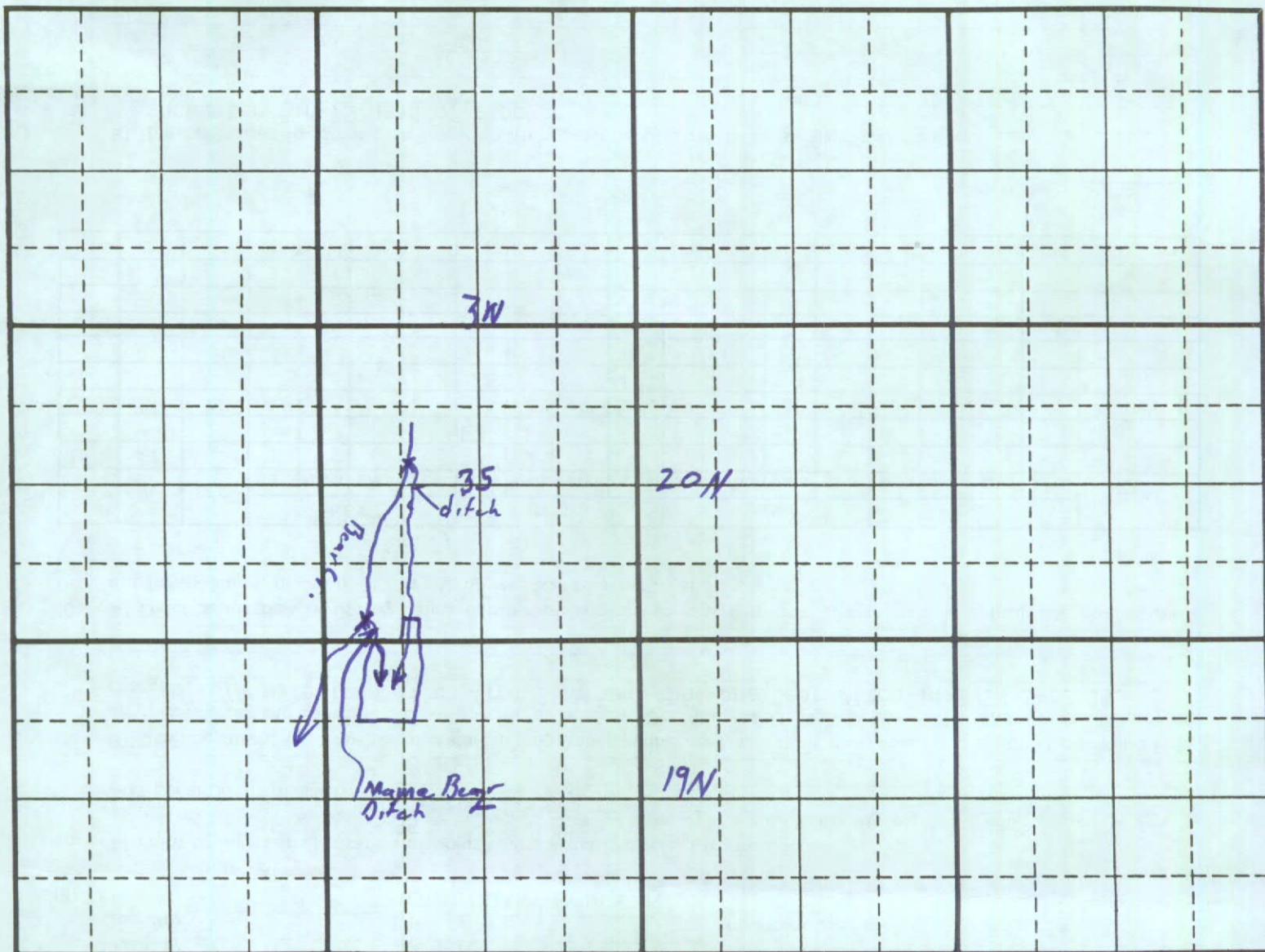


(8) Remarks _____



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 Gem) 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.

x Olud. Stanley
(Claimant)

Sworn to before me this 25 day of September 1978.

[Signature]
Notary Public
Residing at Emmett

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by 6Ls Date 9/25/78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date 9-25-78 claimant by: [Signature] 11-27-78
\$20.00 fee received by [Signature] Date 9-25-78 # 12438
Published in adams Co. Leader
Dates 10/26/78 & 11/2/78

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 Amended Claim

No. 69-4009 Alice V Stanley 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 October 26.1978

and the last in the issue dated November 2.1978 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 2nd

day of November, 1978

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 69-4009

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 0.6 cubic feet per second of water from Bear Creek tributary to Wild Horse Creek with the point of diversion in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec 35 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec 31 for stock-water purposes and from May 1 to Nov 1 for irrigation of 25 acres with a priority of 1895. The place of use is within the SE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec 35 T20N-R3W B.M.; Government Lots 3 & 4 Sec 2 T19N-R3W B.M.

The Claimant proposes to amend the claim by changing the priority date to January 1, 1901 and by adding a point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 T-20N-R3W B.M.

Any exception to this amended claim of water right may be filed with the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

Published in the Adams County Leader on October 26, 1978 and November 2, 1978.

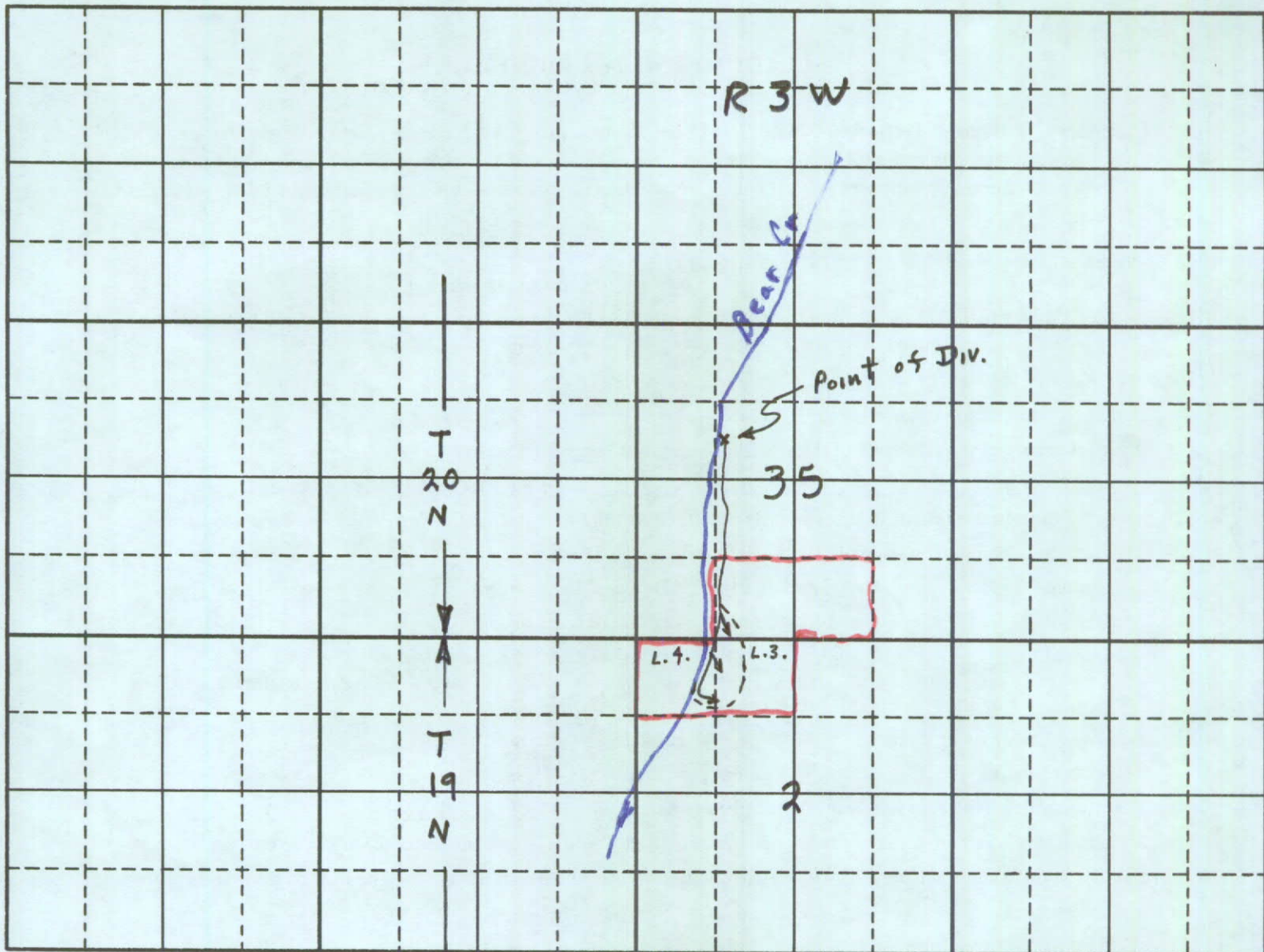
OK
st
11-20-78

RECEIVED
NOV 2 1978

Department of Water Resources
Boise, Idaho

MICROFILMED

(8) Remarks Refer to attached 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, 19 77.

Olaf Stanley
(Claimant)
Fyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by HS Date 2-7-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HS Date 2-7-77 claimant by: _____
\$10.00 fee received by HS Date 2-7-77 # 6620
Approved for publication by _____
Published in Adams County Leader John E. Piper _____
Dates February 17+24 _____

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

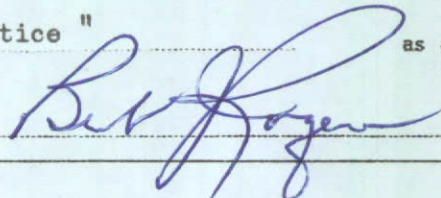
Leader, a newspaper; that a copy of the "Notice of Claim to

No. 69-4009 Alice V Stanley 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 February 17, 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 uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

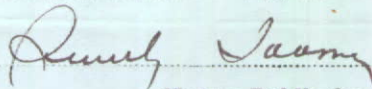
said " Notice " as aforesaid.



Subscribed and sworn to before me this

day of

, 19



Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 69-4009

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 0.6 cubic feet per second of water from Bear Creek trib. Wild-horse Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec 31 for stockwater purposes and from May 1 to Nov 1 for irrigation of 25 acres with a priority of 1895; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 T20N-R3W B. M.; Government Lots 3 & 4 Sec 2 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.

MAR 1 1977

Department of Water Resources
Western Regional Office

OK 77
3-3-77

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT A M E N D E D

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 Alice V. Stanley
(Name of Claimant)
Bear Creek Ranch, Bear Star Rt. Council, ID 83612 Telephone No. 258-4381
(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) 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)
Bear Creek tributary to Wild Horse 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.50</u>	Use	<u>Irrigation</u>	Period of Use From <u>5/1</u>	To <u>11/1</u>
Quantity	<u>0.10</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
Quantity		Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 35 Twp. 20N Rge. 3 W B.M., County of Adams
Additional points of diversion: SWSW Sec 35.

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. 3/4 mile long ditch from SENW and the Mama Bear Ditch in SWSW Sec. 35.

(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.

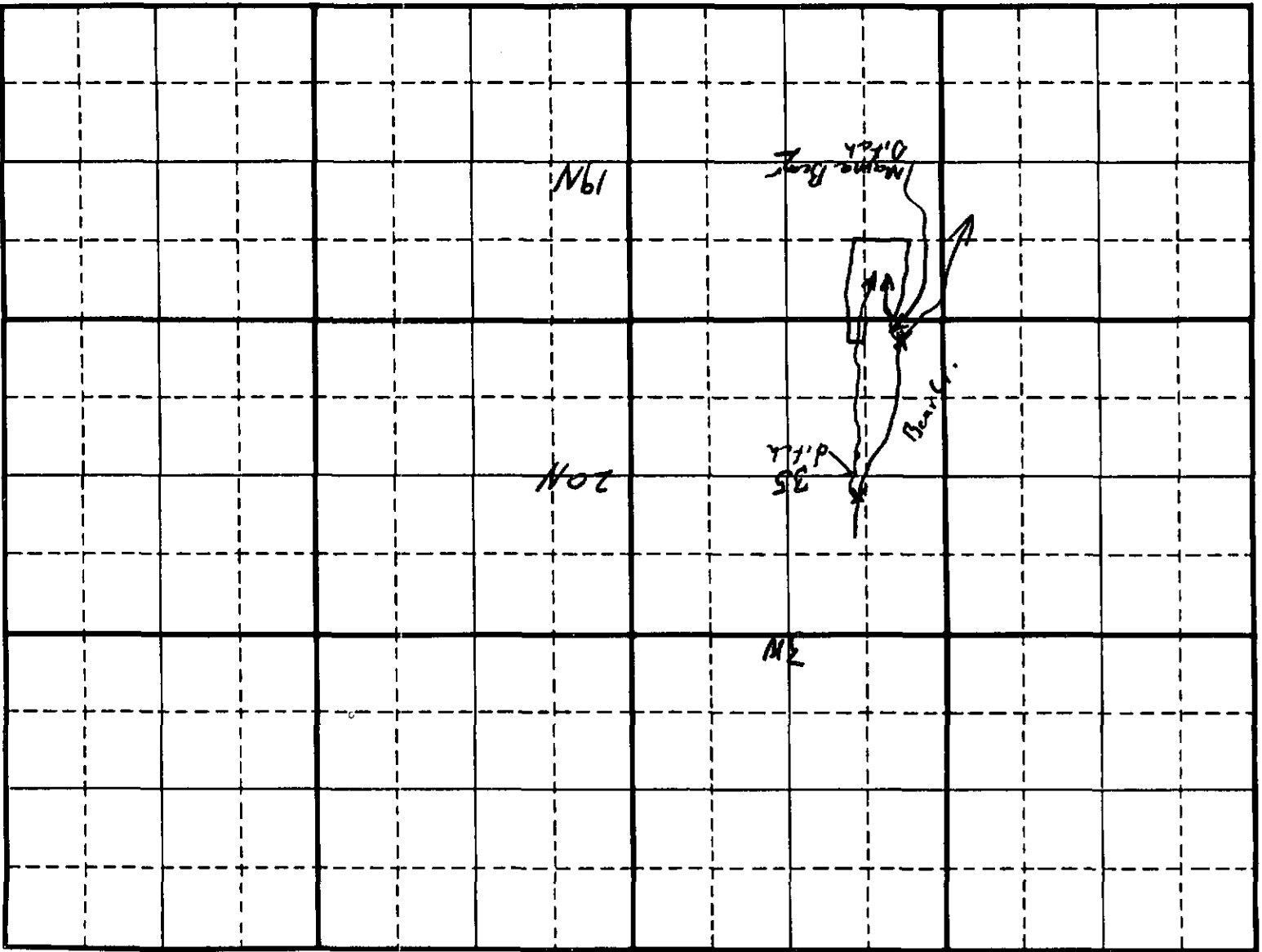
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	3W	2					8	15											23
							13	14											
20N	3W	35												2					2

No. of acres 25

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 75 head of stock

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:



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 Gem
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.



My commission expires

lifetime

25 day of September

(Claimant)

x *Paul Stanley*

Notary Public

Residing at

Emmett

FOR DEPARTMENT USE ONLY

Exception filed by:

Date *9/25/78*

Date *9-25-78*

Date *9-25-78*

12438

Forwarded to

claimant by:

Date

11-27-78

Dates

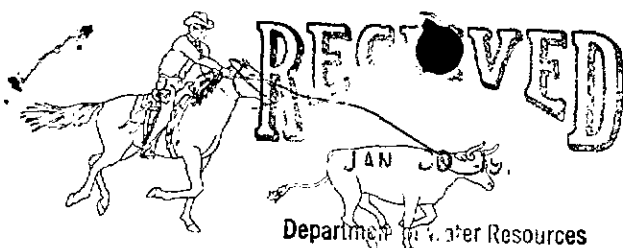
Published in

\$20.00 fee received by

Prelim. check by

Received by

665



SEVEN DEVILS RANCH

BEAR, STAR ROUTE, COUNCIL, IDAHO 83612

RECEIVED

Department of Water Resources
Operated by John & Jane Gillemot/Dyer Regional Office

PHONE: (208) 888-1423 (ask for Unit 2584) 258-4511 JAN 30 1979

1-25-79

Department of Water Resources

Dept of Water Resources
State Office
373 W. FRANKLIN ST.
Boise Idaho

Reference Permit
69-4009

Dear Sir

Reference the Permit # 69-4009 filed by
Mrs Alice Stanley AND my Ltr to you dtd 2-26-77
AND your Ltr to me dtd MAR 2, 1977.

I objected to the claim due to non-use
AND only stated 3 yrs in my Ltr. I now have
proof on 7 consecutive years of non-use & that
should discard any claim to priority beyond
1977.

I am sure that there is ample water
for all to use but cooperation is essential
to maintaining water ditches, etc.

Thank you again for your cooperation in
this matter.

Sincerely

WORKING CATTLE RANCH • WILDERNESS GUEST RANCH • SADDLE HORSES • TRAIL RIDES •
PACK-IN FISHING TRIPS • BONDED & LICENSED OUTFITTERS & GUIDES • ELK, DEER & BEAR HUNTS

Gillemot/Dyer Recreational Development

**NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
NO. 69-4009**

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 0.6 cubic feet per second of water from Bear Creek tributary to Wild Horse Creek with the point of diversion in the SE¼-NW¼ Sec 35 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec 31 for stock-water purposes and from May 1 to Nov 1 for irrigation of 25 acres with a priority of 1895. The place of use is within the SE¼-SW¼ Sec 35 T20N-R3W B.M.; Government Lots 3 & 4 Sec 2 T19N-R3W B.M.

The Claimant proposes to amend the claim by changing the priority date to January 1, 1901 and by adding a point of diversion in the SW¼SW¼ Sec 35 T-20N-R3W B.M.

Any exception to this amended claim of water right may be filed with the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

Published in the Adams County Leader on October 26, 1978 and November 2, 1978.

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 Amended Cla

No. 69-4009 Alice V. Stanley 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 October 26.1978

and the last in the issue dated November 2.1978 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 2nd

day of November , 19 78

Notary Public for Idaho,
Residing at Council, Idaho

OK
11-20-78

MICROFILMED

2-26-77.

Dept of Water Resources.
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
MAR 1 1977

RECEIVED

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

MICROFILMED

no coordination to take said water
from the Bear Ditch through approx-
imately 1 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

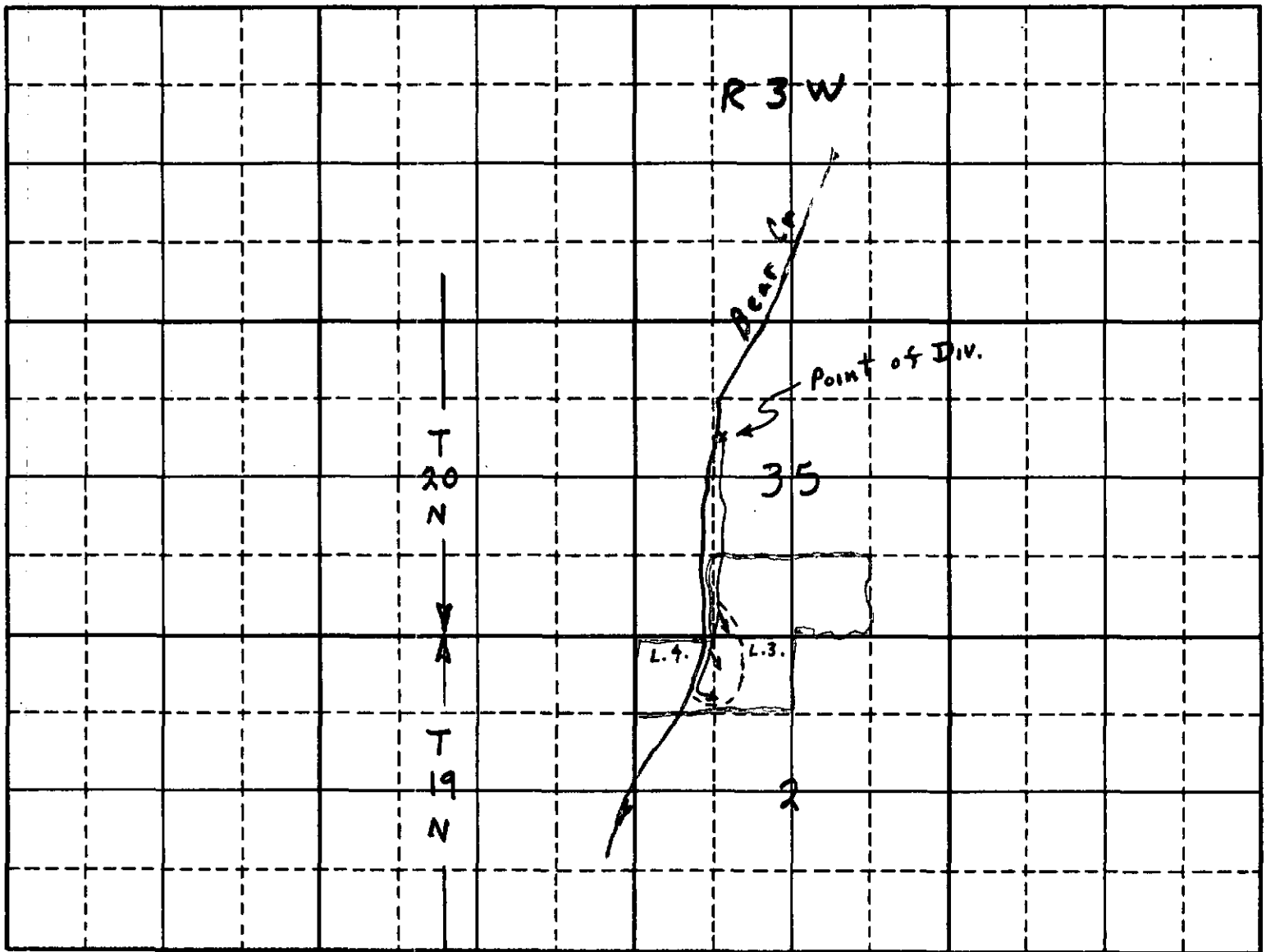
Joe Warner

1025 Greenwood Circle
Boise, ID 83700
83700

ALL of Bear, IDAHO. 83612

RECEIVED

(8) Remarks Refer to attached 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.

Oliver Stanley
(Claimant)
Fyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by HS Date 2-7-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HS Date 2-7-77 claimant by: _____
\$10.00 fee received by HS Date 2-7-77 # 6620
Approved for publication by _____
Published in Adams County Leader John E. Piper _____
Dates February 17+24 _____

A F F I D A V I T

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

HUGH S. SMITH, being duly sworn on oath deposes and says the following:

1. That Frank J. Smith, affiant's grandfather, built and used the existing ditch which runs from Bear Creek approximately three quarters of a mile north of the land presently known as Bear Creek Ranch.

2. That the ranch was previously owned by Frank J. Smith and water from this ditch was used for irrigation and watering of livestock.

3. That this ditch was built prior to 1895 and that is the year in which Frank J. Smith died and after his death Orson Smith lived on this land and enlarged and maintained the ditch.

4. That said water from this ditch has been used specifically during the last five years for livestock and irrigation.

WITNESS my hand this 3rd day of February, 1977.

Hugh S. Smith
HUGH S. SMITH

Gladys Smith
GLADYS SMITH

SUBSCRIBED AND SWORN to before me this 3rd day of February, 1977.

Sylvia Moreno
NOTARY PUBLIC
Residing in Salt Lake City, Utah

My Commission Expires:

November 1, 1980

MICROFILMED

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

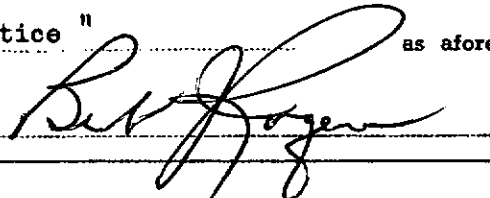
Leader, a newspaper; that a copy of the "Notice of Claim to

No. 69-4009 Alice V Stanley 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 February 17, 1977

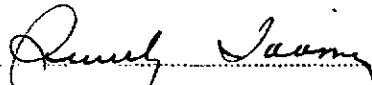
and the last in the issue dated February 24, 1977 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight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

said " Notice " as aforesaid.



Subscribed and sworn to before me this

day of , 19.



Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 69-4009

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 0.6 cubic feet per second of water from Bear Creek trib. Wildhorse Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec. 31 for stockwater purposes and from May 1 to Nov 1 for irrigation of 25 acres with a priority of 1895; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 T20N-R3W B. M.; Government Lots 3 & 4 Sec 2 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.

FILED 2 1977

Department of Water Resources
Western Regional Office

OK 77
3-3-77

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No. 69-4009

☒ 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

(1) COB 26 Sept

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
_____ Request Dam Safety Information

(4) COB 26 Sept

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) JA 11-20-78

Affidavit of Publication received (date) 11-7-78

(12) _____

Final date for protests _____
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 [Signature] Date 11/24/78

RECEIVED
NOV 28 1978

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

October 17, 1978

Adams County Leader
Box 23
Council, ID 83612

RE: Notice Of Amended Claim To A Water Right No. 69-4009
in the name of ALICE V. STANLEY

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 November 13, 1978.

Sincerely,

RITA FLECK
Secretary

ST/

MICROFILMED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT
NO. 69-4009

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 0.6 cubic feet per second of water from Bear Creek tributary to Wild Horse Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T20N-R3W B.M., Adams County.

The water is claimed to be used from Jan 1 to Dec 31 for stockwater purposes and from May 1 to Nov 1 for irrigation of 25 acres with a priority of 1895. The place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 T20N-R3W B.M.; Government Lots 3 & 4 Sec 2 T19N-R3W B.M.

The Claimant proposes to amend the claim by changing the priority date to January 1, 1901 and by adding a point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35 T20N-R3W B.M.

Any exception to this amended claim of water right may be filed with the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

Published in the Adams County Leader on October 26, 1978 and November 2, 1978.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

October 17, 1978

Adams County Leader
Box 23
Council, ID 83612

RE: Notice Of Amended Claim To A Water Right No. 69-4009
in the name of ALICE V. STANLEY

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 November 13, 1978.

Sincerely,

RITA FLECK
Secretary

ST/

RECEIVED
NOV 15 1978

February 2, 1979

RE: Claim to a Water Right No. 69-4009

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

Dear Mr. Stanley:

Enclosed is a copy of an exception filed by John E. Dyer in connection with the above reference claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation the right claimed, since Section 42-244 Idaho Code 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 a ~~aff~~idavit 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."

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

Sincerely,

DAVID B. SHAW
Western Regional Supervisor

DBS:kk

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

February 2, 1979

(203) 384-2190

Mr. John E. Dyer
Bear, Star Route
Council, ID 83612

RE: Claim to a Water Right No. 69-4009

Dear Mr. Dyer:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation the right claimed, since Section 42-244 Idaho Code 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."

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

Very truly yours,

DAVID B. SHAW
Western Regional Supervisor

DBS:kk

September 28, 1977

Re: Claim No. 69-4009

Ms. Alice V. Stanley
Bear Creek Ranch
Bear, Idaho 83612

Dear Ms. Stanley:

We acknowledge receipt of the affidavits submitted by Mr. John E. Dyer, Mavis McCahoy, Bert Warner and Joe Warner on the above referenced claim. These affidavits have been filed in Claim No. 69-4009.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:JFR

Bear Creek Ranch
Bear, Idaho 83612

August 24, 1977

Dept. of Water Resources
92 South Cole Road
Boise, Idaho 83705

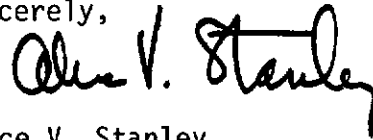
Dear Mr. Saxton:

Enclosed please find two affidavits contricting claims made by Mr. John E. Dyer, Mavis McGahey, Bert Warner and Joe Warner concerning water claim #69-4009 made by me. Please note that John Dyer has only lived at and operated the Seven Devils Cattle Ranch here at Bear, Idaho since the summer of 1976, and that Mavis McGahey and Bert Warner are brother and sister and that Joe Warner is Bert Warner's son. At the time John Dyer wrote the enclosed photostated letter, both Bert Warner and Joe Warner were working for John Dyer helping to erect his new hay barn.

Yesterday, I went to visit Albert Campbell, owner of the O-X Ranch here in Bear, Idaho consisting of 23,000 acres and who is 88 years old and was celebrating his 53rd wedding anniversary in the Council, Idaho hospital and he told Mel Huffman and me that he believed that my Bear Creek Ranch was the first ranch settled up here at Bear, and that his father came to this part of Idaho in 1875 and at that time the Frank Smith family were living on this ranch and the water ditch that we've used for irrigation out of Bear Creek approximately 3/4 mile north of Bear Creek Ranch on the southeast side of the Bear County Road was dug by hand by Hugh Smith's grandfather, Frank Smith, who died in 1895.

On Bear Creek Ranch we have replaced many old wooden culverts with iron bands around them indicating that the ditches are very old indeed and there are some still in use that we have not replaced. All this information would concur with the affidavit I received from Hugh Smith in the winter of 1977.

Sincerely,



Alice V. Stanley

AVS:sr
Enclosures

RECEIVED
SEP 20 1977

Department of Water Resources
Western Regional Office

AFFIDAVIT

STATE OF IDAHO

COUNTY OF ADAMS

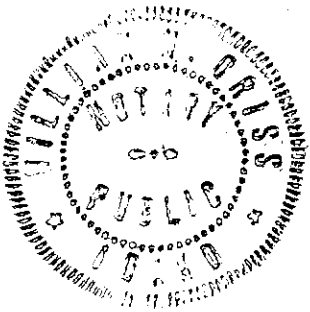
Dan Good, of Council, Idaho, being duly sworn on oath deposes and says the following:

1. That I worked on the Bear Creek Ranch, Bear, Idaho, owned by Alice V. Stanley, during the spring and summer of 1973 and part of my duties were to clean out the Bear Creek irrigation ditch and to use the water flowing from it for irrigation purposes on the Bear Creek Ranch. This water was diverted from Bear Creek approximately 3/4 of a mile north of the Bear Creek Ranch on the land owned by Mr. and Mrs. McGahey of Bear, Idaho.

WITNESS my hand this 17 day of September, 1977.

Dan Good
DAN GOOD

SUBSCRIBED AND SWORN to before me this 17 day of September, 1977.



William M. Laess
NOTARY PUBLIC
residing in Council

My commission expires

May 1980

RECEIVED

Department of Water Resources
Western Regional Office

AFFIDAVIT

STATE OF IDAHO

COUNTY OF ADAMS

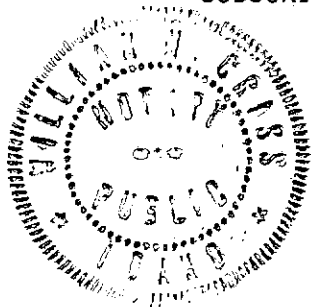
Forrest Good, of Council, Idaho, being duly sworn on oath deposes and says the following:

1. That I worked on the Bear Creek Ranch, Bear, Idaho, owned by Alice V. Stanley, during the spring and summer of 1973 and part of my duties were to clean out the Bear Creek irrigation ditch and to use the water flowing from it for irrigation purposes on the Bear Creek Ranch. This water was diverted from Bear Creek approximately 3/4 of a mile north of the Bear Creek Ranch on the land owned by Mr. and Mrs. McGahey of Bear, Idaho.

WITNESS my hand this 17 day of September, 1977.

Forrest Good
FORREST GOOD

SUBSCRIBED AND SWORN to before me this 17 day of September, 1977.



William M. Rios
NOTARY PUBLIC
residing in Council

My commission expires May 1980

RECEIVED
SEP 20 1977

Department of Water Resources
Western Regional Office

AFFIDAVIT

STATE OF IDAHO

COUNTY OF ADAMS

I, George Green of Council, Idaho being duly sworn on oath depose and say the following:

1. That in the spring of 1973 I worked on the Bear Creek Ranch, Bear, Idaho owned by Alice V. Stanley.

2. That during the spring of 1973 I used my bulldozer to clear away underbrush in the Bear Creek Ranch irrigation ditch so that water would be able to flow in this ditch for irrigation purposes and watering of livestock. The water for this ditch was diverted approximately 3/4 of a mile north of the Bear Creek Ranch on land owned by Mavis and Bud McGahey of Bear, Idaho and it was located on the southeast side of the Bear County Rd. heading north.

WITNESS my hand this 17 day of September, 1977.

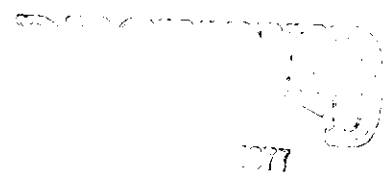
George J. Green
GEORGE GREEN

SUBSCRIBED AND SWORN to before me this 17 day of September, 1977.



William M. Rasmussen
NOTARY PUBLIC
residing in Council
My commission expires
May 1980

100-000000-000000



NOTARY PUBLIC
STATE OF IDAHO

Kay Weaver

File in
Alice Stanley's
Claim on Bear
Creek.

Letter 69-4009 re
69-4010

Basin 69

YH
8-26-77

A F F I D A V I T

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

HUGH S. SMITH, being duly sworn on oath deposes and says the following:

1. That Frank J. Smith, affiant's grandfather, built and used the existing ditch which runs from Bear Creek approximately three quarters of a mile north of the land presently known as Bear Creek Ranch.

2. That the ranch was previously owned by Frank J. Smith and water from this ditch was used for irrigation and watering of livestock.

3. That this ditch was built prior to 1895 and that is the year in which Frank J. Smith died and after his death Orson Smith lived on this land and enlarged and maintained the ditch.

4. That said water from this ditch has been used specifically during the last five years for livestock and irrigation.

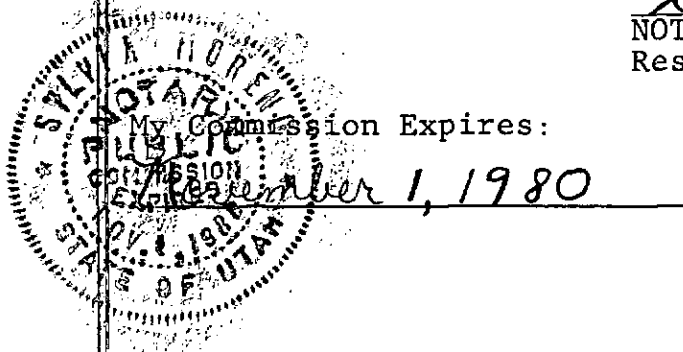
WITNESS my hand this 3rd day of February, 1977.

Hugh S. Smith
HUGH S. SMITH

Gladys Smith
GLADYS SMITH

SUBSCRIBED AND SWORN to before me this 3rd day of February, 1977.

Sylvia Moreno
NOTARY PUBLIC
Residing in Salt Lake City, Utah



RECORDED

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 ^{7H}25 day of January, 1977.

Hugh S. Smith
HUGH SMITH

SUBSCRIBED AND SWORN to before me this 25 day of JANUARY, 1977.

Glen M. Richman
NOTARY PUBLIC

Residing In: Salt Lake City, Utah

My Commission Expires:

aug-11, 1977

A F F I D A V I T

Hugh S. Smith

to

Public

STATE OF IDAHO } ss
COUNTY OF ADAMS }

I hereby certify that this
instrument was filed for record
at request of
Alice Stanley

17 minutes past 1
at o'clock P M this 4th
day of February, 1977
in my office and duly recorded
in Book 9 M of
Miscellaneous on page

36

Esther Stoyer Recorder

By William Turner Deputy

Fee 1.00



Indexed

Affidavit

I, Mel Huffman, of Bear
Idaho being duly sworn on oath
depose and say the following.

1) That last week I visited
with Albert Campbell in the Council
Idaho hospital and he told me that
he was 88 years old and that he
had spent most of his life around
Bear, Idaho and that he owns a
ranch consisting of 23,000 acres
in that area.

2) That Albert Campbell told me
that he believed that the ranch now
owned by Alice V. Stanley, called The
Bear Creek Ranch was the first ranch
operated and settled up along the Bear
Creek and that his father came to
Idaho in 1875 and at that time
the Frank Smith family were already
working the ranch.

Witness my hand this 24th day of August 1977

Mel Huffman
MEL HUFFMAN

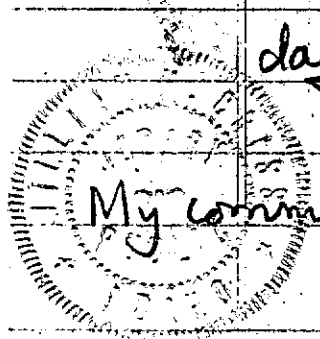
Subscribed and sworn to before me this
day 24 of August 1977

Notary Public
Residing at

William M. Davis
Council

My commission Expires

May 1980



Affidavit

I, Mel Huffman of Bear, Idaho being duly sworn on oath and depose and say the following.

1) That during this year 1977 I have reopened the Bear Creek Ranch Irrigation ditch which runs approximately $\frac{3}{4}$ mile north of the Bear Creek Ranch on the south-east side of the "Bear County Road" on land belonging to Mr and Mrs. Bud McGahey. Mr. Bud McGahey gave Alice V. Stanley and myself his personal permission ^{to} reopen our ditch in the spring of 1977. The irrigation ditch had been dammed up with a bulldozer, personally operated by Bert Warner, of Bear, Idaho in the late fall of 1974 preventing the Bearhe! Ranch from obtaining water out of Bear Creek the following spring in 1975. Mr. Bert Warner did this without my permission or even consulting with Alice V. Stanley. Prior to Mr. Bert Warner shutting off this irrigation ditch, the ditch was the main water source for irrigation as well as watering of livestock for the Bear Creek Ranch over the years.

Witness my hand 24 day of August 1977

Subscribed and sworn before me this 24 of August 1977

Mel Huffman
MEL Huffman

My Commission expires

May 1980

Notary Public William M. Cross

Residing in Council.

Affidavit

I, Mel Huffman, of Bear, Idaho being duly sworn on oath depose and say the following.

1) That during the year 1974 I was living and working on the Bear Creek Ranch, Bear Idaho owned by Alice V. Stanley and part of my duties was to use water from Bear Creek for irrigation and livestock on the South-east side of the Bear County Road. This water was diverted from Bear Creek approximately $\frac{3}{4}$ of a mile north of the Bear Creek Ranch on the land owned by Mr. and Mrs. McGahrey of Bear, Idaho.

2) That during the year 1974 I also diverted water from what is commonly known as the "Bear Community Ditch" to water hay fields belonging to the Bear Creek Ranch owned by Alice V. Stanley on the north-west side of the Bear County Road. also, I used this water to irrigate on the South-east side of the Bear County Road in front of Alice V. Stanley three employee's cabins for fire prevention and cattle grazing.

Witness my hand 24th day of August 1977

Mel Huffman

MEL Huffman

Subscribed and sworn to before me this day 24 of August 1977

Notary Public William M. Cross
Residing in Council

My commission expires

May 1980

Affidavit

I, Jeanne Medley, of Council, Idaho being duly sworn on oath depose and say the following

1. That during the year of 1974, I frequently visited and resided at the Bear Creek Ranch, Bear, Idaho owned by Alice V. Stanley, and observed that the irrigation ditch on the south-east side of the Bear County Road was in use for the purpose of watering livestock and irrigation.

2. That during the year 1974 The Bear Creek Ranch obtained water from what is commonly known as The "Bear Community Ditch" to water the hay fields on the North west side of the Bear County Road and also this water was used to irrigate on the south east side of the Bear County Road in front of Alice V Stanley's three employees' cabins for fire prevention and cattle grazing.

Witnessed my hand this 24th day of August, 1977

Jeanne Medley

Jeanne Medley

Subscribed and sworn to before me this 24th day of August 1977

My commission expires June 4-78

Notary Public

Residing in

Fairfield

Council Idh



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: 69-4009

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

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 69-

☒ 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) TH 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) TH 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) if ok

Affidavit of Publication received (date) 3-1-77

(12) _____

Final date for protests 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 TH

Date 3-8-77

REPRODUCTION

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

NOT FILMED

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

RECEIVED

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

Microfilm

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 ~~advisory~~ ^{advisory}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.

RECEIVED
MAR 10 1977



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,

Bill submitted
3-3-77
y

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 69-4009

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 0.6 cubic feet per second ~~XXXXXX~~ of water
from Bear Creek trib. Wildhorse Creek
with the point of diversion in the SE1/4NW1/4 Sec 35 T20N-R3W B.M., Adams
County.

The water is claimed to be used from Jan 1 to Dec 31
for stockwater purposes and from May 1 to Nov 1 for irrigation of 25 acres
with a priority of 1895;
the place of use is within the SE1/4SW1/4 Sec 35 T20N-R3W B.M.; Government
Lots 3 & 4 Sec 2 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.

RECORDED