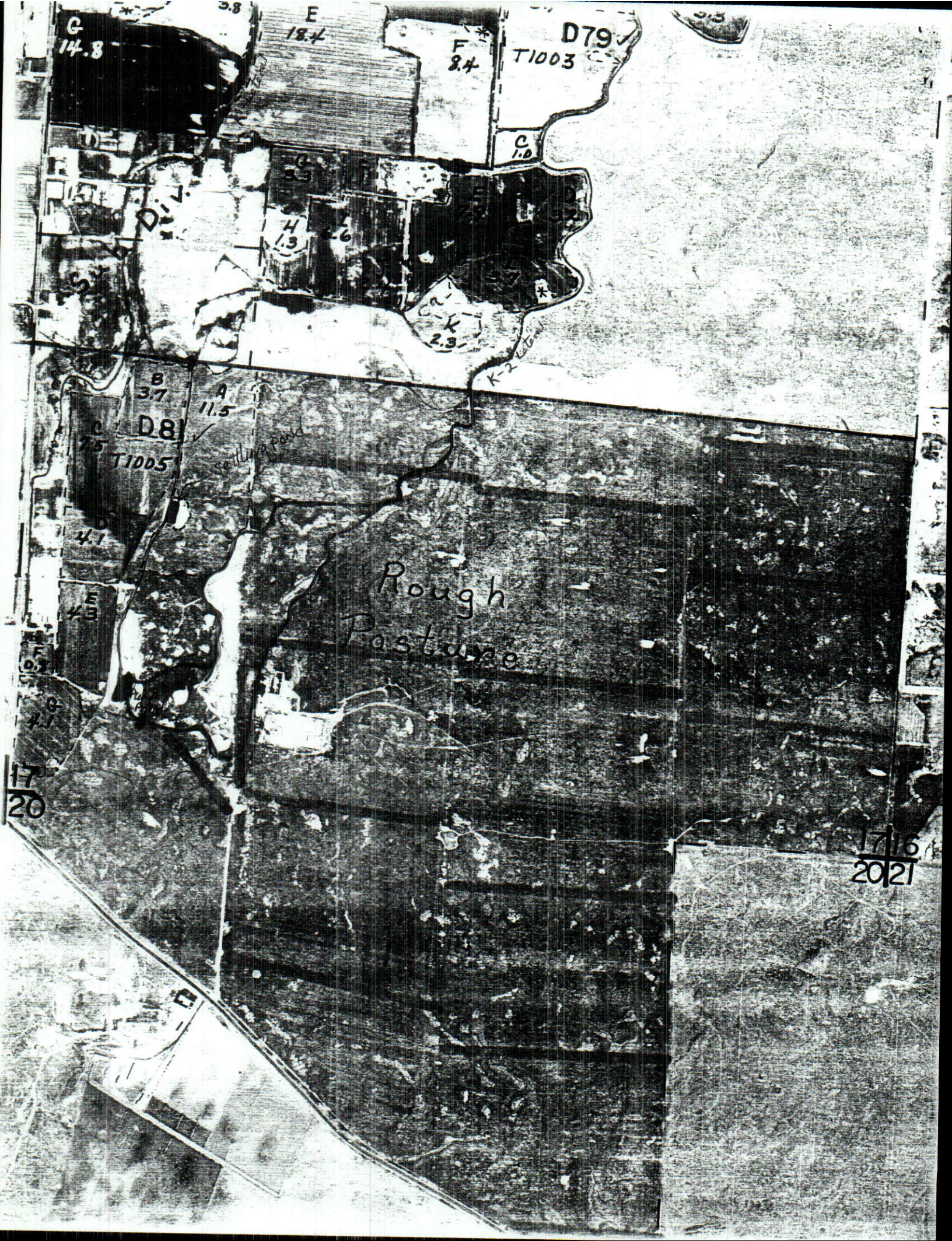




C
14.8

E
18.4

F
8.4

D79✓

T1003

C
1.0

H
1.3

K
2.3

K-2

B
3.7

A
11.5

D8✓

T1005

settling pond

4.1

E
4.3

Rough
Pasture

17/20

17/16
20/21

AFFIDAVIT PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASMANN

_____, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 1st day of May

1985, and the date of the last publication was on the 8th

day of May 1985

Subscribed and sworn to before me this 8th

day of May, 1985.
(SEAL)

Darla Bratt

NOTARY PUBLIC

RECEIVED

MAY 9 1985

MICROFILMED

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line 13
Number of Lines in Notice 54
Number of Insertions 2

54 Lines tabular at _____ 5¢/Pica
54 Lines straight at 28.08 4¢/Pica
54 Subsequent lines at 21.06 3¢/Pica
TOTAL COST 49.14

COPY OF NOTICE

(Paste Here)

36-4259/36-8266/36-8269
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Water permits sought by Chugg and Marco Co.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water rights have been established by diversion and application to beneficial use.

36-4259

CHUGG, ESTATE OF RAY, MARY CHUGG, RT. 3 BOX 3779, JEROME, ID 83338

Source: K-LATERAL trib. to SNAKE RIVER

K-2 LATERAL trib. to SNAKE RIVER

Priority Date: 04/15/1966

Diversion Pt. SWNW SWSW Sec 17 T 09S R 17E

Use: IRRIGATION (5.00 CFS)

STOCKWATER (0.23 CFS)

In: NESW SWSW SESW NESE NWSE SWSE SESE Sec 17 T 09S R 17E NWNE SWNE NENW NWNW SENW Sec 20 T 09S R 17E FOR 384 ACRES.

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

A. KENNETH DUNN
Director
5-1-2tc

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

36-8266

CHUGG ESTATE, RAY; MARY CHUGG, RT. 3 BOX 3779, JEROME, IDAHO 83338

Source: GROUNDWATER

Date Filed: 03/18/1985

Diversion Pt: SWNW Sec 20 T 09S R 17E

Use: STOCKWATER (0.77 CFS)

COMMERCIAL (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SWNW SENW Sec 20 T 09S R 17E NWNW Sec 20 T 09S R 17E

36-8269

MARCO POWER CO., INC., RT. 3, JEROME, ID 83338

Source: UNNAMED STREAM trib. to SNAKE RIVER

Dated Filed: 04/04/1985

Diversion Pt. SENE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)

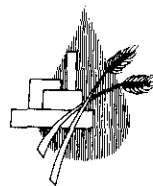
In: LOT 06 Sec 22 T 09S R 16E

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 20, 1985.

A. KENNETH DUNN
Director
5-1-2tc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Ray Chugg estate by Mary Chugg
(Name of Claimant)
RT # 3, Box 3779, Jerome, ID. 83388 Telephone No. 324-4627
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1966

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
K- Lateral, K-2 Lateral tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>5.0 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>April 15</u> To <u>Oct. 15</u>
Quantity	<u>0.23 cfs</u>	Use	<u>Stockwater</u>	Period of Use From	<u>May 1</u> To <u>Nov. 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 5.0 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NW 1/4, Sec. 17 Twp. 9S. Rge. 17E. B.M., County of Jerome
Additional points of diversion: From K-2 Lateral SW 1/4 SW 1/4 Sec 17, Twp. 9S. Rge. 17E.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Culvert placed at diversion from K-lateral by Canal Co. to deliver excess water flowing in K-lateral. Both private ditch and K-2 Lateral carry Canal Shares mixed with Waste Water.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
9S	17E	17									35		40	30	40	30	25	40	240
9S	17E	20		40	34		40	20		10									144

No. of acres 384

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: Approx 1000 hd Beef cattle & up to 50 horses

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Approx 37 acres have been flood irrigated since the sprinkler system was put in in 1966.

[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

County of

twain falls

Griff. Hugg Estate by Mary Hugg
(Claimant)

Notary Public
Residing at Union Park, id

My commission expires

Received by T. G. Blair

Date 3-20-85

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by ADM

Date 3/25/85

* 35306

Published in north side news

Dates 4/19/5 4/24/5 5/1 + 5/8/5

(8) Remarks Approx 37 acres have been Flood irrigated since the sprinkler
System was put in in 1966.



FOR DEPARTMENT USE ONLY

Received by T.G. Blau Date 3-20-85 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 3/25/85
200-2 ~~900.00~~ fee received by T.G. Blau Date 3-20-85 # 35306
Published in North Side News _____
Dates 4/19 + 4/24/85 + 5/6/85 _____

AFFIDAVIT PUBLICATION

State of Idaho, }
County of Jerome } SS.

GORDON O. GLASIMANN

being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 15 day of May

1985, and the date of the last publication was on the 8th

day of May 1985

Subscribed and sworn to before me this 8th

day of May, 1985.
(SEAL)

Darla Bratt

NOTARY PUBLIC
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36-4259/36-8266/36-8269
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

Water permits issued by Chugg and Marco Co.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water rights have been established by diversion and application to beneficial use.

CHUGG, ESTATE OF RAY, MARY CHUGG, RT. 3 BOX 3779, JEROME, ID 83338

Source: K-LATERAL trib. to SNAKE RIVER

K-2 LATERAL trib. to SNAKE RIVER

Use: IRRIGATION (5.00 CFS)

STOCKWATER (0.28 CFS)

In: NESW SWSW SESE NESE

NWSE SWSE SESE Sec 17 T 09S R 17E

NWNE SWNE NENW NWNW

SENE Sec 20 T 09S R 17E FOR 394 ACRES

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

A. KENNETH DUNN
Director
5-1-2tc

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

CHUGG, ESTATE OF RAY, MARY CHUGG, RT. 3 BOX 3779, JEROME, IDAHO 83338

Source: GROUNDWATER

Date Filed: 03/18/1985

Diversion Pt: SWNW Sec 20 T 09S R 17E

Use: STOCKWATER (0.27 CFS)

COMMERCIAL (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SWNW SESE Sec 20 T 09S R 17E

17E NENW Sec 20 T 09S R 17E

MARCO POWER CO., INC., RT. 3, JEROME, ID 83338

Source: UNNAMED STREAM trib. to SNAKE RIVER

Date Filed: 04/04/1985

Diversion Pt: SESE Sec 15 T 09S R 16E

Use: POWER (25.00 CFS)

In: LOT 05 Sec 22 T 09S R 16E

If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before MAY 20, 1985.

A. KENNETH DUNN
Director
5-1-2tc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 9, 1985

CHUGG, ESTATE OF RAY
MARY CHUGG
RT. 3 BOX 3779
JEROME ID 83338

RE: Claim No. 36-4259

Dear Claimant:

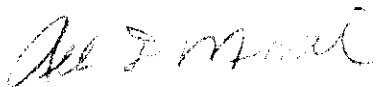
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 9, 1985

Estate of Ray Chugg
% Mary Chugg
Rt. 3 - Box 3779
Jerome, Idaho 83338

Re: Claim to a Water Right No.36-4259

Dear Mrs. Chugg:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right submitted in behalf of the estate of Ray Chugg.

The following is a quote from the provisions under which this claim has been filed (Section 42-243b. of the IDAHO CODE):

422-243b Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim ;in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O.HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 9, 1985

Ted Diehl, - Manager
North Side Canal Company
921 North Lincoln Avenue
Jerome, Idaho 83338

Re: Claim to a Water Right No.36-4259

Dear Mr. Diehl:

We are in receipt of your exception to a Claim to a Water Right filed by Mary Chugg, Estate of Ray Chugg.

The following excerpt from Section 42-243b of the IDAHO CODE explains what has been done and what will be done in regards to the exception you have filed:

422-243b Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim ;in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

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If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O.HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

NORTH SIDE CANAL COMPANY

921 NORTH LINCOLN AVENUE

PHONE 324-2319 — 324-2310

JEROME, IDAHO 83338

May 6, 1985

A. Kenneth Dunn, Director
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Mr. Dunn:

The North Side Canal Company, Ltd. protests the filings of Mary Chugg 36-4259 for waste water on the "K-Lateral" and "K-2 Lateral". The Company has deliveries below Chugg's headgate on both laterals. On the "K-Lateral" there has been pipes installed at each wateruser's headgate, by the Canal Company. All the farmers in that area share in the waste water. This has been done since 1966. On the "K-1 Lateral", Mr. George Silvers has a headgate below Mrs. Chugg's headgate. That waste water is also shared with other waterusers.

The Canal Company cannot allow this filing because of headgates further down the laterals.

Yours truly,

NORTH SIDE CANAL COMPANY, LTD.



Ted Diehl, Manager

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4259-

CHUGG, ESTATE OF RAY

MARY CHUGG, RT. 3 BOX 3779, JEROME, ID 83338

Source: K-LATERAL trib. to SNAKE RIVER
K-2 LATERAL trib. to SNAKE RIVER

Priority Date: 04/15/1966

Diversion Pt: SWNW SWSW Sec 17 T 09S R 17E

Use: IRRIGATION (5.00 CFS)
STOCKWATER (0.23 CFS)

In: NESW SWSW SESW NESE NWSE SWSE SESE Sec 17 T 09S R 17E NWNE SWNE NENW NNW
SENW Sec 20 T 09S R 17E FOR 384 ACRES

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

A. KENNETH DUNN

Director

Published 4/17 & 4/24/85.

5/1 + 5/8/85

MICROFILMED

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water rights have been established by diversion and application to beneficial use.

36-4259

CHUGG, ESTATE OF RAY, MARY
CHUGG, RT. 3 BOX 3779, JEROME,
ID 83338

Source: K-LATERAL trib. to SNAKE
RIVER

K-2 LATERAL trib. to SNAKE
RIVER

Priority Date: 04/15/1966

Diversion Pt. SWNW SWSW Sec 17
T 09S R 17E

Use: IRRIGATION (5.00 CFS)

STOCKWATER (0.23 CFS)

In: NESW SWSW SESW NESE
NWSE SWSE SESE Sec 17 T 09S R
17E NWNE SWNE NENW NWNW
SENW Sec 20 T 09S R 17E FOR 384
ACRES.

Any exception to any claim of water
right may be filed with the Director of
the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd. Nor-
th, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

5-1-2tc

MICRO FILMED

ad
may
4/15/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 8, 1985

North Side News
P. O. Box 468
Jerome, Idaho 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM RAY CHUGG Estate, - Mary Chugg
Right Number 36-4259 Applicant _____

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS
INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO
THE CLAIMANT ALONG WITH THE APPROPRIATE COVER
LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Claim published correctly.
 - ☒ Exceptions processed. Yes 1
- By Marya Date 5/9/85
ADM 5/13/85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By Se Date 5/20/85

MICROFILMED
RECEIVED
MAY 10 1985

Department of Water Resources