

RECEIVED

APR 7 1975

Department of Water Resources
Southern District Office

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

two consecutive weeks, the first publica-
tion having been made on the 27th day
of March, 1975, and

the last publication having been made on the
3rd day of April

1975; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 3rd

day of April, 1975

James M. Waters
Notary Public

NOTICE OF CLAIM TO A WATER RIGHT NO. 37-4061

Notice is hereby given that
Gwinn Rice Ranch, Inc. Box 131,
Hill City, Idaho 83337 has filed a
claim to a water right established
by diversion and application to
beneficial use of 20.0 cubic feet per
second of water from Camas Creek
with point of diversion in the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge.
11E, B.M. Elmore County, SE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge. 11E,
B.M.

The water is claimed to be used
from April - December 31 with a
priority of 1912; the place of use is
within the SE $\frac{1}{4}$, Sec. 1, T 2S, R
11E; N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$,
NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T 2S, R
12E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Re-
sources, 1041 Blue Lakes Blvd.,
North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the Mountain Home
News on 3-27 and 4-3-75.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

Section 42-225a, Idaho Code

MAR 14 1975

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

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 Gwinn Rice Ranch, Inc.
(name of claimant)
of Box 131, Hill City, Idaho 83337, claims a right to the diversion and beneficial use of
(mailing address)
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) Camas 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>20.0</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>April 1</u> | To | <u>Dec. 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: 20.0 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) 1912

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)
NE 1/4 SE 1/4, Sec. 1 Twp. 2S Rge. 11E B.M. County of Elmore
Additional points of diversion: SE 1/4 SE 1/4, Sec. 1, Twp. 2S, Rge. 11E, B.M.

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. Earth, rock & cement diversion dams ranging in size from 4 x 12 to 8 x 40 feet and a developed water spreading system consisting of additional diversion dams and 14" to 20" ditches causing complete irrigation of the acreage.

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	11E	1													X	X	X	X	160
2S	12E	5	X	X	X	X	X	X	X	X	X	X	X	X					400
2S	12E	6	X	X	X	X			X	X	X	X	X	X	X	X	X	X	560

Total No. of acres 1120

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

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

RECORDED

A 12x12 grid map showing land parcels. The grid is divided into four quadrants by a horizontal line (Twp. 2S) and a vertical line (Rge. 11E and Rge. 12E). The top-left quadrant is labeled 'Rge. 11E' and the top-right quadrant is labeled 'Rge. 12E'. The bottom-left quadrant is labeled 'Twp. 2S'. The bottom-right quadrant is labeled '5'. The grid contains several small black marks, including asterisks and checkmarks, indicating specific locations or features.

Received by Date 3-11-75 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by Date 3-11-75 claimant by: _____
 \$10.00 fee received by Date 3-11-75
 Approved for publication by _____
 Published in Mountain Home News _____
 Dates 3-27 & 4-3-75 _____

RECEIVED

APR 7 1975

Department of ...
Sovereign ...

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

. TWO consecutive weeks, the first publica-
tion having been made on the . 27th . . . day
of March, 19 . 75 ., and
the last publication having been made on the
... 3rd day of . . . April

19 . 75 . . . ; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

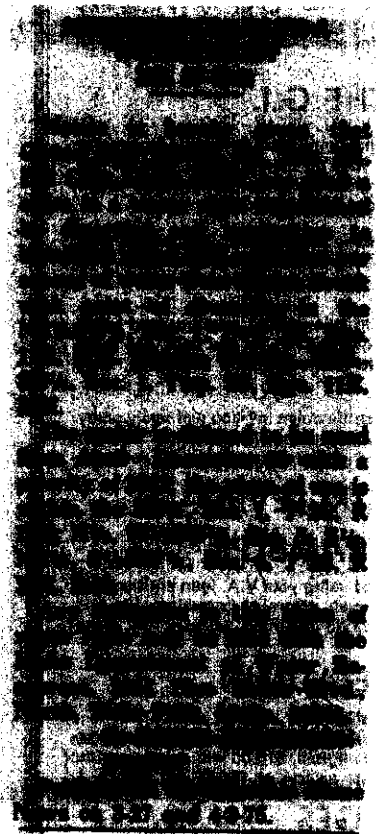
... Lloyd S. Waters ...

Subscribed and sworn to me this ... 3rd

day of April, 19 . 75

... [Signature] ...
Notary Public

P. K. C.C.
4-7-75



RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Allen Mervitt

DATE 1/15/85

TO ~~Dave Tattitt~~ → Microfilm

SUBJECT Attached exception to 37-4061

While proof reading I found these documents which are not shown on the micro-film. Since they appear to be the original I am sending them to you to be included in the file and so the micro-film can be updated.



SIGNATURE

RECEIVED

JAN 21 1985

Department of Water Resources

June 5, 1975

RE: Claim No. 37-4061 - Gwinn Rice Ranch, Inc.

Gwinn Rice Ranch, Inc.
Box 131
Hill City, Idaho 83337

Gentlemen:

We are enclosing a copy of an affidavit in opposition to your claim to a water right, submitted by Mr. Herman W. Petrick and Mr. Kelly G. Thomason. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

42-225b. Recording of claims by department --- Corrections ---

At any time after filing a claim under the provisions of this section, 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. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc

MICROFILMED

RECEIVED

JUN 4 1975

Idaho Department of Water Administration
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: Notice of Claim of Water Right
#37-4061 By Gwinn Rice Ranch, Inc.

We, the undersigned, claim exception to the above water right upon the following reasons:

1. That any right to the waters as referred by claimant in the amount stated has been abandoned by failure of the owner and his predecessors by their non use of 20.0 cubic feet of water.

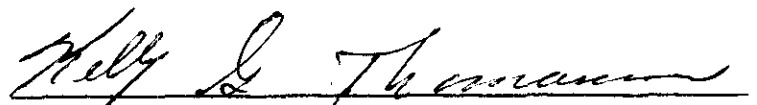
2. That no rights in the waters of Camas Creek and its tributaries have been adjudicated or decreed, nor priorities established to the best knowledge of the undersigned.

3. That the undersigned and other landowners located in Township 2 South, Range 12 E.B.M. have appropriated the flow of Camas Creek by the use of natural and manmade diversions dating from 1910 to the present.

4. That the undersigned and other landowners, as hereinabove referred to, have placed said waters of Camas Creek to a beneficial use by means of diversion, both natural and manmade, and harvested crops from the premises so benefited.

Dated: April 10, 1975.


HERMAN W. PETRICK


KELLY G. THOMASON.

MICROFILMED

RECEIVED

State of Idaho

County of CAMAS

ss.

JUN 4 1975

Department of Water Resources
Southern District Office

On this 3RD day of JUNE in the year 1975, before
me, a Notary Public in and for said County and State, personally appeared
HERMAN W. PETRICK
KELLY G. THOMASON, known to me to be the persons whose name
^{are}
~~is~~ subscribed to the foregoing instrument, and acknowledged to me that they
executed the same.

In witness whereof I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

My commission expires: 1/26/1978

J. S. Williams
Notary Public, Residing at Fairfield

NOTARY PUBLIC

- DATA ENTRY -

Old No.

New No. _____

1. Original Owner: Twin Rice Ranch Inc.

Present Owner:

2. Address: P.O. Box 131

3. City: Hill City State: ID Zip: 83337

4. A. Source of Water: *Camas Creek*

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1912

D. County: 39

E. Total Diversion Rate: 20.

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
NE SE	1	28	11E		
SE SE	1	28	11E		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 12-31 for A purposes. Amount 20.
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from	to	for	purposes. Amount

from	to	for	purposes. Amount

11 279

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

IN THE MATTER OF:)

Claim to a Water Right No. 37-4061)

State of Idaho)

County of _____)

RECEIVED

APR 25 1975

AFFIDAVIT
Department of Water Resources

I, Elsie M. Francis, being first duly sworn,
deposes and says: the land in
would like to say that/Secs. 5 & 6, Township 2 South
Range 12 East has been irrigated from Malad river now known as
Camas Creek by flood irrigation controlled by checks and dams as
long ago as 1912 when I first owned some of the land and have since
sold it to Gwinn Rice. Gwinn has also improved the system and
restored the land in many ways.

Elsie M. Francis
(signature)

Subscribed and sworn to before me this 25th day of April 19 75.

Dorona Westfall
(notary public)

Residing at Boise, Idaho
My commission expires 10-30-77

NOT RECORDED

April 8, 1975

RE: Claim to a Water Right No. 37-4061 - Gwinn Rice Ranch, Inc.

GWINN RICE RANCH, INC.
Box 131
Hill City, Idaho 83337

Gentlemen:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc

enc.

MICROFILMED

March 14, 1975

RE: Claim To A Water Right No. 37-4061 - Gwinn Rice Ranch, Inc.

Mountain Home News
P. O. Drawer 0
Mountain Home, Idaho 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Haynes
Southern District Engineer

BH:cc

Bill submitted: 4-7-75

NOTICE OF CLAIM TO A WATER RIGHT

NO. 37-4061

Notice is hereby given that Gwinn Rice Ranch, Inc.

Box 131, Hill City, Idaho 83337

has filed a claim to a water right established by diversion and application
to beneficial use of 20.0 cubic feet per second ~~XXXXXX~~
of water from Camas Creek

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge. 11E, B.M. Elmore
County, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge. 11E, B.M.

The water is claimed to be used from April - December 31

with a priority of 1912 ;
the place of use is within the SE $\frac{1}{4}$, Sec. 1, T 2S, R 11E; NW $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5;
S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T 2S, R 12E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Mountain Home News
on 3-27 and 4-3-75

MICROFILMED

RECEIVED

MAR 26 1975

Department of Water Resources
Southern District Office.

OK
MDP
3-27-75

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 37-4061**

Notice is hereby given that Gwinn Rice Ranch, Inc. Box 131, Hill City, Idaho 83337 has filed a claim to a water right established by diversion and application to beneficial use of 20.0 cubic feet per second of water from Camas Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge. 11E, B.M. Elmore County, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 1, Twp. 2S, Rge. 11E, B.M.

The water is claimed to be used from April - December 31 with a priority of 1912; the place of use is within the SE $\frac{1}{4}$, Sec. 1, T 2S, R 11E; N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T 2S, R 12E, D.M.

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

R. KEITH HIGGINSON
Director

Published in the Mountain Home
News on 3-27 and 4-3-75.