

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

Ruth Chambers, being first

duly sworn, deposes and says that *She* is the
Bookkeeper 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 February 20 1973, and ending

with the issue dated February 27, 1973.

Ruth Chambers

Subscribed and sworn to before me

this 2nd day of March

1973.

Edith Raustadt Notary Public

Cost of Publication 11.52

Notary Fee

Total Cost

My commission expires October 23, 1975

RECEIVED

MAR 5 1973

Department of Water Administration
Southern District Office

73-55

NOTICE OF CLAIM TO A WATER RIGHT NO. 43-4054

Notice is hereby given that Ben S. Paxton, Malta, ID has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from a groundwater source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M., Cassia County.

The water is claimed to be used from April 1 to Nov. 15 for the irrigation of 160 acres with a priority of April 1961; the place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, ID on Feb. 20 and Feb. 27, 1973.

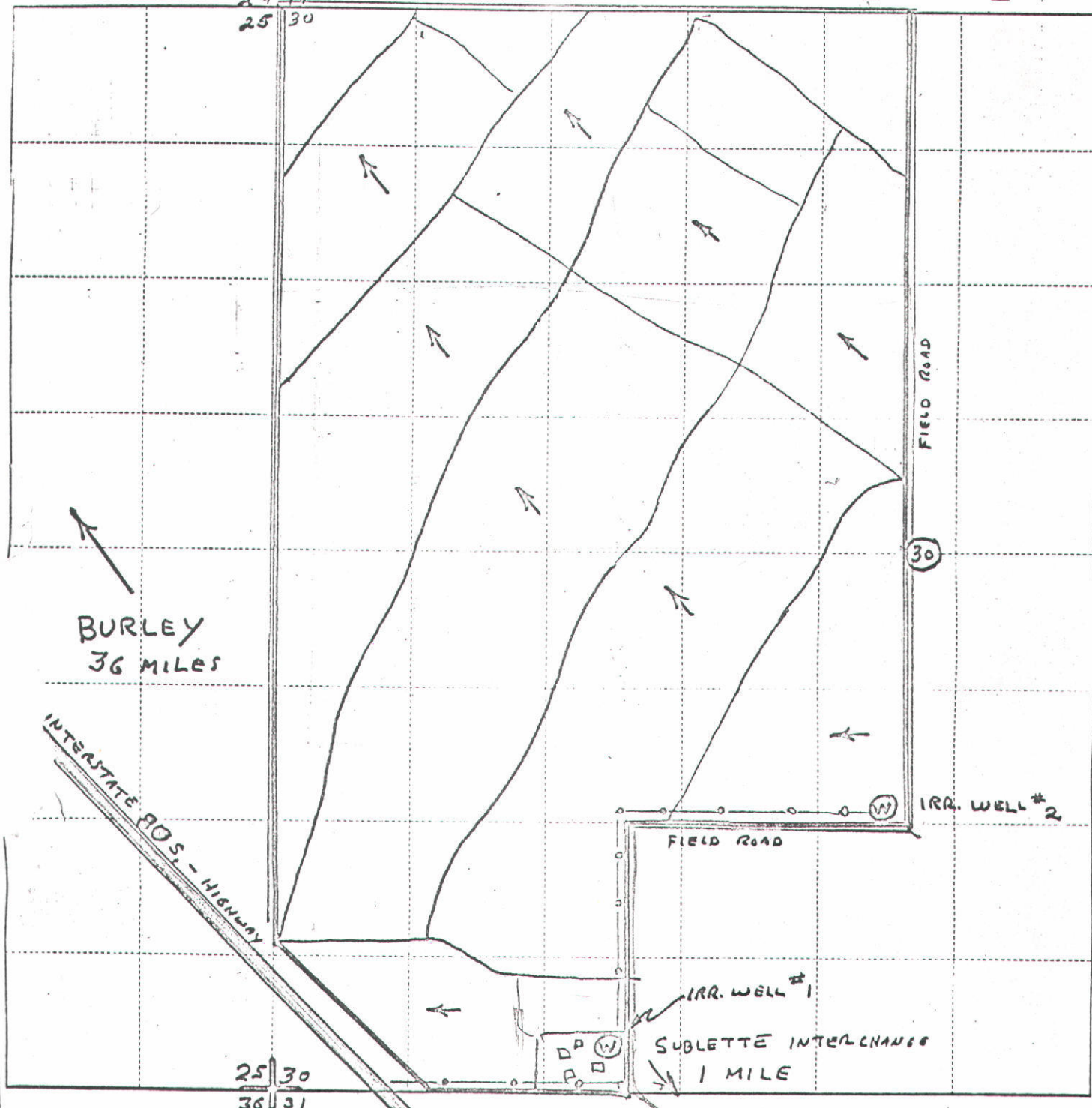
43 4054

1 square inch equals:

- ☒ 10 acres ☐ 80 acres
☐ 40 acres ☐ 160 acres

Show center section thus — (12)
 PLAT — Abrupt changes in contour should be indicated

Indicate scale



NAME

BGN PAXTON

COUNTY

CASSIA

SECTION 30

321.75

DESCRIPTION

LOTS 1, 2, 3, 4 (LESS 11/2 AC. B/L), E 1/2 of NW 1/4,

NE 1/4 of SW 1/4, ALL IN SECTION 30, Twp. 12 S. R. 20 E. 01 N.

Identification No. _____

Claim No. 43-4054

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 Ben S. Paxton

post office address Malta, ID 83342

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 30 Township 12S

Range 28E B.M. located on Groundwater

(name of source)

tributary to _____ 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, 1961 amount: .6 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

See Remarks

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 Nov. 15 (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 deep well, pump, and
motor for gravity irrigation; 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 530 feet; diameter of well is 14-10 inches; type of pump is Fairbanks-Morse

capacity of pump is 1160 g.p.m.; name and address of well driller is Frank Conley,
Declo, ID

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 well originally pumped 2.0 c.f.s.; well was
redesigned April, 1961 to produce 2.6 c.f.s.

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

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 1/4			NW 1/4			SW 1/4			SE 1/4		
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4
12S	28E	30				X			X					
TOTALS														160

Total number of acres to be irrigated _____ 160

Explain any significant increase in area irrigated since first use, give dates and acreages if known. No
portions of land which overlap so that they supplement each others areas as
needed by varying demand during growing season.

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 Nil

7. Where water is used for domestic or municipal purposes give number of families served Nil
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
When Mr. Ivan Harris Sr. allowed Application for Permit No. 22034 to be cancelled
on Oct. 5, 1967, he subsequently filed two claims to a water right (43-4040 & 43-4041).
Claim No. 43-4041 covered this well at its original pumping level of 2.0 c.f.s. with
a priority date of May 15, 1955. He omitted filing for additional water appropriated
in April 1961 when he re-engineered the wells. This claim together with attached
evidence of the April 1961 appropriation is intended to lay claim to the additional
water appropriated in April 1961 but not claimed in Mr. Harris's filing of August 1971.

State of Idaho

County of Cassia

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

5th

day of

February

1973

Claimant

Notary Public

Residing at

Burley, Idaho

My commission expires

9-10-1974

For Department Use Only

Received by alw Date 2-6-73

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by RJA Date 2-7-73 #9555

Fee received by alw Date 2-7-73 Fee \$10⁰⁰

Approved for publication by RJA

Published in South Idaho Press Dates 2-20 &
alw 2-27-73

43 4054

RECEIVED

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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The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated February 20 1973, and ending

with the issue dated February 27 1973.

Ruth Chambers

Subscribed and sworn to before me

this 2nd day of March

1973.

Edith Raustadt Notary Public

Cost of Publication 11.52

Notary Fee

Total Cost

My commission expires October 23, 1975

RECEIVED

MAR 8 1973

Department of Water Administration
Salem, Oregon 97308

73-55

NOTICE OF CLAIM

NO. 43-4054

Notice is hereby given that Ben S. Paxton, Malta, ID has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from a groundwater source with point of diversion in the NE 1/4 SW 1/4, Sec. 30, T. 12S, R. 28E, B.M., Cassia County.

The water is claimed to be used from April 1 to Nov. 15 for the irrigation of 160 acres with a priority of April 1981; the place of use is within the E 1/4 NW 1/4, NE 1/4 SW 1/4, Sec. 30, T. 12S, R. 28E, B.M.

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

R. KEITH HIGGINS

Published in the South Idaho Press, Burley, ID, Feb. 20 and Feb. 27, 1973.

43 4054

March 9, 1973

RE: Claims to a Water Right Nos. 43-4053 & 43-4054 - Ben.S. Paxton

Ben S. Paxton
Malta, Idaho
83342

Dear Mr. Paxton:

The Department of Water Administration 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, for your records, a copy of the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:slw

Enc: 2 claims

43 4054

February 6, 1973

Re: Claim Nos. 43-4053 & 43-4054 - Ben S. Paxton

South Idaho Press
Box 120
Burley, ID 83313

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.

An affidavit of publication must be submitted to the Department 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 claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 3-5-73 by alw

BH:alw

43 4054

Enc: Legal Notices (2)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 43-4054

Notice is hereby given that Ben S. Paxton,
Malta, ID
has filed a claim to a water right established by diversion and application
to beneficial use of .6 cubic feet per second ~~xxx, xxx, xxx, xxx~~ acre feet per annum
of water from a groundwater source
with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.,
Cassia County

The water is claimed to be used from April 1 to Nov. 15 for the
irrigation of 160 acres
with a priority of April 1961;
the place of use is within the E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, ID
on Feb. 20 and Feb. 27, 1973

43 4054

OK alw 2-14-73

73-55

NOTICE OF CLAIM TO A WATER
RIGHT

NO. 43-4054

Notice is hereby given that Ben S. Paxton, Malta, ID has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from a groundwater source with point of diversion in the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M., Cassia County.

The water is claimed to be used from April 1 to Nov. 15 for the irrigation of 160 acres with a priority of April 1961; the place of use is within the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 12S, R. 28E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the South Idaho
Press, Burley, ID on Feb. 20
and Feb. 27, 1973.

43 4054

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301
(208) 734-3578

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 7, 1973

Re: Claim Nos. 43-4053 & 43-4054 - Ben S. Paxton

Ben S. Paxton
Malta, Idaho
83342

Dear Mr. Paxton:

Attached is your Receipt No. 9555 for \$20.00 for the above referenced Claims to a Water Right which was received in this office on February 6, 1973.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

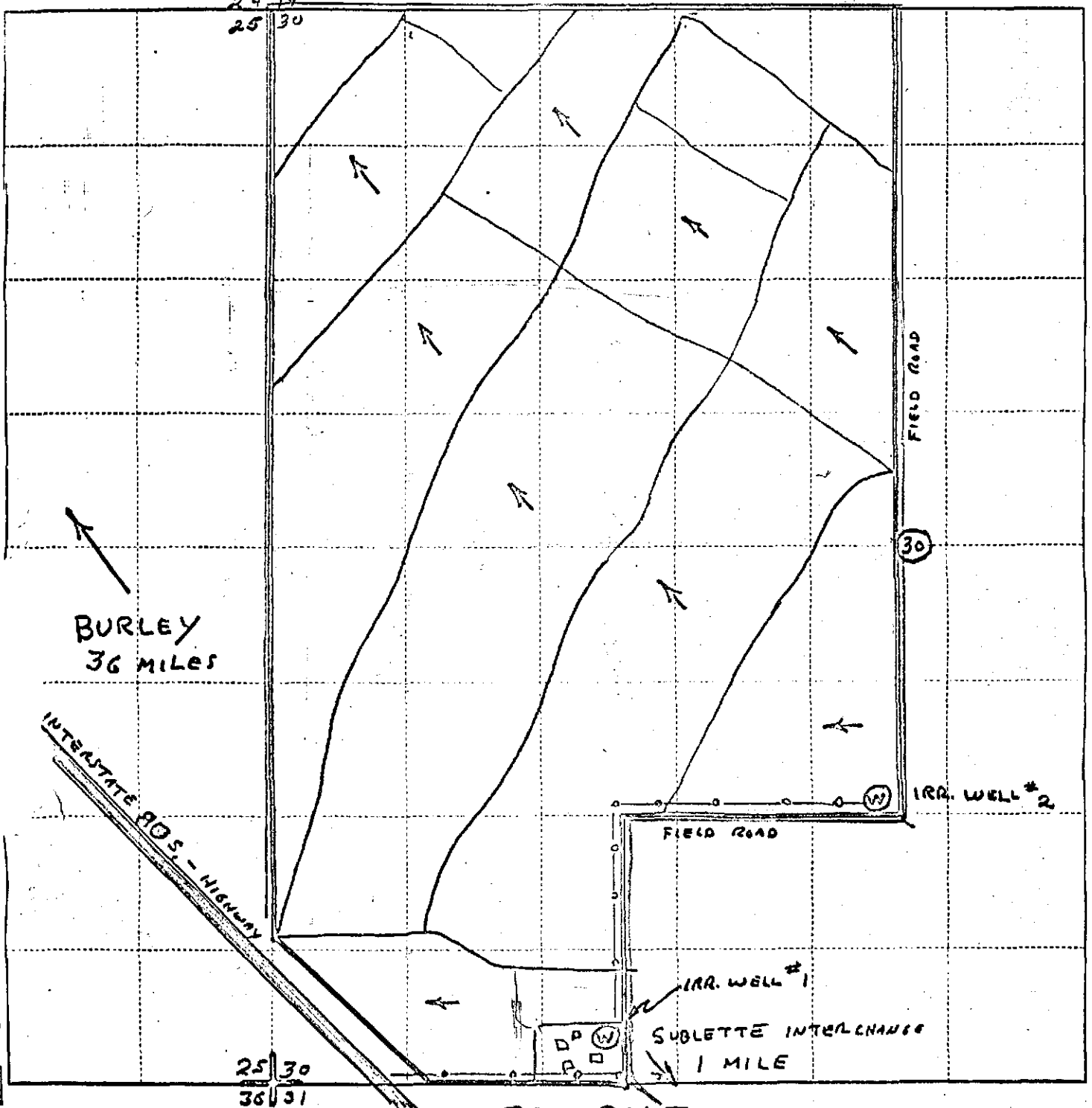
43 4054

1 square inch equals:

- ☒ 10 acres ☐ 80 acres
☐ 40 acres ☐ 160 acres

Show center section thus — (12)
 PLAT — Abrupt changes in contour should be indicated

Indicate scale



NAME

BEN PAXTON

COUNTY

CASSIA

TRACT

ACRES

321.75

DESCRIPTION

LOTS 1, 2, 3, 4 (SUBS 11/15/11), E 1/4 - NW 1/4,

NE 1/4 of SW 1/4, AD IN SECTION 30, Twp. 12 S. R. 20 E. 01 M.

Form 17331-EO 141

Printed in U. S. A. by Prudential Press

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 17, 1972

Mr. Ben Paxton
Malta, Idaho 83342

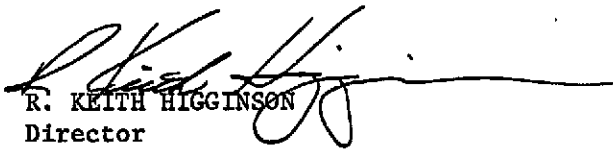
Dear Mr. Paxton:

Following your telephone call today, I have checked the files of this office concerning the two wells apparently drilled by Ivan M. Harris in 1955 and 1956 on lands in Section 30; Twp. 12S, Rge. 28E, B.M. Our records show that Permit No. 22034 was issued to Mr. Harris and he had until 1967 within which to drill the wells and apply the water to beneficial use. The Proof of Completion of Works was submitted, but it was indicated at that time, that there had been a failure of some of the pumping equipment and that he was not then using the water.

On August 10, 1967, we notified him by certified mail at his home address in Boise that the permit would be cancelled unless Proof of Beneficial Use was received before September 19, 1967. The return receipt card was signed by Mr. Harris. No further information was received from him, and therefore, on October 5, 1967, the permit was permanently cancelled. This office has no authority to reinstate a permit, except upon the finding of an error on the part of the department. You are probably aware that Mr. Harris has filed Claim Nos. 43-4040 and 43-4041 covering these two wells in which he has claimed the right to 2.4 cfs of water from the well in Lot 4 and 2.0 cfs of water from the well in the NE1/4SW1/4, Section 30; Twp. 12S, Rge. 28E, B.M.

If you desire further information concerning these wells, please let me know.

Very truly yours,


R. KEITH HIGGINSON
Director

RKH:mjl

43 4054

Mr. Keith Higgison, Administrator
Water Administration Route
State of Idaho Malta Idaho
614 West State Street
Boise, Idaho February 5, 1973

Dear Sir:

I am writing concerning the two wells originally drilled on Sec. 30, Twn 12S, R2 under permit # 22034.

When I bought the farm in 1965, I was told there was 295 inches of water being produced under "proved up" permits or less. When I confronted the former owner, Mr. Harris, in the spring of 1971 with your information the permits had been cancelled, in part by filing beneficial use claims 43-4041 and 43-4041 on 220" originally produced on his Desert Entry.

I conferred with Mr. Thompson, then of Layne and
Bauer Co., who showed me the records of his having
re-engineered the pumping equipment on these wells
in 1961 and producing some 295". Mr. Clay
of your office told me that I could legally file on
the 70 or 75 inches of additional water produced
if the beneficial use could be validated as of
that date.

Will you please confirm Mr. Clay's
advice and send me the proper claim forms?

Sincerely,
Gen. Taylor

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301
(208) 734-3578

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 23, 1973

Mr. Ben Paxton
Sublet Route
Malta, ID 83342

Dear Mr. Paxton:

Enclosed are the Claim to a Water Right forms which you requested. The information that Mr. Clay gave you on filing an additional claim is correct.

I would suggest that along with your Claim to a Water Right form you obtain an affidavit form from Mr. Thompson as to what the pump was designed to put out in 1961. This information would be valuable in substantiating your claim.

If we can be of any further assistance, please contact us at our southern district office in Twin Falls, Idaho.

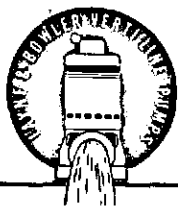
Very truly yours,

Bob Haynes

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.



Verli-Line Pumps
for every vertical pump need

LAYNE & BOWLER PUMP COMPANY

1760 KIMBERLY ROAD, TWIN FALLS, IDAHO
MAIL ADDRESS: P. O. BOX 892, TWIN FALLS, IDAHO 83301

January 10, 1972

To Whom It May Concern:

In April of 1961 Layne & Bowler Pump Company of Twin Falls, Idaho performed work on two well pumps near Malta, Idaho for the Harris Brothers. The following is what was done.

Well #1: 100 H.P. Fairbanks-Morse Pump, pump was pulled and well was tested. From the results of the test, the pump was redesigned with a new bowl assembly and new 125 H.P. motor to produce 1500 G.P.M. at a pumping level of 270 ft.

Well #2: 75 H.P. Fairbanks-Morse Pump, pump was pulled and well was tested. From the results of the test, the pump was redesigned to a 100 H.P. unit with new bowl assembly and motor from well #1. This pump was designed to produce 1160 G.P.M. at a pumping level of 285 ft.

These two pumps were checked during the 1961 pumping season and found to be producing the water as above designed.

Yours truly,

Gail J. Staley
Gail J. Staley

Layne & Bowler Pump Co.