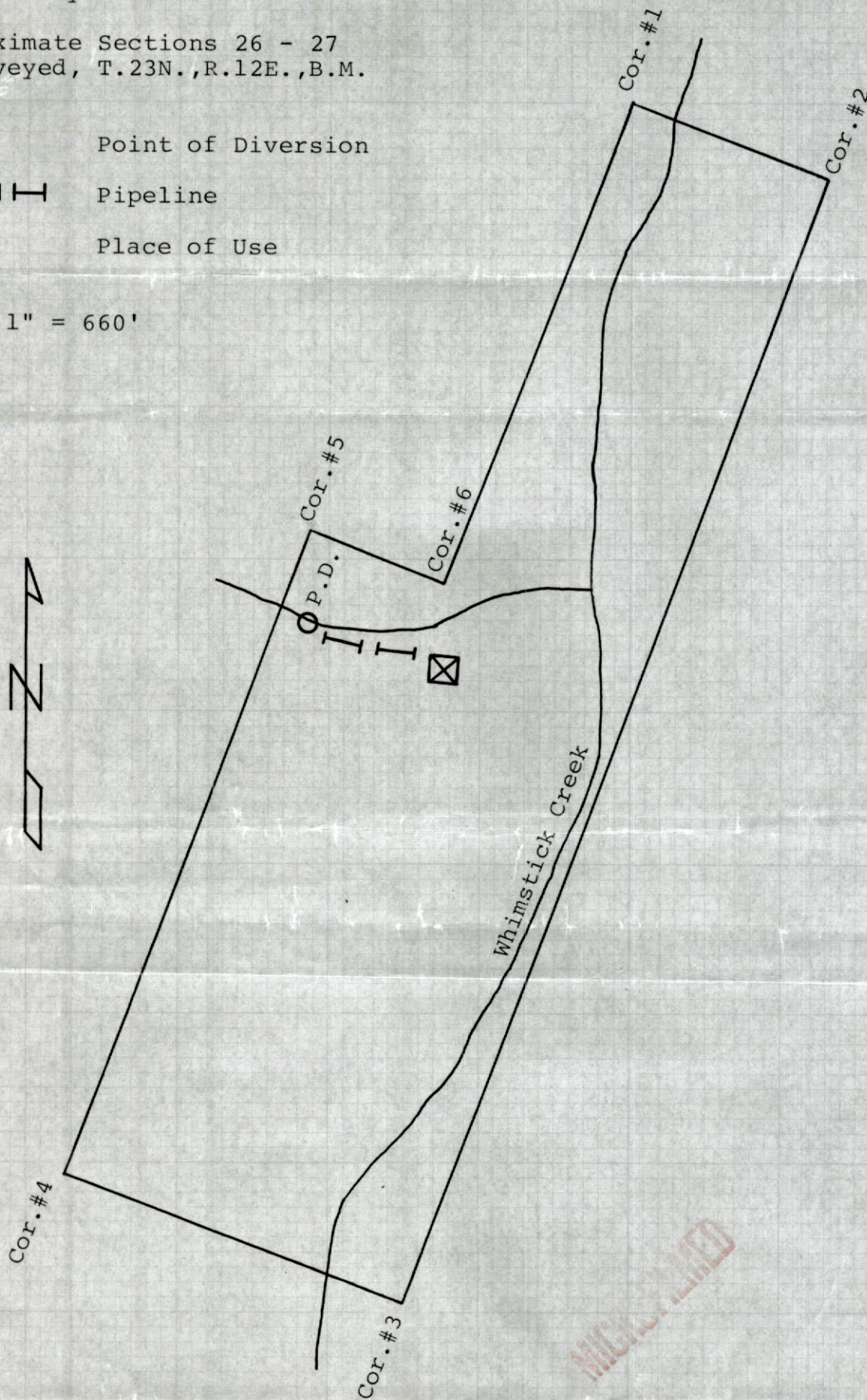
Approximate Sections 26 - 27
Unsurveyed, T.23N., R.12E., B.M.

○ Point of Diversion

III Pipeline

☒ Place of Use

Scale 1" = 660'



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No. 77-4087
RECEIVED
DEC 16 1977
Department of Water Resources
Western Regional Office

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 Flying Resort Ranches, Inc.
(Name of Claimant)

c/o Dōn Ellsworth, Box 2336, Idaho Falls, ID 83401 Telephone No. (208) 523-1662
(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) July 15, 1960

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) Chamberlain Creek tributary
Unnamed fork of Whimstick Creek tributary to _____ to Salmon River _____

(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, gpd, AFA)		(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> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>

(4) TOTAL QUANTITY USED.

(cfs. gpd. AFA)

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

1/4	1/4, Sec.	Twp.	Rge.	B.M., County of	Idaho
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Additional points of diversion: Approximately 375 ft. southerly from corner #5 of H.E. Survey No.298, situated in approximate Sec. 26 & 27, unsurveyed T23N,R12E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, B.M. etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dam and 500 feet of 1½ inch pipeline.

(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 _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic water use is for a cookhouse, wash house, and lodge.

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: Flying Resort Ranches, Inc., an Idaho Corporation

MICROFILMED

[illegible]

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.

Sworn to before me this 10th day of November, 1981

My commission expires lifetime

Received by JKA Date 12/10/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by JKA Date 12/10/81 # 21808
Published in Idaho County Free Press _____
Dates 1/7 & 1/14/82

H.E. Survey No. 298

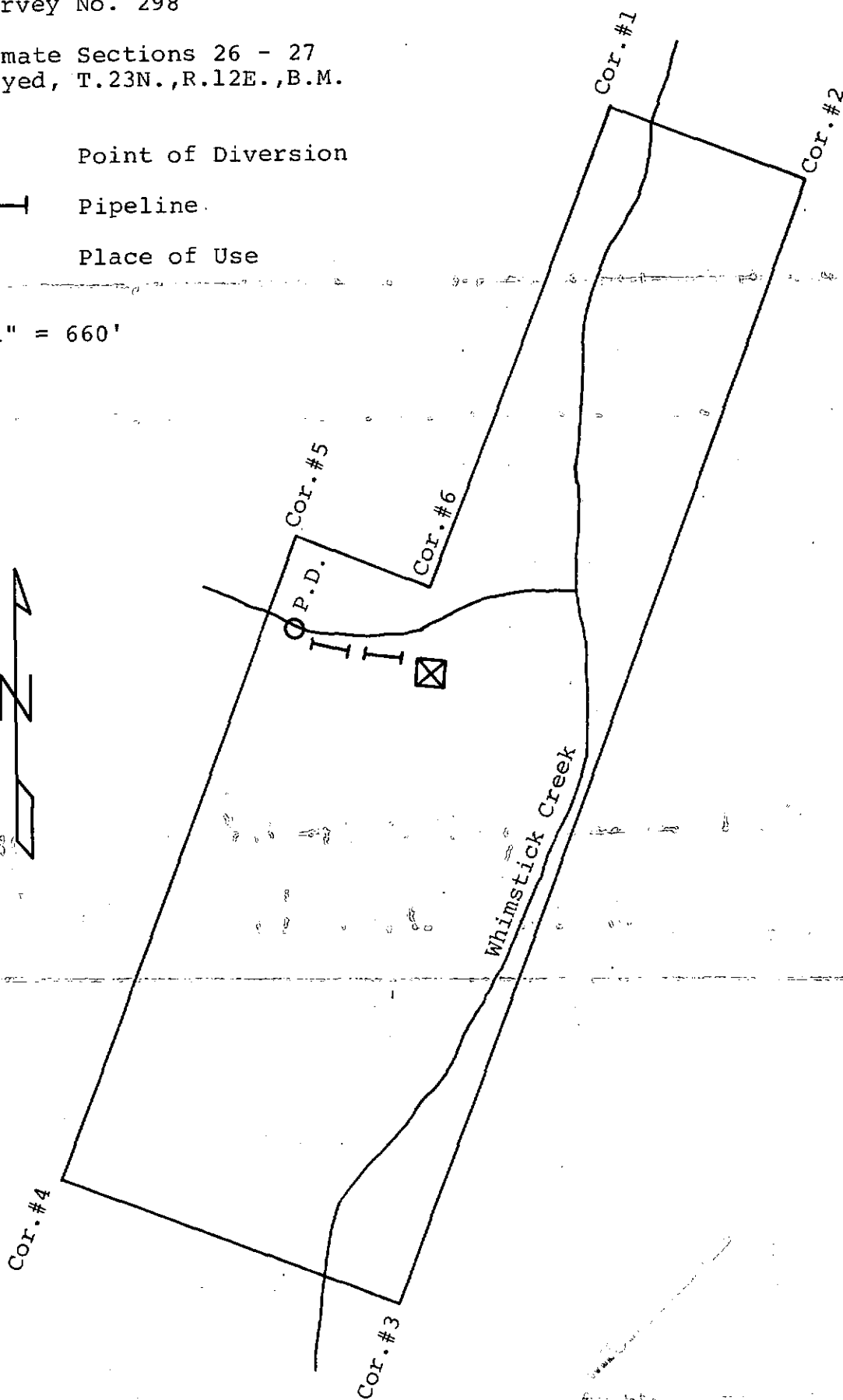
Approximate Sections 26 - 27
Unsurveyed, T.23N., R.12E., B.M.

○ Point of Diversion

III Pipeline

☒ Place of Use

Scale 1" = 660'



STATE OF IDAHO

County of Valley

55

Beryl Baker

being duly sworn deposes

and says, I am the bookkeeper of the Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the Not. of Claims to Water copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 7 19 82 and ended January 14 19 82.

1455

Subscribed and sworn to before me this the
day of January, 19 82

McLoughlin
Notary Public in and for the State of
Idaho, residing at Meridian
therein.

APPROVED

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:

FLYING RESORT
RANCHES INC.
C/O DON ELLSWORTH,
P.O. BOX 2336, IDAHO
FALLS, ID 83401
Source: BRUSH CREEK
tributary to SALMON
RIVER, MIDDLE FORK
Priority Date: 06-30-1958
Amount: 5.90 CFS
Diversion Point: SWNE
Sec 28 T 19N R 14E,
VALLEY Co.
Use: POWER (5.90 CFS)
from 01-01 to 12-31
DOMESTIC (0.08 CFS) from
01-01 to 12-31
Place of Use: LOT 06
(NESW) Sec 27 T 19N R 14E
Diversion Means: DAM &
PIPE MAINLINE
77-4087
FLYING RESORT
RANCHES INC.
C/O DON ELLSWORTH,
P.O. BOX 2336, IDAHO

FALLS, ID 83401
Source: UNNAMED
Stream tributary to
WHIMSTICK CREEK
Priority Date: 07-15-1960
Amount: 0.04 CFS.
Use: DOMESTIC (0.04
CFS) Valley Co. from 01-01
to 12-31.

REMARKS: H.E. Survey
No. 298, Approx. Sec. 26 & 27,
Unsurveyed T23N, R12E.
B.M.

65-16007
WILLIAMS, MARVIN D.
1378 W. MELROSE,
BOISE, ID 83706

Source: GROUNDWATER
Priority Date: 09-30-1978
Amount: 0.04 CFS
Diversion Point: SWNE
Sec -32 T 16N R 03E,
VALLEY Co.

Use: DOMESTIC (0.04
CFS) from 01-01 to 12-31
Place of Use: SWNE Sec
32 T 16N R 03E
Diversion Means: WELL,
PUMP & PIPELINE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

CH DUNN
Director

Published 1-7 & 1-14-82

THE
FEDERAL
BUREAU OF
INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

JAN 15 1962

Department of Water Resources
Western Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 5, 1995

Mr. Bill Guth
Box 770
Salmon, ID 83467

RECEIVED

JAN 09 1995

Department of Water Resources

RE: Recorded Water Rights

Dear Mr. Guth:

Enclosed please find copies of water right no. 77-04087 and adjudication claim no. A77-04087 that are filed with this agency. The adjudication claim has been filed to protect the water right as required by the ongoing Snake River Basin Adjudication process.

Water right no. 77-04087 is a statutory claim ("grandfather right") based on Section 42-243, Idaho Code. A statutory claim is a non-verified form of a water right that can be "ripened" into a decreed right via an adjudication. Statutory claims are legitimate forms of water rights under Idaho law unless found otherwise in court proceedings.

In this particular case, it appears that the statutory claim route has been used to record a use preceeding the mandatory permit date for surface water uses. Surface water uses developed on or after May 20, 1971 require water right permits instead of statutory claims.

Please let me know if you need more help in this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

01 WATER RIGHT NUMBER - 77-4087 02 OLD (D) NUMBER -

LAST NAME
03001 - FLYING RESORT RANCHES INC.FIRST NAME
04001 -ORIG. OWNER
05001 - C

06 ADD LINE 1 - C/O DON ELLSWORTH

07 ADD LINE 2 - P.O. BOX 2336

08 ADD LINE 3 -

09 CITY - IDAHO FALLS

10 STATE - ID

11 ZIP - 83401

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - UNNAMED STREAMTRIBUTARY OF
15001 - WHIMSTICK CREEK

16 DIVERSION MEANS - DAM & PIPELINE

17 COUNTY - 49 IDAHO

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .040

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----						-----			
TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS	
22001 -	23001 -	24001 -	25001 -	26001 -	27001 -				
			28001 -						

29 NON-IRRIGATION USE - D/COOKHOUSE, WASH HOUSE & LODGE

----- PLACE OF USE -----				-----		
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 -	31001 -	32001 -	33001 -	34001 -	35001 -	36001 -
						TOTAL ACRES: 0

----- WATER USE -----			-----	
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 43 DOMESTIC	40001 - 0.040	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - P/D & P/U INCOMPLETE. SEE FILE. H.E. SURVEY NO. 298.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 PRIORITY	- 15-JUL-1960	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		
54 LAST UPDATE	- 25-MAR-1986	62 DATE_2	-		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JANUARY 27, 1982

FLYING RESORT RANCHES INC.
C/O DON ELLSWORTH
P.O. BOX 2336
IDAHO FALLS ID 83401

RE: Claim No. 77-4087

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,

DAVID B. SHAW
Western Region Supervisor

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 625

Right Number 77-4087

Applicant Flying Resort Ranch, Inc.

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. 2720/0920/2490/0060/060/060 A=0.2
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 1/5/82
- ☒ Claim published correctly. Idaho County Press Press
- ☐ Exceptions processed. 1/4 & 1/4/82
30.00 / 21000

By DBS

Date 1/25/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW

Date 1/28/82

RECEIVED

JAN 28 1982

Department of Water Resources

Called Mr. Ellsworth, he indicated that the H.E. was correct and he did the survey. Our county maps show Whimstick creek as being in Sec 19 rather than 26-27.

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

DECEMBER 23, 1981

Idaho County Free Press
Box 267
Granseville, ID 83530

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 JANUARY 25, 1982.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

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A. KENNETH DUNN

Director

Published 1/7 & 1/14/82.

MICROFILMED

ZZ-408Z

FLYING RESORT RANCHES INC.

C/O DON ELLSWORTH, P.O. BOX 2336, IDAHO FALLS, ID 83401

Source: UNNAMED STREAM tributary to WHIMSTICK CREEK

Priority Date: 07/15/1960

Amount: 0.04 CFS

Use: DOMESTIC

Valley Co.
(0.04 CFS) from 01/01 to 12/31

Diversion Means: DAM & PIPELINE

REMARKS: H. E. SURVEY NO. 298, Approx. Sec. 26 & 27, Unsurveyed T23N, R12E, B.M.

RECEIVED
JAN 10 1961