

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, 1971, and
ending with the issue dated Apr 6, 1971.

Ruth DeThomas
Subscribed and sworn to before me this

12th day of April, 1971
Jerry Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF CLAIM TO WATER RIGHT

No. 36-4009

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 0.44 cubic feet
per second of water from a
ground water source with point
of diversion in the SW1/4SE1/4
Sec. 7, T. 9S, R. 23E, B.M.,
Minidoka County.

The water is claimed to be
used from April 1 to Oct. 1
for irrigation purposes with a
priority of April 16, 1963; the
place of use is within the S1/2-
SE1/4, Sec. 7, 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. 135 - Mar.30, Apr.6, 1971

36 4009

Identification No. _____
Claim No. 36-4009
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 SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 7 Township 9 South
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 16, 1963</u>	amount: <u>.44</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; with 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 170 feet; diameter of well is 12 inches; type of pump is Turbine
capacity of pump is 375 g.p.m.; name and address of well driller is Claude Denton
Now Deceased.

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 died (log attached)

- 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:

[illegible]

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 22nd day of February, 19 71.

Lloyd Patterson
Claimant

Robert H. Green
Notary Public

Residing at Rupert, Idaho

My commission expires January 16, 1972

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>DM</u>	<u>2-24-71</u>			
Prelim. check by	<u>2-24-71</u>			
Fee received by	<u>2-24-71</u>	Fee \$ <u>10⁰⁰</u>		
Approved for publication by				
Published in	<u>Minidoka County</u>	Dates <u>3-30 & 4-6, 1971</u>		
	<u>News at Rupert, Idaho</u>			

36 4009

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

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. 36-4009 executed on the 22nd day of February, 1971;

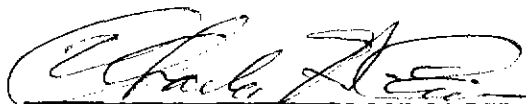
Affiant further states that the point of diversion is in SW $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, Township 9 South, Range 23 E., B.M., located on Subterranean waters, Minidoka County, Idaho;

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

Affiant makes this affidavit for the purpose of correcting said Claim to a Water Right No. 36-4009 as filed with the State of Idaho, Department of Water Administration.



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



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 Patterson, 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 20, 1971, and
ending with the issue dated Apr 6, 1971.

Ruth Patterson
Subscribed and sworn to before me this

12th day of April, 1971

John Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF CLAIM TO WATER RIGHT

No. 36-4009

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 0.44 cubic feet
per second of water from a
ground water source with point
of diversion in the SW1/4SE1/4
Sec. 7, T. 9S, R. 23E, B.M.,
Minidoka County.

The water is claimed to be
used from April 1 to Oct. 1
for irrigation purposes with a
priority of April 16, 1963; the
place of use is within the S1/2-
SE1/4, Sec. 7, 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. 122 - Mar. 30, Apr. 6, 1971

36 4009

Patterson

Start well - Jan. 17-1963

finished well - Jan. 25-1963

pipe set - 8" - 77 ft.

Water stands - 101 ft.

struck Water - 105 ft.

0 - 5 ft. - soil

5 - 22 - yellow clay

22 - 55 - gray sandy clay

55 - 74 - red clay

74 - 105 - gray lava

105 - 115 - black sand, lava, hard & soft streak.

115 - 125 - broken black lava, gravel.

125 - 140 - cinders, lava, water.

Driller - Claude Denton

March 15, 1983

Lloyd Patterson
Rt. 1, Box 81
Paul, ID 83347

Re: Claim No. 36-4009

Dear Mr. Patterson:

This office is currently reviewing existing claims to water rights throughout the state. We note that the above-referenced claim, copy enclosed, shows a date of priority of April 16, 1963. Please be advised that if the first use of the claimed right was April, you must establish the water right with an Application for Permit, since the last date on which a beneficial use right could be developed was March 25, 1963.

Enclosed we are sending to you an Application for Permit with instructions, as well as a blank Claim to a Water Right form. If the date of priority shown on the claim is wrong, please complete the Claim to a Water Right form and return it to this office. No filing fee is required for an amended claim to a water right. If the date shown on the claim is correct, you will need to fill out and file the Application for Permit.

If you have any questions about this matter, please feel free to contact our Eastern Regional office located at 150 Shoup Ave., Suite 15, Idaho Falls. The telephone number is 525-7161.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

cc: Eastern Region

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

Dear Mr. Patterson:

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.

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.

Donald W. McElidowney
Appropriation Supervisor

cc: Mr. Charles H. Creason
CREASON & CREASON

6007 9E

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 de

DWM:DR

Enc: Legal notices (4)

36 4009

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4009

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 0.44 cubic feet per second ~~acre/feet~~
of water from a ground water source
with point of diversion in the SW¹/₄ Sec. 7, T. 9S, R. 23E, B.M.,
Minidoka County,

The water is claimed to be used from April 1 to Oct. 1 for
irrigation purposes
with a priority of April 16, 1963;
the place of use is within the S¹/₂ Sec. 7, 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 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

BOX 335
436-4131

March 16, 1971

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

Re: Claim Nos: 36-4009
36-4010

Lloyd Patterson

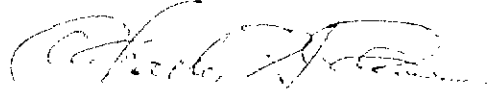
Attn: Dorian Clay
Appropriation Examiner

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 4009

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 4009

February 25, 1971

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

Dear Mr. Patterson:

Attached herewith is Departmental Receipt No. 5677 in the amount of
\$20.00 for Application for Permit (2 claims @ \$10⁰⁰ ea)
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

CREASON & CREASON

ATTORNEYS AT LAW
RUPERT, IDAHO 83350

H. V. CREASON
C. H. CREASON

February 22, 1971

BOX 335
436-4131

RECEIVED

FEB 23 1971

Department of Water Administration

Department of Reclamation
Room 107
Statehouse
Boise, Idaho 83701

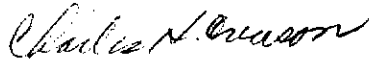
In re: Lloyd Patterson Claim to a Water Right

Gentlemen:

Enclosed herewith is two Claims to a Water Right for the above named person. Also enclosed is Mr. Patterson's check in the amount of \$20.00 for filing the same.

Yours very truly

CREASON & CREASON



Charles H. Creason

Encl:

CHC/sp