

PUBLISHER'S AFFIDAVIT

RECEIVED

OCT 29 1968

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT
65-4010

STATE OF IDAHO)
County of Valley) ss.

Donald E. Mc Mahan, 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 (2) 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

Sept. 5, 1968, and ended Sept. 12, 1968

Donald E. Mc Mahan

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this 28th

day of October, 1968

Robert L. Cunningham, Notary Public.

My commission expires 10-25, 1969

LEGAL NOTICE NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4010

Notice is hereby given that Homer V. McMasters, Box 661, Cascade, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .02 cubic feet per second of water from an unnamed spring with point of diversion in the SE 1/4 NE 1/4, sec. 1, T. 13N, R. 3E, B.M., Valley County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of July 1, 1932; the place of use is Lot 9 and 10, sec. 6, T. 13N, 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, Cascade, Idaho on September 5, and September 12.

65-4010

file sub 10-68

Identification No. 65-40108

Claim No. 42772

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 HOMER V. McMASTERS
post office address Bex 661, Cascade, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 1 Township 13 N
Range 3 E B.M. located on unnamed spring
(name of source)
tributary to (sinks) 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>July 1, 1932</u>	amount: <u>.02</u> c.f.s. 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 <u>Domestic</u>	period of use from <u>January 1</u> to <u>December 31</u> (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, with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known concrete box around spring with 1 1/2 galvanized pipe running 1,000 feet from spring to house
 - 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 _____

65-40108

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_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

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? _____ 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 one 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 Place of use: Lot 9 and 10, sec. 6, T. 13 N, R. 4 E, B.M.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

8-21-68
(Date)

[Signature]
(Signature of Claimant)

State of Idaho }
County of Ada } ss

On this 21 day of AUGUST 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]

Notary Public residing at _____

My commission expires _____

NOTARY PUBLIC, Boise, Idaho
My Commission Expires
May 1, 1972

For Department Use Only

Received by <u>[Signature]</u> Date <u>8-21-68</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>GP</u> Date <u>8-21-68</u>	_____	_____	_____
Fee received by <u>[Signature]</u> Date <u>8-21-68</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>[Signature]</u> Date <u>8-30-68</u>	_____	_____	_____
Published in <u>ADA TRIBUNE</u> Dates <u>9-5-68</u>	_____	_____	_____

CU-469 given

65-4010

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

NOTICE OF CLAIM TO A WATER RIGHT
65-4010

STATE OF IDAHO)
County of Valley) ss.

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Sept. 5, 1968, and ended Sept. 12, 1968

Donald E. Mc Mahan

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this 28th

day of October, 1968

Robert E. Mc Mahan, Notary Public.

My commission expires 10-25, 1969

Notice of Claim to a Water Right
65-4010
The water right established by the
application of the water right
cubic feet per second
an amount of water
diversion in the
T. 14N, R. 3E, B. 1M, Idaho
ly; the water is claimed to be
from January 1 to December 31, 1968
domestic use, with a priority date
July 1, 1939; the place of diversion
Lot 4 and 10, sec. 4, T. 14N, R. 3E, B. 1M
B.M.
Any exception to this claim of
water right may be filed with the
Department of Reclamation, Boise,
Idaho, or the State Reclamation Engineer,
Boise, Idaho, on or before September 1, 1968.
Published in the Star-News, a weekly
newspaper, on September 5, 1968.

65-4010

bill sub 1210-68

October 29, 1968

Re: Claim No. 65-4010

Homer V. McMasters
P. O. Box 661
Cascade, Idaho

Dear Mr. McMasters:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 65-4010. Please refer to this number when you add or change the information in your claim.

Receipt No. W-469 was given to you at the time you filed your claim. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney
Appropriation Examiner

DWM:ks

65-4010

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 11, 1968

Re: Application No. 65-7048
Claim Nos. 65-4010 and 65-4011

Star News
Cascade,
Idaho 83611

Gentlemen:

As of this date, we have not received the affidavits or the bill of publication on the above referenced claims and permit application. Please forward the certified bill and the affidavits to this department as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM;kh

10.30.68

65-4010

August 30, 1968

Re: Claim No. 65-4010
Homer V. McMasters

Star News
Cascade,
Idaho 83611

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 can not 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. McKelowney
Appropriation Examiner

DWM/ks
enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4010

Notice is hereby given that Lomer V. McMasters, Box 661, Cascade,
Idaho has filed a claim to a water right
established by diversion and application to beneficial use of .02
cubic feet per second ~~one foot~~ of water from an unnamed spring
with point of diversion in the SW 1/4,
Sec. 1, T. 13 N, R. 3 E, B.M., Valley County; the water is
claimed to be used from January 1 to December 31 for domestic use
with a priority of July 1, 1932
; the place of use is Lot 9 and 10, sec. 6,
T. 13 N, R. 4 E, 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, Cascade, Idaho
on September 5 and September 12.

65-4010