

NOTICE OF CLAIM TO A
WATER RIGHT

No. 65-4014

Notice is hereby given that Beryl Everett Irvin, Route #1, Box 302, Fruitland, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.5 cubic feet per second of water from a drain ditch, tributary to the Payette River with point of diversion in the NW1/4NW1/4, sec. 30, T. 8 N., R. 4 W., B.M., Payette County; the water is claimed to be used from April 1 to November 15 for irrigation and from January 1 to December 31 for stock water with a priority of March, 1890; the place of use is located in the SW1/4, NW1/4SE1/4, sec. 19, NE1/4 NW1/4, sec. 30, T. 8 N., R. 4 W., 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 Payette Valley Sentinel, New Plymouth, Idaho on April 10 and April 17, 1969.

AFFIDAVIT OF PUBLICATION

RECEIVED
APR 15 1969

Department of Reclamation

STATE OF IDAHO, }
County of Payette } ss.

Sandra F. Mills

, being duly sworn, deposes and says

that she is publisher of the Payette Valley Sentinel, a weekly newspaper published at New Plymouth, in the County of Payette, State of Idaho; that the said paper is in general circulation in the county aforesaid and in the vicinity of New Plymouth and has been for more than 78 consecutive weeks last preceding the first publication of the advertisement, a copy of which is attached hereto; that said advertisement was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement. Such advertisement was published in

the issue beginning with April 10, 1969 and ending with the issue of April 17, 1969

Sandra F. Mills

Subscribed and sworn to before me this 14th day of April, 1969

Bernita B. Hewett

Notary Public for Idaho
Residence, New Plymouth, Idaho

65-4014

will submitted 4-16-69

RECEIVED

APR 1 1965

Department of Reclamation

Identification No. _____

Claim No. 65-4014

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 Beryl Everett KVIN
post office address RT. 1 Box 302 Fruitland, Idaho 83619
The point of diversion is in NW 1/4 of NW 1/4 Section 30 Township 8N
Range 4 W B.M. located on drain ditch (name of source)
tributary to payette river in Payette 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: March 1890 Beryl Everett
irrigation amount: 6 c.f.s. or 300 inches acre feet
stock water amount: 0.5 c.f.s. or 25 inches acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 6.5 c.f.s. or 325 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 Nov. 15 (both dates inclusive)
use stock cattle period of use from Jan 1 to Dec 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 concrete
_____ ; length is _____ feet; height is 5'2" feet;
width at bottom is 6 feet; width at top is 6 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known I raised the height of diversion dam to 5'9" in the spring of 1965 to increase water flow.

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 _____

65-4014

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 336 feet; width of ditch at top is 2'9" feet; width of bottom of ditch is 2'9" feet; depth of water is 1'3" feet; grade of ditch per 1000 336 feet is 1.6 feet; material through which ditch passes is dirt and 18" pipe; maximum length of pipe line to first place of use is 51 feet; diameter of pipe line is 18 inches; type of pipe steel; grade of pipe per 336 feet is about 1". 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.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 N	4 W BM	19											✓		N. of Drain Southern Drain				20
8 N	4 W BM	19									✓								40
8 N	4 W BM	19										✓							40
8 N	4 W BM	19														✓			5
8 N	4 W BM	19											✓						20
8 N	4 W BM	19												✓					40
8 N	4 W BM	30					✓												8

Total number of acres to be irrigated 173

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? 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 100 head of cows and calves in pastures, 100 feeders in corral, 150 yearlings in pasture

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

There are two diversion headgates on this drain ditch. One explained in paragraph B is the south diversion. The other diversion is located SW of SW sec. 19 Township 8 N Range 4 west. This irrigates land North of drain ditch. It is concrete construction 6 ft. wide top and bottom, height 54" length of ditch to place of use, 120 ft. Material which ditch passes is dirt and 15' of concrete pipe. Water level is 12 inches above pipe. Length of concrete pipe is 30 ft long and 21 ft. long in two separate places with open ditch in between. Grade of pipe per 120 ft. is 1.8.

State of Idaho

County of Payette } 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 February, 1969.

Paul Ernest Loring
Claimant

James
Notary Public
Residing at Payette, Idaho

My commission expires Feb 8, 1973

For Department Use Only

Received by <u>Dell</u> Date <u>2-10-69</u>	Exception filed by.	Forwarded to claimant by:	Date
Prelim. check by <u>Dell</u> Date <u>2-10-69</u>			
Fee received by <u>if</u> Date <u>4-2-69</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>to Name</u>			
Published in <u>Pey. Valley</u> Dates <u>4-10/4-17-69</u>			

sentinel

W-4014

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.

AFFIDAVIT OF PUBLICATION

RECEIVED
APR 15 1969

Department of Reclamation

STATE OF IDAHO, }
County of Payette } ss.

Candra F. Mills

, being duly sworn, deposes and says,

that she is publisher of the Payette Valley Sentinel, a weekly newspaper published at New Plymouth, in the County of Payette, State of Idaho; that the said paper is in general circulation in the county aforesaid and in the vicinity of New Plymouth and has been for more than 78 consecutive weeks last preceding the first publication of the advertisement, a copy of which is attached hereto; that said advertisement was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement. Such advertisement was published in

the issue beginning with April 10, 1969 and ending with the issue of April 17, 1969

Sandra F. Mills

Subscribed and sworn to before me this 14th day of April, 1969

Bernice B. Hewett

Notary Public for Idaho
Residence, New Plymouth, Idaho

1969. submitted 4-11-69

65-4014

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho)
County of _____)

Nick Grace

being first duly sworn,

deposes and says:

Since the year 1925 I have known
the farm now owned by Beryl Irwin
to use water from drainage ditch
that flows through the place.

There has never been any dispute
about usage of the water

no one else has ever use water from
this ditch that I know of

Nick Grace
(signature)

Subscribed and sworn to before me this 1 day of April 1970

Robert Thompson
(Notary Public)

Residing at Payette

My commission expires 10-6-70

65-4014

IN THE MATTER OF:)

AFFIDAVIT

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MAY 20

Department of Reclamation

State of Idaho)

County of _____)

Clayton Tschirgi

being first duly sworn,

deposes and says:

I have lived on the adjacent
farm since 1924 and know that water
has been used out of the ditch running
through the lower farm all the years
since I have lived there

Clayton Tschirgi
(signature)

Subscribed and sworn to before me this 6 day of March 19 70

Ralph B. [Signature]
(Notary Public)

Residing at

Payette, Ida

My commission expires

10-6-70

35-40-4

IN THE MATTER OF:)

AFFIDAVIT

RECEIVED

MAY 19 1970

State of Idaho)

County of _____)

Department of Reclamation
being first duly sworn,

Otis Smith

deposes and says: I have been a member of Drainage
District 2 for the last ten years
I have lived in this district since 1942
also have owned property adjoining property
now owned by Norris Swin and he
or previous owners used drainage water
for irrigation. To the best of my knowledge
there has never been any dispute about
about the use of the drainage water

Otis Smith

(signature)

Subscribed and sworn to before me this 1 day of May 1970.

Robert L. Smith
(Notary Public)

Residing at Payette, Ida.

My commission expires 10-6-70.

65-434

IN THE MATTER OF:

STATE OF IDAHO DEPARTMENT
OF RECLAMATION
(CLAIM TO WATER RIGHT)

AFFIDAVIT

State of Idaho
County of Payette

~~Beryl Everett Irvin~~

J. K. BLACKBURN

being first duly sworn,

deposes and says: I am a commissioner on the drain ditch No.2 of Payette County
and have been a resident in this area since year of 1911. I have know the place
which Beryl Irvin owns and at times have farmed part of the land. The irrigation
water has always been taken out of the drain ditch which passes through this place.
In my opinion it would take 300 inches of water when needed to irrigate properly from both
head gates. Since the place is divided by the drain ditch it takes two head gates,
one North, one South

J. K. Blackburn
(signature)

Subscribed and sworn to before me this 13th day of October 19 68.

M. S. [Signature]
(Notary Public)

Residing at Payette

My commission expires 5/10/71

65-4014

May 26, 1969

Re: Claim to a Water Right No. 65-4014

Mr. Beryl Everett Irvin
Route 1, Box 302
Fruitland, Idaho 83619

Dear Mr. Irvin:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under claim no. 65-4014. Please refer to this number when adding information to your claim.

Enclosed is receipt no. 2861 in the amount of \$10 to cover the filing fee for the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and be of the Idaho Code. Your claim will be filed and will remain of public record until such time as your or the court needs the information.

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

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: receipt no. 2861

65-4014

April 4, 1969

Re: Claim No. 65-4014
Beryl Everett Irvin

Payette Valley Sentinel
45 North Plymouth Avenue
New Plymouth, Idaho 83655

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 same has been paid,

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: legal notice (1)

65-4014

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4014

Notice is hereby given that Beryl Everett Irvin, Route #1, Box 302,
Fruitland, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 6.5
cubic feet per second ~~gwy/feet~~ of water from a drain ditch, tributary to the
Payette River with point of diversion in the NW $\frac{1}{4}$ N $\frac{1}{4}$,
sec. 30, T. 8 N, R. 4 W, B.M., Payette County; the water is
claimed to be used from April 1 to November 15 for irrigation and
stock water
from January 1 to December 31 for /with a priority of March, 1890
; the place of use is located in the SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 19; NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 30, T. 8 N, R. 4 W, 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 Payette Valley Sentinel, New Plymouth, Idaho
on April 10 and April 17, 1969.

65-4014