

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 65-4035

Notice is hereby given that Frank D. Callender, Cascade, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from the Payette River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 7N, R. 1W, B.M., Gem County; the water is claimed to be used from April 1 to Oct. 31 for irrigation with a priority of 1900; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27; E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33, T. 7N, R. 1W, 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 Emmett Messenger-Index, Emmett, Idaho, on April 16 and April 23, 1970.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM, ss.

Aritha Bales, being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published 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, beginning with the issue of April 16

1970, and ending with the issue of April 23, 1970
Aritha Bales

Subscribed and sworn to before me this 2nd day of

June, 1970
Aritha Bales

Notary Public,
Residing at Emmett, Idaho.

RECEIVED

JUN 3 1970

Department of Reclamation

65-4035

Identification No. _____

Claim No. 65-4035

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 FRANK D. CALLENDER
post office address CASCADE, IDAHO 83611

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 27 Township 7N
Range 1W B.M. located on DAYETTE RIVER
(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: 1900 - Nineteen Hundred
_____ amount: _____ c.f.s. or 150 INCHES acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or 1 acre feet
Total claimed 3.0 c.f.s. or 150 INCHES 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 OCTOBER 31 (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 ORIGINALLY
BY WATER WHEEL - LOW PRESSURE PUMPS
SINCE THE WHEEL WAS TAKEN OUT BY
FLOOD WATER

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 _____ 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 _____ 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 _____

- 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	1W	27											16						16
7N	1W	28													35		32	40	107
7N	1W	33		30	3														33

Total number of acres to be irrigated 156

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? YES If yes, give the name of the ditch BLACK CANYON. 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

THIS WATER HAS BEEN USED FOR (70 years)
IRRIGATION AND TO THE BEST INFORMATION
AVAILABLE HAS BEEN LIFTED BY WATER WHEEL
WHICH EVIDENCE STILL REMAINS AND HAS
HAD 3 PUMPS INSTALLED OVER
THIS PERIOD OF TIME

State of Idaho

County of ada

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 27th day of March, 19 70.

Frank L. Callender
Claimant

Ernest L. Beckman
Notary Public

Residing at Boise, Idaho

My commission expires 11-3-70

For Department Use Only

Received by <u>ij</u>	Date <u>3-30-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DW</u>	Date <u>4-6-70</u>			
Fee received by <u>ij</u>	Date <u>3-30-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>DW</u>				
Published in <u>Boise</u>	Dates <u>4-16+23-70</u>			

Boise - Sunday

65-4035

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.

Affidavit

December 1, 1969

I Adam Klingback being of sound mind hereby being born in Emmett Valley in the year 1883 state the following - The land in question was irrigated from a waterwheel from the same point of diversion as presently being ~~used~~ used for the pump - evidence is still existing. To my best Recollection I remember seeing the waterwheel around the year 1900. Fifteen hundred.

I filled Homestead in the area in 1903 and it was in prior to that date

X
Adam Klingback
Emmett, Idaho

State of Idaho } ss
County of Blaine

On this 1st day of December 1969, before me, the undersigned, a Notary Public in and for said state, personally appeared Adam Klingback, known to me to be the person who signed this instrument, and acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

65-4035

Frank L. Beckman
Notary Public for Idaho
Residing at Boise, Idaho

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R. Keith Higginson
State Reclamation Engineer
Published in the Emmett Messenger-Index, Emmett, Idaho, on April 16 and April 23, 1970.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM, ss.

Archie Boler, being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published 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 16

1970, and ending with the issue of

April 23, 1970
Archie Boler

Subscribed and sworn to before me this

2nd day of

June, 1970
Archie Boler

Notary Public,
Residing at Emmett, Idaho.

Deposited in the office of the

65-4035

June 3, 1970

Re: Claim to a Water Right No. 65-4035

Mr. Frank D. Callender
Cascade, Idaho 83611

Dear Mr. Callender:

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. 4377

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May 5, 1970

Re: Claim to a Water Right No. 65-4035 - Frank D. Callender

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 16 and April 23, 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

365-2241

65-4035

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R. Keith Higginson

State Reclamation Engineer

Published in the Emmett Messenger-Index, Emmett, Idaho, on April 16 and April 23, 1970

65-4035

April 8, 1970

Re: Claim to a Water Right No. 65-4035 - Frank D. Callender

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 Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
6-9-70
de*

65-4035

No. 65-4035

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cubic feet per second ~~acre~~ feet of water from the Payette River
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Sec. 27, T. 7N, R. 1W, B.M., Gem County _____; the water is
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_____ with a priority of 1900
_____ ; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 27; E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28. W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 33, T. 7N, R. 1W,
B.M.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Emmett Messenger-Index, Emmett, Idaho,
on April 16 and April 23, 1970.

K.H.

65-4035