

AFFIDAVIT of PUBLICATION

State of Idaho,
County of Jerome

SS.

Oliver P. Oppercher 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 19 day of Feb.

19 70, and the date of the last publication was on the 26

day of Feb., 19 70

Oliver P. Oppercher

Subscribed and sworn to before me this 26

day of February, 19 70.
(SEAL)

Alice T. Hendrickson
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 24

Number of Insertions 2

24 Lines at 15c 3.60

24 Lines at 10c 2.40

TOTAL COST 6.00

COPY OF NOTICE

(Paste Here)

Notice of Claim to a Water Right
TITLE OF NOTICE Seldon Shirley

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Reclamation

Dept. of Reclamation
BUILT TO

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4005

Notice is hereby given that Seldon H. Shirley, Route 1, Jerome, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from North Side Canal Co. waste ditch, tributary of the Snake River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 10S, R. 19E, B.M., Jerome County; the water is claimed to be used from April 15 to October 1 for irrigation and stockwater purposes with a priority of April 15, 1956; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 24, T. 10S, R. 19E, B.M.

Any exception to this claim of water right may be filed with the department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

2-19-21c

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions 10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions 10c

Nº 2868

36-4005

Identification No.

Claim No.

Map No.

36-4005

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 Seldon H. Shirley
post office address Route # 1, Jerome, Idaho 83338
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 24 Township 10 5
Range 19 E B.M. located on North Side Canal Co. waste ditch
(name of source)
tributary to Snake River in Jerome 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 15, 1956
125 miners inch. amount: 2.5 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 irrigation period of use from April 15 to Oct. 1 (both dates inclusive)
use Stock water period of use from April 15 to Oct. 1 (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 concrete headgate
_____ ; length is 12 feet; height is 41/2 feet;
width at bottom is 4' feet; with at top is 4' feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Structure has been improved since 1956. Present structure was put
in before irrigation season of 1969
 - 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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Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Pump water from stilling basin behind headgate.

[illegible]

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) There are other users with rights in waste water which are junior to claimant.

6. Where water is used for stock watering, give number of each kind of stock watered 80 head -- maximum at any one time

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 Claimant takes water from North Side Canal Co. waste ditch and acknowledges that his claimed right is subject to the right of the North Side Canal Company to cease wasting the water.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

1/27/70
(Date)

State of Idaho

County of Twin Falls ss.

Seldon Shirley
(Signature of Claimant)
Seldon Shirley

On this 27th day of January 19 70, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

John A. Rosholt
Notary Public residing at Twin Falls

My commission expires 1971

For Department Use Only

Received by <u>[initials]</u>	Date <u>2-2-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>D</u>	Date <u>2-2-70</u>			
Fee received by <u>[initials]</u>	Date <u>2-3-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Ho. Side News</u>	Dates <u>2-19-26-70</u>			

36-4005

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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF:)

AFFIDAVIT

SELDON H. SHIRLEY)
Claim for Water)

State of Idaho)

County of Jerome)

SELDON H. SHIRLEY being first duly sworn,
deposes and says: That he is the owner of that portion of the South half of the
Southeast Quarter of Section 13, and the North half of the Northeast Quarter
of Section 24, Township 10 S., Range 19 E., Boise Meridian which lies
South and East of the C-50 Lateral of the North Side Canal Company.

That since April 15, 1956, and during every irrigation
season thereafter, your affiant has diverted by way of a pump and has
beneficially applied irrigation water in the approximate amount of 2.5
cubic feet per second to the 128 acres of said farm above described.

Said diversion and beneficial use has been made during every
irrigation season between April 15 and October 1 since 1956. That the
point of diversion for said water is in the Northeast Quarter of the Northeast
Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 24, Township 10 S., Range 19 E.,
Boise Meridian, Jerome County, Idaho.

That there is very little waste returning to said waste
ditch inasmuch as the beneficial use of the water for irrigation through the
sprinkler system consumptively uses nearly all of said water.

That on occasion, some of the property has been pastured
and up to 80 head of stock have been watered.

Seldon H. Shirley
(signature) SELDON H. SHIRLEY

Subscribed and sworn to before me this 27 day of JANUARY 19 70.

John A. Rosholt
(Notary Public)

Residing at Twin Falls

My commission expires 1971

36-4005

IN THE MATTER OF:)

SELDON H. SHIRLEY)

Claim for Water)

State of Idaho)

County of Jerome)

AFFIDAVIT

ED LOUDER

being first duly sworn,

deposes and says: That he is the owner of a farm located in the Southwest

Quarter of Section 18, Township 10 S., Range 20 E., Boise Meridian

Jerome, County, Idaho.

That he has owned such farm since prior to 1956 and knows

of his own knowledge that in 1956 Seldon H. Shirley did implace a headgate

in that certain waste ditch of the North Side Canal Company which traverses

the farm of Seldon Shirley, that farm being the South half of the Southeast

Quarter of Section 13 and the North half of the Northeast Quarter of Section

24 of Township 10 South, Range 19 E., Boise Meridian, Jerome County,

Idaho.

That since 1956, Seldon Shirley has beneficially applied

approximately 2.5 cubic feet per second of the waters of said waste ditch

to the 128 acres of his farm by way of a pump and sprinkler system which

was installed and which he began using in the spring of 1956.

That ever since 1956, Seldon Shirley has irrigated said

farm by the use of waste water from said ditch.

Ed Louder

(signature) ED LOUDER

Subscribed and sworn to before me this 27th day of January 19 70.

John A. Rosenthal

(Notary Public)

Residing at Twin Falls

My commission expires 1971

36-4005

IN THE MATTER OF:)

SELDON H. SHIRLEY,)

Claim for Water)

State of Idaho)

County of Jerome)

AFFIDAVIT

RUTH LOCKWOOD,

being first duly sworn,

deposes and says: That she is the owner of that farm located in the Southwest

Quarter of Northwest Quarter (SW 1/4 NW 1/4) of Section 24, Township

10 S., Range 19 E., Boise Meridian, Jerome County, Idaho, and has

known Seldon H. Shirley since prior to 1956.

That your affiant knows of her own knowledge that Seldon

Shirley has diverted water from that certain waste ditch of the North Side

Canal Compant, Ltd., which traverses his farm which is the North half

of the Northeast Quarter of Section 24, and the South half of the Southeast

Quarter of Section 13, all in Township 10 S., Range 19 E., Boise Meridian

lying South and East of the C-50 lateral of the North Side Canal Company.

That your affiant knows of her own knowledge that Seldon

Shirley installed a pump and sprinkler equipment in the spring of 1956 and

has since that time pumped and irrigated approximately 128 acres above

described from that waste ditch.

That the said Seldon Shirley has beneficially applied approximately

2.5 cubic feet per second of water to the above described farm in every

irrigation season since 1956.

Ruth V. Lockwood
(signature) Ruth V. Lockwood

Subscribed and sworn to before me this 27 day of JANUARY 19 70.

John A. Rosholt
(Notary Public)

Residing at Twin Falls

My commission expires 1971

36-4005

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Jerome } SS.

Oliver P. Oppercha 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 19 day of Feb.

19 20, and the date of the last publication was on the 26 day of Feb., 19 20.

Oliver P. Oppercha

Subscribed and sworn to before me this 26 day of February, 19 20.
(SEAL)

Alice T. Hendrickson
NOTARY PUBLIC

NORTH SIDE NEWS Jerome, Idaho COST OF PUBLICATION

Number of Lines in Notice	<u>24</u>	
Number of Insertions	<u>2</u>	
<u>24</u> Lines at 15c		<u>3.60</u>
<u>24</u> Lines at 10c		<u>2.40</u>
TOTAL COST		<u>6.00</u>

COPY OF NOTICE (Paste Here)

Notice of Claim to a Water Right
TITLE OF NOTICE Seldon Shirley

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Reclamation
BUL. TO

NOTICE OF DIVERSION
No. 2-19-20c

Notice is hereby given that Seldon H. Shirley, Route 1, Jerome, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from North Side Canal Co. waste ditch, tributary of the Snake River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, T. 10S, R. 19E, S.M., Jerome County; the water is claimed to be used from April 15 to October 1 for irrigation and stockwater purposes with a priority of April 15, 1856; the place of use is within the S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; N $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 10S, R. 19E, S.M.

Any exception to this claim of water right may be filed with the department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

2-19-20c

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertions	10c

No 2868

11-4005

March 10, 1970

Re: Claim to a Water Right No. 36-4005

C
O
P
Y

Mr. Seldon H. Shirley
Route #1
Jerome, Idaho 83338

Dear Mr. Shirley:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. 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 Examiner

DWM:dr

Enclosures: Copy of claim
Receipt No. 4147

36-4005

**NOTICE OF CLAIM TO A WATER
RIGHT
No. 36-4005**

Notice is hereby given that Seldon H. Shirley, Route 1, Jerome, Id., who, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from North Side Canal Co. waste ditch, tributary of the Snake River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 10S, R. 19E, B.M., Jerome County; the water is claimed to be used from April 15 to October 1 for irrigation and stockwater purposes with a priority of April 15, 1956; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; N $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 10S, R. 19E, B.M.

Any exception to this claim of water right may be filed with the department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

2-19-2tc

36-4005

February 10, 1970

Re: Claim to a Water Right No. 36-4005 - Seldon H. Shirley

North Side News
124 North Lincoln
Jerome, Idaho 83338

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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Encl Legal notice

*Bill submitted
3-2-70
dr*

36-4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4005

Notice is hereby given that Seldon H. Shirley, Route 1, Jerome,
Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 2.5
cubic feet per second/~~4070~~ feet of water from North Side Canal Co. waste ditch,
tributary of the Snake River with point of diversion in the NE~~1~~NE~~4~~.
Sec. 24, T. 10S, R. 19E, B.M., Jerome County ; the water is
claimed to be used from April 15 to October 1 for irrigation and
stockwater purposes with a priority of April 15, 1956
; the place of use is within the SE~~1~~SE~~4~~.
Sec. 13; N~~1~~NE~~4~~, Sec. 24, T. 10S, R. 19E, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the North Side News, Jerome, Idaho.
on February 19 and February 26, 1970.

36-4005

RECEIVED

FEB 2 1970

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

FIDELITY BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

Department of Reclamation

TELEPHONE
(208) 733-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

January 30, 1970

State Department of Reclamation
State House -- Annex 2
Boise, Idaho 83707

Attention Water Rights Department

Gentlemen:

Enclosed is a claim to a water right together with the original affidavits.

Also enclosed is a \$10 filing fee. Please acknowledge receipt of this claim on the copy of this letter enclosed and return the same to me.

Thank you for your cooperation.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR/clm
Enclosure

36-4005

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

PARRY, ROBERTSON, DALY & LARSON

TWIN FALLS, IDAHO 83301

DATE	INVOICE NO.	DESCRIPTION	GROSS AMOUNT	DEDUCTIONS	NET AMOUNT
1-30-70	110-	Seldon Shirley, filing fee on water right			10.00