

RECEIVED

DEC 20 1971

Department of Water Administration
Eastern District Office

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 35-4017**

Notice is hereby given that Milton W. Dalley, Route 5, Box 122, Blackfoot, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from a ground-water source with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 2 S, R. 33 E, B.M., Bingham County.

The water is claimed to be used from April 1 to Nov. 1 for the irrigation of 34 acres with a priority of May 1, 1952 (0.5 c.f.s.); the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21, T. 2 S, R. 33 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

(2890)

Pub.: 11-25 and 12-2

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher 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: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper2..... consecutive weeks, the first publication having been made on the ..25th... day of November.....,19.....71.,

and the last publication having been made on the2nd... day of December, 19.....71.; 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.

Subscribed and sworn to before me this17th..... day of December.....,19.....71

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Nov. 10, 1972

35-4017

Notice

Being Processed in Idaho Falls

35-4017

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HOLMES
IDAHO FALLS, IDAHO 83401

Identification No. 35-4017 9

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant MILTON W. DALLEY
post office address Route 5, Box 122, Blackfoot, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 21 Township 2S
Range 33E B.M. located on Ground Water
(name of source)

tributary to - - - - in Bingham County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:
May 1, 1952 amount: 0.5 c.f.s. or acre feet
amount: c.f.s. or acre feet
amount: c.f.s. or acre feet
Total claimed 0.5 c.f.s. or acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Nov. 1 (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive)
use period of use from to (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of
 ; length is feet; height is feet;
width at bottom is feet; width at top is feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known

b. Underground water diverting works: is well flowing or pumped Pumped; depth of well is 165 feet; diameter of well is 16 inches; type of pump is Layne & Bowler deep well turbine
capacity of pump is 1300 g.p.m.; name and address of well driller is

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attach well logs if available; has there been any change in pump or motor since well was first completed
 NO _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;
 width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000
 feet is _____ feet; material through which ditch passes is _____;
 maximum length of pipe line to first place of use is ~~XXXXXXX~~ 2500 feet; diameter of pipe line is 8 inches;
 type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giv-
 ing date and dimensions if possible 1965 mainline from this pump was tied into mainline
 from another well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20.

d. If water is stored: name of reservoir _____;
 total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
 year construction commenced _____; year completed _____; date first used _____
 period of storage is from _____ to _____; is reservoir drained each year _____;
 is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
 location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and
 describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2S	33E	21									31			3					34

Total number of acres to be irrigated 34

Explain any significant increase in area irrigated since first use, give dates and acreages if known NONE

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered NONE

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied NONE

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities NONE

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This land was inadvertently omitted from the land list of License No. G-22879

State of Idaho

County of Bonneville

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 affiants knowledge.

Sworn to before me this 16th day of NOVEMBER, 1971.

Milton W. Dally
Claimant

Norman C. Young
Notary Public

Residing at IDAHO FALLS

My commission expires June 10th, 1974

For Department Use Only

Received by <u>bj</u> Date <u>11-16-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Ncy</u> Date <u>11-16-71</u> # <u>7241</u>	_____	_____	_____
Fee received by <u>bj</u> Date <u>11-16-71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Blackfoot News</u> Dates <u>11-25 & 12-2-71</u>	_____	_____	_____

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INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

(2890)

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swear that I am the publisher 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: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper2..... consecutive weeks, the first publication having been made on the 25th day of November, 1971.

and the last publication having been made on the 2nd day of December, 1971; 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.

Subscribed and sworn to before me this 17th day of December, 1971.

Ray D. Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Nov. 10, 1972

35-4017

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 27, 1971

Re: Claim to a Water Right No. 35-4017

Milton W. Dalley
Route 5, Box 122
Blackfoot, Idaho

Dear Mr. Dalley:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Section 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,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enc: Copy of Claim

cc: Department of Water Administration
240 So. Holmes
Idaho Falls, Idaho 83401

35-4017

November 17, 1971

Re: Calm No. 35-4017 - Milton W. Dalley

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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

Bill submitted to Boise Office 12-22-71 by CR

NCY:BJ
Enc: Legal notice

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with point of diversion in the SW 1/4, Sec. 21, T. 2 S, R. 33 E, B.M.,
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Idaho Department of Water Administration, 240 South Holmes, Idaho Falls,
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R. KEITH HIGGINSON

Director

Published in the The Blackfoot News, Blackfoot, Idaho
on November 25 and December 2, 1971

35-4017