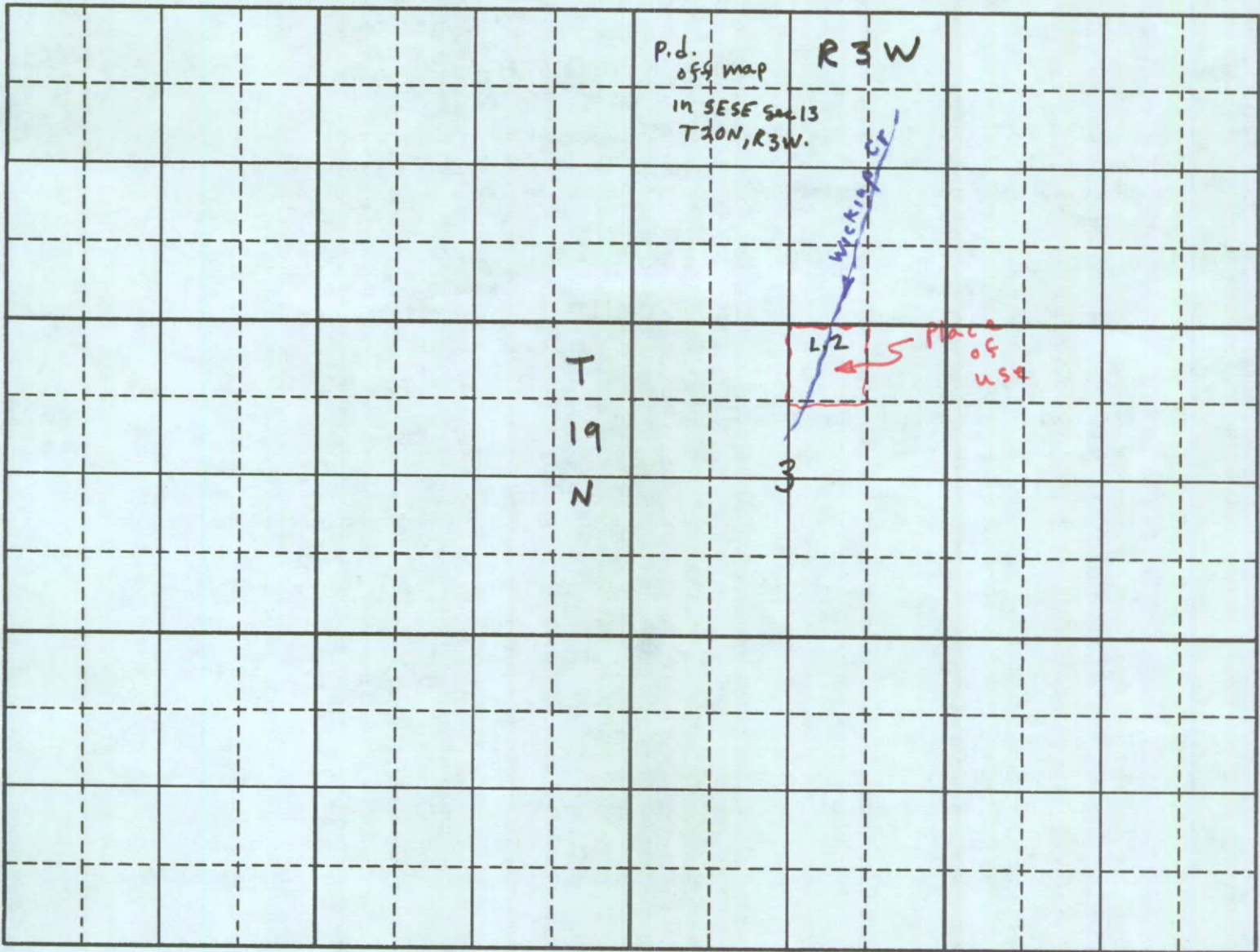


(8) Remarks Refer to affidavit



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 Ada) 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 affiants knowledge.

Sworn to before me this 7 day of February, 1977

Notary Public

Residing at

My commission expires

11-25-78

For Department Use Only

Received by <u>lys</u>	Date <u>2-7-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>lys</u>	Date <u>2-7-77</u>		claimant by:	
\$10.00 fee received by <u>my</u>	Date <u>2-7-77</u> # <u>6620</u>			
Approved for publication by				
Published in <u>Adams County Leader</u>				
Dates <u>Feb 17-24</u>				

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim to a W

No. 69-4010

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated

Feb 17-77
~~February 24, 1977~~

Feb.

and the last in the issue dated February 24, 1977 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this

day of

, 19

Reney

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 69-4010

Notice is hereby given that ALICE V. STANLEY, Bear Creek Ranch, Bear Star Route, Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Bear Creek with the point of diversion in the SE¼-SE¼ Sec 13 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec 31 for stockwater purposes with a priority of 1895; the place of use is within Government Lot 2 Sec 3 T19N-R3W B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, ID on February 17, 1977 and February 24, 1977.

RECEIVED
MAR 1 1977

Department of Water Resources
Western Regional Office

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3-3-77
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Dept of Water Resources.

STATE HOUSE

Bosier, Idaho

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83420
MAR 1 1977

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MAR 1 1977

Department of Water Resources

Department of Water Resources
Western Regional Office

Dear Sirs,

In the Feb 17, 1977 issue of the "Adams County Leader" there were three filings on Water by Alice V. Stanley of Bear, Idaho. We, the people of Bear would like to file our official protests to Notice of Claim to Water Rights No. 69-4009 and No 69-4010. Our reasons follow

No. 69-4009:

She asked for a priority of 1895 and as of 1897 the homestead of said property had not been "proved up" and the stated land has gone un irrigated for considerably more than 3 consecutive years which disproves any claim to the water prior to 1977.

No. 69-4010:

She's asking to flow water through the Bear Ditch with a priority of 1895 and the ditch wasn't even built till 1901. Further, she's made

RECEIVED

no coordination to take said water
from the Bear Ditch through approx-
imately 1/4 miles of private land.

As to her application of Water permit
we find no objections as long as her
date of filing is her date of priority.

Thank You,

John E. Dyer

John E. Dyer III

Mavis Mc Gahey

Mavis Mc Gahey

Bert Warner

Bert Warner

Joe Warner

Joe Warner

Kenneth R. Pearson

ALL of Bear, IDAHO. 83612

1025 Greenwood Circle
Boise, IDAHO 83706

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that ALICE V. STANLEY
(name of claimant)
of Bear Creek Ranch, Bear Star Route, Council, claims a right to the diversion and beneficial use of
(mailing address) Idaho 83612
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Bear Creek, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--------------------|-----------------------|--|
| Amount <u>0.04</u> | Use <u>stockwater</u> | Period of Use: From <u>1-1</u> To <u>12-31</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1895

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 13 Twp. 20N Rge. 3W B. M. County of Adams
Additional points of diversion: _____

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.
The water is diverted into the Bear Community ditch. The water then comes down the Wickiup drainage to the place of use

- (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	
19N	3W	3		X															
				L 2															

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Approximately 100 head maximum would be watered

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

UNRECORDED

P.d. off map
in SESE Sec 13
T40N, R3W.

WICKING

Place of use

T19N

R3W

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 affiants knowledge.

Alvin Stanley
(Claimant)
May 1977, 19
Lyle Glen Saxton
Notary Public
Residing at Boise Idaho

For Department Use Only

Received by YLS Date 2-7-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by YLS Date 2-7-77 claimant by: _____
\$10.00 fee received by MY Date 2-7-77 #6620
Approved for publication by _____
Published in Adams County Leader _____
Dates Feb 17 & 24 _____

Jan
1977

Copy

A F F I D A V I T

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

I, HUGH SMITH, being duly sworn on oath depose and say the following:

1. That FRANK J. SMITH, affiant's grandfather, worked on the Community Bear Ditch which empties into Wickiup Creek that flows through the 78.57 acres described in that certain Real Estate Sales Contract of even date herewith, between HUGH S. SMITH and GLADYS SMITH as Sellers, and ALICE V. STANLEY as Buyer.

2. That Frank J. Smith died in 1895 so that any work that he did on the ditch was done prior to that time.

3. That said land had previously been owned by Clarence Smith A/K/A Cod Smith who was the brother of Frank J. Smith and the grandfather of affiant.

4. That this water runs from the Bear Ditch into Wickiup Creek which eventually flows across the 78.57 acres described as Lot One (1) and Two (2) in Section Three (3) in Township Nineteen (19) North, Range Three (3) West of Boise Meridian and that this water has been used for watering livestock since 1895 and has specifically been used for watering of cattle during the last five (5) years.

WITNESSED my hand this ^{7th} 25 day of January, 1977.

Hugh S. Smith
HUGH SMITH

SUBSCRIBED AND SWORN to before me this ^{7th} 25 day of JANUARY, 1977.

Glen M. Richman
NOTARY PUBLIC
Residing In: South Lake City, Utah

My Commission Expires:

Aug-11, 1977

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Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to a Water

No. 69-4010

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated

Feb 17-77
~~February 23-1977~~

Feb.

and the last in the issue dated February 24, 1977 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this

day of

, 19

Dorothy Stearns

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 69-4010

Notice is hereby given that ALICE V. STANLEY, Bear Creek Ranch, Bear Star Route, Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Bear Creek with the point of diversion in the SE¼-SE¼ Sec 13 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec. 31 for stockwater purposes with a priority of 1895; the place of use is within Government Lot 2 Sec 3 T19N-R3W B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, ID on February 17, 1977 and February 24, 1977.

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Department of Water Resources
Western Regional Office

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3-3-77
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ENCLOSURE

10000

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim to a Water Right "

No. 69-4010 as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the

same being made in the issue dated Feb. 17-77
~~February 25-1977~~ Feb. 19.1977

and the last in the issue dated February 24.1977
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this

day of , 19.

Dorothy H. H. H.

Notary Public for Idaho,
Residing at Council, Idaho

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Department of Water Resources
Western Regional Office

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3-3-77
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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 69-4010

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
☐ Papers Sent

(1) W 2-7-77

In form to receipt

(2) _____

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) W 2-7-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) W OK

Affidavit of Publication received (date) 3-3-77

(12) _____

Final date for protest N/A
Protests received yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☐ Approve ☐ Deny

☐ Proposed Priority

☐ Reason for Reduction _____

☐ Measuring device required

☐ See attached sheet for other conditions of approval

☐ No special conditions for approval

(15) District W

By W Date 3-8-77

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 9, 1977

RE: 69-4010

Alice V. Stanley
Bear Creek Ranch
Bear Star Route
Council, ID 83612

Dear Ms. Stanley:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, 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,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:

Enclosure

RECEIVED

March 3, 1977

Re: Claim to a Water Right No. 69-4009 and 69-4010

Mrs. Alice V. Stanley
Bear Creek Ranch
Bear Star Route
Council, ID 83612

Dear Mrs. Stanley:

Pursuant to our letter of March 2, 1977, please be advised that Kenneth R. Pecura of Boise, Idaho has also signed the letter of exception of the above referenced claims.

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

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MAR 10 1977
FBI - BOISE

March 3, 1977

Re: Claim to a Water Right Nos. 69-4009 and 69-4010
(Alice V. Stanley)

Kenneth R. Pecura
1025 Greenwood Circle
Boise, ID 83706

Dear Mr. Pecura:

This office acknowledges receipt of your exception on the above referenced claim to a water right. The following is a portion of Section 42-225b, Idaho Code related to the filing of a claim to a water right:

"At anytime after the filing of a claim, 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."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for information or final censorship of the described claim.

In the letter of protest, reference is made to three (3) years of non-use. The Idaho Code states that a right can be lost thru five (5) consecutive years of non-use under a given set of circumstances.

If we can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

MICROFILMED

March 2, 1977

Re: Claim to a Water Right No. 69-4009 and 69-4010
(Alice V. Stanley)

John E. Dyer
Bear,
Idaho 83612

Dear Mr. Dyer:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The following is a portion of Section 42-225b, Idaho Code related to the filing of a Claim to a Water Right:

"At anytime after the filing of a claim, 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."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

In your letter of protest you made reference to three (3) years of non-use. The Idaho Code states that a right can be lost thru five (5) consecutive years of non-use under a given set of circumstances.

If we can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: John E. Dyer III
Mavis Gahey
Bert Warner
Joe Warner

RECORDED

March 2, 1977

Re: Claim to a Water Right No. 69-4009 and 69-4010

Alice V. Stanley
Bear Creek Ranch
Bear Star Route
Council, ID 83612

Dear Mrs. Stanley:

Enclosed is a copy of an exception filed by John E. Dyer III, Mavis McGahey, Bert Warner and Joe Warner in connection with the above referenced claim as provided by Chapter 2, Section 42-225b of the Idaho Code, which states in part the following:

"At anytime after the filing of a claim, 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."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final ~~consort~~ship of the described claim.

I would suggest, however, that you review the claims you have submitted and make any appropriate changes, if any.

If we can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

February 11, 1977

RE: Notice of Application for Permit No. 67-7296 - Butterfield
67-7297 - Veselka
69-7021 - Stanley
Notice of Claim to a Water Right No. 69-4009 - Stanley
69-4010 - Stanley
69-4011 - Ernest

Adams County Leader
Council, ID 83712

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. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before March 3, 1977.

Sincerely,

MICROFILMED

Bill submitted
3-3-77
y

NOTICE OF CLAIM TO A WATER RIGHT

No. 69-4010

Notice is hereby given that Alice V. Stanley
Bear Creek Ranch, Bear Star Route, Council, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~acres~~ feet of water
from Bear Creek
with the point of diversion in the SE1/4 Sec 13 T20N-R3W B.M., Adams
County

The water is claimed to be used from Jan 1 to Dec 31
for stockwater purposes

with a priority of 1395;
the place of use is within ~~the~~ Government Lot 2 Sec 3 T19N-R3W B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, ID
on February 17, 1977 and February 24, 1977

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