

# The Minidoka County News

RUPERT, IDAHO

## AFFIDAVIT OF PUBLICATION

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

Ruth DeThomas, being first  
duly sworn, deposes and says that he is the  
Editor of The Minidoka County  
News, a weekly newspaper published at Rupert,  
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  
weekly editions of The Minidoka County News for  
2 consecutive weeks, commencing  
with the issue dated Mar 30, 19 71, and  
ending with the issue dated Apr 6, 19 71.

Ruth DeThomas  
Subscribed and sworn to before me this

12<sup>th</sup> day of April, 19 71  
Jern Hunter Notary Public

Cost of Publication .....

Notary Fee .....

Total Cost .....

36 4010

RECEIVED

APR 13 1971

### NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4010

Notice is hereby given that  
Lloyd Patterson, Route 1, Box  
81, Paul, Idaho, has filed a claim  
to a water right established  
by diversion and application to  
beneficial use of 2.02 cubic feet  
per second of water from a  
ground water source with point  
of diversion in the NE1/4NW-  
1/4, Sec. 8, T. 9S, R. 23E,  
B.M., Minidoka County.

The water is claimed to be  
used from April 1 to October  
1 for irrigation purposes with a  
priority of April 1, 1959; the  
place of use is within the NW-  
1/4NE1/4, NW1/4, Sec. 8, T.  
9S, R. 23E, B.M.

Any exception to this claim  
of water right may be filed  
with the Idaho Department of  
Water Administration, State-  
house, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Minidoka  
County News, Rupert, Idaho,  
on March 30 and April 6, 1971.  
No. 136 - Mar.30, Apr.6, 1971.

36 4010

Identification No. \_\_\_\_\_

Claim No. 36-4010

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 Lloyd Patterson  
post office address Route # 1 Box 81 Paul, Idaho 83347
2. The point of diversion is in NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 8 Township 9S  
Range 23 E.B.M. located on Subterranean  
(name of source)  
tributary to \_\_\_\_\_ in Minidoka 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>April 1, 1959</u>                           | amount: <u>2.02</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>Irrigation</u> | period of use from <u>April 1</u> | to <u>October 1</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; 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 165 feet; diameter of well is 12 inches; type of pump is Turbine  
capacity of pump is 850 g.p.m.; name and address of well driller is Ted Haynes (Owner)  
Rupert, Idaho

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 Driller working for Haynes died and  
log was not completed

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 \_\_\_\_\_; 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. | NE1/4 |       |       |       | NW1/4 |       |       |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTALS |
|------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|      |       |      | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |        |
| 9.5  | 23E   | 8    |       | 20    |       |       | 32    | 40    | 5     | 4     |       |       |       |       |       |       |       |       | 101    |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|      |       |      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |        |

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 \_\_\_\_\_ 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 \_\_\_\_\_

State of Idaho

County of Minidoka

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 22<sup>nd</sup> day of February, 19 71.

Lloyd Patterson  
Claimant

Robert A. Quinn  
Notary Public

Residing at Rupert, Idaho 83350

My commission expires January 16, 1972

For Department Use Only

|                                      |                                   |                                       |                                 |            |
|--------------------------------------|-----------------------------------|---------------------------------------|---------------------------------|------------|
| Received by _____                    | Date <u>2-24-71</u>               | Exception filed by: <u>rect #5677</u> | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>Qui</u>          | Date <u>2-24-71</u>               | _____                                 | _____                           | _____      |
| Fee received by <u>ej</u>            | Date <u>2/24/71</u>               | Fee \$ <u>10<sup>00</sup></u>         | _____                           | _____      |
| Approved for publication by <u>D</u> | _____                             | _____                                 | _____                           | _____      |
| Published in <u>Minidoka County</u>  | Dates <u>3-30 &amp; 4-6, 1971</u> | _____                                 | _____                           | _____      |
| News at Rupert, Idaho                |                                   | _____                                 | _____                           | _____      |

36 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 c.f.s. or</u> | <u>          </u> | acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4 c.f.s. or</u> | <u>          </u> | acre feet |
|                           |                     | Total claimed: | <u>1.2 c.f.s. or</u> | <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.

Notary Public for Idaho

A F F I D A V I T

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

LLOYD PATTERSON, being first duly sworn on oath, deposes and says:

That he is the claimant in that certain State of Idaho, Department of Reclamation, Claim to a Water Right No. 36-4010 executed on the 22nd day of February, 1971;

Affiant further states that the point of diversion is in NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 8, Township 9 South, Range 23 E.B.M., located on Subterranean waters, Minidoka County, Idaho;

Affiant states that in making said Claim to a Water Right as above set forth, Township 9 SOUTH was inadvertently left out, and that the true and correct Township being 9 SOUTH, and Range 23 EAST.

Affiant makes this affidavit for the purpose of correcting said Claim to a Water Right No. 36-4010 as filed with the State of Idaho, Department of Water Administration.

Lloyd Patterson

SUBSCRIBED and sworn to before me, this 16th day of March, 1971.

Charles H. Creason  
Charles H. Creason, Notary Public  
for Idaho: Residing at Rupert

# The Minidoka County News

RUPERT, IDAHO

## AFFIDAVIT OF PUBLICATION

County of Minidoka, )

) ss.

STATE OF IDAHO, )

Ruth DeThomasi

, being first

duly sworn, deposes and says that he is the

Editor of The Minidoka County News, a weekly newspaper published at Rupert, 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 weekly editions of The Minidoka County News for

2 consecutive weeks, commencing with the issue dated Mar 30, 19 71, and ending with the issue dated Apr 6, 19 71.

Ruth DeThomasi  
Subscribed and sworn to before me this

12<sup>th</sup> day of April, 1971

John Hunter Notary Public

Cost of Publication \_\_\_\_\_

Notary Fee \_\_\_\_\_

Total Cost \_\_\_\_\_

## NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4010

Notice is hereby given that Lloyd Patterson, Route 1, Box 81, Paul, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.02 cubic feet per second of water from a ground water source with point of diversion in the NE1/4NW-1/4, Sec. 8, T. 9S, R. 23E, B.M., Minidoka County.

The water is claimed to be used from April 1 to October 1 for irrigation purposes with a priority of April 1, 1959; the place of use is within the NW-1/4NE1/4, NW1/4, Sec. 8, T. 9S, R. 23E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, State House, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Minidoka County News, Rupert, Idaho, on March 30 and April 6, 1971.  
No. 136 - Mar. 30, Apr. 6, 1971.

36 4010

36 4010

April 28, 1971

Re: Claim to a Water Right No. 36-4009  
" " " " " " 36-4010

Mr. Lloyd Patterson  
Route #1, Box 81  
Paul, Idaho 83347

Dear Mr. Patterson:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/bb

Enclosure: Copy of Claims

cc: Mr. Charles H. Creason  
CREASON & CREASON  
Box 335  
Rupert, Idaho 83350

36 4010

March 24, 1971

Re: Application No. 36-7170 - Donald L. Kester  
" " 36-7171 - Newman & Williams Livestock Co.  
Claim No. 36-4009 - Lloyd Patterson  
" " 36-4010 - Lloyd Patterson

Minidoka County News  
625 Fremont Ave.  
Rupert, Idaho 83350

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 our 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 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,

Donald W. McEldowney  
Appropriation Supervisor

Bill submitted 4-15-71 by dr

DWM:DR  
Enc: Legal notices (4)

36 4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4010

Notice is hereby given that Lloyd Patterson, Route 1, Box 81,  
Paul, Idaho,  
has filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 2.02 cubic feet per second ~~4444/4444/~~  
of water from a ground water source  
with point of diversion in the NE 1/4 Sec. 8, T. 9S, R. 23E, B.M.,  
Minidoka County

The water is claimed to be used from April 1 to October 1 for  
irrigation purposes  
with a priority of April 1, 1959 ;  
the place of use is within the NW 1/4, NW 1/4, Sec. 8, T. 9S,  
R. 23E, B.M.

Any exception to this claim of water right may be filed with the  
Idaho Department of Water Administration. , Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Minidoka Sentinel County News, Rupert, Idaho,  
on April 6 and April 13, 1971

CREASON & CREASON  
ATTORNEYS AT LAW  
RUPERT, IDAHO 83350

H. V. CREASON  
C. H. CREASON

March 16, 1971

BOX 335  
436-4131

RECEIVED  
MAR 17 1971  
Department of Water Administration

State of Idaho  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83707

Re: Claim Nos: 36-4009  
36-4010  
Lloyd Patterson

Attn: Dorian Clay  
Appropriation Examiner

Dear Mr. Clay

Enclosed herewith please find two affidavits for the purpose  
of correcting and verifying the point of diversion in the above  
claims.

Yours very truly

CREASON & CREASON



Charles H. Creason

CHC:hc

Encls. (2)

36 4910

March 9, 1971

Re: Claim Nos. 36-4009  
36-4010

Mr. Lloyd Patterson  
Route # 1  
Post Office Box #81  
Paul, Idaho 83347

Dear Mr. Patterson:

We are of a recent opinion that once the Department of Water Administration has received a claim to a water right, we cannot alter it in any way unless we receive from you a notarized statement verifying that alteration. Therefore, please be advised of the following:

In reviewing Claim No. 36-4009, it was noted that you failed to list what Range your point of diversion is located within. We would assume it to be in the South.

It was noted in Claim No. 36-4010 that you neglected to list whether your Township is in the North or South of the Boise Meridian. We would assume it to be in the South.

However, before we can make either of these changes, we will need a separate notarized statement for each claim, verifying that our assumptions are correct.

As soon as we are in receipt of these two (2) notarized statements, we shall continue with the processing of your claims.

We are enclosing a copy of each claim for your convenience in this matter.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:CM

Enc: copy of two above referenced claims

36 4010