

RECEIVED
APR 1 1969

Department of Reclamation

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 20th day of March, 1969,

and the last publication having been made on the

27th day of March, 1969; 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 28th

day of March, 1969.

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

My commission expires

~~XXXXXX~~ November 10, 1972

NOTICE OF CLAIM TO A WATER RIGHT No. 35-4004

Notice is hereby given that Harold C. Houtman, Route No. 5, Box 109, Blackfoot, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.3 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. 25, T. 1 S, R. 32 E, B.M., Bingham County; the water is claimed to be used from April to October 31 for irrigation with a priority of April 1, 1962; the place of use is located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 25, T. 1 S, R. 32 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub.: March 20 and 27
(1039)

35-4004

Bill sub. 4-2-69

Identification No. _____

Claim No. 35-4004 9

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 Harold C. Houtman
post office address Route #5, Box 109, Blackfoot, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 25 Township 1 South
Range 32 E. B.M. located on under-ground water
(name of source)

tributary to subterranean flow 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:

April 1, 1962 amount: 1.8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 1.8 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 Oct. 31 (both dates inclusive)
(each year from 1962 to present)
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 NA
_____ ; 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 374 feet; diameter of well is 18 inches; type of pump is turbine - 200 hp
capacity of pump is 2,200 g.p.m.; name and address of well driller is _____
_____ ;

35-4004

_____; if so, give dates and explain None

ing date and dimensions if possible conveying system is same as when well was drilled.

is reservoir on or off stream _____ explain _____

location of reservoir by 40-acre subdivisions_____

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 320

Has been about the same.

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 NA

7. Where water is used for domestic or municipal purposes give number of families served NA
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 NA

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The purpose of filing this claim of water right is to supplement the amount of water granted by License and Certificate of Water Right No. G-26189. Said License grants 3.0 c.f.s. This claim is for an additional 1.8 c.f.s., which has been established by diversion and application to beneficial use prior to the year 1963. Apparently, the well involved in this claim was always capable of and did in fact produce more than 3.0 c.f.s. After said License was perfected, but prior to 1963, an additional 56 acres more or less was put under cultivation and was irrigated from the same well as mentioned in License No. G-26189. This claim is to show that said additional water has been used and that said well is capable and has produced the water needed to irrigate the additional land.

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.

March 4, 1969
(Date)

Harold C. Hartman
(Signature of Claimant)

State of Idaho }
County of Bingham } ss.

On this 4th day of March 19 69, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

James L. Mortsch
Notary Public residing at Blackfoot, Idaho

My commission expires July 10, 1972

For Department Use Only

Received by <u>ef</u>	Date <u>3-6-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Pell</u>	Date <u>3-7-69</u>			
Fee received by <u>ef</u>	Date <u>3-7-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>Wm B-1169</u>				
Published in <u>Blackfoot News</u>	Dates <u>3-20/27-69</u>			

35-4004

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

RECEIVED

AFFIDAVIT

Declaration

STATE OF IDAHO)
 : ss.
County of Bingham)

H. E. BENSON, Being first duly sworn on oath, deposes and says:

THAT He is 46 years of age, is a farmer, and lives West of Blackfoot, in the County of Bingham, State of Idaho.

THAT He made application for a water permit in February, 1956, under Licence No. G-26189, and subsequent thereto, his successors in interest have perfected a License and Certificate of Water Right pursuant to said permit, said License being No. G-26189, and which License grants 3.0 c.f.s. of water.

THAT At the time he made application for said License, approximately 270 acres were under cultivation and 3.0 c.f.s. was enough to irrigate said land.

THAT To the best of his personal knowledge, subsequent to the time of said application and prior to the year 1962, an additional amount of land has been put under cultivation in the approximate amount of 56 acres, and that additional water has been used during said time in the approximate amount of 1.8 c.f.s.

THAT The property above mentioned is located in Section 25, Township 1 South, Range 32 East of the Boise Meridian, Bingham County, Idaho.

H. E. Benson

SUBSCRIBED and Sworn to before me this 5 day of March, 1969.

Dorrie Underwood

Notary Public for Idaho

Residing at Blackfoot, Idaho

My Commission Expires ^{Oct. 15, 1971} ~~July 10, 1972~~

35-4004

Agricultural Services, Inc.

IRRIGATION EQUIPMENT

PUMPS

FERTILIZERS

Phone 785-1717
P. O. Box 627
Collins
BLACKFOOT, IDAHO
February 21, 1969

Utah Mortgage Loan Corporation
Box 460
Idaho Falls, Idaho

Reference: Well Certification, Harold Houtman

Gentlemen:

From engineering data and records we have in our files on two pumps and knowing the size of pump and well conditions on the third unit the capacities are calculated as follows:

The 200 HP pump located on Sec. 25 at its setting of 280 feet and on open discharge	2,200 GPM
The 300 HP pump on Sec. 24 at its setting of 320 feet and on open discharge	3,040 GPM
The 300 HP pump on Sec. 14 at its setting of 290 feet and under sprinkler conditions	<u>2,560</u> GPM
Total GPM	7,800

I hereby certify the three wells are capable of supplying 9,000 GPM.

Very truly yours,

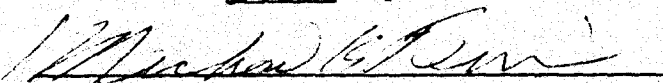
Agricultural Services, Inc.



Thomas B. Slayton, President

TBS;ls

SUBSCRIBED and Sworn to before me this 5 day of March, 1969.


Notary Public for Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

35-4004

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

} ss.

I, Drury R. Brown do solemnly

NOTICE OF CLAIM TO A WATER RIGHT No. 35-4004

Notice is hereby given that Harold C. Houtman, Route No. 5, Box 109, Blackfoot, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.8 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. 25, T. 1 S, R. 32 E, B.M., Bingham County; the water is claimed to be used from April to October 31 for irrigation with a priority of April 1, 1962; the place of use is located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 25, T. 1 S, R. 32 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub.: March 20 and 27
(1039)

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 20th day of March, 1969,

and the last publication having been made on the 27th day of March, 1969; 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 28th

day of March, 1969

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

My commission expires

~~XXXXXX~~ November 10, 1972

35-4004

Blackfoot News 4-20-69

April 8, 1969

Re: Claim No. 35-4003
harold C. Houtman

Claim No. 35-4004
harold C. Houtman

Mr. Harold C. Houtman
Route #5, Box 109
Blackfoot, Idaho

Dear Mr. Houtman:

Your claims to water rights have been received and processed by the Department of Reclamation. The information in your claims has been filed under Claim Nos. 35-4003 and 35-4004. Please refer to these numbers when adding or changing the information in your claims.

Enclosed are Receipt Nos. 2776 and 2775, both in the amount of \$10.00 which covers the filing of the claims.

You should be advised that the filing of these claims completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225a and b of the Idaho Code. Your claims will be filed and will remain of public record until such time as you or the court needs the information.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Receipt Nos. 2776 and 2775

C
O
P
Y

35-4004

NOTICE OF CLAIM TO
A WATER RIGHT
No. 35-4004

Notice is hereby given that ~~Harold C. Houtman, Route No. 5, Box 109, Blackfoot, Idaho, has~~ filed a claim to a water right established by diversion and application to beneficial use of ~~1.8~~ cubic feet ~~per~~ second of water from a ground water source with point of diversion in the ~~NE 1/4 NW 1/4, sec. 25, T. 1 S, R. 32 E, B.M., Bingham County; the water~~ is claimed to be used from ~~April~~ to ~~October 31~~ for irrigation with a priority of ~~April 1, 1962; the~~ place of use is located in the ~~1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SE 1/4, sec. 25, T. 1 S, R. 32 E, B.M.~~

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub.: March 20 and 27
(1039)

35-4004

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

March 11, 1969

Re: Application No. 35-7060 - Marlis D. Jackman and Maurice E. Ireland (correction)
Application No. 35-7071 - Idaho Savings and Loan Association
Application No. 35-7070 - Jesse J. Griffiths
✓ Claim No. 35-4004 - Harold C. Houtman
Claim No. 35-4003 - Harold C. Houtman

Blackfoot News
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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: legal notice (5)

35-4004

NOTICE OF CLAIM TO A WATER RIGHT

No. 35-4004

Notice is hereby given that Harold C. Houtman, Route #5, Box 109,
Blackfoot, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 1.8
cubic feet per second ~~acre feet~~ of water from a ground water source
with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
sec. 25, T. 1 S, R. 32 E, B.M., Bingham County; the water is
claimed to be used from April to October 31 for irrigation
with a priority of April 1, 1962
; the place of use is located in the
NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 25, T. 1 S, R. 32 E, B.M.
.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Blackfoot News, Blackfoot, Idaho
on March 20 and March 27, 1969.

35-4004

LAW OFFICES
FURCHNER & ANDERSON

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

March 4, 1969

H. WILLIAM FURCHNER
J. BLAINE ANDERSON
JAMES L. MARTSCH

AREA CODE 208
785-2310
P.O. BOX 752

RECEIVED
APR 10 1969
APPROPRIATION

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Donald W. McEldowney
Appropriation Examiner

Re: Harold C. Houtman

Dear Mr. McEldowney:

Pursuant to your letter of February 18, 1969, it has been decided to file Claims of Water Right concerning the additional appropriation of ground water, pursuant to 42-225, Idaho Code.

Please find enclosed herewith Originals of two claims of water right, Affidavits and Well Certification. Also, find enclosed our check in the sum of \$20.00 which will cover the filing fee for both of these claims.

We would appreciate it if you would see that these claims and related documents are properly filed. If additional information is required, please notify this office promptly.

Sincerely yours,

FURCHNER & ANDERSON

James L. Martsch
James L. Martsch

JLM:slo

Encls.

35-4004