

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

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 October 16, 1969, and ended October 23, 1969.

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 25th day of October, 1969.
Daniel J. Morris, Notary Public.
My commission expires 9-22, 1972.

RECEIVED

OCT 23 1969

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT No. 65-4026

Notice is hereby given that William Eld, 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 of N. Fork of Payette River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T.16N, R. 3E, B.M., Valley County; the water is claimed to be used from May 15 to September 1 for irrigation with a priority of June 1, 1966; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 18, T. 16N, R.4E, 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 Star-News,
McCall, Idaho, on October 16
and October 23, 1969.

11-20-69
Bill submitted
65-4026

October 24, 1969 *cut*

R. Keith Higginson
State Reclamation Engineer
Dept. of Reclamation
State House
Boise, Idaho

Department of Reclamation

Dear Mr. Higginson,

Concerning the notice of claim
to a water right No. 65-4026 by
Wm. Eld, appearing in October 16th
and 23rd of the Star News, Valley
County. This water would
have to be transferred via a
Roseberry Irrigation District ditch,
and since, as of yet, Mr. Eld
has not complied with district
instructions to improve the
above mentioned ditch to carry
this increase of water, that he
is asking for, there is need
of a hearing on this claim.

(over) 65-4026

Sincerely yours;

Paul R. Kleint
Secretary,
Roseberry Irrigation
District

Box 42

Donnelly, Idaho.
83615-

Identification No. _____
Claim No. 65-4026
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 William Eld
post office address Route 1, McCall, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 2 Township 16 N
Range 3 E B.M. located on Boulder Creek
(name of source)
tributary to No. Fork of 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:

June 1, 1966 amount: 1.6 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 1.6 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 May 15 to Sept. 1 (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 diverted by
pump under 21207. Capacity 6.0 c.f.s.

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 _____

65-4026

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][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? Yes If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) Roseberry Ditch

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

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.

William Eld
Claimant

Sworn to before me this 3RD day of OCTOBER, 1969.

Dr. Samuel South
Notary Public

Residing at Loise, Idaho

My commission expires Jan 19, 1973

For Department Use Only

Received by <u>EF</u>	Date <u>10-3-69</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EF</u>	Date <u>10-3-69</u>	<u>Paul R. Klint</u>	<u>ds</u>	<u>11-25-69</u>
Fee received by <u>EF</u>	Date <u>10-3-69</u>	Fee \$ <u>10⁰⁰</u>		
Approved for publication by <u>D</u>				
Published in <u>Star News</u>	Dates <u>10-16+23-69</u>			

65-4026

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.

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 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

October 16, 1969, and ended October 23, 1969

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 25th day of October, 1969

My commission expires 10-22, 1972

No. 85-4926

Notice is hereby given that William Eld, 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 of N. Fork of Payette River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2, T.16N. R. 3E. B.M., Valley County; the water is claimed to be used from May 15 to September 1 for irrigation with a priority of June 1, 1966; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 18, T. 16N, R. 4E, 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 Star-News,
October 16

11-20-69
Bill and Ingrid
65-4026

January 27, 1970

Re: Claim to a Water Right No. 65-4026 - William Eld

Mr. Paul R. Kleint, Sec.
Roseberry Irrigation Dist.
Box 42
Donnelly, Idaho 83615

Dear Mr. Kleint:

This is to advise that your letter of October 24, 1969, was filed as an exception to the above referenced claim, and a copy of said letter was forwarded to Mr. Eld on November 25, 1969.

If we may be of further service, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-4026

RECEIVED

January 7, 1970

Department of Reclamation

Donald W. McEldowney
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

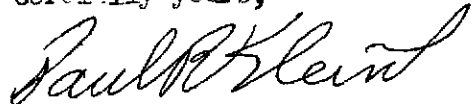
Re: Claim to a Water Right No. 65-4026 - William Eld

Dear Mr. McEldowney:

In your letter of November 25, 1969, you stated that you could file my letter of, October 24, 1969, as an exception to the above claim.

If you have not, already, done so, would you, please, file it and forward a copy of the exception to Mr. Eld.

Cordially yours,



Paul R. Kleint
Secretary
Roseberry Irrigation District
Box 42
Donnelly, Idaho 83615

65-4026

November 25, 1969

Re: Claim to a Water Right No. 65-4026

Mr. William Eld
Route 1
McCall, Idaho 83638

Dear Mr. Eld:

In reference to the above claim, the enclosed is a copy of an exception filed by Paul R. Kleint, Secretary of the Roseberry Irrigation District, in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code which states the following:

"At anytime after filing a claim under the provisions of this section, 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 Reclamation 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 Reclamation. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for final censorship or confirmation of the described rights.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Copy of exception

65-4026

November 25, 1969

Re: Claim to a Water Right No. 65-4026 - William Eld

Mr. Paul R. Kleint, Secretary
ROSEBERRY IRRIGATION DISTRICT
Box 42
Donnelly, Idaho 83615

Dear Mr. Kleint:

Please be advised that we are in receipt of your letter of October 24, 1969, and your letter of November 6, 1969, concerning the above referenced claim to a water right.

Under the provisions of Sec. 42-225 a and b of the Idaho Code, sections under which the above referenced claim has been filed, any party may file and place on record their claim to a constitutional appropriation of the public waters of the State of Idaho. Under the provisions of these acts, the claim does not vest a water right nor is the claimant granted any special consideration or acknowledgment in connection with the filing of a claim. This procedure is simply to allow individuals to file whatever records they have concerning claims to a water right.

We do not have the authority under the above provisions to grant recognition to the water rights claim, this is simply a service procedure. Also, we do not have the authority to hold hearings in connection with claims for the purpose of evaluating their intent. We can, as provided for by the Idaho Statutes, record your letter of October 24, 1969, as an exception to the claim and file the original with Mr. Eld's claim, forwarding a copy of the exception to Mr. Eld. If you wish to submit evidence in a broader detail than so far provided by your two letters, you may do so and we will enter it in the claim as an exception.

If you have any questions or if we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-4026

November 6, 1969 *PH*

Mr. R. Keith Higgerson
State Reclamation Engineer
Dept. of Reclamation
State House,
Boise, Idaho

Dear Mr. Higgerson:

I am enquiring as to whether or not you received a letter dated 10/24/69 asking for a hearing for the Rusherry Irrigation District on a claim to a water right #65-4026 by Wm Eld. The claim notice appeared in the October 16th and 23rd sections of the Star News, Valley County.

Yours truly,
Paul R. Kleint, Sec.
Rusherry Irrig. Dist.
Box 42
Donnelly, Idaho
65-4026

November 5, 1969

Re: Claim to a Water Right No. 65-4026

William Eld
Route #1
McCall, Idaho 83638

Dear Mr. Eld:

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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:mjl

Enclosures: Copy of Claim
Receipt No. 3688

65-4026

November 3, 1969

Re: Claim to a Water Right No. 65-4026 - William Eld

Star News
Box 985
McCall, Idaho 83638

Gentlemen:

Enclosed you will find we are returning the bill for publication
for the above referenced claim.

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: Bill

65-4026

October 8, 1969

Re: Claim to a Water Right No. 65-4026 - William Eld

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 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

65-4026

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4026

Notice is hereby given that William Eld. 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/~~cusec~~/foot of water from Boulder Creek tributary of
N. Fork of Payette River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Sec. 2, T. 16N, R. 3E, B.M., Valley County; the water is
claimed to be used from May 15 to September 1 for irrigation
 with a priority of June 1, 1966;
 the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3), Sec. 18, T. 16N, R. 4E, 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 Star News, McCall, Idaho.
on October 16 and October 23, 1969.

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65-4026