

RECEIVED

NOV 19 1970

Department of Water Administration

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 Saturday and 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 8th day of October, 1970,

and the last publication having been made on the 15th day of October, 1970; 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.

Drury R. Brown

Subscribed and sworn to before me this 18th

day of November, 1970

Raye Dington
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1969

November 10, 1972

NOTICE OF CLAIM TO A WATER RIGHT No. 35-4012

Notice is hereby given that John Zimmerman, American Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.10 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T. 6S, R. 31 E, B.M., Bingham County.

The water is claimed to be used from April 1 to October 15 for irrigation with a priority of April 1, 1959 (1.23 cfs) and Oct. 15, 1953 (.87 cfs); the place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6S, R. 31E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

(2517)
Pub.: 10-8, 15

35-4012

8

Identification No. _____
Claim No. 354012
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 John Zimmerman
post office address American Falls, Idaho 83211
2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 18 Township 6 S
Range 31 E. B.M. located on underground water A
(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:

<u>April 1, 1959</u>	amount: <u>1.23</u>	c.f.s. or <u>123</u>	acre feet
<u>October 15, 1953</u>	amount: <u>.87</u>	c.f.s. or <u>87</u>	acre feet
_____	amount: _____	c.f.s. or _____	acre feet
Total claimed <u>2.10</u> c.f.s. or <u>210</u> 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 <u>irrigation</u>	period of use from <u>April 1</u>	to <u>October 15</u>	(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 146 feet; diameter of well is 12 inches; type of pump is turbine
capacity of pump is _____ g.p.m.; name and address of well driller is Paul Vollmer & Son
Aberdeen, Idaho ;

35-4012

attach well logs if available; has there been any change in pump or motor since well was first completed yes; if so, give dates and explain Motor changed Spring, 1968, from 40 horse-
power to 60 horsepower, for the reason that the former heated
excessively.

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 1320 feet; diameter of pipe line is 6 inches; type of pipe aluminum; grade of pipe per 1000 feet is 6%. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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:

[illegible]

Total number of acres to be irrigated_____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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 _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Well in NW1/4 of NW1/4 on property under permit no. 24560 was
abandoned in October 1958 and Aberdeen Springfield Canal Co.
water rights on property were transfered in spring 1959.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date) John Zimmerman
(Signature of Claimant)
State of Idaho }
County of Bannock } ss.

On this 13th day of February 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Pocatello, Idaho
My commission expires _____

For Department Use Only			
Received by <u> </u>	Date <u>9-24-70</u>	Exception filed by: _____	Forwarded to claimant by: _____
Prelim. check by <u> </u>	Date <u>9-24-70</u>	_____	_____
Fee received by <u> </u>	Date <u>9/24-70</u>	Fee \$ <u>10.00</u>	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Blackfoot News</u>	Dates <u>10-8 & 10-15, 1970</u>	_____	_____

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 _____	acre feet
	<u>June 1, 1901</u>	amount: <u>0.4</u> c.f.s. or _____	acre feet
	Total claimed:	<u>1.2</u> c.f.s. or _____	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.

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 35-4012

Notice is hereby given that John Zimmerman, American Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.10 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T. 6S, R. 31 E, B.M., Bingham County.

The water is claimed to be used from April 1 to October 15 for irrigation with priority of April 1, 1953 (the date of use) and Oct. 15, 1953 (the date of place of use) is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, T. 6S, R. 31E, B.M.

Any claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. J. HARRISON
Director
(2517)
Pub. 10-8, 15-10-72

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 Saturday and 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 newspaper 2 consecutive weeks, the first publication having been made on the 8th day of October, 19 70,

and the last publication having been made on the 15th day of October, 19 70; 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.

Drury R. Brown

Subscribed and sworn to before me this 18th

day of November, 19 70

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires June 1, 1969 November 10, 1972

35-4012

November 30, 1970

Re: Claim to a Water Right No. 35-4012

Mr. John Zimmerman

American Falls, Idaho 83211

Dear Mr. Zimmerman:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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:dr

Enclosures: Copy of claim
Receipt No. 5178

35-4012

November 25, 1970

Re: Claim to a Water Right No. 35-4012

C
Mr. John Zimmerman
American Falls,
Idaho 83211

Dear Mr. Zimmerman:

O
We have been advised by the Blackfoot News that you paid for the publication of the legal notice in connection with your claim to a water right as referenced above.

P
As the Department was responsible for payment of the legal notice in the newspaper, please sign the enclosed voucher and return it to this office and we will re-imburse you for the publication fee.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

35-4012

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

November 17, 1970

Re: Claim No. 35-4012 - John Zimmerman

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on October 8th and 15th, 1970.

May we hear from you by return mail?

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

This was mistakenly billed to Mr Zimmerman & he has remitted a check to us in the amount of \$7.82 on November 4, 1970. Please let me know if there are any changes you want made on this.

*Sincerely
Kaye Dayton*

35-4012

November 17, 1970

Re: Claim No. 35-4012 - John Zimmerman

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on October 8th and 15th, 1970.

May we hear from you by return mail?

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

35-4012

November 5, 1970

Re: Claim No. 35-4012 - John Zimmerman

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on October 8th and 15th, 1970.

Your cooperation in this matter will be most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

35-4012

October 28, 1970

Re: Application No. 35-7154 - Matsuura Brothers
Claim No. 35-4012 - John Zimmerman

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

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on October 8th and 15th, 1970.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

35-4012

NOTICE OF CLAIM
TO A WATER RIGHT
No. 35-4012

Notice is hereby given that John Zimmerman, American Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.10 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T. 6S, R. 31 E, B.M., Bingham County.

The water is claimed to be used from April 1 to October 15 for irrigation with a priority of April 1, 1959 (1.23 cfs) and Oct. 15, 1953 (.87 cfs); the place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6S, R. 31E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

(2517)

Pub.: 10-8, 15

35-4012

October 1, 1970

Re: Claim No. 35-4012 - John Zimmerman
Application No. 35-7154 - Matsuura Brothers

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 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notices (2)

Bill submitted 11-30-70 By DR

35-4012

NOTICE OF CLAIM TO A WATER RIGHT

No. 35-4012

Notice is hereby given that John Zimmerman, American Falls, Idaho,

has filed a claim to a water right established by diversion and application to beneficial use of 2.10 cubic feet per second ~~acre/feet~~ of water from a ground water source

with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T. 6S, R. 31E, B.M.,
Bingham County.

The water is claimed to be used from April 1 to October 15 for
irrigation

with a priority of April 1, 1959 (1.23 cfs) and Oct. 15, 1953 (.87 cfs)
the place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 6S,
R. 31E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho,
on October 8 and October 15, 1970.

35-4012