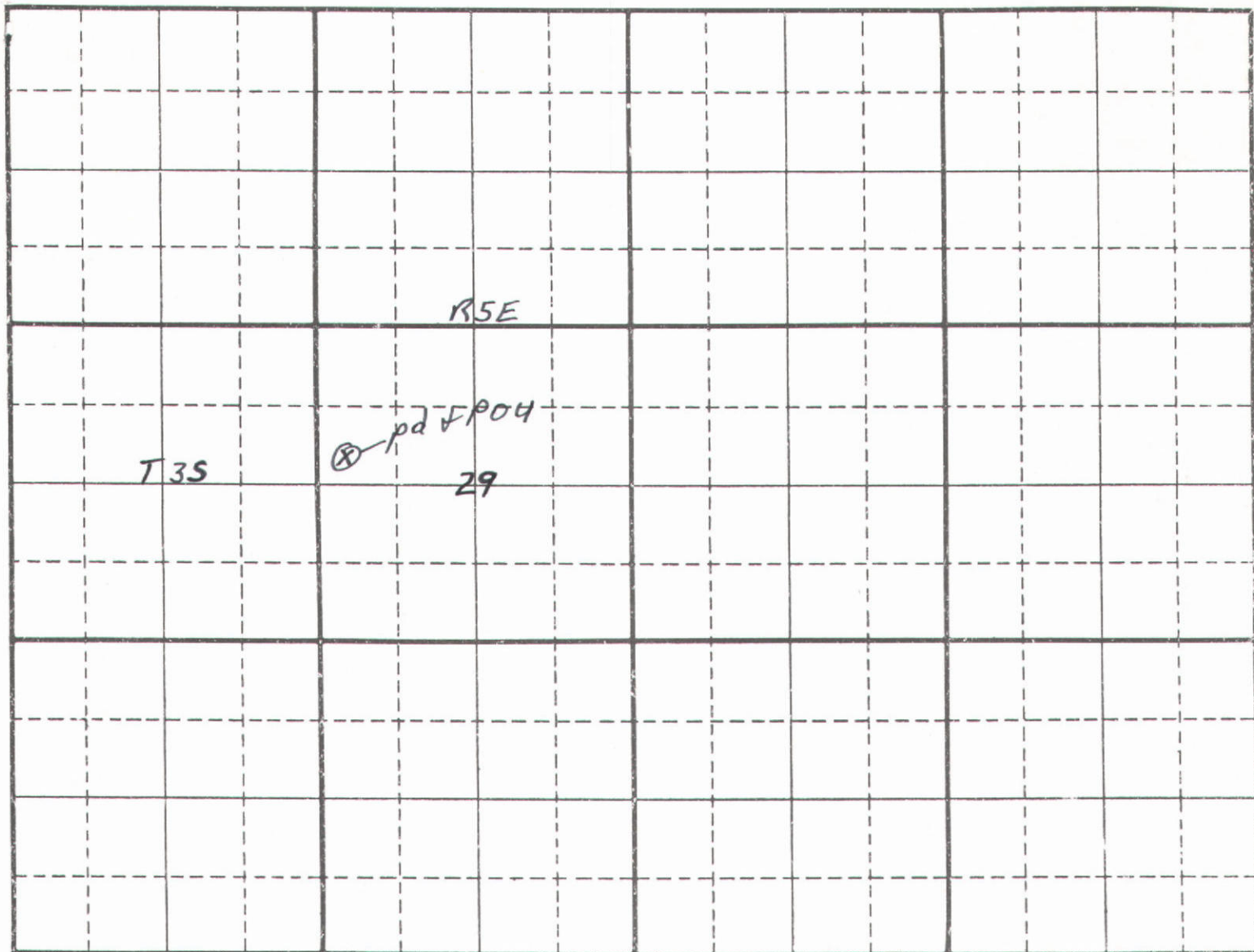


(8) Remarks Known as Frazier Reservoir



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 Elmore) 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 7th day of January

Donny M. Guerin
(Claimant)

1983

Dr. L. Roberts
Notary Public
Residing at Mtn. Home

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by GLS Date 1/10/83 Exception filed by: Charles R. Cook Forwarded to _____ Date _____
Prelim. check by GLS Date 1/12/83 Mountain Home Irr. Dist. 25112
Published in Mountain Home News
Dates 1/27 & 3/3/83

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claims have been filed
on water rights created by diversion
and beneficial use:

61-4064 ✓

AGUIRRE, DOMINGO M.
SMITH, JEAN
315 E. 5TH NORTH, MOUNTAIN
HOME, ID 83647
Source: CANYON CREEK trib. to
SNAKE RIVER
Priority Date: 01/01/1916
Diversion Pt: SWNW Sec 29 T 03S R
05E

Use: STOCKWATER STORAGE
(3535.0 AF); STOCKWATER FROM
STORAGE (3535.0 AF)
In: SWNW Sec 29 T 03S R 05E
61-4065

PETZOLDT, ALTON &/or SHARON
RT. 1 BOX 859, MOUNTAIN
HOME, ID 83647
Source: GROUNDWATER
Priority Date: 01/01/1952
Diversion Pt: SENW Sec 01 T 04S R
06E
Use: IRRIGATION (0.08 CFS);
DOMESTIC (0.25 CFS)
In: SENW Sec 01 T 04S R 06E FOR 3
ACRES

61-4066

RAMSEY, TONY G.
RT. 1 BOX 835, MOUNTAIN
HOME, ID 83647
Source: GROUNDWATER
Priority Date: 01/01/1928
Diversion Pt: SESW Sec 06 T 04S R
07E
Use: IRRIGATION (0.14 CFS)
In: SESW Sec 06 T 04S R 07E FOR 7
ACRES

63-4941

MCNEILLY, SALOME
1410 N. 16TH APT. C., BOISE, ID
83702
Source: SPRING trib. to TOWNE
CREEK: TOWNE CREEK trib. to
BOISE RIVER, SOUTH FORK
Priority Date: 07/01/1896
Diversion Pt: SESE Sec 13 T 02N
R 09E SWSW Sec 18 T 02N R 10E
Use: IRRIGATION (0.20 CFS)
In: SESE Sec 13 T 02N R 09E SWSW
Sec 18 T 02N R 10E FOR 10 ACRES
Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, Western Region,
Statehouse, Boise, Idaho 83720.
KEN DUNN, Dir.
Published 1/27 & 2/3/83.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 27 day
of January, 1983 and
the last publication having been made on the
3 day of Feb.
1983; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

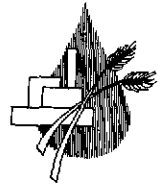
Floyd S. Waters
Subscribed and sworn to me this 3rd
day of February, 1983

Olson W. Swenson
Notary Public

Department of Water Resources
Western Regional Office

MICROFILMED

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 Domingo M. Aguirre &/or Jean Smith
(Name of Claimant)
315 E. 5th North Mountain Home, ID 83647 Telephone No. 587-3604
(Mailing Address) (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) 1916

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)
Canyon Creek tributary to Snake 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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3535. AF</u>	Use	<u>storage for stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>3535. AF</u>	Use	<u>storage from stockwater</u>	Period of Use From <u>4/1</u>	To <u>7/10</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 3535. AF TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 29 Twp. 3S Rge. 5E B.M., County of Elmore
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. earthen dam

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	5E	29							X										

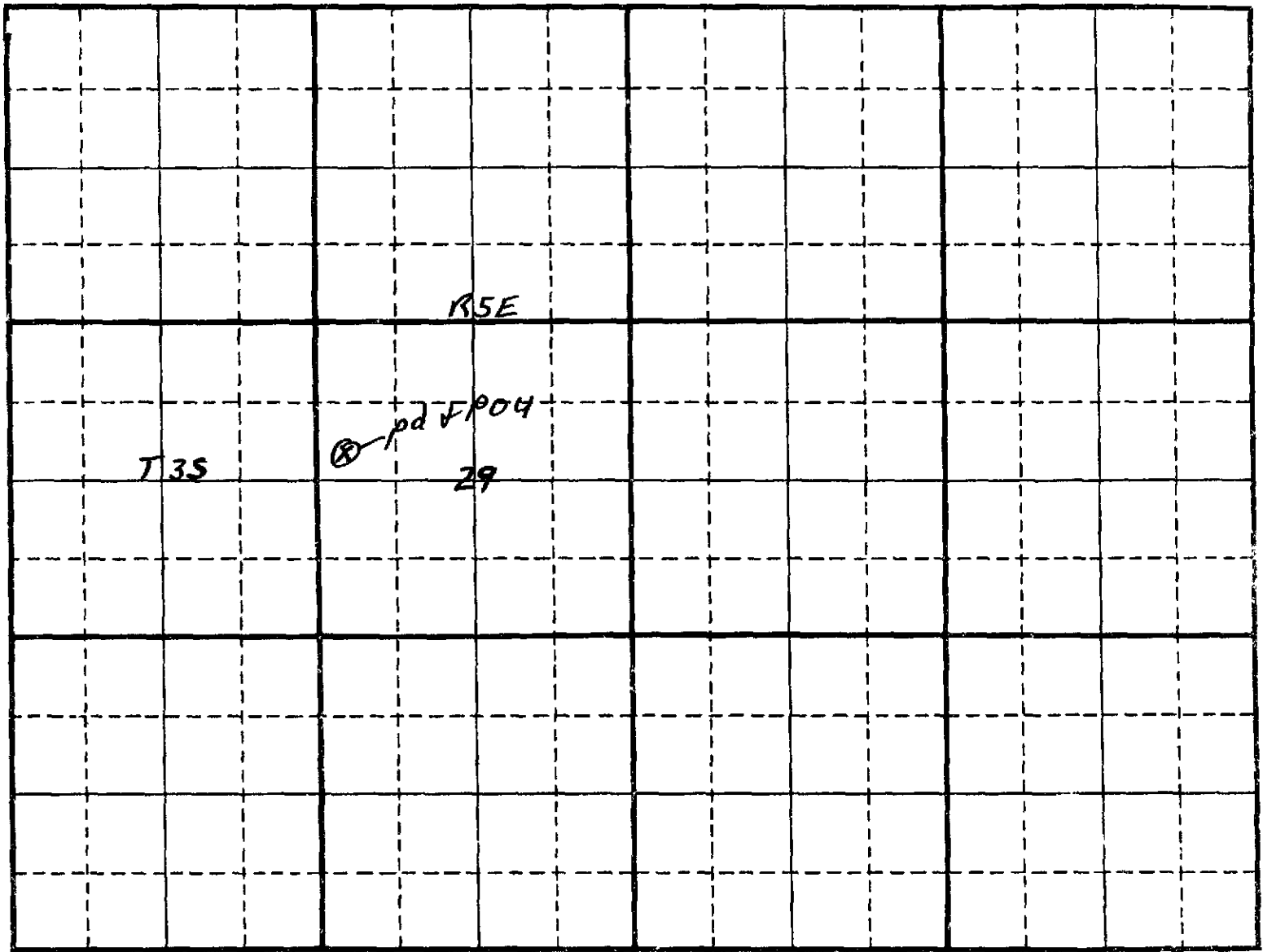
No. of acres

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

NOTE: Include here the type and number of stock watered: S/1000 Range Cattle & Calves

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Known as Frazier Reservoir



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 Elmore) 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 7th day of January

James M. Lyons
(Claimant)

1983

Dr. L. Roberts

Notary Public
Residing at Mtn. Home

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by GLS Date 1/10/83 Exception filed by: Charles R. Cook Forwarded to Mountain Home Irr. Dist. Date 1/12/83
Prelim. check by GLS Date 1/12/83 25112
\$30.00 fee received by JP Date 1/12/83
Published in Mountain Home News
Dates 1/27 & 3/3/83

THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF
AGUIIRE, DOMINGO M.
SMITH, JEAN for permits to appropriate
the Public Waters of the State of Idaho

}
No. 61-4064
}
}

The Mountain Home Irrigation hereby protests the application of Domingo M. Aguirre and Jean Smith, 315 E. 5th North, Mountain Home, Idaho #83647. Filing Number 61-4064 to appropriate the Waters of Canyon Creek, with the point of Diversion in the S W N W Sec 29 T 03S, R 05E, Elmore County, Idaho, as detailed in notice of application for Water Rights published in the Mountain Home News, a copy of which is attached to this protest and made a part of hereof.

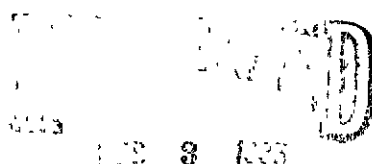
The Grounds of protest are that the Water of Canyon Creek, as identified in application No. 61-4064 are fully appropriated and all such Waters are required to satisfy the prior water rights of this protest in Canyon Creek, and that any diversion of said Water by the applicant will reduce the Waters of Canyon Creek below the amount required to satisfy the prior rights of this protest.

The Mountain Home Irrigation District also protests the adequacy of the notice of application for water rights, on the grounds that the notice does not state the time allowed for filing written protests against the approval of the application.

WHEREFORE; The Mountain Home Irrigation District requests that said application number 61-4064 be rejected, and that the Director of the Department of Water Resources of the State of Idaho refuse to issue permits therefor.

Dated the 2nd day of February, 1983

By Charles R. Cook
Charles R. Cook, Manager
Mountain Home Irrigation
District
140 So. 3rd East
Mountain Home, Idaho #83647



Department of Water Resources
Western Regional Office

Legal Notices:

'The People's

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed
on water rights created by diversion
and beneficial use:

61-4064

AGUIRRE, DOMINGO M
SMITH, JEAN
315 E. 5TH NORTH, MOUNTAIN
HOME, ID 83647

Source: CANYON CREEK trib to
SNAKE RIVER

Priority Date 01/01/1916

Diversion Pt: SWNW Sec 29 T 03S R
05E

Use STOCKWATER STORAGE

(3535.0 AF), STOCKWATER FROM
STORAGE (3535.0 AF)

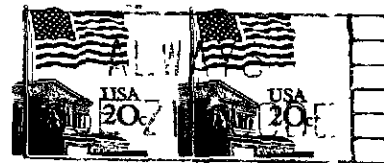
In: SWNW Sec 29 T 03S R 05E

61-4065

Mountain Home Irrigation District

140 South 3rd East

MOUNTAIN HOME, IDAHO 83647



DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO #83720

County of Elmore }
STATE OF IDAHO } ss.

I, Alfred S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

...2... consecutive weeks, the first publication having been made on the 27... day of January..., 19.83 and the last publication having been made on the 3... day of Feb. 19.83...; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters
Subscribed and sworn to me this *3rd*
day of *February*, 19*83*
Dean W. Swenson
Notary Public

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 625

Right Number 61-4064 Applicant Aguirre & Smith

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. 2/7/83
- ☒ Claim published correctly. Mountain Home News
- ☒ Exceptions processed. 1/27 2/2/83 30/23112

By DBS Date 2/14/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 2/15/83

RECEIVED
FEB 15 1983

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 16, 1983

DOMINGO M. AGUIRRE
JEAN SMITH
315 E. 5TH NORTH
MOUNTAIN HOME

ID 83647

RE: Claim No. 61-4064

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filings and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


DAVID B. SHAW
Western Region Supervisor

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

February 4, 1983

Charles R. Cook, Manager
Mountain Home Irrigation Dist.
140 So. 3rd. East
Mountain Home, ID 83647

Re: 61-4064

Dear Mr. Cook:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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 Resources 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."

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

Very truly yours,



DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

RECEIVED
FEB 10 1983



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

February 4, 1983

Domingo M. Aguirre
Jean Smith
315 E. 5th North
Mountain Home, ID 83647

Re: 61-4064

Dear Claimants:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

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

Very truly yours,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

RECEIVED
FEB 10 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 16, 1983

DOMINGO M. AGUIRRE
JEAN SMITH
315 E. 5TH NORTH
MOUNTAIN HOME

ID 83647

RE: Claim No. 61-4064

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


DAVID B. SHAW
Western Region Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 21, 1982

Domingo M. Aguirre
&/or Jean Smith
315 E. 5th North
Mountain Home, ID 83647

Dear Mr. Aguirre:

Enclosed is the Claim to a Water Right on Frazier Reservoir. Please review and if it meets with your approval sign on the back, have notarized and return along with the \$30.00 filing fee.

As soon as we receive it back we will begin processing so you fellows can start on the reconstruction program. If you have any other questions, don't hesitate in calling me.

Sincerely,

Lee Sisco
Senior Water Resource Agent

LS:jp

Enclosure

61-4064-

AGUIRRE, DOMINGO M.
SMITH, JEAN

315 E. 5TH NORTH, MOUNTAIN HOME, ID 83647

Source: CANYON CREEK trib. to SNAKE RIVER

Priority Date: 01/01/1916

Diversion Pt: SWNW Sec 29 T 03S R 05E

Use: STOCKWATER STORAGE (3535.0 AF)
STOCKWATER FROM STORAGE (3535.0 AF)

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