
8

T.I.N.

⊗ P.D. + use

P.S.W.B.M.

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.

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.

John E Kyle
(Claimant)
19 77

My commission expires March 8, 1980

Received by mf Date 5-10-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 6LS Date 5/11/77 _____
\$10.00 fee received by mf Date 5-10-77 # 7728 _____
Approved for publication by CRS 5-12-77 _____
Published in The Signal American _____
Dates May 19, 1977 & May 26, 1977 _____

No

64

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Barth, 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 2 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

May 19, 1977, and ending
with the issue of May 26, 1977

Dorothy A. Barth
Fees, \$ 12.92

Subscribed and sworn to before me this 26

day of May, 1977

Paul Lee
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1979

No. 64
NOTICE OF CLAIM
TO A WATER RIGHT
NO. 67-4196

Notice is hereby given that
JOHN E. &/or ESTHER C.
KYLE Route 3, Weiser, ID
has filed a claim to a water
right established by diver-
sion and application to bene-
ficial use of 0.66 cubic feet
per second of water from a
groundwater source with the
point of diversion in the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 T10N-R5W
B.M., Washington County.

The water is claimed to be
used from Jan 1 to Dec 31 for
a stockwater purpose and
from March 15 to Oct 31 for
the irrigation of 12 acres with
a priority date of 1948; the
place of use is within the
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 T10N-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, ID on
May 19, 1977 and May 26,
1977.

20-2s

OK YH
6-2-77
RECEIVED
MAY 31 1977

Department of Water Resources
Western Regional Office

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 JOHN E. &/or ESTHER C. KYLE (name of claimant)
of Route 3, Box 183 Weiser, ID (mailing address), claims a right to the diversion and beneficial use of 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) groundwater, tributary to ,
- (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 | 0.64 | Use | irrigation | Period of Use: From | 3-15 | To | 10-31 |
| Amount | 0.02 | Use | stockwater | Period of Use: From | 1-1 | To | 12-31 |
| 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: 0.66 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) 1948

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)
SW ¼ SE ¼, Sec. 8 Twp. 10N Rge. 5W 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. 12 inch well 32 feet deep
pumps and gravity system

- (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 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	
10N	5W	8															12		12

Total No. of acres 12

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: stockwater for 50 head of stock

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

RECORDED

8

T. 10 N.

R. 5 W. B. M.

P. 10 E. use

Received by Date 5-10-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Date 5/11/77 claimant by: _____
\$10.00 fee received by Date 5-10-77 # 7728
Approved for publication by 5-12-77 _____
Published in The Signal Americas _____
Dates May 19, 1977 & May 26, 1977 _____

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 2 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
May 19, 1977 and ending
with the issue of May 26, 1977

Dorothy A. Booth
Fees, \$ 12.92

Subscribed and sworn to before me this 26
day of May, 1977

Paul Lee
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1979

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that
JOHN E. BOOTH or ESTHER C.
KYLE of Weiser, ID
has filed a claim to a water
right established by diver-
sion and application to bene-
ficial use of 0.66 cubic feet
per second of water from a
groundwater source with the
point of diversion in the
SW 1/4 SE 1/4 Sec 8 T10N-R5W
B.M., Washington County.

The water is claimed to be
used from Jan 1 to Dec 31 for
a stockwater purpose and
from March 15 to Oct 31 for
the irrigation of 12 acres with
a priority date of 1977
place of use is at Weiser, ID
C. STEPHEN BOOTH
B.M.

Any exception to this claim
of water right may be filed
with the Director of the Idaho
Department of Water
Resources, 22 South Cole
Road, Boise, Idaho 83705.

C. STEPHEN BOOTH
Director

Publisher of the Signal
American, Weiser, ID on
May 19, 1977 and May 26,
1977.

20-2s

OK 2/28
6-2-77

INDEXED

INSTRUMENT NO 109886
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

COMPARED

Jack Kyle
28 Min. past 10:00 o'clock 4 M.
This 28th day of March 19 77
OK 9 OF Miss PG 731
MARY KAUTZ, Recorder Fee: \$2.90
By Carol J. Whitsett Deputy
Jack Kyle

A F F I D A V I T

STATE OF IDAHO)
County of Washington) ss.

I, NORMAN WALTER WHITTET, being first duly sworn, depose and say:

That I am the son of WALTER WHITTET, former owner of a tract of land located in Washington County, Idaho, more particularly described as set forth on Exhibit "A" attached hereto and by this reference incorporated herein as though set forth in full.

That in 1948 I, along with the help of my father, WALTER WHITTET, dug a well which was completed on the 2nd day of July, 1948. From that time until 1970, I have personal knowledge that water was pumped from said well to irrigate a tract of land consisting of approximately twenty (20) acres of the above-referenced lands, a more particular description of which is set forth on Exhibit "B" attached hereto and by this reference incorporated herein as though set forth in full.

That in addition to the irrigation of the above-referenced land, said well was also used to water domestic livestock, lawn and garden.

That the water used for watering livestock was used on a year-around basis continually over a period of time from 1948 to 1970, and the water used for lawn, garden and irrigation purposes on the above-referenced land was used between the months of March 15th and November 1st of each year from 1948 to 1970.

The above facts I know of my own personal knowledge through my own efforts and personally witnessing my father use said water.

Subscribed and sworn to before me this 21st day of March, 1977.

Rich Davis
Notary Public in and for said State
Residing at Weiser, Idaho.

EXHIBIT "A"

The East 12 acres of the $W\frac{1}{2}$ of the $SW\frac{1}{4}SE\frac{1}{4}$
in Section 8, Township 10N, Range 5W of B.M.

Approximately 12 acres.

EXHIBIT "B"

The East 12 acres of the $W\frac{1}{2}$ of the $SW\frac{1}{4}SE\frac{1}{4}$
in Section 8, Township 10N, Range 5W of B.M.

Approximately 12 acres.

ACT
ION

N OWNER LAST NAME - KYLE
N OWNER LAST NAME - KYLE
N ADDRESS LINE 1 - RT. 3 BOX 183

FIRST NAME - JOHN E.
FIRST NAME - ESTHER C.

CITY - WEISER

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 06-01-1948 COUNTY - WASHINGTON TOTAL DIV. RATE - .6600CFS

N DIVERSION POINT - SWSE 08 10N 05W

N FROM - 03-15 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - .6400CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 10N RNG 05W SEC 08 TRACT SWSE

AC 12

N NON IRRIG USE - S/50 RANGE.

IDENT. NO. 67-4196

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- Present Owner: _____

- | | <u>Tract</u> | <u>Sec.</u> | <u>Twp.</u> | <u>Rge.</u> | <u>Gov't</u>
<u>Lot</u> | <u>Rediv.</u> |
|--------------------------|--------------|-------------|-------------|-------------|----------------------------|---------------|
| 6. A. Point of Diversion | SWSE | 8 | 10N | 5W | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [illegible]

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

S/50 range.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

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

(1) 6LS 5/10/77

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) 6LS 5/10/77

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) rf OK

Affidavit of Publication received(date) 6-2-77

(12) rf _____

Final date for protests N/A
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 THL Date 6-6-77



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

June 7, 1977

Re: Claim to a Water Right No. 67-4195 & 67-4196

John E. &/or Esther C. Kyle
Route 3, Box 183
Weiser, ID 83672

Dear Mr. & Mrs. Kyle:

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.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83703
(208) 334-2190

May 13, 1977

RE: SEE ATTACHED SHEET

67-4196

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 June 6, 1977.

Sincerely,

MICROFILMED

Bill submitted
6-2-77
JF

PUBLISHED IN THE SIGNAL AMERICAN, Weiser, ID, on May 19, 1977 and May 26, 1977

CLAIMS TO A WATER RIGHT

67-4185	Art A. Correia &/or Mary J. Correia
67-4187	Amos Rodabaugh
67-4195	John E. &/or Esther C. Kyle
67-4196	John E. &/or Esther C. Kyle
67-4197	Garold &/or Carol M. Dick
67-4198	Garold D. &/or Carol M. Dick
67-4199	Bill M. &/or Carol &/or Carol &/or Don &/or Elsie Youghblood
67-4200	Bill J. &/or Carol Youngblood

APPLICATIONS FOR WATER PERMIT

67-7321	James D. Craig
67-7322	Vernon E. Lolley
67-7323	Bill J. &/pr Carol Youghblood

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 67-4196

Notice is hereby given that JOHN E. &/or ESTHER C. KYLE

Route 3, Weiser, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.66 cubic feet per second ~~acre feet of water~~
from a groundwater source

with the point of diversion in the SW 1/4 Sec 8 T10N-R5W B.M.,
Washington County.

The water is claimed to be used from Jan 1 to Dec 31
for a stockwater purpose and from Mar 15 to Oct 31 for the irrigation
of 12 acres
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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 The Signal American, Weiser, ID
on May 19, 1977 and May 26, 1977.