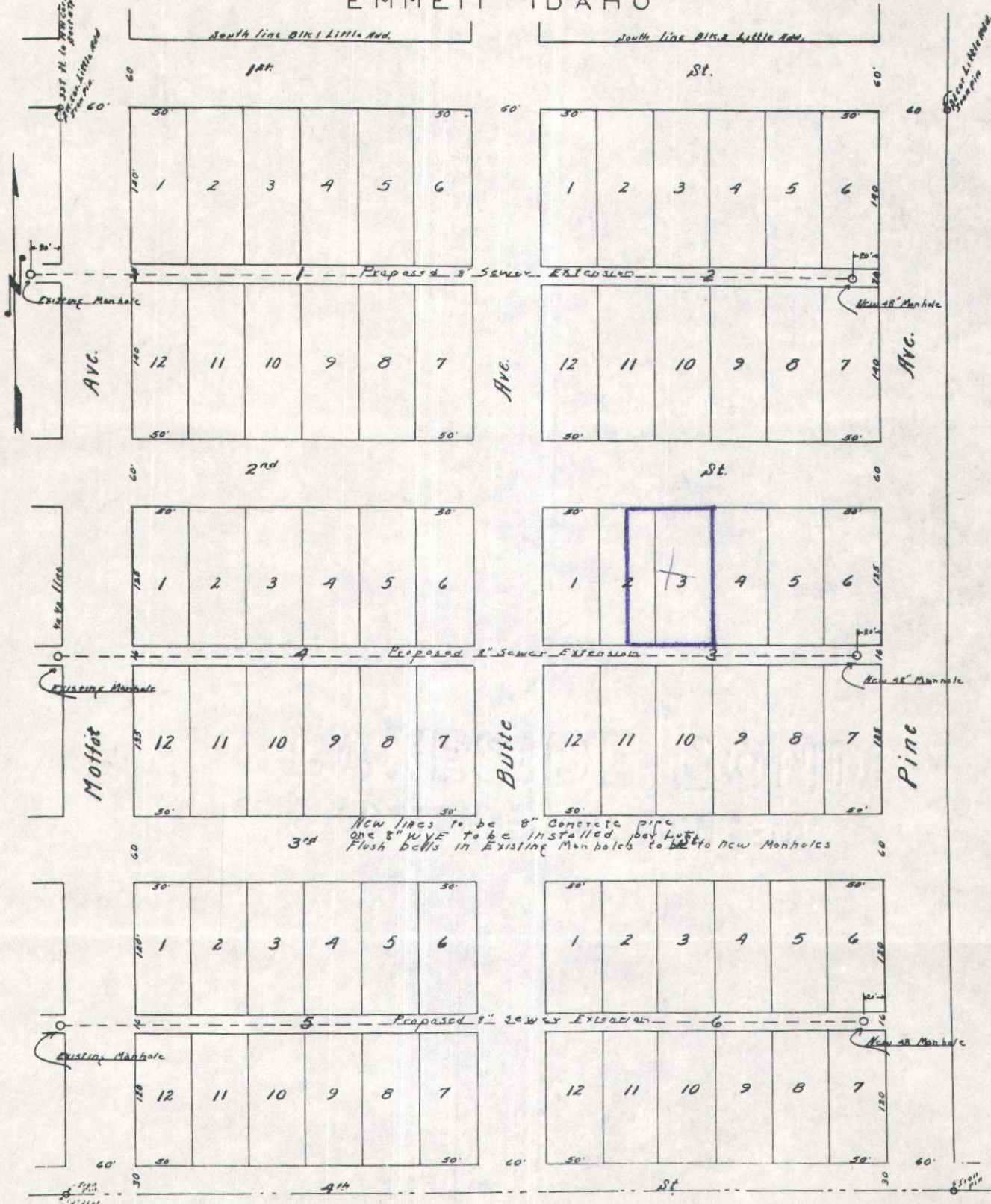


EMMETT IDAHO



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM, ss.

Anita Baber, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document;
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for 2
consecutive weekly issues thereof, be-
ginning with the issue of April 23,
1970, and ending with the issue of

April 30, 1970
Anita Baber

Subscribed and sworn to before me this
22nd day of

May, 1970
Anita Louise R. Harton

Notary Public,
Residing at Emmett, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 65-4037

Notice is hereby given that R. O. and Ruby McMahan, 1105 East 2nd. St., Emmett, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from a groundwater source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 6N. R. 1W, B.M., Gem County; the water is claimed to be used from April 1 to October 31 for lawn irrigation with a priority of June 1, 1958; the place of use is within the E $\frac{1}{2}$ of Lot 2, Lot 3, Block 3, Naylor Addition, Emmett, Idaho.

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 Emmett Mes-
senger-Index, Emmett, Idaho, on
April 23 and April 30, 1970.

NOTICE OF CLAIM TO A WATER RIGHT No. 65-4037

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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 Emmett Mes-
senger-Index, Emmett, Idaho, on
April 23 and April 30, 1970.

RECEIVED
MAY 25 1970
Department of Reclamation
65-4037

Identification No. _____

Claim No. 65-4037

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 R.O. McMahan and Ruby McMahan, husband and wife,
post office address 1105 East 2nd Street, Emmett, Gem County, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 8 Township 6 North
Range 1 W.B.M., B.M. located on Groundwater
(name of source)

tributary to _____ in Gem 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>June 1, 1958</u>	(Gallons per hr) <u>06 cfs</u>
amount <u>2000 gph</u>	or _____ acre feet
amount: _____	c.f.s. or _____ acre feet
amount: _____	c.f.s. or _____ acre feet
Total claimed _____ 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 _____ period of use from _____ to ~~1958~~ _____ (both dates inclusive)
use lawn irrigation period of use from April 1 to Oct 31 (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 14 feet; diameter of well is 1 1/2 inches; type of pump is centrifugal ;
capacity of pump is 1000 g.p.h.; name and address of well driller is applicant.

**Pipe driven with sandpoint, about June 1, 1958, to a depth of 14'.
Pump is of a pressure type, with two (2) 3/4" outlets. Source of water is underground, natural supply.**

65-4037

[illegible]

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 _____

[illegible]

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 _____

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 Water is used for lawn irrigation only. Area irrigated is approximately 75' x 140', less 1800 square feet for dwelling area. Irrigation season begins approximately April 1, of each year, and ends about October 15th of each year.

Purpose of the well is to furnish water from underground, natural supply, for lawn and garden irrigation only.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation Legal description of the property is as follows:

E $\frac{1}{2}$ of Lot 2, Lot 3, Block 3, Naylor Addition, Emmett, Gem County, Idaho
Well was driven by sandpoint method on ~~March~~ June 1, 1958, and has
been used continuously subsequent to that date, each year, during the
irrigation period. An ample supply has always been obtained for
irrigation purposes.

State of Idaho

County of Gem

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.

R. O. McMahon
Claimant

Sworn to before me this 27 day of March, 1970.

C. H. Singer
Notary Public

Residing at Emmett, Idaho

My commission expires 9/21 1971

4. 9. 70 For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>11</u>	<u>3-30-70</u>			
Prelim. check by <u>Duffy</u>	Date <u>4-9-70</u>			
Fee received by <u>11</u>	Date <u>4-9-70</u> Fee <u>\$10.00</u>			
Approved for publication by <u>Doc</u>				
Published in <u>Emmett</u>	Dates <u>4-23+30-70</u>			
<u>Messinger - Index</u>				

65-4037

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.

**NAYLOR ADDITION
EMMETT IDAHO**

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South line BLK 2 LITTLE AVE.

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65-4037

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM, ss.

Archie Baker, being first
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says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
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consecutive weekly issues thereof, be-
ginning with the issue of April 23,

1970, and ending with the issue of
April 30, 1970

Archie Baker
Subscribed and sworn to before me this
22nd day of

May, 1970.
Anita Louise R. Horton

Notary Public,
Residing at Emmett, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 65-4037

Notice is hereby given that R. O. and Ruby McMahan, 1105 East 2nd, St., Emmett, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from a groundwater source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 6N. R. 1W, B.M., Gem County; the water is claimed to be used from April 1 to October 31 for lawn irrigation with a priority of June 1, 1958; the place of use is within the E $\frac{1}{2}$ of Lot 2, Lot 3, Block 3, Naylor Addition, Emmett, Idaho.

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 Emmett Mes-
senger-Index, Emmett, Idaho, on
April 23 and April 30, 1970.

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R. Keith Higginson
State Reclamation Engineer
Published in the Emmett Mes-
senger-Index, Emmett, Idaho, on
April 23 and April 30, 1970.

May 26, 1970

Re: Claim to a Water Right No. 65-4037

C
O
P
Y
R. O. and Ruby McMahan
1105 East 2nd Street
Emmett, Idaho 83617

Dear Mr. & Mrs. McMahan:

The Department of Reclamation 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. 4431

65-4037

May 19, 1970

Re: Claim to a Water Right No. 65-4037 - R.O. and Ruby McMahan

Emmett Messenger-Index
120 No. Washington Ave.
Emmett, Idaho 83617

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on April 23 and April 30, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-4037

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 65-4037**

Notice is hereby given that R. O. and Ruby McMahan, 1105 East 2nd, St., Emmett, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from a groundwater source with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T. 6N R. 1W, B.M., Gem County; the water is claimed to be used from April 1 to October 31 for lawn irrigation with a priority of June 1, 1958; the place of use is within the E $\frac{1}{2}$ of Lot 2, Lot 3, Block 3, Naylor Addition, Emmett, Idaho.

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R. Keith Higginson
State Reclamation Engineer
Published in the Emmett Messenger-Index, Emmett, Idaho, on April 23 and April 30, 1970

05-4037

April 15, 1970

Re: Claim to a Water Right No. 65-4037 - R. O. and Ruby McMahan

Emmett Messenger-Index
120 North Washington Ave.
Emmett, Idaho 83617

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 the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notice

*Bill submitted
5-25-70
dw*

65-4037

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4037

Notice is hereby given that R. O. and Ruby McMahan, 1105 East
2nd St., Emmett, Idaho, have filed a claim to a water right
established by diversion and application to beneficial use of 0.06
cubic feet per second acre/foot of water from a groundwater source
with point of diversion in the SE 1/4
Sec. 8, T. 6N, R. 1W, E.M., Gem County; the water is
claimed to be used from April 1 to October 31 for lawn irrigation
with a priority of June 1, 1958
; the place of use is within the
E 1/2 of Lot 2, Lot 3, Block 3, Naylor Addition, Emmett, Idaho,

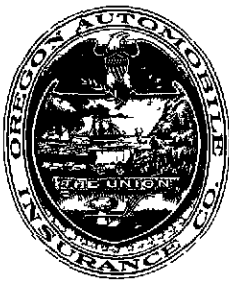
Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Emmett Messenger-Index, Emmett, Idaho.
on April 23 and April 30, 1970.

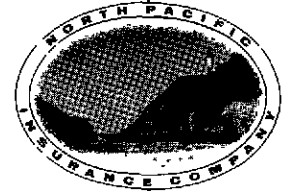
EW

65-4037



R.O. McMAHAN AGENCY

203 West Main Street
Emmett, Idaho
Bus. Phone 365-4642
Res. Phone 365-4155



7 April, 1970

Mr. Donald W. McEldowney
Appropriation Supervisor
Idaho Dept. of Reclamation
Boise, Idaho

Dear Mr. McEldowney:

I am enclosing herewith the Claim to a Water Right certificate, Bank money order for \$10.00 filing fee, your letter of April 2nd, 1970, which recommended changes in the filing, and/or additional information, which I have attempted to answer.

I have entered item 2, and item 3b., but am advised by several pump distributors that due to the small discharge of the pump on my property, that it would be almost impossible to ascertain the cubic feet per second, and that all pumps sold in Idaho are sold with gallons per hour capacity. I am at a loss as how to differently answer item 3a, except at 2000 gallons per hour as the amount filed on.

I hope this is the information you wanted, but if more information is desired, I will attempt to secure it. Thank you for your very kind consideration in the matter.

Very truly yours,

R.O. McMAHAN AGENCY

By:

R/sw encls.

65-4037

April 2, 1970

C
Mr. R. O. McMahan
203 West Main St.
Emmett, Idaho 83617

O
Dear Mr. McMahan:

We are herewith returning your claim to a water right along with your money order in the amount of \$10.00 for the filing fee.

Please be advised that we will require additional information before we can process your claim. Please complete the claim form as follows:

P
Item 2 : Enter the location of the point of diversion and also the source. (the source would be groundwater in this case).

Item 3a: Enter the total amount of water claimed, preferably the cubic feet per second measurement.

Y
Item 3b: Enter the months during which the water is used for irrigation. i.e. April 1 to Oct. 31.

The processing of a claim takes approximately four to six weeks. At the end of the processing procedure, the claimant is forwarded a copy of his claim.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures

625-2037

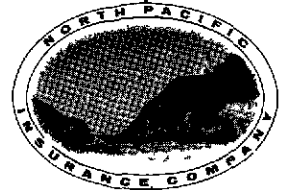


R.O. McMAHAN AGENCY

203 West Main Street
Emmett, Idaho

Bus. Phone 365-4642
Res. Phone 365-4155

27 March, 1970



RECEIVED

140

Department of Reclamation

State of Idaho,
Dept. of Reclamation
Boise, Idaho

Re: Certificate of Claim to a Water Right

Gentlemen:

Enclosed herewith is the form which was mailed to me upon my request, for the filing of a Claim to a Water Right, for water used at my residence for lawn and garden irrigation, from water pumped by a pressure type pump, supplying approximately 1000 gallons per hour; the well was driven by use of a sandpoint on June 1, 1958, and this well has been used continuously during the irrigation season of each year subsequent to that date, for that irrigation purpose.

From numerous articles I have read, I understand we must file on our water right.

I am enclosing the necessary \$10.00 filing fee. Please advise if I will receive any document for my record that the Claim has been properly filed. Thank you very much.

Very truly yours,

R.O. McMAHAN AGENCY

By: *R.O. McMahon*

R/ss enclosures

65-4037