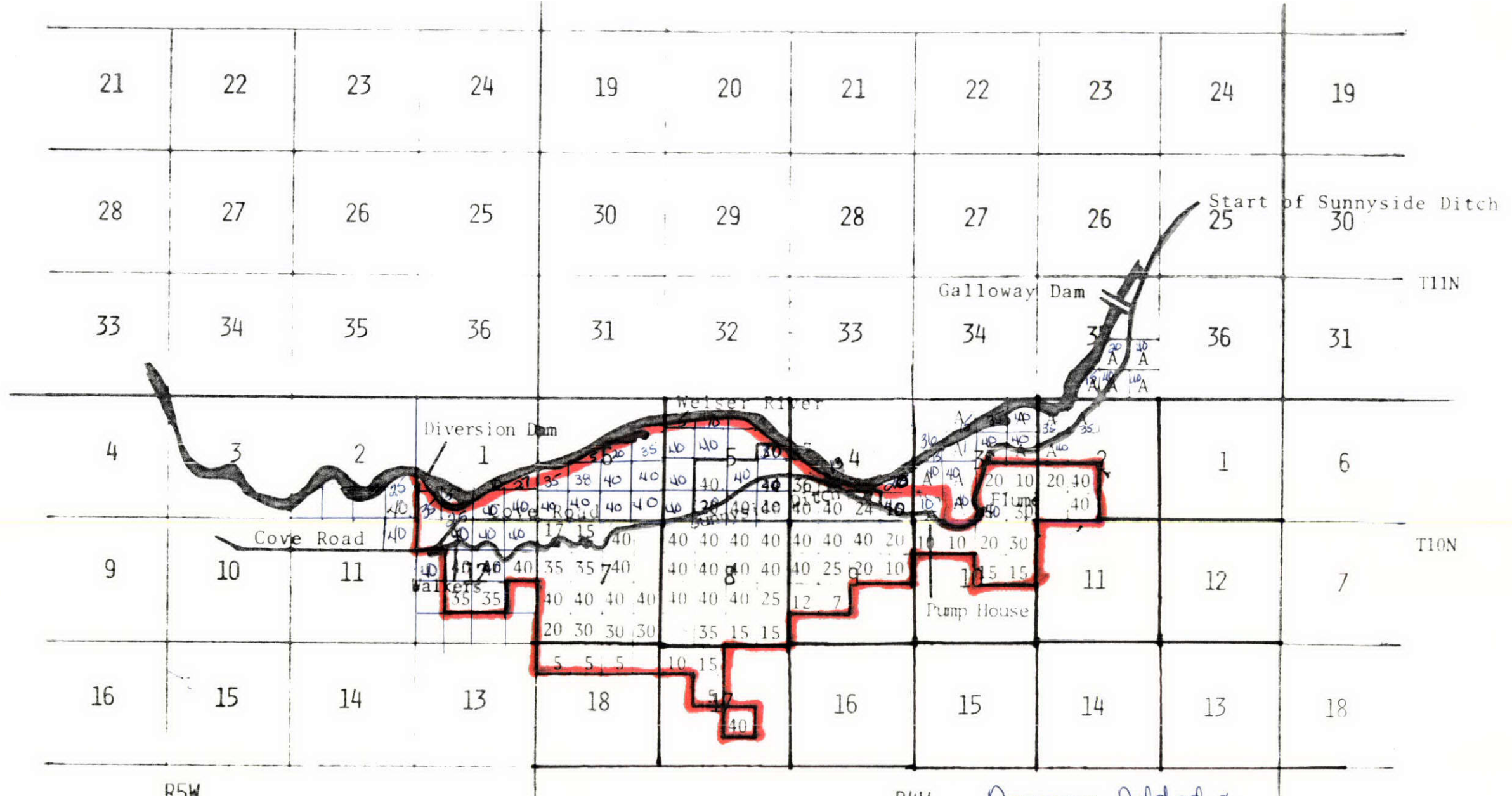




LANDS UNDER SUNNYSIDE DITCH
1979

Acreages Added &
changed per Larry Walker's
letter & land list submitted
2/25/82. js

A = Adjudicated water for that quarter section

MICROFILMED

No 685

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

Dorothy A. Booth, being duly sworn,
deposes and says:

That he is the Owner of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for Two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
April 8, 1982, and ending
with the issue of April 15, 1982

Dorothy A. Booth
Fees, \$ No Charge

Subscribed and sworn to before me this 15
day of April, 1982

[Signature]
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1983

No. 685

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claims to water rights have
been established by diversion and application to beneficial use:

67-4414

GENTRY, CLAIR L.
P.O. Box 285, WEISER, ID 83672
Source: GROUNDWATER
Priority Date: 05/01/1973
Amount: 0.05 CFS
Diversion Point: SWSE Sec 26 T 11N R 06W, WASHINGTON Co.
Use: DOMESTIC (0.05 CFS) from 01/01 to 12/31
Place of Use: SWSE Sec 26 T 11N R 06W
Diversion Means: WELL, PUMP & PIPELINE

67-4415

SUNNYSIDE DITCH CO.
C/O JACQUELINE WRAY, RT. 2 COVE RD., WEISER, ID 83672
Source: WEISER RIVER tributary to SNAKE RIVER
Priority Date: 01/01/1917
Amount: 32.00 CFS
Diversion Point: SENW Sec 25 T 11N R 04W, WASHINGTON Co.
Use: IRRIGATION (32.00 CFS) from 04/25 to 07/20
Place of Use: NENW NWNW SWNW NESW NWSW SESW Sec 02 T
10N R 04W NENE NWNE SWNE SENE NENW NWNW SWNW
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SESW NESE NWSE SWSE SESE Sec 06 T 10N R 04W SESW NESE
NWSE SWSE SESE Sec 35 T 11N R 04W FOR 3892 ACRES

Diversion Means: DIVERSION DAM & DIVERSION WEIR

Any exception to any claim of water right may be filed with the
Director of the Idaho Department of Water Resources, 92 S. Cole
Road, Boise, Idaho 83709.

A. KENNETH DUNN
Director
Published 3/11 & 3/18/82.

10-25

RECEIVED
MAY 8 1982
Department of Water Resources
Western Regional Office

No 675

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington

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Dorothy A. Barth
Fees, \$ 54.50 SESE

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[Signature]
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RECEIVED

MAR 31 1982

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A. KENNETH DUNN
Director

Published 3/11 & 3/18/82.

2-2S

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 SUNNYSIDE DITCH COMPANY

(Name of Claimant)
c/o Jacqueline Wray, Rt. 2 Cove Rd. Weiser, ID 83450 Telephone No. 549-0682
(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: chgd per telecon

(1) Date of priority: (When was the water first applied to a beneficial use) 1917 w/Jackie hlh

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. 2/13/8

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Weiser River(Flood Water) 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>32 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 25.</u>	To <u>Jul. 20</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 32 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 NW 1/4, Sec. 25 Twp. 11N Rge. 4 West B.M., County of Washington

Additional points of diversion: _____

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. Diversion Dam in Weiser River - Diversion Wier capable of diverting 46 cfs.

(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.

- SEE ATTACHED MAP & LAND LIST -

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	

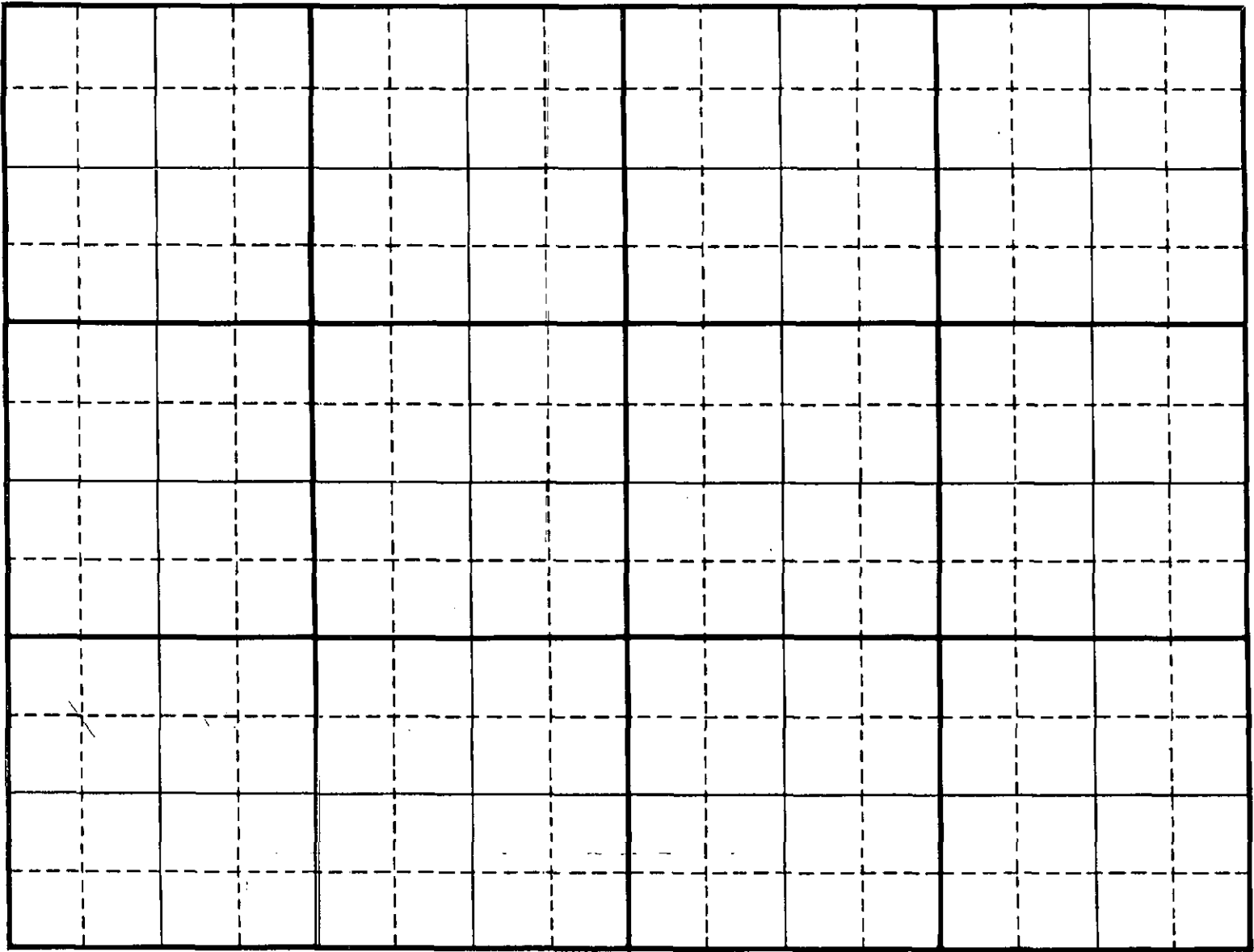
No. of acres 3892

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: _____

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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.

State of Idaho)
County of Washington) 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 affiant's knowledge.

Sworn to before me this: 9th day of February

Sunny Side Ditch Co -
by Larry C. Walker att.
(Claimant)

19 81

Notary Public

Residing at Weiser, Idaho

My commission expires June 23, 1984

FOR DEPARTMENT USE ONLY

Received by WEL Date 2/12/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by WEL Date 2/24/81 claimant by: _____
\$20.00 fee received by WEL Date 2/20/81 # 17308
Published in the Signal Commercial
Dates 3/11 & 3/18/82

Mail to:
Law office of
Lary C. Walker
P.O.Box 828
Weiser, Idaho

INSTRUMENT NO. 122751
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

Law Office of Lary C. Walker

25 Min. at 2:00 o'clock P M.

This 7th day of April 19 81

BK 10 OF Misc PG 202

MARY KAUTZ, Recorder. Fee: \$4.00

By [Signature] Deputy

Indexed
Compared

AFFIDAVIT

STATE OF IDAHO)
: ss.
COUNTY OF WASHINGTON)

CLAIR KIRK, being first duly sworn, deposes and says:

That he is and has been a landowner under the Sunnyside Ditch Company since 1944, and has lived in the area and been acquainted with the ditch, its flow, size, repairs and maintenance since 1917.

That during the time between 1917 and the date of this Affidavit, affiant has made many trips up and down the Sunnyside Ditch including trips to the diversion works located on the Weiser River above the Galloway Dam, and has witnessed the flow of the ditch, the amount of water diverted and the diversion works and has been familiar with them during that period of time.

That affiant to the best recollection recalls that in approximately 1942, the Sunnyside Ditch was enlarged to approximately its present capacity and has been filled to the capacity of the ditch each year prior to 1944 to affiant's recollection and each year thereafter with the exception of the 1977 year.

That during the above period of time, affiant has served as a member of the Board of Directors of the Sunnyside Ditch Company for a period of years and during that time was involved with the management and operation of the company's diversion facilities. That since the enlargement of the ditch in 1942, the number of irrigated acres being serviced by Sunnyside Ditch Company have been approximately the same and the amount and flow of water furnished through Sunnyside

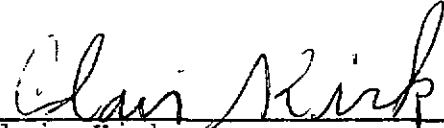
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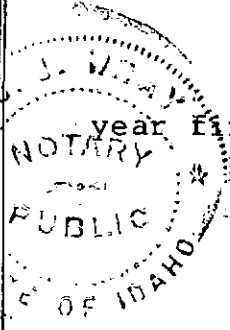
Ditch has maintained approximately that same capacity.

That affiant is further personally knowledgeable of the fact that the diversion works at the head of Sunnyside Ditch carry an amount of water necessary to service the land which is irrigated under this system and that the water flows through the ditch system and down to the end of the ditch and through a lateral ditch connected to the end of the Sunnyside Ditch, which lateral ditch terminates on the property presently known as the Wendell Walker Ranch. Any water not used during the irrigation season by the users is spilled back into the Weiser River at the end of the lateral ditch on the Walker farm or at a few other locations along the ditch provided for spilling excess water on occasions when the same is not being used. Affiant has a clear recollection of the fact that the ditch has flowed at its capacity at all times with the exception of the 1977 draught year in order to maintain a reasonable flow through the entire ditch system with the further facilities to spill off excess water through the various outlets only at the intervals when the water is not needed through this system.

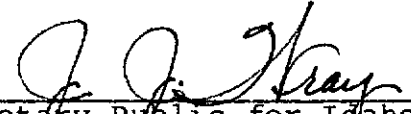
Affiant makes this Affidavit in support of the water rights claimed by Sunnyside Ditch Company for all users within said system.

Dated this 1st day of April, 1981.


Clair Kirk



Subscribed and sworn to before me on the day and year first above written.


Notary Public for Idaho
Residing at Weiser, Idaho.

A F F I D A V I T

STATE OF IDAHO)
) SS.
County of Washington)

WALLACE E. AVERETT, being first duly sworn, deposes and says:

That he is and has been familiar with the Sunnyside Ditch Companies water-diversion works, canal and irrigation facilities which supply water to numerous users and that he has been familiar with said facilities for many years.

That Affiant recalls, according to his best recollection, that in 1917 he first rode the Ditch as a substitute ditchrider and of his personal knowledge is acquainted with the diversion works and knows them to be the same as of the date of this Affidavit as they were in 1917, with the exception that the works were enlarged in 1967. Affiant knows that the diversion works and the ditch were located in the same location as at present with virtually no changes other than the enlargement of the system.

Affiant further recollects that he was hired as the ditchrider for the Sunnyside Ditch Company starting in 1968 and continuing through 1976 on an annual basis.

That each day, during the irrigation season, he personally inspected the diversion weir and made a record as to the amount of water being diverted through the Sunnyside System, which record was turned over to Clell Williamson, the appointed Water Master for the Weiser River Water Shed.

RECORDED
INDEXED

That to the best of Affiant's recollection, the readings on the weir guage were examined each day during the irrigation season and were observed to read between the numbers 13 and 17 on said weir and to the best of Affiant's recollection said reading would be an approximate average of 15½ on the weir guage. Although Affiant has no knowledge of how many actual second feet of water was diverted, those records were communicated and delivered to Clell Williamson who has maintained those records and is able to calculate the number of second feet of water diverted through that system during the years of 1968 to 1976.

Affiant also during the above period of time traversed the entire ditch system of Sunnyside Ditch Company and of the extension ditch which is at the end of the Sunnyside Ditch Company ditch which delivers water to parties on both sides of the ditch. Said water has been delivered on both sides of the ditch on a continuous basis during the irrigation season from 1917 to date with the only changes being for the enlargement made by the ditch company from time to time over the past years. The last enlargement, made by the Ditch Company, to the best of Affiant's recollection, was in 1967.

Affiant knows that the water has been applied to lands commonly known as "The Cove Area" on the south side of the Weiser River and East of Weiser. Said lands being so irrigated are those lands which are owned by shareholders of Sunnyside Ditch Company and the water was and has been delivered to those Shareholders, of record, to the best of Affiant's knowledge during all of the time he has been acquainted with this system and Affiant knows that when he became acquainted with the system in 1917, the system evidenced having been used for a number of years prior thereto.

DATED this 11th day of February, 1980.


Wallace E. Averett

SUBSCRIBED and Sworn to before me this 11th day of February, 1980.

Larry C. Walker
Notary Public for said State
Residing at: Weiser, Idaho
My Commission expires:

RECORDED
INDEXED

/tib
2/5/80

No 685

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Fees, \$ No Change

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NWSE SWSE SESE Sec 35 T 11N R 04W FOR 3892 ACRES

Diversion Means: DIVERSION DAM & DIVERSION WEIR

Any exception to any claim of water right may be filed with the
Director of the Idaho Department of Water Resources, 92 S. Cole
Road, Boise, Idaho 83709.

A. KENNETH DUNN
Director
Published 3/11 & 3/18/82.

2-25

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan J. J. J.

Right Number

677 4415

Applicant

Sunnyside Ditch Co.

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. 3/31/82
 - ☒ Claim published correctly. 3/11 & 3/18/82 Signal America 30.00 \$17308
 - ☐ Exceptions processed. Rec. 3/31 error on ad - they will re-run
4/2 & 4/16
- By 6LS Date 5/16/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

KW

Date

5/27/82

STREAM CODE - NO MAP EITHER
IN STREAM CODE MAPS
OR OUR REGIONAL MAPS.

RECEIVED

MAY 10 1982

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director
May 6, 1982

(208) 334-2190

Sunnyside Ditch Co.
C/O Jacqueline Wray
Rt. 2 Cove Rd.
Weiser, ID 83672

Re: Claim No. 67-4415

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,

David B. Shaw by J. L. Shaw

DAVID B. SHAW
Western Regional Office

Enc:

RECEIVED
MAY 10 1982

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

MARCH 31, 1982

SUNNYSIDE DITCH CO.
C/O JACQUELINE WRAY
RT. 2 COVE RD.
WEISER

ID 83672

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Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

62-4415-

SUNNYSIDE DITCH CO.

C/O JACQUELINE WRAY, RT. 2 COVE RD., WEISER, ID 83672

Source: WEISER RIVER tributary to SNAKE RIVER

Priority Date: 01/01/1917

Amount: 32.00 CFS

Diversion Point: SENW Sec 25 T 11N R 04W, WASHINGTON Co.

Use: IRRIGATION (32.00 CFS) from 04/25 to 07/20

Place of Use: NENW NWNW SWNW NESW NWSW SESW Sec 02 T 10N R 04W NENE NWNE SWNE
SENE NENW NWNW SWNW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
Sec 03 T 10N R 04W SWNW NESW NWSW SWSW SESW NESE SWSE SESE
Sec 04 T 10N R 04W SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec 05 T 10N R 04W NWNE SWNE NENW NWNW SWNW
SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 07 T 10N R 04W
NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SESW NESE NWSE
SWSE SESE Sec 08 T 10N R 04W NENE NWNE SWNE SENE NENW NWNW SWNW
SENW NESW NWSW Sec 09 T 10N R 04W NENE NWNE SWNE SENE NENW NWNW
Sec 10 T 10N R 04W NENW NWNW SENW NWSE Sec 17 T 10N R 04W NWNE
NENW NWNW Sec 18 T 10N R 04W NENE NWNE SWNE SENE NENW SWNW SENW
NESW NWSE Sec 12 T 10N R 05W NWSW SWSW SESW NESE NWSE SWSE ~~SESE~~
Sec 01 T 10N R 05W NESE SESE Sec 02 T 10N R 05W NENE
Sec 11 T 10N R 05W SWNE SENE SENW NESW NWSW SWSW SESW NESE NWSE
SWSE SESE Sec 06 T 10N R 04W SESW NESE NWSE SWSE SESE
Sec 35 T 11N R 04W FOR 3892 ACRES

Diversion Means: DIVERSION DAM & DIVERSION WIER

RECEIVED
JUL 10 1962