

No 1316

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 16, 1981, and ending

with the issue of April 23, 1981.

Fee \$1501

Subscribed and sworn to before me this 30th day

of April, 1981.

Kevin O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

RECEIVED

MAY 4 1981

Department of Water Resources
Eastern District Office

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:

13-4141

BINGHAM, STERLING
WESTON, ID 83286

Source: WESTON CREEK tributary
to BEAR RIVER

Priority Date: 04/01/1913

Amount: 0.80 CFS

Diversion Point: NWSW Sec 24 T 15S
R 37E FRANKLIN Co

Use: IRRIGATION (0.80 CFS) from

04/01 to 07/01

Place of Use: NWNW SWNW Sec 31
T 15S R 38E NENE Sec 36 T 15S R
37E FOR 44 ACRES

Diversion Means: INTAKE BOX &
SPRINKLER SYSTEM

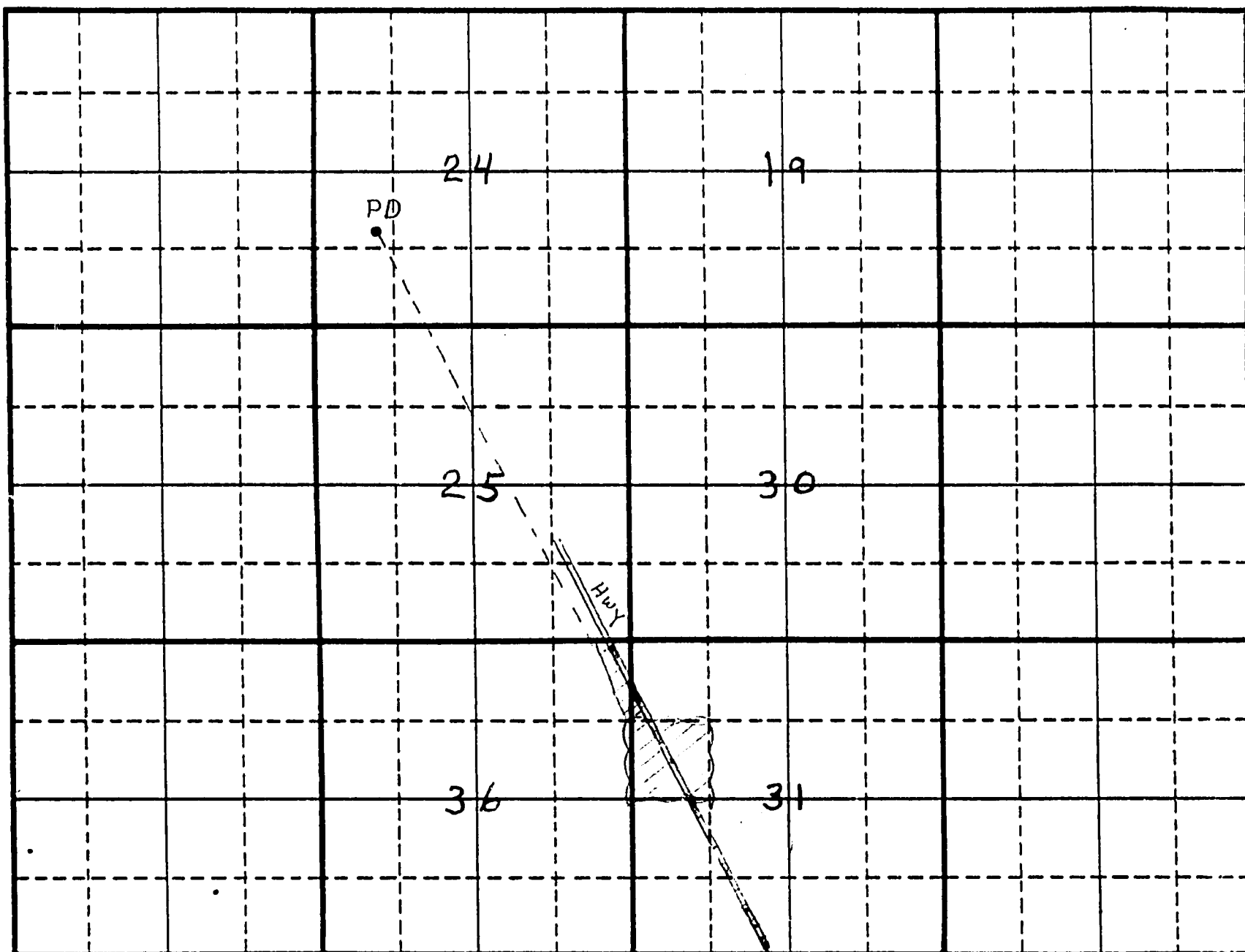
Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 150 Shoup Ave.,
Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published 4/16 & 4/23/81

Legal No. 1316-30L - Pub. April 16,
23, 1981

(8) Remarks When water is spilled from the reservoir in the spring we pick it up for early irrigation. Our gravity sprinkler system went in in 1976.



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 Bingham) 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 8th day of April

Stirling Bingham
(Claimant)

1981.

Notary Public

Residing at Firth, Idaho

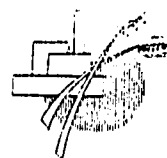
My commission expires 2/14/82

FOR DEPARTMENT USE ONLY

Received by BDC Date 4/6/81 Exception filed by: _____ Date _____
Prelim. check by HWS Date 4-8-81 Forwarded to claimant by: _____
\$30.00 fee received by BDC Date 4-8-81 _____
Published in Boise Citizen _____
Dates 4/16 & 4/23/81 _____

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 Sterling Bingham

(Name of Claimant)

Weston, ID 83286

(Mailing Address)

Telephone No. 747-3255

(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, 1913

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)

Weston Creek tributary to Bear 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>0.80 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>July 1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity	<u>0.80 cfs</u>	Use	Period of Use From	To

- (4) 0.80 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 24 Twp. 15S Rge. 37E B.M., County of Franklin

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. Concrete intake box 12", 10", 8" mainline sprinkler system.

- (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	
15S	38E	31						3	37										40
15S	37E	36	4																4

No. of acres 44

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

Shares in Weston Creek Irrigation Company.

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:

IN THE MATTER OF:
*Claim of Water
Rights 13-4141
For Sterling Bingham*

AFFIDAVIT

RECEIVED

MAY 29 19

Department of Water Resources
Eastern District Office

State of Idaho
County of *Franklin*

John J. King being first duly sworn,
deposes and says: *The diversion means: The*

*intake box and the sprinkler system.
I paid over three thirds of the cost of
the system. It was installed in 1979
at the expense of Bob White, Sterling
and Vernon Bingham and myself. I
used, as applied for, I would have
no way to use the water that I am
entitled to.*

*An amended claim was filed
and the diversion point was not
changed and my land is not included
in the description.*

*I am submitting an exception
to the claim and the amended
claim.*

John J. King
(Signature)

Subscribed and sworn to before me this 12 day of May, 1981

[Signature]
(Notary Public)

Residing at *Preston - Idaho*
My Commission Expires *life*

NO 1345

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Walter Ross
being duly sworn,

deposes and says:

That he is the *Co. Publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 7, 19*81*, and ending
with the issue of *May 14*, 19*81*.

Fee \$ *16.49*

Subscribed and sworn to before me this *28th* day
of *May*, 19*81*.

Ken O. Allen
Notary Public, Residing at Preston, Idaho

My Commission Expires *June 7*, 19*82*

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 13-4141 in the name of Sterling Bingham, Weston, Idaho, was filed with a priority date of April 1, 1913 for the diversion and application to beneficial use 0.80 cfs of water from Weston Creek tributary to Bear River with the point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 15S, Rge. 37E, Franklin County, the water is claimed to be used from April 1 to July 1 for the irrigation of 44 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, Twp. 15S, Rge. 38E, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 38, Twp. 15S, Rge. 37E.

The claimant now proposes to amend Claim No. 13-4141 amending the amount of water to 2.0 cfs, the period of use from March 1 to July 1 and the acreage of land irrigated to 70 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401.

A. KENNETH DUNN
Director

Published in the Preston Citizen 5/7 & 5/14/1981.

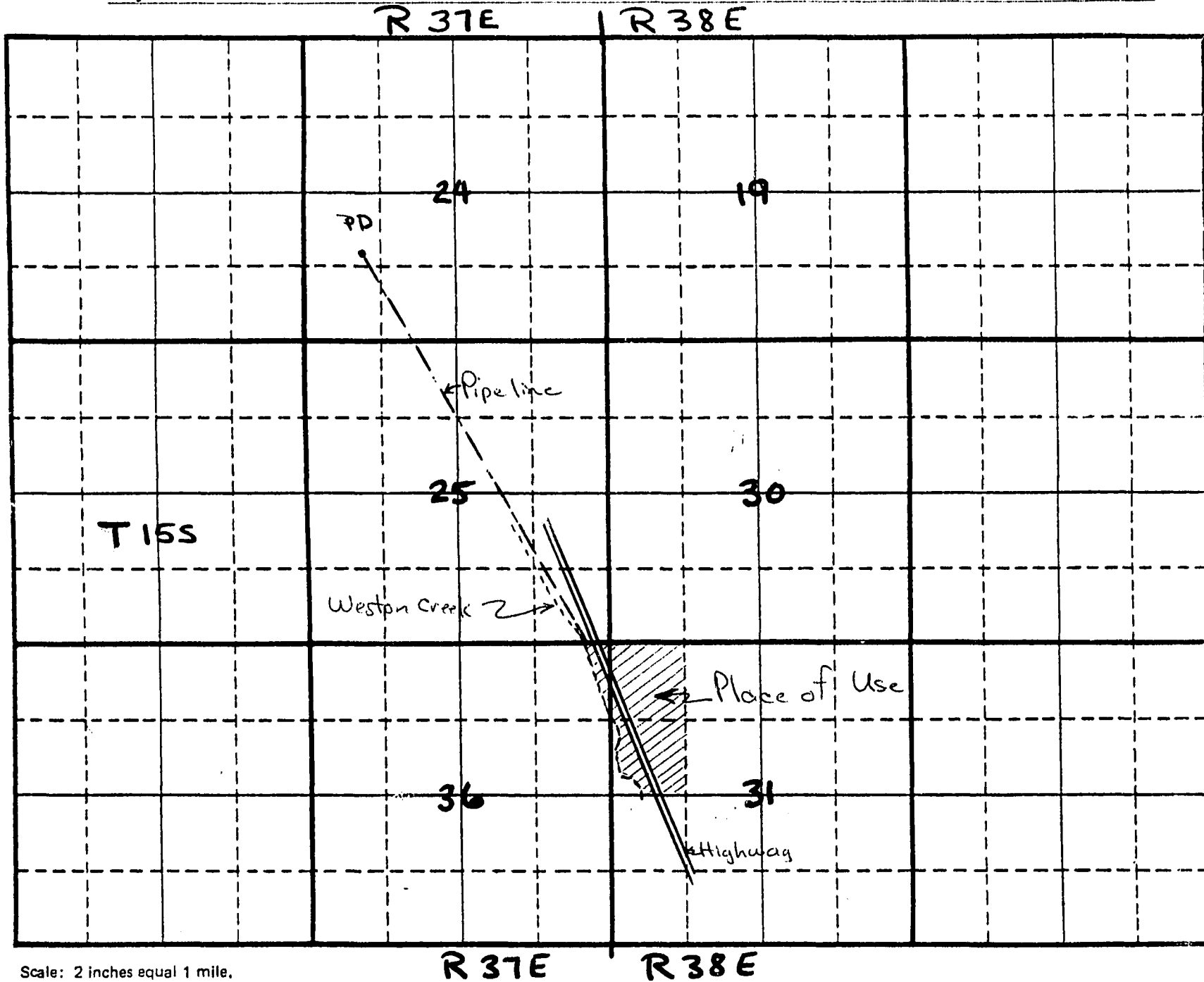
Legal No. 1345-33L - Pub. May 7, 14, 1981.

RECEIVED
JUN 8 1981

Department of Water Resources
Eastern District Office

OK RW 6/22/81

(3) Remarks This claim is for excess runoff water spilled from Weston Creek Reservoir in the spring, and will not interfere with water rights during the irrigation season. The gravity sprinkler system was installed in 1976.



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 Franklin) 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 28th day of April, 1981.

Stirling Bingham
(Claimant)

Norman A. Ricks
Notary Public
Residing at Princeton, Idaho

My commission expires Continues

FOR DEPARTMENT USE ONLY

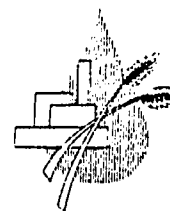
Received by KW Date 4/29/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by N/A Date _____
Published in _____
Dates _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT

AMENDED



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 Sterling Bingham

(Name of Claimant)

Weston, ID 83286

(Mailing Address)

Telephone No. 747-3255

(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, 1913

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)

Weston Creek tributary to Bear 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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.0 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Mar. 1</u>	To <u>July 1</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity <u>2.0 cfs</u>	Use _____	Period of Use From _____	To _____		

- (4) 2.0 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 24 Twp. 15S Rge. 37E B.M., County of Franklin

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. Concrete intake box 12", 10", 8" mainline sprinkler system.

- (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	
15S	38E	31						29	37										66
15S	37E	36	4																4

No. of acres 70

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

Shares in Weston Creek Irrigation Company.

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: _____

13-4141-

BINGHAM, STERLING

· WESTON, ID 83286

Source: WESTON CREEK tributary to BEAR RIVER

Priority Date: 04/01/1913

Amount: 0.80 CFS

Diversion Point: NWSW Sec 24 T 15S R 37E, FRANKLIN Co.

Use: IRRIGATION (0.80 CFS) from 04/01 to 07/01

Place of Use: NWNW SWNW Sec 31 T 15S R 38E NENE Sec 36 T 15S R 37E
FOR 44 ACRES

Diversion Means: INTAKE BOX & SPRINKLER SYSTEM.

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED
Director

Published 4/16 & 4/23/81.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 13 4141 Applicant Bingham

NOTE: 13-4141 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 _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

5/4
proofed
over phone
4/13 kw

150 Shoup Ave. -----

525-7161

May 11, 1981

RE: Claim to a Water Right No. 13-4141, Sterling Bingham

Glade Schvaneveldt
President
Weston Creek Irrigation Co.
Weston, ID 83286

Dear Mr. Schvaneveldt:

The letter of protest recently received is being returned because it is not in correct form. If the Company does not agree with Mr. Bingham's Claim to a Water Right No. 13-4141 then it should submit an exception to the Claim. This exception should state why the claim is incorrect and must be in affidavit form i.e. signed in the presence of a notary public. The Department will include the exception in Mr. Bingham's claim file, however, we take no further action.

Feel free to call or contact this office should you have questions concerning this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

150 Shoup Ave. -----

525-7161

May 11, 1981

RE: Claim to a Water Right No. 13-4141, Sterling Bingham

John J. King
Route #1, Box 33
Weston, ID 83286

Dear Mr. King:

The letter of protest recently received is being returned because it is not in correct form. If you do not agree with Mr. Bingham's Claim to a Water Right No. 13-4141 then you should submit an exception to the Claim. This exception should state why the claim is incorrect and must be in affidavit form, i.e. signed in the presence of a notary public. The Department will include the exception in Mr. Bingham's claim file, however, we take no further action.

Feel free to call or contact this office should you have questions concerning this matter.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 13-4141 in the name of Sterling Bingham, Weston, Idaho, was filed with a priority date of April 1, 1913 for the diversion and application to beneficial use 0.80 cfs of water from Weston Creek tributary to Bear River with the point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp. 15S, Rge. 37E, Franklin County; the water is claimed to be used from April 1 to July 1 for the irrigation of 44 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31, Twp. 15S, Rge. 38E, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, Twp. 15S, Rge. 37E.

The claimant now proposes to amend Claim No. 13-4141 amending the amount of water to 2.0 cfs; the period of use from March 1 to July 1 and the acreage of land irrigated to 70 acres.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the Preston Citizen 5/7 & 5/14/1981.

June 2, 1981

RE: Claim to a Water Right No. 13-4141 STERLING BINGHAM (amended)

John J. King
241 North State
Preston, ID 83263

Dear Mr. King:

We have received the exception dated May 12, 1981, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources, July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

June 2, 1981

RE: CLAIM TO A WATER RIGHT NO. 13-4141

Sterling Bingham
Weston,
Idaho 83286

Dear Mr. Bingham:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

July 1, 1981

RE: Amended Claim to a Water Right No. 13-4141

Sterling Bingham
Weston,
Idaho 83286

Dear Mr. Bingham:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 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.

As you are aware, the filing of your amended 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 amended 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, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: K.C. Wilson

Right Number 13-4141 Applicant Sterling Bingham

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 Ernest Carlson Date June 28 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. Lawrence Date 7/7/81

amending
amt
period of use
accrual
5/25

proofed on
phone
5/5 kw

IN THE MATTER OF:
Weston Creek
Irrigation Co.
Weston,

AFFIDAVIT

State of Idaho
County of Franklin

I, Glade Schwaneveldt being first duly sworn,
deposes and says: Weston Creek Irrigation Company Files
An exception to water claim # 13-4141 submitted
by Sterling Bingham for the diversion of 202.0 CFS
of water from Weston Creek. The company does
not feel there is enough water above and
beyond the 40 CFS the company has right to,
to also supply the additional water rights
of Mr. Bingham.

RECEIVED
JUL 13 1981

Department of Water Resources
Department of Water Resources
Eastern District Office

D. Glade Schwaneveldt
(Signature)

Subscribed and sworn to before me this 13 day of July, 1981.

Dane C. Lamm
(Notary Public)

Residing at Preston Idaho
My Commission Expires 2-24-82

RECEIVED

JUL 16 1981

Department of Water Resources

July 14, 1981

RE: Claim to a Water Right No. 13-4141 AMENDED

Sterling Bingham
Weston,
Idaho 83286

Dear Mr. Bingham:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

July 14, 1981

RE: Claim to a Water Right No. 13-4141 STERLING BINGHAM (Amended)

D. Glade Schvaneveldt
Weston Creek Irrigation
Weston, ID 83286

Gentlemen:

We have received the exception dated July 13, 1981, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources, July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office