

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

No. 67-4181

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 April 21, 1977

and the last in the issue dated April 28, 1977 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

day of

APR 28 1977

, 19

Senay Leamy

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4181

Notice is hereby given that LYNN A. PEARSON Box J., Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.09 cubic feet per second of water from waste water from a roadside ditch with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2 T16N-R1W B.M., Adams County.

The water is claimed to be used from Mar 1 to Nov 1 for the irrigation of 4.6 acres with a priority of 1966; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2 T16N-R1W B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

C. STEPHEN ALLRED
Director

Published in the Adams County Leader, Council, ID on April 21, 1977 and April 28, 1977.

OK 1/28
5-4-77

RECEIVED

Department of Water Resources
Western Regional Office

MICROFILMED

**NOTICE OF CLAIM TO
WATER RIGHT**

No. 67-4181

Notice is hereby given that LYNN A. PEARSON Box J., Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.09 cubic feet per second of water from waste water from a roadside ditch with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2 T16N-R1W B.M., Adams County.

The water is claimed to be used from Mar 1 to Nov 1 for the irrigation of 4.6 acres with a priority of 1966; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2 T16N-R1W B.M.

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C. STEPHEN ALLRED

Director

Published in the Adams County Leader, Council, ID on April 21, 1977 and April 28, 1977.

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 Lynn A. Pearson (name of claimant)
of Box J, Council, ID 83612, 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) waste water from roadside ditch, 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 | <u>0.09</u> | Use | <u>irrigation</u> | Period of Use: From | <u>Mar 1</u> | To | <u>Nov 1</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: 0.09 cubic feet per second, or 18.4 acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1966

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 SW ¼, Sec. 2 Twp. 16N Rge. 1W B. M. County of Adams
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. Small diversion in ditch & pipe under Orchard Road to bring water to south side & hence into pond.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16N	1W	2									4.6								4.6

Total No. of acres 4.6

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Water flows from ditch on north side Orchard Road thru pipe to south side and into pond from which irrigation water is used by one ditch for field, also pumped under pressure for sprinklers garden & lawn. Excess returns by overflow back to road ditch.
If you are claiming water as a member of an organization, list name of organization: _____

[illegible]

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.

Lynn A Pearson
(Claimant)

Residing at Cornwall Id.

Received by <u>W</u>	Date <u>4-11-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>J.R.W.H</u>	Date <u>4-11-77</u>		claimant by:	
\$10.00 fee received by <u>H</u>	Date <u>4-11-77</u>	# <u>7146</u>		
Approved for publication by <u>JS</u>	Date <u>4-14-77</u>			
Published in <u>Adelanto County Recorder</u>				
Dates <u>April 21, 1977 to April 28, 1977</u>				

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 67-4181**

Notice is hereby given that LYNN A. PEARSON, Box J., Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from waste water from a roadside ditch with the point of diversion in the NE 1/4 SW 1/4 Sec 2 T16N R1W B.M., Adams County.

The water is claimed to be used from Mar 1 to Nov 1 for the irrigation of 4.5 acres with a priority of 1900; the place of use is within the NE 1/4 SW 1/4 Sec 2 T16N R1W B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

C. STEPHEN ALLRED
Director

Published in the Adams County Leader, Council, ID on April 21, 1977 and April 28, 1977.

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

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

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and the last in the issue dated April 28, 1977 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.

Bert J. Rogers

Subscribed and sworn to before me this

day of

APR 28 1977

19

Henry Leamy

Notary Public for Idaho,
Residing at Council, Idaho

OK 1/28
5-4-77

ACT
ION

N OWNER LAST NAME - PEARSON FIRST NAME - LYNN A.
N ADDRESS LINE 1 - P.O. BOX J
N CITY - COUNCIL STATE - ID ZIP CODE - 83612
N SOURCE - WASTE WATER
N STAGE - STATRY CLM PRIORITY - 06-01-1966 COUNTY - ADAMS TOTAL DIV. RATE - .0900CFS
N TOTAL DIV. VOLUME - 18.40 AFA
N DIVERSION POINT - NESW 02 16N 01W
N FROM - 03-01 TO - 11-01 USE - IRRIGATION USE DIV. RATE - .0900CFS USE DIV. VOLUME - 18.40 AFA
N USE - IRRIGATION PLACE OF USE - TWN 16N RNG 01W SEC 02 TRACT NESW AC 05
N REMARKS - AC. IRR.=4.6.

3/79

IDENT. NO. 67-4181

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4181
 Old No. _____ New No. _____

Record

1. Original Owner: Lynn A. Pearson

Present Owner: _____

2. Address: P.O. Box 5

3. City: Council State: Id Zip: 83612

4. A. Source of Water: waste water

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 6-1-1966

D. County: 03

E. Total Diversion Rate: .09

F. Total Diversion Volume: 18.4

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESW</u>	<u>2</u>	<u>16N</u>	<u>1W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 3-1 to 11-1 for A purposes. Amount .09/18.4
 (cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ac. irr. = 4.6.
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

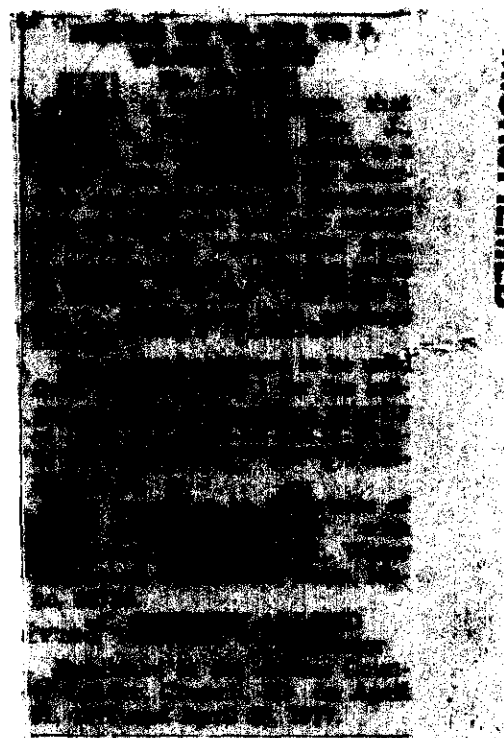
E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



RECEIVED

MAY 10 1977

Department of Water Resources

Dear Sir

I am writing in Protest to
Lynn A. Parsons claim to a water
right, with the Point of Diversion
in the NE $\frac{1}{4}$ - SW $\frac{1}{4}$ - SEC-2 - T16N-0R1W-08M
Adams County. -

This waste water from said roadside
has been used for stock water and
sub irrigation over 40 years by
our family.

There is 3 small Dams used for
stock water below. Parsons

Please Notify Same

Jack L St Germain
Star Route
Council Idaho
— 83612 —

MICROFILMED

May 31, 1977

Re: Claim to a Water Right No. 67-4181

Lynn A. Pearson
Box J
Council, ID 83612

Dear Ms. Pearson:

Enclosed is a copy of an exception filed by Jack L. St. Germain in connection with the above referenced claim as provided by Chapter 2, Section 42-225b of the Idaho Code, which states in part the following:

"... At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources"...

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

If we can be of further assistance, please contact us.

Sincerely,

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

LGS:rf

Enc.

bcc: State Office ✓

May 31, 1977

Re: Claim to a Water Right No. 67-4181
(Lynn A. Pearson)

Jack L. St. Germain
Star Route
Council, ID 83612

Dear Mr. St. Germain:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The following is a portion of Section 42-225b, Idaho Code related to the filing of a claim to a water right:

... "At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

If we can be of further assistance, please contact us.

Sincerely,

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

LGS:rf



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higgenson
Director

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

May 11, 1977

Re: Claim to a Water Right Nos. 67-4181 & 67-4182

Lynn A. Pearson
Box J
Council, ID 83612

Dear Ms. Pearson:

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:

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 67

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

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
Papers Sent

(1) RWH 4-11-77

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

(4) RWH 4-11-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A
_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) rf OK

Affidavit of Publication received(date) 5-4-77

(12) _____

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 THA Date 5-10-77



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

April 19, 1977

Lynn A. Pearson
Box J
Council, ID 83612
Dear Ms. Pearson:

Enclosed is your Receipt No. 7146 in the amount of \$ 20.00
for Claim to a Water Right Nos. 67-4181 & 67-4182 which was received in
this office on April 11, 1977.

Sincerely,

RITA FLECK
Secretary

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 83705
(208) 384-2190

April 15, 1977

Re: Notice of Claim to a Water Right No. 67-4181 & 67-4182 - Lynn A. Pearson

Adams County Leader
Council,
Idaho 83612

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicate (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 9, 1977.

Sincerely,

Bill Submitted
5-4-77
[Signature]

RECEIVED
MAY 11 1977
DEPARTMENT OF WATER RESOURCES
BOISE, IDAHO

NOTICE OF CLAIM TO A WATER RIGHT

No. ~~67-4181~~

Notice is hereby given that ~~LYNN A. PEARSON~~

~~Box J., Council, ID~~
has filed a claim to a water right established by diversion and application
to beneficial use of ~~0.09~~ cubic feet per second ~~acre feet of water~~
from ~~waste water from a roadside ditch~~
with the point of diversion in the ~~NE 1/4 Sec 2 T16N-R1W B.M., Adams~~

~~County~~
The water is claimed to be used from ~~Mar 1 to Nov 1~~
for ~~the irrigation of 4.6 acres~~

with a priority of ~~1966~~;
the place of use is within the ~~NE 1/4 Sec 2 T16N-R1W B.M.~~

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

~~R. KEITH HIGGINSON~~
~~XXXXXXXXXXXXXXXXXXXX~~ C. Stephen Allred
Director

Published in the ~~Adams County Leader, Council, ID~~
on ~~April 21, 1977~~ and ~~April 28, 1977~~.

March 10, 1977

RE: Claim to a Water Right

Lynn A. Pearson
Council, ID 83612

Dear Mr. Pearson:

In reviewing your Claim to a Water Right we note that you have included surface water and groundwater both on one claim.

We have retyped this information on two claims separating the two uses and ask that you review them. If they are correct sign them before a notary public and return them to us along with a \$10.00 filing fee for each claim.

The amount of water claimed seems rather high. Each 1.0 c.f.s. would represent 450 gallons per minute or 50 inches of water. On a permit we would only allow 1 inch or 0.02 c.f.s. for each acre of irrigated land. That would also be 9 gallons per minute. For 4.6 acres you would only be allowed 0.1 c.f.s. of water for irrigation purposes. The amount allowed for domestic use from a well would be 0.04 d.f.s. or 26,000 gallons per day.

Please review the claims and make any necessary changes before returning them to us for processing.

We are returning the original claim and check no. 98-42 in the amount of \$10.00.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cs

enclosures

April 1, 1977

Re: Claims to a Water Right

Lynn A. Pearson
Box J
Council, ID 83612

Dear Ms. Pearson:

Enclosed are the Claims to a Water Right ~~and~~ your check #3493 for \$20.00 with two claims that I have filled out for you. Notice that I have made several changes; the most important change is the location of the place of use on the irrigation claim from the NE $\frac{1}{4}$ SE $\frac{1}{4}$ to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ to agree with the point of diversion.

If you agree with the changes, please sign the claims before a notary and return them to us along with a \$20.00 filing fee.

Sincerely,

BILL MACALLISTER
Water Resource Agent

BM:rf

Enc.