

(8) Remarks These seep streams fluctuate with the level of the river



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.

Ben of the River Ranch
by Warren S. Torrey
(Claimant) *owner*

Sworn to before me this 7 day of August, 19 81.

Mary A. Hill
Notary Public
Residing at *Twin Falls, ID*
83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>TGB</u>	Date <u>8-7-81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>J</u>	Date <u>8-7-81</u>		claimant by:	
\$20.00 fee received by <u>TGB</u>	Date <u>8-7-81 #18713</u>			
Published in <u>Wood River Journal</u>				
Dates <u>8/13 & 8/20/81</u>				

UNRECORDED

AFFIDAVIT, PUBLICATION

State of Idaho, }
County of Blaine } SS.

GORDON O. GLASMANN

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 13 day of August, 1981, and the date of the last publication was on the 20 day of August, 1981.

Subscribed and sworn to before me this 20th day of August, 1981.
(SEAL)

Roberta McKenna
NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 32
Number of Insertions 2
Lines tabular at _____ 4¢ / Pica
32 Lines straight at 12.48 3¢ / Pica
32 Subsequent lines at 8.32 2¢ / Pica
TOTAL COST 20.80

COPY OF NOTICE

(Paste Here)

37-4185

Claims to Wtr. Rt.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Dept. Water Resources
1041 Blue Lks. Blvd.
Twin Falls 83301

NOTICE OF CLAIMS TO WATER RIGHTS

NOTICE IS HEREBY GIVEN, That the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

37-4185

Name: Bend of the River Ranch
Address: Box 818, Hailey, Id. 83333
Source: Unnamed stream tributary to Big Wood River
Priority Date: 04/01/1930
Amount: 4.02 cfs
Diversion Point: SENW Sec 22 T 02N R 18E, Blaine County
Use: Irrigation-(4.00 cfs)
from 04/01 to 11/01
Stockwater-(0.02 cfs)
from 01/01 to 12/31

Place of Use: SWNE SENW Sec 22 T 02N R 18E for 7 acres

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

A. Kenneth Dunn
Director

Publish: Wood River Journal-August 13, 20, 1981.

RECEIVED
No. 686

AUG 25 1981

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3575

SEPTEMBER 2, 1981

BEND OF THE RIVER RANCH
BOX 818
HAILEY ID 83313

RE: Claim No. 37-4185

Dear Claimant:

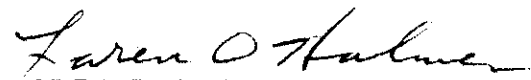
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

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

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bend of the River Ranch
(Name of Claimant)
P. O. Box 818 Hailey, Idaho 83333 Telephone No. 788-4620
(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) April 1, 1930

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)
Unnamed stream (2 small seep) tributary to Big Wood River

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

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>4.</u>	Use <u>irrig</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity	<u>.02</u>	Use <u>stockwater</u>	Period of Use From <u>Jan 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 4.02 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
2 pts SE ¼ NW ¼, Sec. 22 Twp. 2N Rge. 18E B.M., County of Blaine
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. Describe any changes in the system and give the date of the change. earth ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	22			4					3.5									7.5

No. of acres 7.5

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

NOTE: Include here the type and number of stock watered: 50 beef cattle, 5 horses

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

(8) Remarks These seep streams fluctuate with the level of the river



TUGAN R. 18E

2/22

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.

Prop of the River Ranch
by Warren S. Stearns
(Claimant) *Owner*

Sworn to before me this 7 day of August, 1981.

May A. Hill
Notary Public
Residing at *Twins Falls, ID* 83201

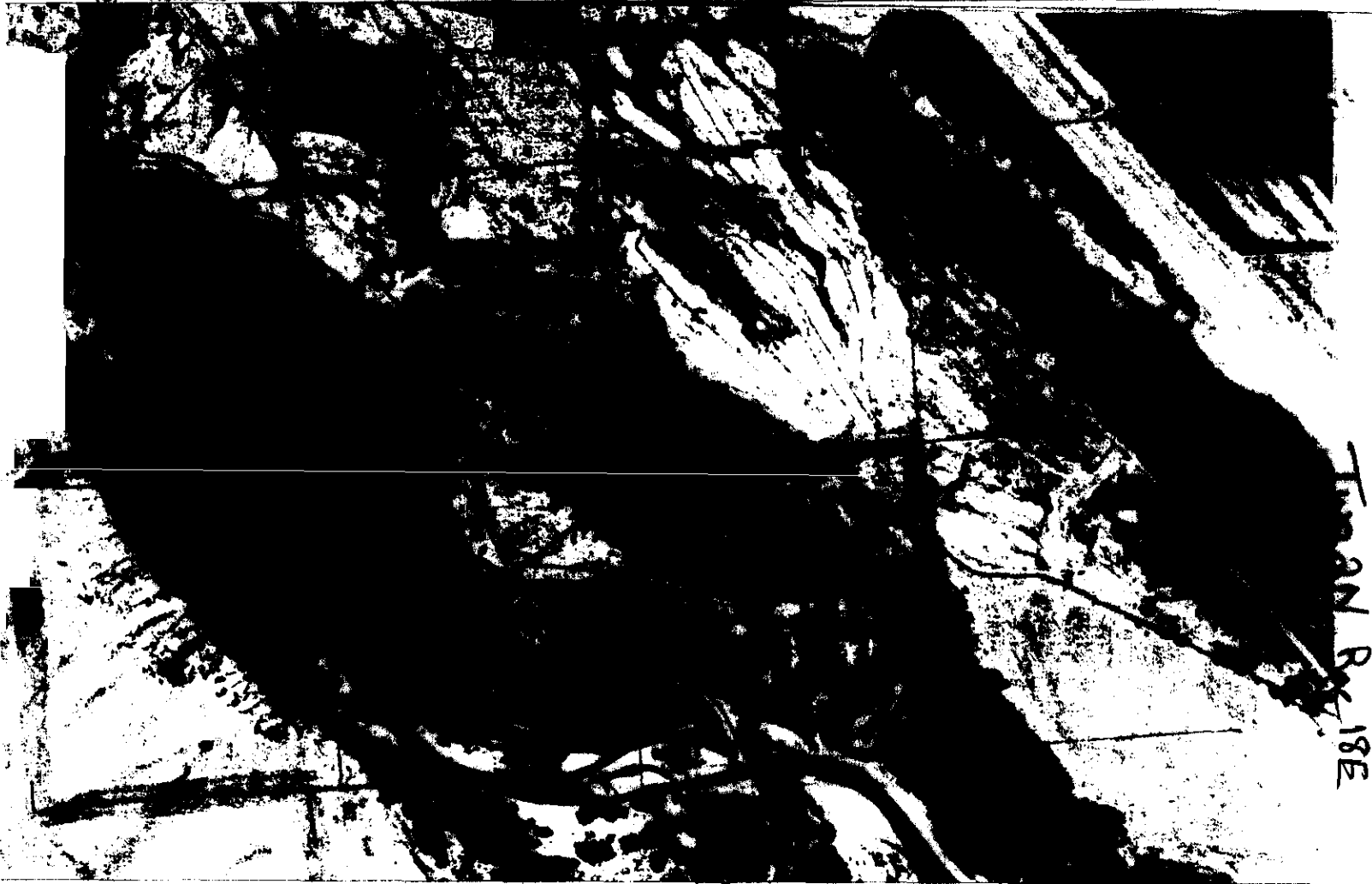
My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>TGB</u>	Date <u>8-2-81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JD</u>	Date <u>8-7-81</u>		claimant by:	
\$20.00 fee received by <u>TGB</u>	Date <u>8-7-81</u>	<u>#18713</u>		
Published in <u>Idaho River Journal</u>				
Dates <u>8/13 & 8/21/81</u>				

MICROFILMED

(8) Remarks These seep streams fluctuate with the level of the river



TWIN R. 18E

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 Twin Falls) ss.

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

Prop of the River Ranch
by Warren S. Stearns
(Claimant) Owner

Sworn to before me this 7 day of August, 19 81.

Mary A. Hill
Notary Public
Residing at Twin Falls, ID 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by TGB Date 8-2-81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JP Date 8-7-81 claimant by: _____
\$20.00 fee received by TGB Date 8-7-81 #18713
Published in Twin River Journal
Dates 8/13 & 8/20/81

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AFFIDAVIT, PUBLICATION

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County of Blaine } SS.

GORDON O. GLASMANN

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Subscribed and sworn to before me this 20th day of August 1981.
(SEAL)

Roberta Brock Kuehn
NOTARY PUBLIC

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WOOD RIVER JOURNAL
Hailey, Idaho

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TOTAL COST 20.80

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37- 4185

Claims to W.R. Rt.
TITLE OF NOTICE

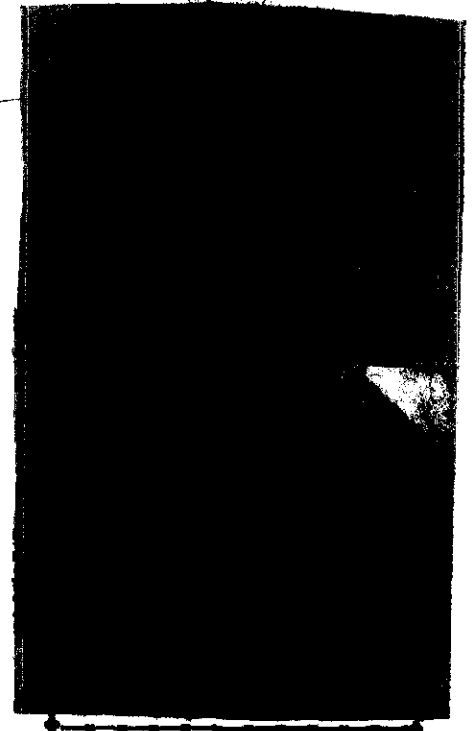
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

Dept. Water Resources
1041 Blue Lk. Blvd.
Twin Falls 83301



RECEIVED
N 636

AUG 25 1981

Department of Water Resources
Southern District Office

MEMORANDUM

DATE: 11-Sep-1990

FROM: Loren Holmes
TO: Glen Saxton

SUBJECT: Background on Reid Newby question on regulation of water rights 37-7215 A,B,C; and 37-4184, [REDACTED]

The history of appropriation on this source dates back to permit 37-2475, which is on two springs. The file indicates that licensing of the permit was protested and that the protest remains unresolved. As far as I can determine, the diverting works for this permit no longer exist.

37-2475
not
claimed

Application 37-7215 was protested on the basis that it would injure existing rights but the parties later agreed that there would be no injury and the protest was withdrawn.

The application stated that the source was seepage with no tributary specified. Upon examination, it was determined that shallow groundwater had apparently been exposed by excavation of some ponds and a flow developed which was channeled to the Big Wood River.

Reid Newby had called me on 9/5/90 wanting directions for delivery. I had researched the files but was not available at the time he called back, so he called the state office for an answer. I later called him and gave him the following opinion of how the rights should be administered:

- 1) This source should be treated as developed water or the same as a "dry stream" tributary to the Big Wood River. That is, the priorities on this source hold against one another but are not subject to the same cuts as the mainstem of the river.
- 2) The senior rights are represented only as beneficial use claims and therefore are not entitled to watermaster delivery. The licensed right is, at present, the only deliverable right on the source.
- 3) At the present time I would recommend no administration of the rights by the watermaster because the only action available to him is to cut the senior rights and deliver the junior right. This situation will reverse and proper delivery can be made after adjudication.
- 4) The no regulation/developed source answer is an easy out for now but it is fairly obvious that the groundwater or percolating water exposed by these users is in communication with the river and at any time groundwater near the river is put under watermaster control, these rights should be included in the coregulation scheme.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 18, 1990

Reid Newby, Watermaster
Districts 37 and 37M
Box T
Shoshone, ID 83352

RE: LICENSES 37-7215A, 37-7215B AND 37-7215C - JOHN J. CAMPAGNA
JR. AND 37-4184 AND [REDACTED]

Dear Reid:

You have asked the department for guidance relative to the delivery or non-delivery of the above referenced water rights.

It is the department's understanding that you have not regulated water uses in the vicinity of the Campagna licenses and that there are some claimed water rights downstream from the licenses that claim earlier priority dates than the licenses.

As Loren Holmes of our Southern Regional office in Twin Falls, has advised you, the source of water for the referenced licenses should be considered as "developed" water which should not be administered with respect to other water right priorities of the Big Wood River. The referenced licenses and claims, however, are from the same source and eventually can be administered among themselves as one source. This source should be handled similar to the dry streams described in the Frost Decree.

With respect to the claimed rights, during times of water shortage, the claimed rights claim are the first rights to be shut off regardless of the priority claimed. For this reason, until the use rights are adjudicated your only action in connection with them would be to shut them off, if appropriate.

Based on the circumstances, it does not appear that you need to actively regulate rights from this source until the claimed rights are adjudicated. At some future date, however, if ground water diversions near the Big Wood River are determined to be subject to watermaster control, the rights on this source are candidates to be administered together with other ground water rights near the Big Wood River.

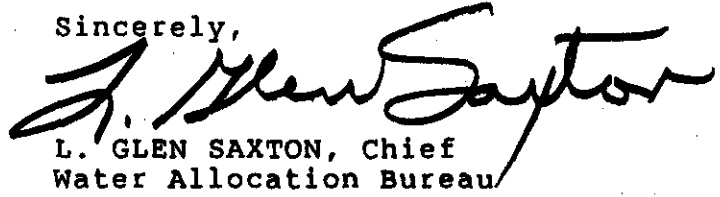
Reid Newby

-2-

September 18, 1990

Please feel free to contact Loren Holmes if you have additional questions.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in black ink and is positioned above the typed name and title.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

NOTICE OF CLAIMS TO WATER RIGHT

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

32-4185

BEND OF THE RIVER RANCH

BOX 818, HAILEY, ID 83333

Source: UNNAMED STREAM tributary to BIG WOOD RIVER

Priority Date: 04/01/1930

Amount: 4.02 CFS

Diversion Point: SENW Sec 22 T 02N R 18E, BLAINE Co.

Use: IRRIGATION	(4.00 CFS)	from 04/01 to 11/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SWNE SENW Sec 22 T 02N R 18E FOR 7 ACRES

Diversion Means: EARTH DITCHES

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

A. KENNETH DUNN

Director

Published 8/13 & 8/20/81.

RECEIVED
SEP 02 1981

Department of Water Resources

UNRECORDED
INDEXED
FILED
SEP 14 1981
IDAHO DEPT. OF
WATER RESOURCES
TWIN FALLS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

AUGUST 7, 1981

Wood River Journal
P.O.Box 988
Hailey 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 billings to this office before AUGUST 31, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

3/79

IDENT. NO. 37-4185

ID AHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. E. Stanton

Right Number 37-4185 Applicant Bend of the River Ranch

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. -None

By ADN Date 8/26/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jeri Date 9/2/81

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