

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)

County of Valley)

Donald E. McMahan

) ss.
)

, being first duly sworn, deposes and

says: That he is the Publisher of the Star-News, a Weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said news-

paper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

January 28, 1971, and ended February 4, 1971

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 12th day of February, 1971.

Donald E. McMahan, Notary Public.
My commission expires 6-2, 1974.

65 4047

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4047

Notice is hereby given that John H. Shaw, Route 1, McCall, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from Boulder Creek, tributary to the Payette River with point of diversion in the S W quarter SE quarter, Sec. 19, T. 18N, R. 4E, B.M., Valley County.

The water is claimed to be used from May to July 15 for irrigation and stockwater purposes with a priority of March 16, 1927; the place of use is within the SE quarter SW quarter, SW quarter SE quarter, Sec. 24; NW quarter NE quarter, NE quarter NW quarter, Sec. 25; T. 18N, R. 3E, 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 Star News.
Jan 28 & Feb. 4, 1971 2tc

RECEIVED
FEB 16 1971

Department of Water Administration

Identification No. _____

Claim No. 65-4047

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 H. Shaw
post office address Rt. 1 McCall, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 19 Township 18 N
Range 4 E B.M. located on Boulder Creek
(name of source)
tributary to Payette River in Valley 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>March 16</u>	<u>1927</u>	amount: <u>1.6</u>	c.f.s. or	acre feet
		amount: _____	c.f.s. or	acre feet
		amount: _____	c.f.s. or	acre feet
Total claimed			<u>1.6</u>	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 <u>Irrigation and</u>	period of use from _____	to _____	(both dates inclusive)
use <u>Stock Water</u>	period of use from <u>May 1</u>	to <u>July 15</u>	(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 Earth and Rock around a steel pipe with attached headgate; length is 14 feet; height is 5 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 The original headgate which was built of lumber was replaced in 1965 with a steel pipe and steel headgate - the capacity slightly greater
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ 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 _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 6000 feet, width of ditch at top is 4 feet; width of bottom of ditch is 2 feet; depth of water is 1 feet; grade of ditch per 1000 feet is 3 feet; material through which ditch passes is soil and some rock; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ 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, giving date and dimensions if possible. The annual cleaning of the original ditch has resulted in a slightly larger ditch, however no additional work has been at all necessary.

- 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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
18 N	3 E	24											X				X		
18 N	3 E	25		X			X												

Total number of acres to be irrigated 160

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

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 225 head of
yearlings or the like amount of Cows and calves.

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
This ranch was homesteaded by my grand father in the early 1880 's and he
operated it with the help of one of his sons (Roy) who is my father,
until his death. At this time, he willed the ranch to Roy Shaw (my father)
who operated it until his retirement in 1961. I purchased the ranch from my
father and hope to pass it on to one of my children when I am through with
it.

This water has been in use for the above stated purposes every year since
the early 1920' s. Due to the many water filings on Boulder creek, I am
deeply concerned about establishing this priority date for this water right.

My storage water from Twin Lakes would be very inadequate without this early
water from Boulder Creek. Some years it provides as much as three weeks of
additional irrigation which can mean the difference between success and failure.

State of Idaho

County of Lem.

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 1st

day of

John H. Shaw
Claimant

February

1971

Wm. B. Kye
Notary Public

Residing at

Emmett, Idaho

My commission expires

9-26-73

For Department Use Only

Received by ej Date 1-11-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by Die Date 1-11-71

Fee received by ej Date 1/12/71 Fee \$ 10⁰⁰

Approved for publication by 1

Published in Star News Dates 1-28 & 2-4, 71

dg

65 11147

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.

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)

County of Valley)

) ss.

Donald E. McMahan

, being first duly sworn, deposes and

says That he is the Publisher of the Star-News, a Weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper, that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 28, 1971, and ended February 4, 1971.

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 12th day of February, 1971.

Donald E. McMahan, Notary Public.
My commission expires 6-2, 1974.

No. 65-4047

Notice is hereby given that John H. Shaw, Route 1, McCall, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from Boulder Creek, tributary to the Payette River with point of diversion in the S W quarter SE quarter, Sec. 19, T. 18N, R. 4E, B.M., Valley County.

The water is claimed to be used from May to July 15 for irrigation and stockwater purposes with a priority of March 16, 1927; the place of use is within the SE quarter SW quarter, SW quarter SE quarter, Sec. 24; NW quarter NE quarter, NE quarter NW quarter, Sec. 25; T. 18N, R. 3E, 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 Star News.

February 18, 1971

Re: Claim to a Water Right No. 65-4047

Mr. John H. Shaw
Route #1
McCall, Idaho 83638

Dear Mr. Shaw:

The Department of Water Administration 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

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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

January 25, 1971

Re: Claim No. 65-4047

Mr. John H. Shaw
Route #1
McCall, Idaho 83638

Dear Mr. Shaw:

We are returning your claim to a water right, no. 65-4047, as we have been advised by the Idaho Attorney General's office that the claim form, as printed, is insufficient with which to comply with requirements of the Idaho Code. The Idaho Code requires your claim to be in affidavit form, that is, a sworn statement. They have approved the label attachment which we are enclosing with your claim. Please affix the label on the top of the original notarization, have your signature re-notarized, and return your claim for processing.

We are sorry for any inconvenience this has caused you, but we feel that your water right is important enough that it must be properly recorded. Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: claim no. 65-4047
label attachment

65 4047

January 19, 1971

Re: Claim No. 65-4047 - John H. Shaw

The Star News
Box 985
McCall, Idaho 83638

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/DG
Enc: legal notice

65 4047

Bill submitted 2-17-71 By ds

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4047

Notice is hereby given that John H. Shaw, Route 1, McCall, Idaho,

has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second ~~about 1.6~~ of water from Boulder Creek, tributary to the Payette River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 18N, R. 4E, B.M.,
Valley County.

The water is claimed to be used from May 1 to July 15 for
irrigation and stockwater purposes with a priority of March 16, 1927; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; T. 18N, R. 3E, 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 Star News, McCall, Idaho,
on January 28 and February 4, 1971.

65 4047

January 12, 1971

John H. Shaw
Route #1
McCall, Idaho 83638

Dear Mr. Shaw:

Returned herewith is Departmental Receipt No. 5487 in the amount of
\$10.00 for Claim Application,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

65 4007