

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Zelma Stevenson, being first
duly sworn, deposes and says that he is the
book keeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2
consecutive weeks, commencing with the issue
dated May 11 1976, and ending
with the issue dated May 18, 1976.

Zelma Stevenson
Subscribed and sworn to before me
this 20th day of May
1976.

Edith Raustadt Notary Public

Cost of Publication 9.80
Notary Fee _____
Total Cost _____

My Commission expires October 23, 1979

RECEIVED

MAY 24 1976

Department of Water Resources
Southern District Office

76-174

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 43-4065

Notice is hereby given that J. Reid Angus, Malta, Idaho 83342 has filed a claim to a water right established by diversion and application to beneficial use of 6.0 cubic feet per second of water from groundwater with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T14S, R27E, B.M. Cassia Co.

The water is claimed to be used from January 1 - December 31 (Stockwater); April 1 - October 31 (Irrigation of 293 acres) with a priority of April 1, 1956; the place of use is within the SE $\frac{1}{4}$ (148 acres) Sec. 17; NE $\frac{1}{4}$ (145 acres) Sec. 20, Twp. 14S, Rge. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press on
May 11, 1976 and May 18, 1976.

MICROFILMED

O.K. cc
5-25-76

RECEIVED

MAY 3 1976

Department of Water Resources
Southern District Office

Identification No. _____

Claim No. 43-4065

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 J. Reid Angus
post office address Malta, Idaho 83342

2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 20 Township 14S
Range 27E B.M. located on Underground Water
(name of source)
within the Raft River Valley in Cassia 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:

April 1, 1956 amount: 6 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 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 April 1 to Oct. 31 (both dates inclusive)
use Stockwatering 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 _____
_____ ; 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 595 feet; diameter of well is 20 inches; type of pump is turbine
capacity of pump is 3600 g.p.m.; name and address of well driller is Wayman Yarbrough
Burley, Idaho ;

attach well logs if available; has there been any change in pump or motor since well was first completed
no, 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 inches;
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
none

d. If water is stored: name of reservoir n/a
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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	27E	20	37	36	36	36									38	37	36	37	145
14S	27E	17																	148

Total number of acres to be irrigated 293

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 200 head of
cattle

7. Where water is used for domestic or municipal purposes give number of families served None
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 None

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The Affidavit of Lester Thompson, one of the former owners, attached
hereto sets out the nature of the claim and the history of the use.

Sufficient ditches were constructed by the entire tract to
be irrigated by surface irrigation. The excess water from the well
not being used on land described herein was permitted to go to the
North in ditches adequate to carry the water.

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.

April 27, 1976
(Date)

J. Reid Angus
(Signature of Claimant)

State of Idaho }
County of Cassia } ss.

On this 27th day of April 19 76, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (~~she~~) executed the same.

Herman E. Bedke
Notary Public for Idaho
Notary Public residing at Burley, Idaho

My commission expires _____

For Department Use Only

Received by JRB Date 4/30/76

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by DIR Date 4-30-76

Fee received by JRB Date 4-30-76 Fee \$ 10.00

Approved for publication by _____

Published in Se. Id. Press Dates 5-11
5-18-76

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:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	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.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

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consecutive weeks, commencing with the issue
dated May 11, 1976, and ending
with the issue dated May 18, 1976.

Zelma Stevenson
Subscribed and sworn to before me
this 20th day of May
1976.

Edith Rautadt Notary Public

Cost of Publication 9.80
Notary Fee _____
Total Cost _____

My Commission expires October 23, 1979

RECEIVED

Department of Water Resources
Boise, Idaho

76-174

NOTICE OF CLAIM
TO A WATER RIGHT
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The water is claimed to be used from January 1 - December 31 (Stockwater); April 1 - October 31 (Irrigation of 293 acres) with a priority of April 1, 1956; the place of use is within the SE $\frac{1}{4}$ (148 acres) Sec. 17; NE $\frac{1}{4}$ (145 acres) Sec. 20, Twp. 14S, Rge. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press on
May 11, 1976 and May 18, 1976.

O.K. cc
5-25-76

AFFIDAVIT

STATE OF IDAHO)

ss

County of Cassia)

LESTER THOMPSON, being first duly sworn on his oath, deposes and says:

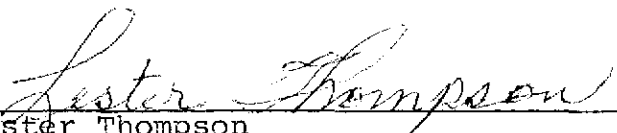
The affiant hired Wayman Yarbrough to drill a well for him in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, Twp. 14 South, Rg. 27 EBM in the first part of 1956. The water from the well has been used under the affiant's direction, since the spring of 1956, until the property was very recently sold to irrigate one-half section of ground north and east of the well in the NE $\frac{1}{4}$ of Sec. 20 and the SE $\frac{1}{4}$ of Sec. 17. The land has been flood irrigated and for the most part potatoes, beets, alfalfa, and grain have been raised.

The affiant states that a 128 horsepower motor was placed on the well at the time it was dug as the original equipment, and although measurements of the flow of the well are not known to the affiant it is felt that the well produces 400 or more miners inches (8cfs) of water; that commencing with 1956 the first priority of the use of the said water was on the NE $\frac{1}{4}$ of Sec. 20 and the SE $\frac{1}{4}$ of Sec. 17, Twp. 14 South, Rg. 27 EBM, in Cassia County, Idaho, and that the affiant estimates that approximately three-fourths of the water pumped during that season and subsequent seasons was used on the above 320 acres and when the water was not in use on this said land, the excess and surplus water was placed in a ditch along the western edge of Sec. 16 and run north and commingled with the waters from other wells.

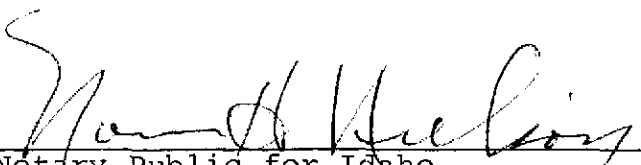
That the affiant hereto has heretofore made an affidavit relative to this water on the 25th day of March, 1970,

but makes this affidavit to further explain the amount of waters that was used on the NE $\frac{1}{4}$ of Sec. 20 and the SE $\frac{1}{4}$ of Sec. 17 during the 1956 and subsequent years which the affiant had any knowledge.

DATED this 20th day of April, 1976.


Lester Thompson

SUBSCRIBED AND SWORN TO before me this 20th day of April, 1976.


Notary Public for Idaho
Residing at Burley, Idaho

August 20, 1976

Mr. Herman E. Bedke
Nielson & Bedke
P.O. Box 249
Burley, Idaho 83318

File

Re: J. Reid Angus Claim #43-4065 - Water Right

Dear Mr. Bedke:

Please be advised that to date, we have received no objections to subject claim. Your client will be advised should an objection be filed.

Sincerely,

Marcia L. Brown
Records Supervisor

mlb

cc: IDWR - Southern

NIELSON & BEDKE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 240
1734 OVERLAND AVENUE
BURLEY, IDAHO 83318

NORMAN H. NIELSON
HERMAN E. BEDKE
STEPHEN A. BYWATER, ASSOCIATE

RECEIVED

AUG 20 1976

Department of Water Resources

AREA CODE 208
TELEPHONE 678-5574

August 19, 1976

43-4065

Department of Reclamation
Room 107
Statehouse
Boise, ID 83701

Dear Sir

Re: J. Reid Angus Claim to Water Right

Would you please let us know if there have been any objections filed to the above Claim to Water Right. It was published in the South Idaho Press here in Burley on May 11th and May 18, 1976.

Yours truly

NIELSON & BEDKE

By


Herman E. Bedke

HEB:lt

NIELSON & BEDKE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 249
1734 OVERLAND AVENUE
BURLEY, IDAHO 83318

NORMAN H. NIELSON
HERMAN E. BEDKE

AREA CODE 208
TELEPHONE 878-5574

June 7, 1976

Department of Reclamation
Room 107
Statehouse
Boise, ID 83701

Gentlemen

Re: J. Reid Angus Claim to a Water Right

File
43-4065

Enclosed please find the Affidavit of Kent Holtman to be attached to the Claim to a Water Right for Reid Angus, which was mailed to your office on April 29, 1976. Thank you.

Yours truly

NIELSON & BEDKE

By


Herman E. Bedke

HEB:lt

Enclosure

AFFIDAVIT

STATE OF IDAHO)

SS

County of Cassia)

KENT HOLTMAN, being first duly sworn on his oath,
deposes and says:

That he has been acquainted with the use of the
water from a well situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, Twp. 14
South, Rg. 27 EBM from the spring of 1959 until this date.
That approximately three-fourths of the water pumped from said
well was primarily used to irrigate the NE $\frac{1}{4}$ of Sec. 20 and the
SE $\frac{1}{4}$ of Sec. 17, Twp. 14 South, Rg. 27 EBM, and only when this
ground was completely irrigated and had sufficient water was
any excess water taken from the land to irrigate Sections 8, 9,
4, and 5 of Twp. 14 South, Rg. 27 EBM and Sections 32 and 33,
Twp. 14 South, Rg. 27 EBM. That in each of the years from 1959
to this date the waters from said well have been given first
priority to the watering of the NE $\frac{1}{4}$ of Sec. 20 and the SE $\frac{1}{4}$ of
Sec. 17 and that row crops and alfalfa and grains have been
raised and harvested from said land each year.

DATED this 26 day of May 1976.

Kent Holtman
Kent Holtman

SUBSCRIBED AND SWORN TO before me this 26 day
of May 1976.

Samuel H. Hedberg
Notary Public for Idaho
Residing at Burley, Idaho

May 25, 1976

Re: 43-4065

Mr. J. Reid Angus
Malta, Idaho 83342

Dear Mr. Angus:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

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 supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:cc

enc.

May 4, 1976

Re: Claim To A Water Right No. 43-4065 - J. Reid Angus

South Idaho Press
Box 190
Burley, ID 83318

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

Bill submitted: 5-25-76 cc

76-174

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 43-4065**

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R. KEITH HIGGINSON
Director
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May 11, 1976 and May 18, 1976.

*o.k. ec
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The water is claimed to be used from January 1 - December 31 (Stockwater);
April 1 - October 31 (Irrigation of 293 acres)

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Sec. 20, Twp. 14S, Rge. 27E, B.M.

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Idaho, 83301 ~~XXXXXXXXXXXXXXXXXXXX~~.

R. KEITH HIGGINSON

Director

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P. O. BOX 240
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NORMAN H. NIELSON
HERMAN E. BEDKE

RECEIVED

APR 29 1976

Department of Water Resources

AREA CODE 208
TELEPHONE 878-5574

RECEIVED

MAY 3 1976

Department of Water Resources
Southern District Office

April 29, 1976

Department of Reclamation
Room 107
Statehouse
Boise, ID 83701

Dear Sir

Re: J. Reid Angus

Enclosed please find a Claim to a Water Right
for J. Reid Angus and our check for \$10.00.

Yours truly

NIELSON & BEDKE

BY


Herman E. Bedke

HEB:lt

Enclosure