

RECEIVED

JUL 3 1972

Department of Water Administration

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim to a

Water Right " as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated June 22, 1972

and the last in the issue dated June 29, 1972 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this JUN 29 1972

day of , 19

Darwin A. Keller

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT N 69-4003

Notice is hereby given that CUPRUM WATER USERS ASSOCIATION, % Clarence E. Leseberg, Nyssa, Oregon has filed a claim to a water right established by diversion and application to beneficial use of 0.4 cubic feet per second of water from Indian Creek, trib. to Snake River with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, T. 20N, R. 3W, B. M., Adams County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 21 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10, both within T. 20N, R. 3W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before July 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on June 22 1972 and June 29, 1972.

69 4003

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

June 16, 1972



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

Re: Claim to a Water Right Nos. 67-4024 - Florence L. Murphy
69-4002 - Olive A. Schmale
69-4003 - Cuprum Water Users Ass'n.
Application for Permit No. 69-7004 - " " " "

The Adams County Leader
Council,
Idaho 83612

Gentlemen:

Enclosed you will find four (4) legal notices 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 each notice, for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact this Department immediately.

An affidavit of publication must be submitted for each legal notice, 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 the claimant)

Very truly yours,

Dorian Clay

Dorian Clay
Water Resource Examiner
Western District

DC:CS

Enc: Legal Notices (4)

*Bill [Signature] Submitted
7-5-72
C.S.*

69 4003

Identification No. _____
Claim No. 69-4003 P
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 Cuprum Water Users Ass'n.
post office address c/o Clarence E. Leseberg Nyssa, Oregon
2. The point of diversion is in SW 1/4 of NE 1/4 Section 10 Township 20N Range 3W B.M. located on Indian Creek
(name of source)
tributary to Snake River in Adams 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>1880</u>	amount: <u>.4</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 Irrigation period of use from 5/1 to 10/1 (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 earth and rock
_____; 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 _____; 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 _____
_____;

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 _____ feet; 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]

21 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
Small earth and rock diversion dam in Indian Creek with earth ditch approximately
1½ miles to townsite of cuprum.

State of Idaho

County of Ada 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 13th day of June, 1972

Lawrence E. Leseberg
Chairman Claimant

M. Russell Smith
Notary Public

Residing at Boise, Idaho

My commission expires Jan 19, 1971

For Department Use Only

Received by PC Date 6/13/72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by PC Date 6/13/72 # 9340

Fee received by PC Date 6-13-72 Fee \$ 10.00

Approved for publication by PC

Published in Adams County Date 6/22/72

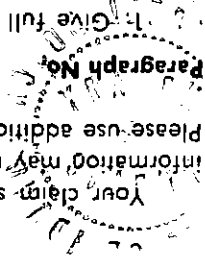
Leadw

1972

69 4003

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.



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 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 it 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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Affidavit of Publication

State of Idaho, County of Adams, ss:

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hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

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Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT N^o 69-4003

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The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 21 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10, both within T. 20N, R. 3W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before July 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on June 22 1972 and June 29, 1972.

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Department of Water Administration

69-7004

69-4003

Cuprum Star Route
Council, Idaho 83612
7-6-72

State of Idaho
Dept. of Water Administration
State House Annex 2
Boise, Idaho 83707

not acceptable as
a protest

Dear Sir:

We wish to protest the enclosed applications for water permits. The ditch filed on by Clarence Leesburg has been in existence since 1890 and serves 116 lots within the boundary of the existing township. With the remaining part of the township to be platted and sold at a future date. #69-4003 the claim should be filed to cover the entire township of Cuprum. And not just the Cuprum water users association which should have been formed to include every body in Cuprum and the remaining unsold Cuprum Township property. This is the only water available for irrigation in the area.

Yours Truly
Wilma Robbins
Fred P. Robertson
Helen B. Robertson

July 18, 1972

Re: Claim to a Water Right No. 69-4003

Cuprum Water Users Ass'n.
% Clarence E. Leseberg
Nyssa, Oregon

Dear Mr. Leseberg:

The Department of Water Administration has completed the processing of your Claim to a Water Right and no further action is authorized under Section 42-225a and 42-225b, 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 your claim. If you should have any questions, or if we can be of further assistance, please do not hesitate to contact this Department.

Sincerely,

Dorian Clay
Water Resource Examiner
Western District

DC:CS

Enc: copy of referenced claim

69 4003

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

June 16, 1972

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"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,

Dorlan Clay

Dorlan Clay
Water Resource Examiner
Western District

DC:CS

Enc: Legal Notices (4)

Bill [Signature] Submitted 7-5-72 C.S.

69 4003

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Adams County

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irrigation of 21 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, and the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10,
~~xxxxxx~~ both within T.20N, R.3W, B.M.;
~~xxxxxx~~

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Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
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R. KEITH HIGGINSON

Director

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