

RECEIVED

JUL 19 1976

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
State of Idaho) ss.
I, David Mark Brown do
solemnly

Publisher
swear that I am the of
The Blackfoot News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law, a
particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of Idaho shall
be published to-wit: Thurs of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was,
published in said Thursday

..... issue of said newspaper ...2... consecutive
weeks the first publication having been made on

the 8th day of July, 19 76,

and the last publication having been made on the
15th day of July, 19 76; that said

notice was published in the regular and entire issue of
every number of the paper as aforesaid during the
period and time of publication, and that notice was
published in the newspaper and not in a supplement.

David Mark Brown
Subscribed and sworn to before me this 15th
day of July, 19 76

Patricia H. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1976

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 35-4050

Notice is hereby given that
James D. Wheeler, Blackfoot,
Idaho has filed a claim to a
water right established by
diversion and application to
beneficial use of 3.20 cubic feet
per second of water from a
ground-water source with point
of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 36, T. 1S, R. 34E, B.M.,
Bingham County.

The water is claimed to be
used from Apr. 1 to Nov. 1 for
the irrigation of 160 acres with a
priority of April 7, 1953; the
place of use is within the NW $\frac{1}{4}$,
Sec. 36, T. 1S, R. 34E, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

(4741)
Pub.: 7-8, 15

33

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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 James D. Wheeler
(name of claimant)
of Rt. #4, Box 141, Blackfoot, Idaho 83221, 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) ground water
_____, 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>3.20</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</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: 3.20 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) April 7, 1953

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 $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36 Twp. 1S Rge. 34E B. M. County of Bingham
 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. 125 Hp. turbine pump, 10" mainline
to 1300' center pivot

- (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.

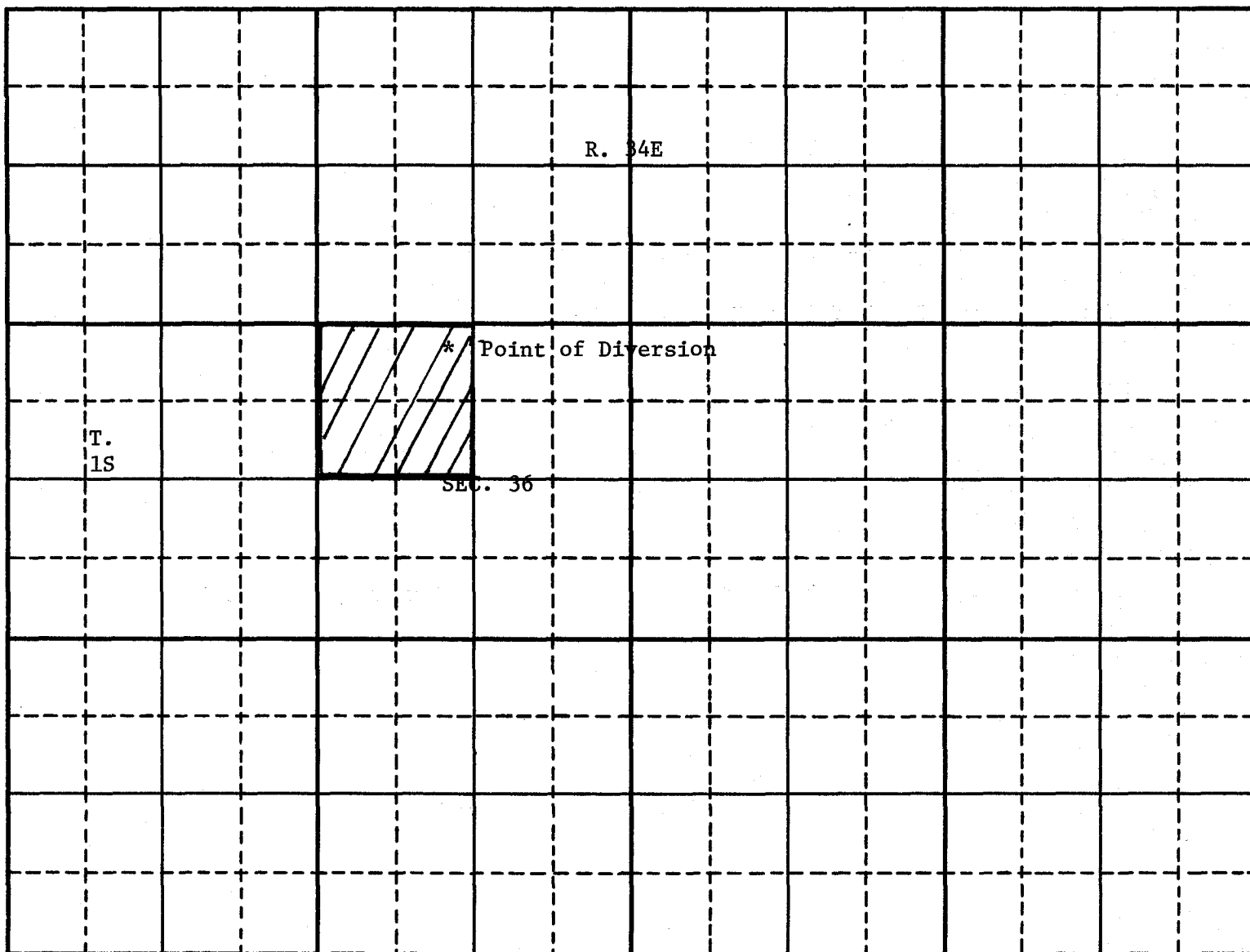
[illegible]

Total No. of acres 160

- 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: _____

(8) Remarks This claim is based upon permit No. 35-2318 filed in the name of Max Williams on October 1, 1975. Mr. Williams was notified that he owed a \$13.00 licensing fee. Since Mr. Williams no longer owned the property he did not pay the fee and the permit was cancelled.



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)
) ss.
County of BONNEVILLE)

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 30th day of JUNE

James D. Whelan
(Claimant)

Ronald D. Carson
Notary Public

Residing at IDAHO FALLS, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>CW</u>	Date <u>6-30-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>6/30/76</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>6-30-76</u>			
Approved for publication by <u>me</u>	Date <u>7-19-76</u>			
Published in <u>Blackfoot Times</u>				
Dates <u>July 8 + 15, 1976</u>				

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JUL 19 1976

Department of Water Resources
Eastern District Office

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County of Bingham

State of Idaho

David Mark Brown

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Publisher

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R. KEITH HIGGINSON
Director

(4741)
Pub.: 7-8, 15

July 27, 1976

RE: Claim to a Water Right No. 35-4050

Mr. James D. Wheeler
Rt. #4, Box 141
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

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, 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, for your records, a copy of your 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
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

July 1, 1976

RE: Claim to a Water Right No. 35-4050 WHEELER

Application for Permit No. 35-7622 PRESCOTT

The Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

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 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.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 7-19-76 by CW

RDC:CW

Enc: Legal Notice (2)

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to beneficial use of 3.20 cubic feet per second ~~2000 cubic feet per second~~
of water from a ground-water source

with point of diversion in the NE 1/4, Sec. 36, T. 1S, R. 34E, B.M.,

Bingham County

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R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

on July 8 and July 15, 1976

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me-14
me-Q.*