

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Ruth Chambers, being first

duly sworn, deposes and says that she is the

Broodkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice 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 January 28, 1975, and ending

with the issue dated February 4, 1975

Ruth Chambers

Subscribed and sworn to before me

this 5th day of February

1975.

Edith Raustadt Notary Public

Cost of Publication 11.90

Notary Fee

Total Cost

My commission expires October 23, 1975

RECEIVED

FEB 6 1975

Department of Water Resources
Southern District Office

75-25

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 43-4058

Notice is hereby given that O. M. Johnson, Burley, Idaho 83318 has filed a claim to a water right established by diversion and application to beneficial use of 1.72 cubic feet per second of water from South Hegler Spring, Indian Fork Spring & Unnamed Spring, tributary to Raft River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T 11S, R. 29E, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T 11S, R. 29E, B.M., Cassia County.

The water is claimed to be used from March 15 - November 15 (Irrigation); January 1 - December 31 (Stockwater) with a priority of January 1, 1895; the place of use is within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29; SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T 11S, R 29E, 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 1-28 and 2-4-75.

O.K. cc
2-6-75

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Identification No. _____

Claim No. 43-4058

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 O. M. JOHNSON
post office address BURLEY IDAHO
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 29 Township 11S DEC-33
Range 29E SE 1/4 of NW 1/4 SECT. 33 NW 1/4 of SW 1/4 T11S R29E
B.M. located on SOUTH HELLER SP. INDIAN FORK SP.
UNNAMED SP. (name of source)
tributary to RAFT RIVER 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:

JAN-1-1895 amount: 1.7 c.f.s. or _____ acre feet
JAN-1-1895 amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1.72 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 IRR. period of use from MAR. 15 to NOV. 15 (both dates inclusive)
use STOCKWATER 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 CHECK DAMS
TO DIVERT WATER INTO DIAT DITCHES 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 _____; 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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Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet;

ing date and dimensions if possible

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

_____ explain _____ is reservoir on or off stream

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

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.

58

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

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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 _____

50 HEAD OF BEEF CATTLE

7. Where water is used for domestic or municipal purposes give number of families served _____

name of town supplied BONE

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

State of Idaho

County of _____

\$5.

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 17 day of January, 1968.

E. M. Johnson
Claimant

Claimant

y of January, 19 .

Robert D. Haynes

Notary Public

Residing at Furn Hills

My commission expires 11-20-78

For Department Use Only

Received by WLS Date 1-17-75

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by _____ Date _____

Fee received by mls Date 1-17-75 Fee \$ 10.00

Approved for publication by:

Published in South Fla. Press Dates 1-28-75
2-4-75

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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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

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Ruth Chambers

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this 5th day of February

1975

Edith Raustadt Notary Public

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R. KEITH HIGGINS
Director

Published in the South Idaho Press
on 1-28 and 2-4-75.

O.K. 2-6-75

February 19, 1975

RE: Claim to a Water Right No. 43-4058

Mr. O. M. Johnson
Burley, Idaho 83318

Dear Mr. Johnson:

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.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:cc
enc.

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January 20, 1975

RE: Claim To A Water Right No. 43-4058 - O. M. Johnson

South Idaho Press
Box 190
Burley, Idaho 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,

Bob Haynes
Southern District Engineer

BH:cc

Bill submitted: 2-6-75 cc

RECORDED

NO. 43-4058

Burley, Idaho 83318

The water is claimed to be used from March 15 - November 15 (Irrigation);

with a priority of **January 1, 1895** _____;

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 or, before _____

Director

Published in the South Idaho Press
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