

No 590

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 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
DECEMBER 30, 1971, and ending
with the issue of JANUARY 6, 1972
Dorothy A. Booth
Fees, \$ 11.22

Subscribed and sworn to before me this 24
day of January, 1972
Abraham
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 5-1, 1973

RECEIVED

FEB 3 1972

Department of Water Administration

No. 590
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4019

Notice is hereby given that
H. K. Albano, 621 East Court,
Weiser, Idaho has filed a claim
to a water right established by
diversion and application to
beneficial use of 0.8 cubic feet
per second of water from
Weiser River with point of
diversion in Lot 4, Sec. 4,
T. 10N, R. 5W, B.M., Wash-
ington County.

The water is claimed to be
used from March 15 to Nov. 15
for the irrigation of 41 acres
with a priority of April, 1956;
the place of use is within Lots
3 & 4, Sec. 4, T. 10N, R. 5W,
B.M.; SW1/4SW1/4, Sec. 32,
T. 11N, R. 5W, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho, 83707, on or be-
fore January 17, 1972.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Dec.
30, 1971 and Jan. 6, 1972.
82-25

67 4019

Identification No. _____
Claim No. 67-4019
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant H. K. Albano
post office address 621 East Court, Weiser, Idaho
2. The point of diversion is in Lot 4 $\frac{1}{4}$ of $\frac{1}{4}$ Section 4 Township 10N
Range 5W B.M. located on Weiser River
(name of source)
tributary to Snake River in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April, 1956 amount: .8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .8 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from March 15 to Nov. 15 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known 10 Horse-power electric motor with Parma Water Lifter pump into earth ditches.

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho

County of Adair

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.

Sworn to before me this

17

day of

December

19 1971

J. H. Albano
Claimant

Donald W. Eldon
Notary Public

Residing at

Boise Idaho

My commission expires

2-18-1974

Rec'd # 8602

For Department Use Only

Received by ej Date 12-17-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by JB Date 17 Dec 71

Fee received by ej Date 12/17/71 Fee \$ 10.00

Approved for publication by 12/16/71

Published in Weiser Signal Dates 12-30-71

67-4030

1-6-77

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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Department of Water Administration

STATE OF IDAHO, }
County of Washington } ss.

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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.

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Dorothy A. Booth
Fees, \$ 11.22

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Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho, 83707, on or be-
fore January 17, 1972.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Dec.
30, 1971 and Jan. 6, 1972.
82-2s

Subscribed and sworn to before me this 24
day of January, 1972
Albuquerque
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 5-1, 1973

67 4019

ACT
ION

N	OWNER LAST NAME - ALBANO	FIRST NAME - H. K.
N	ADDRESS LINE 1 - 621 E. COURT	
N		
N	SOURCE - WEISER RIVER	CITY - WEISER STATE - ID
N	STAGE - STATRY CLM	TRIBUTARY OF - SNAKE RIVER
N	DIVERSION POINT - 04 10N 05W LOT 04	PRIORITY - 04-01-1956 COUNTY - WASHINGTON TOTAL DIV. RATE - .8000CFS
N	FROM - 03-15 TO - 11-15 USE - IRRIGATION	USE DIV. RATE - .8000CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 10N RNG 05W SEC 04 LOT 03 AC 20 LOT 04 AC 20

3/79

IDENT. NO. 67-4019

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- | | <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 IDiversion | | 4 | 10 ^N | 5 ^W | 4 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [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):

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):

February 3, 1972

Re: Claim to a Water Right No. 67-4019 - H. K. Albano

C
H. K. Albano
621 East Court
Weiser, Idaho 83672

O
Dear Mr. Albano:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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.

P
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.

Y
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.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of claim

67 4019

January 20, 1972

Re: Claim to a Water Right No. 67-4019 - H. K. Albano

The Weiser Signal
P. O. Box 709
Weiser, Idaho 83672

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on December 30th, 1971 and January 6th, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB.

67 4019

December 23, 1971

Re: Claim No. 67-4019 - H. K. Albano

The Weiser Signal
P.O. Box 708
Weiser, Idaho 83672

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)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Legal Notice

Bill submitted 2-2-72. CR

67 4019

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The water is claimed to be used from March 15 to Nov. 15 for the irrigation of 41 acres with a priority of April, 1956; the place of use is within Lots 3 & 4, Sec. 4, T. 10N, R. 5W, B.M.; SW1/4SW1/4, Sec. 32, T. 11N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before January 17, 1972.

R. KEITH HIGGINSON
Director

Published in the Weiser Signal, Weiser, Idaho on Dec. 30, 1971 and Jan. 6, 1972.
82-2s

O.K.
12-29-71
B.B.

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621 East Court, Weiser, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second ~~therefrom~~ of water from Weiser River

with point of diversion in ~~the~~ Lot 4, Sec. 4, T. 10N, R. 5W, B.M.,
Washington County

The water is claimed to be used from March 15 to Nov. 15 for the
irrigation of 41 acres

with a priority of April, 1956;
the place of use is within ~~xxxx~~ Lots 3 & 4, Sec. 4, T. 10N, R. 5W, B.M.;
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 11N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the
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67 4019