

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington

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

That he is the Clerk 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 13, 1978 and ending
with the issue of April 20, 1978

Fees, \$ 14.96

Subscribed and sworn to before me this 20
day of April, 1978

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-5, 1979

221

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4250

Notice is hereby given that The Institute Canal Co. Route 1, Weiser, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 16 cubic feet per second of water from the Weiser River trib. Snake River with the point of diversion in the NE¼NE¼ Sec 35 T10N-R4W B.M., Washington County.

The water is claimed to be used from Apr 15 to Oct 15 for irrigation of 800 acres with a priority date of 1918; the place of use is within the SE¼NE¼, E¼SE¼ Sec 13; NE¼, NE¼SE¼, S¼SE¼ Sec 24 T11N-R6W; S¼NW¼, SW¼, NW¼SE¼, S¼SE¼ Sec 19, NE¼, E¼NW¼, NE¼SE¼ Sec 30 T11N-R5W B.M..

Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. Stephen Allred
Director

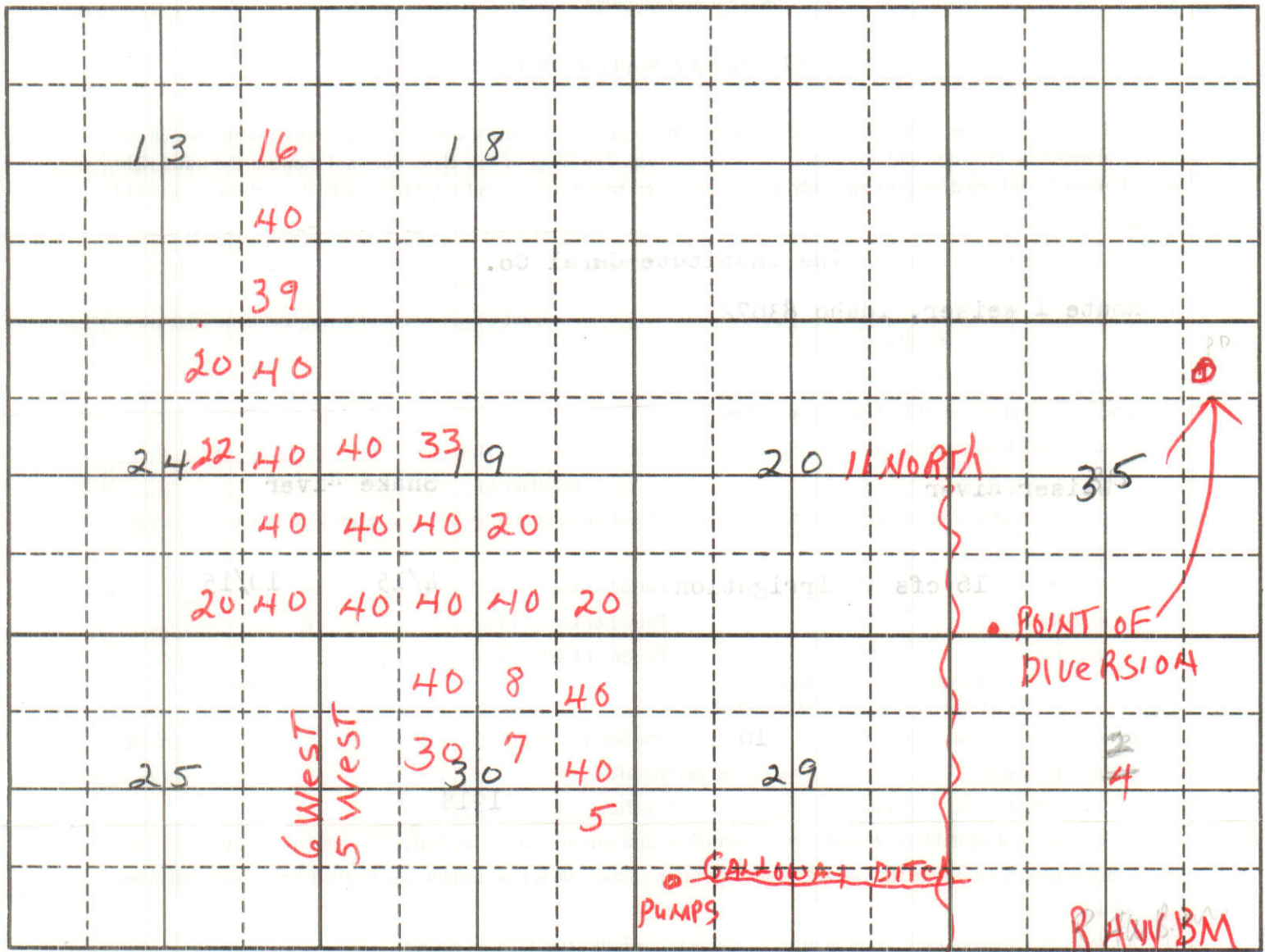
Published in the Signal American, Weiser, Idaho on April 13, 1978 and April 20, 1978.

10-2S

OK
5-7-78
RECEIVED
MAY 1 1978

Department of Water Resources
Western Regional Office

(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 affiants knowledge.

INSTITUTE CANAL CO.

Wayne L. Johnson
Sec. (Claimant)

Sworn to before me this 24 day of March, 1978.

Notary Public

Residing at Weiser, Idaho

My commission expires 17 July 79

For Department Use Only

Received by [Signature] Date 4-3-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date 3-27-78 _____
\$10.00 fee received by [Signature] Date 4-3-78 # 11020 _____
Approved for publication by _____
Published in Signal American _____
Dates April 13 & 20, 1978 _____

The point of diversion
has been found to be
in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ SEC 35
Twp 11 N Rge 4W not in
the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 35
Twp 10N Rge 4W.

J.A.F.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

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

That he is the Clerk 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 13, 1978, and ending
with the issue of April 20, 1978.
[Signature]
Fees, \$ 14.96

Subscribed and sworn to before me this 20
day of April, 1978.
[Signature]
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 1-5, 1979.

221

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4250

Notice is hereby given that The Institute Canal Co. Route 1, Weiser, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 16 cubic feet per second water from the Weiser River trib. Snake River with the point of diversion in the NE¼ NE¼ Sec 35 T10N-R4W B.M., Washington County.

The water is claimed to be used from Apr 15 to Oct 15 for irrigation of 800 acres with a priority date of 1918; the place of use is within the SE¼ NE¼, E¼ SE¼ Sec 13; NE¼, NE¼ SE¼, S¼ SE¼ Sec 24 T11N-R6W; S¼ NW¼, SW¼, NW¼ SE¼, S¼ SE¼ Sec 19, NE¼, E¼ NW¼, NE¼ SE¼ Sec 30 T11N-R5W B.M..

Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. Stephen Allred
Director

Published in the Signal American, Weiser, Idaho on April 13, 1978 and April 20, 1978.

10-25

OK-78
5-7-78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that The Institute Canal Co.
(name of claimant)
of Route I Weiser, Idaho 83672, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Weiser River, tributary to, Snake River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|---------------|-----|-------------------|----------------|------|-------------|----|--------------|
| Amount | <u>16 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>4/15</u> | To | <u>10/15</u> |
| Amount | | Use | | Period of Use: | From | | To | |
| Amount | | Use | | Period of Use: | From | | To | |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 16 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1918

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NE ¼, Sec. 35 Twp. 10N Rge. 4W 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. The water is diverted from the Weiser River into the Galloway ditch and rediverted from the Galloway by pump at the NE corner of the SW ¼ Sec. 29 T11 n - R5W

- (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.

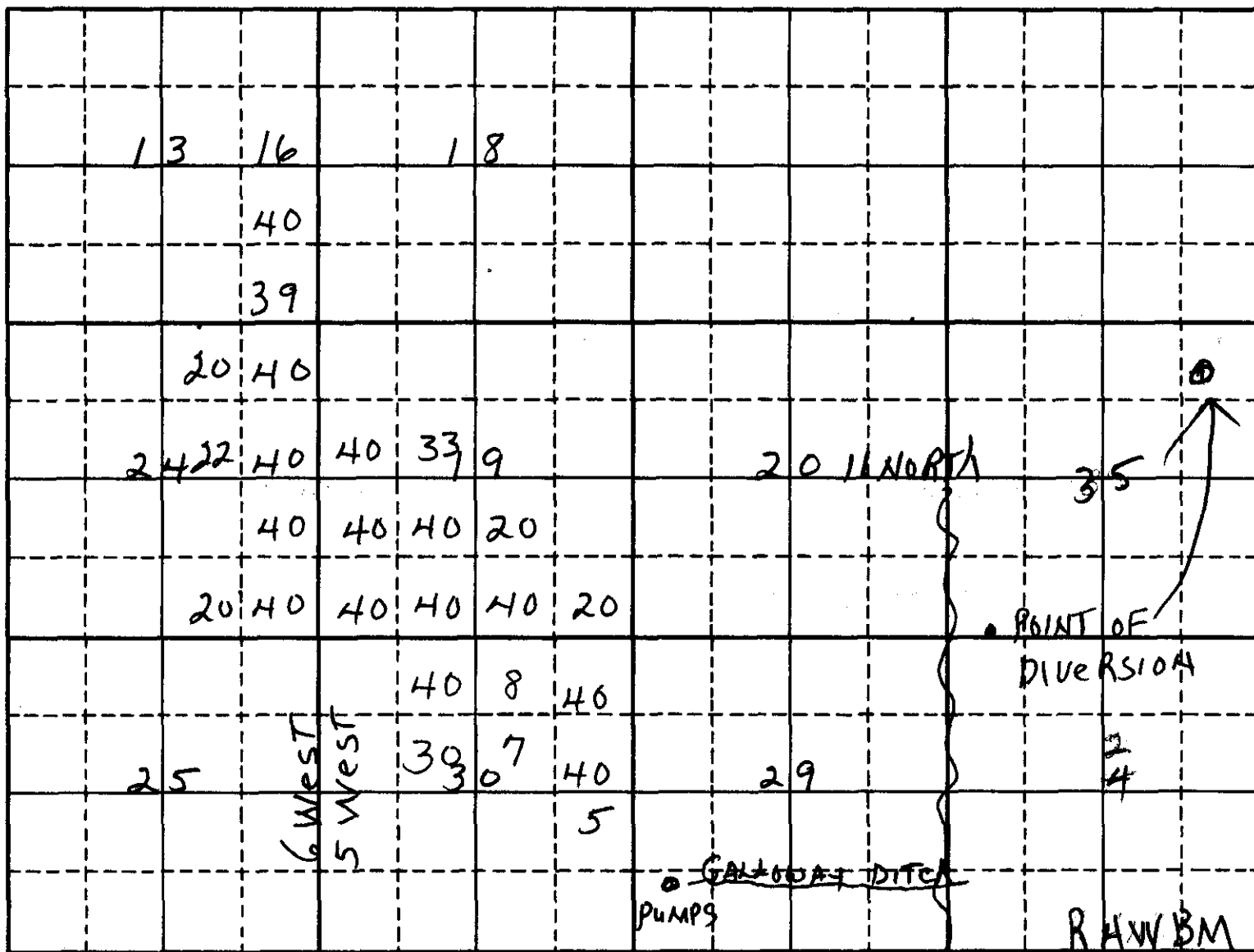
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11N	6W	13				16									40			39	95
11N	5W	19							40	33	40	40	40	40		20	40	20	313
11N	6W	24	40	20	22	40									40		20	40	222
11N	5W	30	40	8	7	40	40			30					5				170

Total No. of acres 800

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

- (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)
) ss.
County of Washington)

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.

INSTITUTE CANAL CO.
Wayne L. Johnson
Sec.
(Claimant)

Sworn to before me this 24 day of March, 1978.

[Signature]
Notary Public
Residing at Wenatchee, Idaho

My commission expires 17 July 79

For Department Use Only			
Received by <u>[Signature]</u>	Date <u>4-3-78</u>	Exception filed by:	Forwarded to
Prelim. check by <u>[Signature]</u>	Date <u>3-27-78</u>		claimant by:
\$10.00 fee received by <u>[Signature]</u>	Date <u>4-3-78</u>	<u>#11020</u>	
Approved for publication by <u>[Signature]</u>			
Published in <u>Signal American</u>			
Dates <u>April 13 & 20, 1978</u>			

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No.

50
4249
67-7379

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ NA Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 4-3-78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) R.W.H. 4-3-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) J OK

Affidavit of Publication received(date) 5-2-78

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By [Signature] Date 7-26-78

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

July 27, 1973

RE: Claim No. 67-4250

The Institute Canal Co.
Rt. 1
Weiser, ID 83672

Gentlemen:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a 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.

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
Western Regional Supervisor

DBS:rf

Enclosure



INSTITUTE CANAL COMPANY

WEISER, IDAHO

July 22, 1978

Dept of Water Resources
Western Region
92 South Cole Road
Boise, Idaho

Att:
Mr. Robert W. Hamilton
Mr. David B. Shaw

Dear Sirs:

Re. Claim to water right no 67-4250

In a attempt to answer your questions concerning the water right claimed by the Institute Canal Co. I have enclosed two excerpts from the original contract dated Dec. 4th 1918.

I did not have this contract when I asked for a 1918 date, it took some research to even find out that it had been recorded.

As far as I can determine the pumps must have been installed in 1919. It would have been impossible to irrigate any of the ground which they planned to irrigate without the use of pumps, as it all lays above the Galloway ditch. This is also noted in the contract.

As to why this was not included in the 1921 decree I cannot say. A.G. Butterfield owned much of the land lying under the present Institute Canal Co. at that time. I see that he had requested x amount of water but I fail to see where he was awarded any rights. It has been some time now since I have read the 1921 decree but it seems to me that the Weiser Bench Irrigation district should have been the one requesting the water rights and not A.G. Butterfield, even though he was probably the Weiser Bench Irrigation district at that time.

I am sorry that it took so long to answer your questions but this is a matter for the middle of winter and not during summer.

Institute Canal Co.
Wayne L. Johnson
Secretary *Wayne L. Johnson*

P.S. I am enclosing some negatives of the pictures I took of the discharge gates at Crane Creek Res. would you please see that Joe Bartley gets them.

Thanks Wayne

INSTRUMENT NO 32758

This agreement made and entered in to this 4th day of December, 1918 by and between Weiser Irrigation District, a Quasi municipal corporation, located in Washington County, Idaho, the party of the first part and Weiser Bench Irrigation Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, with it's principal place of business at Weiser, Washington County, Idaho, party of the second part, WITNESSETH:

That, whereas the said party of the first part is the owner of a certain canal, irrigation system, and appurtenances located in Washington County, Idaho which said canal begins at the point about Seven hundred and Forty five (745) feet East and Six hundred and Forty (640) feet South of the Northwest corner of Lot Three, Section Three Township Ten North Range Four West in Washington County Idaho, and running thence in a Southwesterly and Westerly direction through and across the following described tracts of land, to wit:

Begin at River in Lot Three (3) thence Lot Four (4), Section Three (3) Township Ten (10) _ Range Four (4) West, thence across lot One (1) Section Four

July 10, 1978

RE: Claim to a Water Right No. 67-4250

Wayne Johnson
Institute Canal Company
Route 1
Weiser, ID 83672

Dear Mr. Johnson:

Reference is made to our letter of May 5th, copy attached, requesting additional information about your claim to a water right.

While your claim as filed appears to be complete, certainly the questions raised in that letter will also be raised if your right to the use of the water is ever challenged in the future. If you can provide answers to those questions, I feel it would improve the credibility of your claim.

If you have any questions concerning your claim, please feel free to contact this Department.

Yours truly,

David B. Shaw
Western Regional Supervisor

DBS:alw

RECEIVED
JUL 11 1978
WESTERN REGIONAL
SUPERVISOR

May 5, 1978

Re: Claim to a Water Right No. 67-4250

Institute Canal Company
c/o Wayne Johnson
Route 1
Weiser, ID 83672

Dear Mr. Johnson:

In regards to the claim filed by the above company, a question has been raised because the diversion is from the Galloway Ditch by pump. The priority date claimed is 1918. Was this water diverted by gravity system and the pumps installed in recent years? Any information you can supply will make your claim more useful to your company.

Another question was raised as to why this right was not included in the 1921 dated decree?

Any help you can give on these two questions will be helpful.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:rf

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

March 29, 1978

Re: Claim to a Water Right

RECEIVED
APR 3 1978

Institute Canal Company
c/o Wayne Johnson
Route 1
Weiser, ID 83672

Department of Water Resources
Western Regional Office

Dear Mr. Johnson:

We are returning your claim to a water right and check # 845 (92-285) in the amount of \$10.00.

✓ The Galloway Canal diverts from the Weiser River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 11N, Rge. 4W, B.M.

✓ In Sec. 24, Twp. 11N, Rge. 6W, B.M. the land list shows all the SE $\frac{1}{4}$ receives water except the SE $\frac{1}{4}$ SE $\frac{1}{4}$. The map shows the SE $\frac{1}{4}$ except for the NW $\frac{1}{4}$ SE $\frac{1}{4}$.

✓ Please show 11N and 5W and 6W, B.M. under item 6.

✓ I have penciled in the point of diversion from the Weiser River on the map.

✓ Please make the necessary corrections and return the claim and check to us.

Sincerely,

Robert W. Hamilton
ROBERT W. HAMILTON

Supervisor of Water Distribution

RWH:rf

Enc.

[illegible]

Enc.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 67-4250

Notice is hereby given that THE INSTITUTE CANAL CO.
Route 1, Weiser, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 16 cubic feet per second ~~XXXXXX~~ of water
from the Weiser River trib. Snake River
with the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T10N-R4W B.M., Washington
County.

The water is claimed to be used from Apr 15 to ~~May~~ Oct 15
for irrigation of 300 acres

with a priority date of 1918 ;
the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 13; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
Sec 24 T11N-R6W; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 19, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec 30 T11N-R5W B.M.

Any exception to this claim of water right may be filed with the Direc-
tor of the Idaho Department of Water Resources, 92 South Cole Road, Boise,
Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Signal American, Weiser, Idaho
on April 13, 1978 and April 20, 1978.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 7, 1978

The Institute Canal Co.
Route 1
Weiser, ID 83672

Gentlemen:

Enclosed is your Receipt No. 11020 in the amount of \$10.00
for Claim to a Water Right No. 67-4250 which was received in
this office on April 3, 1978.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 7, 1978

Re: Notice of Claim to a Water Right No. 67-4250 -- The Institute Canal Co.

The Signal American
P. O. Box 709
Weiser, ID 83672
Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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)

Please send the affidavit of publication and publication billing to this office before May 1, 1978.

Sincerely,

RITA FLECK
Secretary

*Bill submitted
5-2-78
y*

March 13, 1978

Re: Claim to a Water Right

Mr. Wayne L. Johnson
The Institute Canal Company
Route 1
Weiser, ID 83672

Dear Mr. Johnson:

We are returning to you the claim to a water right and your check #842 (92-285) in the amount of \$175.00. The land list in section (6) of your claim does not agree with your map.

I have taken the liberty of filling out a new claim for you that agrees with your map. Thus, if your map is correct, just sign the new claim before a notary public and return it to us along with the \$10.00 filing fee. On the other hand, if your land list is correct, change your map to agree with the land list and return it to us along with the \$10.00 filing fee. Please indicate your position with the Institute Canal Co. below your signature which ever claim you return.

If I can be of further assistance, please contact me.

Sincerely,

BILL MACALLISTER
Water Resource Agent

BM:rf

Enc.