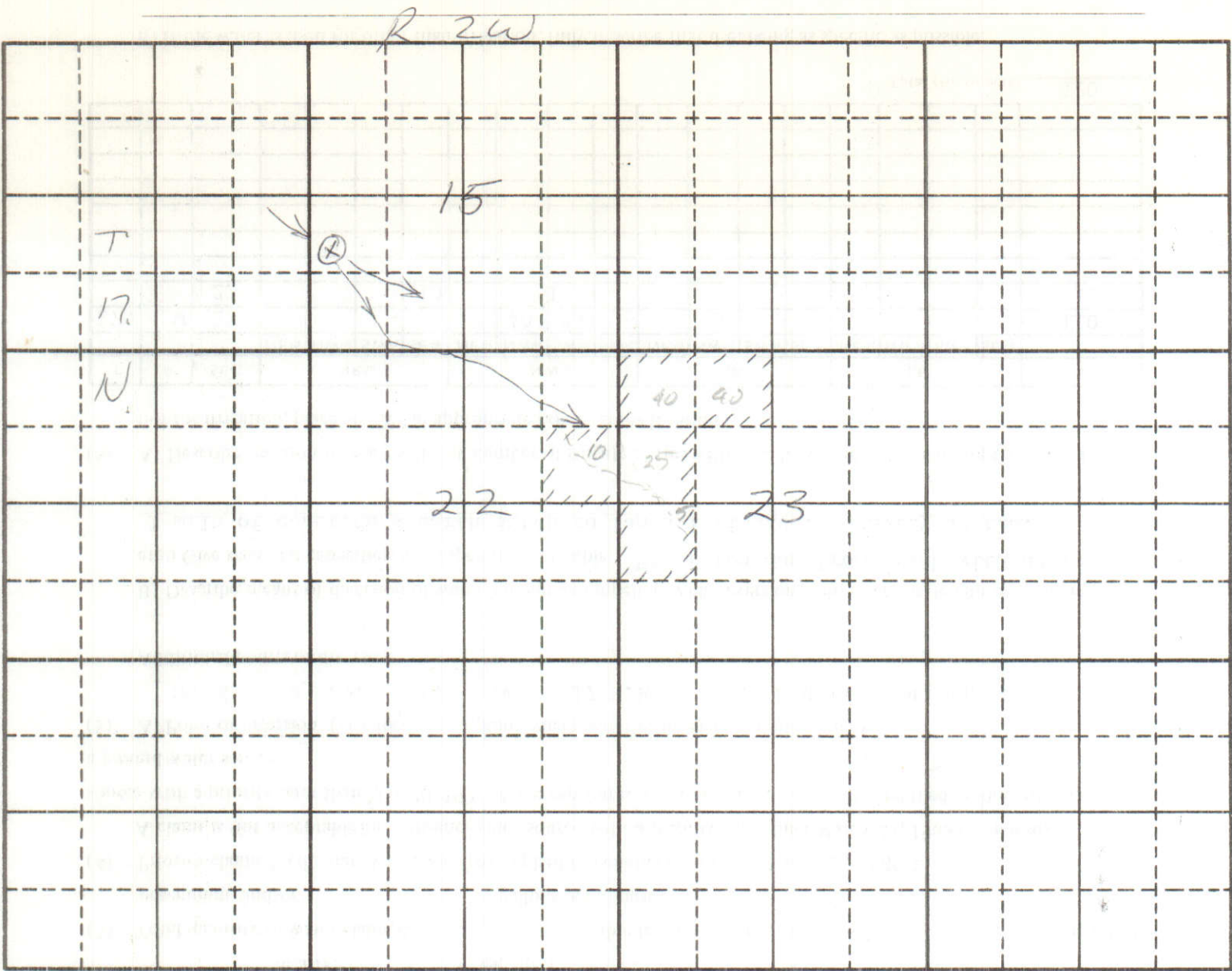


(8) Remarks The ground irrigated by this water is also covered by 47" decreed water from Hornet Creek & 147 shares of Hornet Creek storage water.



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 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.

Janet B. Frey
(Claimant)

Sworn to before me this 10th day of May, 19 74.

Deanna Feldt
Notary Public
Residing at Boise, Idaho

My commission expires June 15, 1977

Book #14438

For Department Use Only

Received by <u>AS</u>	Date <u>5/10/1974</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AS</u>	Date <u>3/10/1974</u>		claimant by:	
\$10.00 fee received by <u>AS</u>	Date <u>5-10-74</u>			
Approved for publication by <u>AS</u>				
Published in <u>Ada County Leader</u>				
Dates <u>5-23-74 5-30-74</u>				

NOTICE OF CLAIM TO A
WATER RIGHT
No. 67-4064

Notice is hereby given that KENNETH DALE &/or JANET B. IVEY, Council, ID. has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second of water from Hornet Creek, trib. to Weiser River with the point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S. 15, T. 17 N., R. 2 W., B.M., Adams County.

The water is claimed to be used from April 15 to June 15 for irrigation of 120 acres with a priority of June 1, 1893; the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 22, T. 17 N., R. 2 W., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho on May 23, 1974 and May 30, 1974.

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

No. 67-4064 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 May 23, 1974

and the last in the issue dated May 30, 1974 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 31st

day of May, 1974

Raul Braun

Notary Public for Idaho,
Residing at Council, Idaho

OK'd
6-3-74
RECEIVED

JUN 3 1974
mt

Department of Water Administration

67 4064

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 KENNETH DALE &/or JANET B. IVEY
(name of claimant)
of Council, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Weiser River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hornet Creek (Spring Runoff water)
- (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>2.4 c.f.s.</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>April 15</u>	To	<u>June 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: 2.4 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) June 1, 1893

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)
NW ¼ SW ¼, Sec. 15 Twp. 17 N, Rge. 2 W. 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. Diversion dam from creek with approx. 1 mile of concrete & earth ditch to lands irrigated. 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.

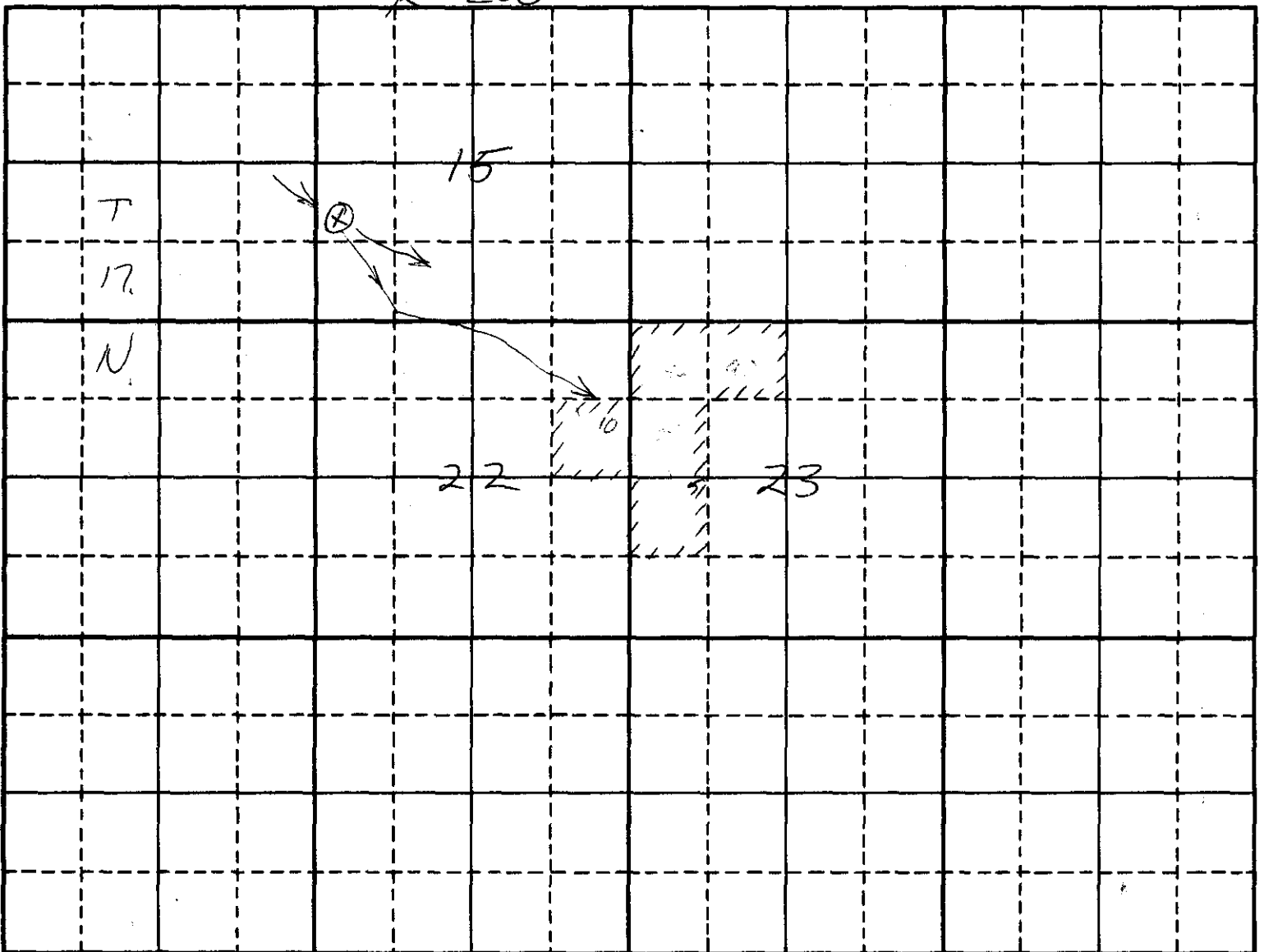
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	2W	23					40	40	25			5							110
		22				10													10

Total No. of acres 120

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

- (8) Remarks The ground irrigated by this water is also covered by 47" decreed water from Hornet Creek & 147 shares of Hornet Creek storage water.



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 Ada

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.

Janet R. Felt
(Claimant)

Sworn to before me this 10th day of May, 19 74.

Dennis Felt
Notary Public

Residing at Boise, Idaho

My commission expires June 15, 1977

Felt #14438

For Department Use Only

Received by <u>CS</u>	Date <u>5/10/1974</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CS</u>	Date <u>5/10/1974</u>		claimant by:	
\$10.00 fee received by <u>CS</u>	Date <u>5-10-74</u>			
Approved for publication by <u>CS</u>				
Published in <u>Ada County Leader</u>				
Dates <u>5-23-74</u> <u>5-30-74</u>				

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

No. 67-4064 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 May 23, 1974

and the last in the issue dated May 30, 1974 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 31st

day of May, 1974

Rue Braun
Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A

WATER RIGHT

No. 67-4064

Notice is hereby given that RICHARD D. BAKER, owner of B. IVAN, Council, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second of water from Horset Creek, trib. to Weiser River with the point of diversion in the NW 1/4 SW 1/4, S. 15, T. 17 N., R. 2 W., B.M., Adams County.

The water is claimed to be used from April 15 to June 15 for irrigation of 120 acres with a priority of June 1, 1893; the place of use is within the NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S. 23, SE 1/4 NE 1/4, S. 22, T. 17 N., R. 2 W., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho on May 23, 1974 and May 30, 1974.

6-3-74
RECEIVED

JUN 3 1974
mt

Department of Water Administration

67 4064

May 28, 1974

The water used on the Ivey place as described in their claim to a water right No. 67-4064 is in error in several accounts. The date of priority of June 1, 1893 is much too early. An early priority on about 9 inches is reasonable. Present use of flood waters to carry 120 inches is not reasonable because the ditch does not have sufficient capacity to deliver flood water to all users on the ditch at the present time. Mr. Ivey is presently clearing his 120 acres and it is obvious he has never used the full 120 inches.

Clarence King
Clarence King

Louise King
Louise King

State of Idaho)
)
County of Ada) ss.

On this 28th day of May, 19 74, personally appeared before me the signer(s) of the above instrument, who acknowledged to me that they executed the same.

Glenn Woods
Notary Public residing at Boise, Ida.

Commission expires 6-15-77

67 4064

ACTION

N	OWNER LAST NAME - IVEY	FIRST NAME - KENNETH DALE
N	OWNER LAST NAME - IVEY	FIRST NAME - JANET B.
N		CITY - COUNCIL STATE - ID
N	SOURCE - HORNET CREEK	TRIBUTARY OF - WEISER RIVER
N	STAGE - STATRY CLM	PRIORITY - 06-01-1893 COUNTY - ADAMS TOTAL DIV. RATE - 2.4000CFS
N	DIVERSION POINT - NWSW 15 17N 02W	
N	FROM - 04-15 TO - 06-15 USE - IRRIGATION	USE DIV. RATE - 2.4000CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 17N RNG 02W SEC 23 TRACT NENW AC 40 TRACT NWNW AC 40
N		TRACT SWNW AC 25 TRACT NWSW AC 05
N	USE - IRRIGATION	PLACE OF USE - TWN 17N RNG 02W SEC 22 TRACT SENE AC 10

IDENT. NO. 67-4064

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4064
 Old No. _____ New No. _____

Record

1. Original Owner: Kenneth Dale & Janet D. Iney

Present Owner: _____

2. Address:

3. City: Council Bluffs State: Iowa Zip: _____

4. A. Source of Water: Hornet Creek
 B. Tributary of: Weiser River

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: 6-1-1893
 D. County: 03
 E. Total Diversion Rate: 2.4
 F. Total Diversion Volume:
 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>NW 1/4</u>	<u>15</u>	<u>17N</u>	<u>2W</u>		

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

from 4-15 to 6-15 for A purposes. Amount 2.4
 (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 _____

8. Use Code: *A*

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
<i>17N</i>	<i>2W</i>	<i>23</i>					<i>40</i>	<i>40</i>	<i>25</i>			<i>5</i>							
		<i>22</i>				<i>10</i>													

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
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):

June 10, 1974

Kenneth Dale &/or Janet B. Ivey
Council, Idaho 83612

Re: Claim to a Water Right No. 67-4064

Dear Mr. & Mrs. Ivey:

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 have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosures

67 4064

June 5, 1974

Kenneth Dale &/or Janet B. Ivey
Council, Idaho 83612

RE: Claim to a Water Right No. 67-4064

Dear Mr. & Mrs. Ivey:

We are enclosing a copy of the correspondence we received concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

.....
"At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

67 4064

June 5, 1974

Clarence & Louise King
Council, Idaho 83612

Re: Claim to a Water Right No. 67-4064 - Kenneth Dale &/or Janet B. Ivey

Dear Mr. & Mrs. King:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

.....

1 "At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

67 4064

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 17, 1974

Adams County Leader
Council, Idaho 83612

Re: Claim to a Water Right No. 67-4064 - Kenneth Dale &/or Janet B. Ivey

Gentlemen:

Enclosed you will find a legal notice 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 review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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)

Sincerely,

Bill submitted 6-3-74 by df

67 4064

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4064

Notice is hereby given that KENNETH DALE &/or JANET B. IVERTY, Council, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 2.4 cubic feet per second ~~none feet~~ of water
from Hornet Creek, trib. to Weiser River
with the point of diversion in the NW 1/4, S. 15, T. 17 N., R. 2 W., B.M.,
Adams County

The water is claimed to be used from April 15 to June 15 for
irrigation of 120 acres
with a priority of June 1, 1893;
the place of use is within the NW 1/4, S. 23, S. 22,
T. 17 N., R. 2 W., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho
on May 23, 1974 and May 30, 1974.