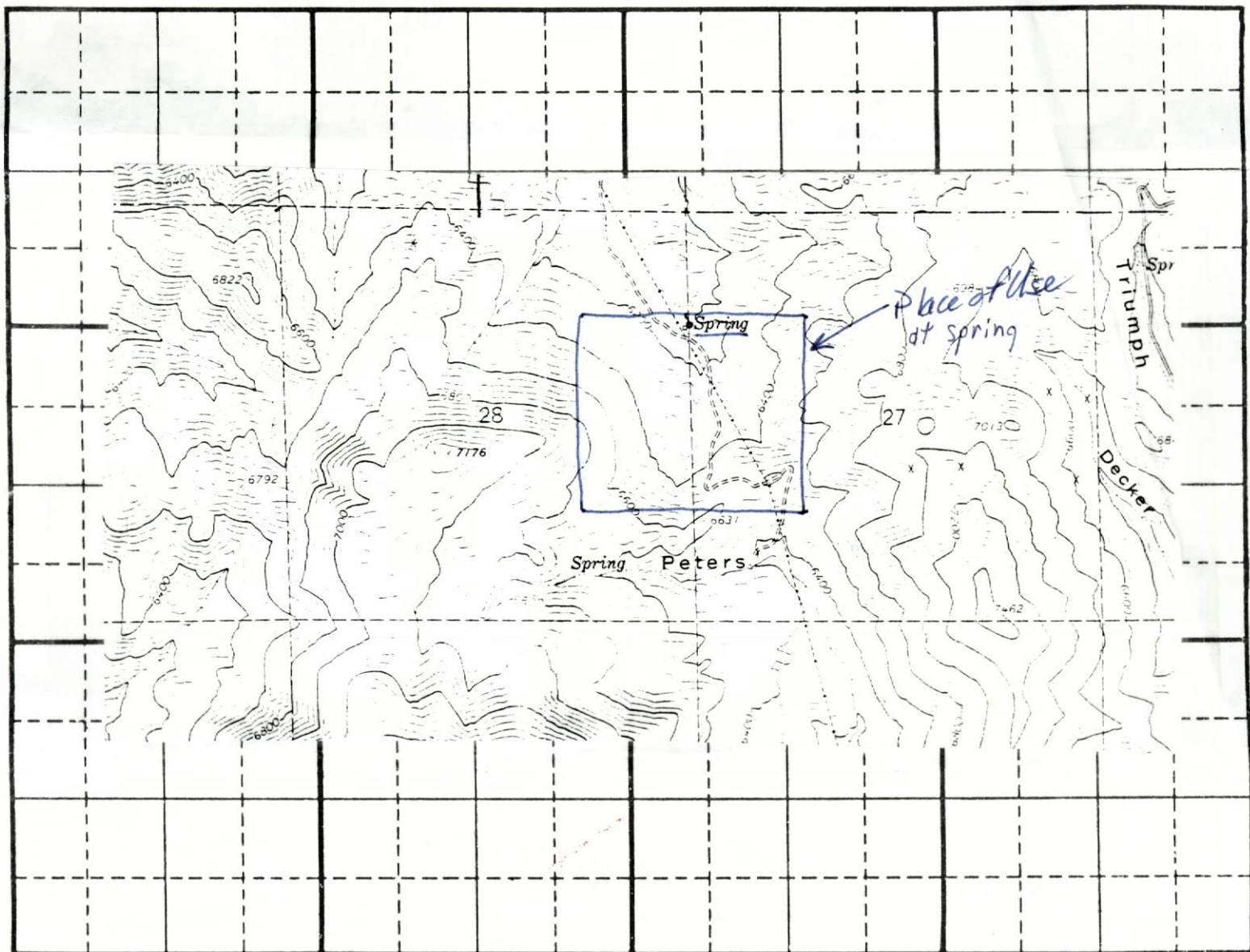


(8) Remarks



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~~ IDAHO )  
County of Blaine ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30<sup>th</sup> day of October, 19 87.

Robert Rountree  
(Claimant)

**MICROFILMED**

Notary Public  
Residing at

James P. Speck  
East Fork, ID

My commission expires

1/22/91

**MAR 10 1988**

**FOR DEPARTMENT USE ONLY**

Received by M. Baldwin Date 12/2/87 Exception filed by: \_\_\_\_\_  
Prelim. check by JF Stanton Date 12-8-87  
\$30.00 fee received by M. Baldwin Date 12/10/87 R# 44396  
Published in Wood River Journal  
Dates 2/3 & 2/10/88

Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
claimant by: \_\_\_\_\_

Fee  
Rec.  
12/2/87

# AFFIDAVIT of PUBLICATION

State of Idaho, }  
County of Blaine } SS.

\_\_\_\_\_, being first duly sworn,  
deposes and says that he is the printer (publisher) of the Wood River Journal, a  
newspaper published every week in Hailey, County of Blaine, State of Idaho; that  
said newspaper has been continuously and uninterruptedly published for a period of  
seventy-eight consecutive weeks prior to the first publication of the annexed notice,  
and is a newspaper qualified to publish legal notices as provided by act of the 1919  
session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive  
issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 3rd day of Feb, 1988, and

the date of the last publication was on the 10th day of Feb, 1988.

Daniel J. Ash

Subscribed and sworn to before me this 12th day of Feb, 1988.  
(SEAL)

Roberta McKencher

NOTARY PUBLIC

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

|                           |                      |
|---------------------------|----------------------|
| Number of Picas per Line  | <u>11</u>            |
| Number of Lines in Notice | <u>36</u>            |
| Number of Insertions      | <u>2</u>             |
| Lines tabular at          | <u>36</u> 5¢/Pica    |
| Lines straight at         | <u>15.84</u> 4¢/Pica |
| Subsequent lines at       | <u>11.88</u> 3¢/Pica |
| TOTAL COST                | <u>27.72</u>         |

**INDEXED**

MAR 10 1988

OK  
MB  
2/24/88

## COPY OF NOTICE

(Paste Here)

Not. of Claims #37-4439  
TITLE OF NOTICE Rosenthal

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources  
BILL TO

## Water right claims filed by Rosenthal

### NOTICE OF CLAIMS TO WATER RIGHTS

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

37-4439

ROSENTHAL, ROBERT M.

&/or MARIAN R.

C/O JAMES P. SPECK

HOGUE, SPECK

& AANESTAD

P.O. BOX 987

KETCHUM, ID 83340

Source: SPRINGS trib. to  
ELKHORN GULCH

Diversion Pt: SENE Sec 28 T 04N

R 18E SWNW Sec 27 T 04N R 18E

1.5 miles SW of old Triumph Mine

Use: STOCKWATER (0.140 CFS)

STOCKWATER (0.140 CFS)

Priority Date: 06/01/1935

In: SWNW Sec 27 T 04N R 18E

SENE Sec 28 T 04N R 18E

Exceptions to a claim may be filed

with the Director, Dept. of Water

Resources, Southern Region,

2148 4th Avenue East, Twin Falls,

Idaho 83301.

R. Keith Higginson, Director

Publish: Wood River Journal-

February 3 & 10, 1988.

7-8 pt. per line straight.....4¢/Pica

7-8 pt. per line tabular.....5¢/Pica

7-8 pt. per line successive

insertions.....3¢/Pica

No 5767  
**RECEIVED**

FEB 16 1988

Department of Water Resources  
Southern Region Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 13 1987

Department of Water Resources  
Southern Region 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 Robert M. and Marian R. Rosenthal  
c/o James P. Speck, (Name of Claimant)  
Hogue, Speck & Aanestad, P.O. Box 987, Ketchum, Telephone No. (208) 726-4213  
(Mailing Address) Idaho 83340 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1935

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)  
springs tributary to Elkhorn Gulch

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

|          |           |                                     |                         | (Both dates inclusive) |            |
|----------|-----------|-------------------------------------|-------------------------|------------------------|------------|
|          | (cfs, af) | (Domestic, Irrigation, Stock, Etc.) | (Mo., Day)              |                        | (Mo., Day) |
| Quantity | 0.14 cfs  | Use stock water                     | Period of Use From 5/15 | To 6/30                |            |
| Quantity | 0.14 cfs  | Use stock water                     | Period of Use From 8/15 | To 9/30                |            |
| Quantity |           | Use                                 | Period of Use From      | To                     |            |
| Quantity |           | Use                                 | Period of Use From      | To                     |            |
| Quantity |           | Use                                 | Period of Use From      | To                     |            |

(4) 0.14 cfs TOTAL QUANTITY USED.  
(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SE ¼ NE ¼, Sec. 28 Twp. 4N Rge. 18E B.M., County of Blaine  
Additional points of diversion: SW ¼ NW ¼ S. 27 T. 4N. R. 18E B.M., Blaine County, Idaho

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. springs feed a small stream which is tributary to the Big Wood River. The stock watering is an in-stream 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.

[illegible]

No. of acres

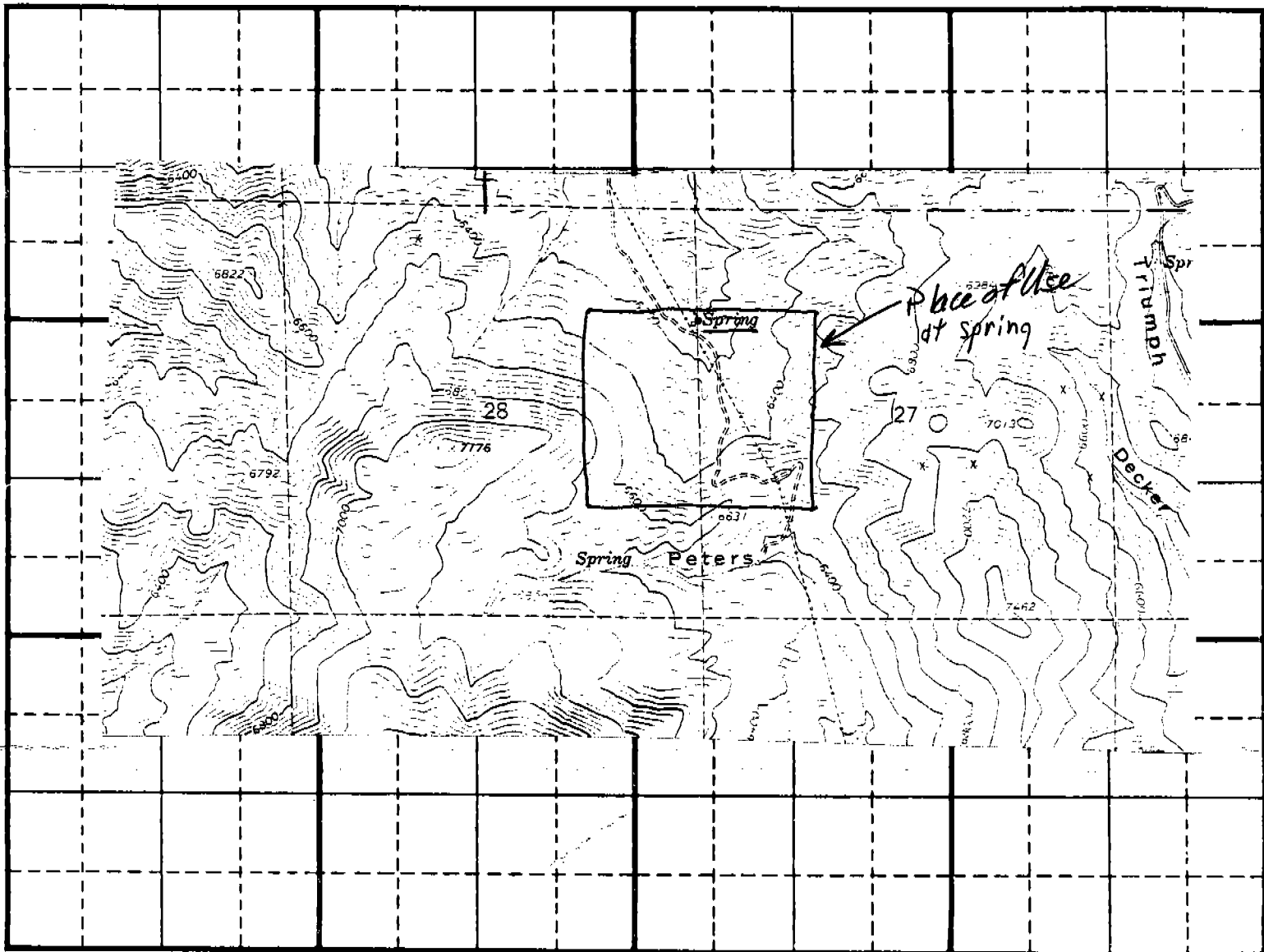
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The water has historically been used to water up to 3,000 head of sheep as they travel north in the spring and south in the fall. During other times of the year, it has been used to water horses kept on the property.

NOTE: Include here the type and number of stock watered: see above

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

MAR 10 1988

(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~~ IDAHO )  
County of Blaine ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30<sup>th</sup> day of October, 19 87.  
*Robert Rountree* (Claimant)

**MICROFILMED**

Notary Public  
Residing at

*James P. Speck*  
East Fork, ID

My commission expires

1/22/91

MAR 10 1988

FOR DEPARTMENT USE ONLY

Received by M. Baldwin Date 12/2/87 Exception filed by: \_\_\_\_\_  
Prelim. check by J. P. Stanton Date 12-8-87  
\$30.00 fee received by M. Baldwin Date 12/10/87 Ret 44396  
Published in Wood River Journal  
Dates 2/3 & 2/10/88

Forwarded to  
claimant by: \_\_\_\_\_ Date \_\_\_\_\_

Fee  
Rec.  
12/2/87

# AFFIDAVIT of PUBLICATION

State of Idaho, }  
County of Blaine } SS.

\_\_\_\_\_, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 3<sup>rd</sup> day of Feb, 19 88, and

the date of the last publication was on the 10<sup>th</sup> day of Feb, 19 88.

Daniel J. Ash

Subscribed and sworn to before me this 12<sup>th</sup> day of Feb, 19 88.  
(SEAL)

Roberta McKeecher

NOTARY PUBLIC

WOOD RIVER JOURNAL  
Hailey, Idaho

## COST OF PUBLICATION

|                               |                      |
|-------------------------------|----------------------|
| Number of Picas per Line      | <u>11</u>            |
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| TOTAL COST                    | <u>27.72</u>         |

**MAILED**

MAR 10 1988

OK  
AB  
2/24/88

## COPY OF NOTICE

(Paste Here)

Not. of Claims #37-4439  
TITLE OF NOTICE Rosenthal

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources  
BILL TO

**WOOD RIVER JOURNAL**  
Hailey, Idaho

The following is a copy of the notice of claim filed in the County of Blaine, State of Idaho, on the 12th day of February, 1988, in the case of Not. of Claims #37-4439, filed by Rosenthal, Plaintiff, against Dept. of Water Resources, Defendant.

For each line of the notice, the following charges are assessed:

|                                        |         |
|----------------------------------------|---------|
| 7-8 pt. per line straight              | 4¢/Pica |
| 7-8 pt. per line tabular               | 5¢/Pica |
| 7-8 pt. per line successive insertions | 3¢/Pica |

No. 5767  
**RECEIVED**

FEB 16 1988

Department of Water Resources  
Southern Region Office



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Southern Region

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

February 24, 1988

Mailing Address:  
Southern Region  
2148 4th Ave. East  
Twin Falls, Idaho 83301  
(208) 734-3578

Robert M. & Marian R. Rosenthal  
c/o James P. Speck  
Hogue, Speck, & Aanestad  
P.O. Box 987  
Ketchum, ID 83340

Re: Claim No. 37-4439

Dear Mr. Speck:

The Department of Water Resources has completed the advertising of the 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 or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

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.

We are enclosing a copy of your claim for your records. If you have questions or if this office can be of further assistance, please feel free to contact us.

Enclosed please find Receipt No. 44396 in the amount of \$30.00.

Very truly yours,

Allen Merritt, P.E.  
Water Resources Engineer

AM:MB

Enclosures

**MICROFILMED**

MAR 10 1988

NOTICE OF CLAIMS TO WATER RIGHTS

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

37-4439

ROSENTHAL, ROBERT M. &/or MARIAN R.

C/O JAMES P. SPECK, HOGUE, SPECK, & ARNESTAD, P. O. BOX 987, KETCHUM, ID 83340

Source: SPRINGS trib. to ELKHORN GULCH

Diversion Pt: SENE Sec 28 T 04N R 18E SWNW Sec 27 T 04N R 18E  
1.5 miles SW of old Triumph Mine

Use: STOCKWATER (0.140 CFS)  
STOCKWATER (0.140 CFS)

Priority Date: 06/01/1935

In: SWNW Sec 27 T 04N R 18E SENE Sec 28 T 04N R 18E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301.

R. Keith Higginson

Published 2/3 & 2/10/88.

**MICROFILMED**

MAR 10 1988

**NOTICE OF CLAIMS  
TO WATER RIGHTS**

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

37-4439

ROSENTHAL, ROBERT M.

&/or MARIAN R.

C/O JAMES P. SPECK

HOGUE, SPECK

& AANESTAD

P.O. BOX 987

KETCHUM, ID 83340

Source: SPRINGS trib. to  
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Diversion Pt: SENE Sec 28 T 04N

R 18E SWNW Sec 27 T 04N R 18E

1.5 miles SW of old Triumph Mine

Use: STOCKWATER (0.140 CFS)

STOCKWATER (0.140 CFS)

Priority Date: 06/01/1935

In: SWNW Sec 27 T 04N R 18E

SENE Sec 28 T 04N R 18E

Exceptions to a claim may be filed

with the Director, Dept. of Water

Resources, Southern Region,

2148 4th Avenue East, Twin Falls,

Idaho 83301.

R. Keith Higginson, Director

Publish: Wood River Journal-

February 3 & 10, 1988.

OK  
MK  
1/26/88

**MAILED**

MAR 10 1988

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

2148 4th Avenue East  
Twin Falls, Idaho 83301  
(208) 734-3578

JANUARY 15, 1988

Wood River Journal  
P.O.Box 988  
Hailer, ID 83333

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 FEBRUARY 22, 1988.

Yours truly,

Mary A. Baldwin  
Secretary/Office Coordinator

Encl.

MAILED

MAR 10 1988

## STAFF ANALYSIS SUPPLEMENT

1) Water District 37 Basin # 37

2) Local Description: (of one P/O)

☐

At the above street address

☐

           miles N/S            and            miles E/W             
of            (City or landmark).

☒Other (describe) 1 1/2 miles WSW of Old Triumph Mine

TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
TRACY DUNLAP

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

(208) 726-4421

TELECOPIER (208) 726-0752

HAILEY OFFICE:  
16 WEST CROY STREET  
SUITE K  
POST OFFICE BOX 460  
HAILEY, IDAHO 83333  
(208) 788-3567

November 11, 1987

Department of Water Resources  
Attention: Jim Stanton  
2148 Fourth Avenue East  
Twin Falls, ID 83301

RE: Robert M. and Marian R. Rosenthal - Claim for Water Right

Dear Jim:

I represent Mr. and Mrs. Robert M. Rosenthal who own property in Blaine County, Idaho. Enclosed you will find a claim for water right for historic stock watering uses on their property together with our check for \$200.00 as the filing fee. Please call me if you have any questions concerning this claim. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Electronically signed  
signature to avoid delay

James P. Speck

JPS/dd

cc: Mr. Michael G. Charapp  
Mr. Barry Peterson  
Mr. Doug Clemens

enclosures

RECEIVED

NOV 13 1987

Department of Water Resources  
Southern Region Office

MAILED

MAR 10 1988

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION

OF

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120 EAST AVENUE

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TERRY G. HOGUE  
JAMES P. SPECK  
DOUGLAS J. AANESTAD  
J. STEPHEN CRABTREE  
TRACY DUNLAP

RECEIVED

December 1, 1987

DEC 2 1987

Department of Water Resources  
Southern Region Office

Mr. Jim Stanton  
Department of Water Resources  
2148 Fourth Avenue East  
Twin Falls, ID 83301

RE: Robert M. and Marian R. Rosenthal - Claim for Water  
Right

Dear Jim:

Enclosed is the Claim for Water Right for Mr.  
and Mrs. Rosenthal together for our check for \$30.00 as  
the filing fee. I have incorporated the revisions you  
suggested in our November 16, 1987 telephone call. Please  
call me if you have any questions. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

*Jim*  
James P. Speck

JPS/dd

enclosures

RECEIVED

MAR 10 1988

WATER RIGHT  
DATA ENTRY LOG

Item

1/13/88

Keypunched by State Office

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State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. P. Hamilton

Right Number 37-4439

Applicant ROSENTHAL, Robert M/Marian R.

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 Adm

Date 2/26/88

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC

Date 3/2/88

**RECEIVED**  
MAR 02 1988

Department of Water Resources