

AFFIDAVIT of PUBLICATION

State of Idaho, }
 County of Blaine } SS.

GORDON O. GLASHMANN

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 28 day of September

1978, and the date of the last publication was on the 5

day of October, 1978.

[Signature] *ok margin*

Subscribed and sworn to before me this 6th

day of October, 1978.

(SEAL)

[Signature]

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Number of Lines in Notice 27

Number of Insertions 2

..... Lines tabular at 39c

27 Lines straight at 26c 7.02

27 Subsequent lines at 15c 4.05

TOTAL COST 11.07

COPY OF NOTICE

(Paste Here)

Permit 37-4106

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
Twin Falls, Idaho 83301

NOTICE OF CLAIM TO A WATER RIGHT NO. 37-4106

NOTICE IS HEREBY GIVEN, That John S. Chapman and Dorothy J. Chapman, Boise and Twin Falls, respectively, has filed a claim to a water right established by diversion and application to beneficial use of .5 cubic feet per second of water from a spring tributary to Big Wood River with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Twp. 3N, Rge. 18E., B.M., Blaine County.

The water is claimed to be used from May 15 to Oct. 1 with a priority of January, 1941 the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, Twp. 3N, Rge. 18E.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho 83301.

C. Stephen Allred
 Director

Publish: Wood River Journal -- September 28, October 5, 1978.

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

8 pt. per line, straight	26c
8 pt. per line, tabular	39c
8 pt. per line, successive insertions	15c

RECEIVED

OCT N^o 1978 0430

Department of Water Resources
 Southern District Office

EXHIBIT "C"

S 47° 28' 20" E
S 37° 31' 55" E
S 21° 40' 27" E
S 09° 17' 52" W
S 43° 15' 46" W
S 19° 03' 35" W
S 01° 35' 33" E

S 89° 45' 55" E

1322.92'

66'

183.95'

1243.10'

S 89° 45'

RIVER

WOOD

N 01° 11' 12" E

1335.75'

SE⁴ NW⁴

SW⁴

PARCEL 1

159.64 ACRES

NOTE: POINT FALLS IN RIVER
10' WEST OF LEFT BANK

DETAIL D

73° 52' 08" W
6.00' R.R.

N 00° 05' 19" E

1295.52'

NE⁴ SW⁴

NW⁴ S

SPRING

BIG

1321.35'

1309.55'

N 89° 36' 22" W

N 89° 30' 23"

N 49° 54' 34" E
3134.82'

1295.51'

SE⁴ SW⁴

N 06° 02' 56" W
2063.95'

SW⁴ S

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 7 1978

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

John S. Chapman, dealing with his sole and separate property,

Notice is hereby given that and Dorothy J. Chapman, a widow,
2423 Hillway Drive, Boise, Idaho 83702 (Name of Claimant) 343-7234
615 Fillmore Street, Twin Falls, Idaho 83301 Telephone No. 733-2351
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) (See Exhibit "B")

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Ground spring on claimant's ranch
(Legal Description - Exhibit "A") tributary to Big Wood River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.5 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>May 15</u>	To <u>October 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .5 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 32 Twp. 3 N Rge. 18 E B.M., County of Blaine
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. Describe any changes in the system and give the date of the change. Diversion dam flooding low lying pasture around the built-up ditch during the spring.

(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	
3N	18E	32									5	4	0	1		1			6

No. of acres 6

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

NOTE: Include here the type and number of stock watered: N/A

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

MAILED

[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 affiant's knowledge.

says that he, she, they subscribed the foregoing claim
matters and facts therein are true to the best of the

Joseph L. Shogren
Harold J. Radman
(Claimant)
1978.

My commission expires Life

Received by maria Date 9/9/78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JD Date 4-13-78 claimant by: _____
\$20.00 fee received by maria Date 9/18/78 #10557
Published in usash river journal
Dates 9/21/78 + 9/28/78

AFFIDAVIT of PUBLICATION

State of Idaho, }
 Connty of Blaine } SS.

being first duly sworn,
 deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 28 day of September 1978, and the date of the last publication was on the 5 day of October, 1978.

[Signature]
 Subscribed and sworn to before me this 6 day of October, 1978.

(SEAL)
[Signature]
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DEFENDANT

PLAINTIFF

Dept of Water Resources
1041 Blue Lakes Blvd N
Twin Falls, Idaho 83301

[Faded text from the back of the notice, mostly illegible]

C. Stephen Allen

PUBLICATION RATES

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Nº 0430

EXHIBIT "A"

Spring Description
for

JOHN CHAPMAN

Township 3 North, Range 18 East, Boise Meridian
Section 32 Blaine County, Idaho

The center of a spring located in the E²NE⁴SW⁴ Section 32,
which lies North 49° 54' 34" East, 3134.82 feet, from the
Southwest corner of Section 32, and also lies North 06° 02' 56"
West, 2063.95 feet, from the South quarter corner of Section 32.

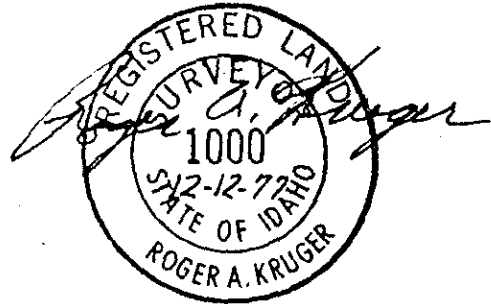


EXHIBIT "C"

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S 37° 31' 55" E
S 21° 40' 27" E
S 09° 17' 52" W
S 43° 15' 46" W
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PARCEL 1

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NW⁴ S

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X

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N 89° 36' 22" W

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N 49° 54' 34" E
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SE⁴ SW⁴

N 06° 02' 56" W
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EXHIBIT "B"

AFFIDAVIT OF DOROTHY J. CHAPMAN

STATE OF IDAHO)
 { ss.
County of Ada)

DOROTHY J. CHAPMAN, Being first duly sworn upon oath,
deposes and says as follows, to-wit:

1. That she is the owner of the ranch wherein the spring is
located.

2. That she has used the spring for irrigation purposes as
described in the attached claim since she came into possession of
the ranch on or about January, 1941.

That the prior owners of the ranch, the Osborne family,
used the spring in the same manner for an unknown amount of time
before she came into possession of the ranch.

Dorothy J. Chapman
Dorothy J. Chapman

SUBSCRIBED AND Sworn to before me this 12th day of June,
1978.

Mary E. Claiborne
Notary Public for Idaho
Residing at: *Boise, Idaho*

[Faint, illegible stamp]

EXHIBIT "D"

AFFIDAVIT OF DOROTHY J. CHAPMAN

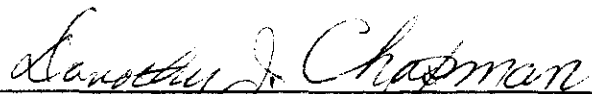
AND JOHN S. CHAPMAN

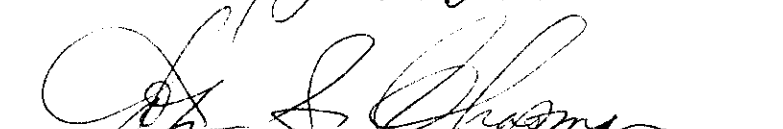
STATE OF IDAHO)
 : ss.
County of Ada)

DOROTHY J. CHAPMAN and JOHN S. CHAPMAN, being first duly sworn upon oath, depose and state as follows:

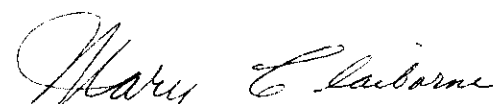
1. That said DOROTHY J. CHAPMAN owns an undivided ninety percent (90%) interest in and to the real property covered by the foregoing Claim To A Water Right.

2. That said JOHN S. CHAPMAN owns an undivided ten percent (10%) interest in and to the real property covered by the foregoing Claim To A Water Right.


DOROTHY J. CHAPMAN


JOHN S. CHAPMAN

SUBSCRIBED AND SWORN TO before me this 29th day of
August, 1978.


Notary Public for Idaho
Residing at Boise, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

NO. 37-4106

Notice is hereby given that John S. Chapman and Dorothy J. Chapman
Boise and Twin Falls, respectively
has filed a claim to a water right established by diversion and application
to beneficial use of .5 cubic feet per second ~~acre feet per annum~~
of water from spring tributary to Big Wood River
with point of diversion in the NELSW1/4, Sec. 32, Twp. 3N, Rge. 18E, B.M.
Blaine County.

The water is claimed to be used from May 15 to Oct. 1
with a priority of January, 1941;
the place of use is within the NELSW1/4, NW1SE1/4, Sec. 32, Twp. 3N, Rge. 18E

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 ~~on or before~~.

C. Stephen Allred

Director

Published in the Wood River Journal
on Sept 21 and Sept. 28, 1978

September 15, 1978

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: ~~Spain~~ Claim to a Water Right - 37-4106 - John S. Chapman and Dorothy J. Chapman
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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____

C. BEN MARTIN
JOHN S. CHAPMAN
J. F. MARTIN (1893-1967)
DAVID W. HYDE
ERIC L. HAFF
THOMAS M. HILL

LAW OFFICES
MARTIN, CHAPMAN, MARTIN & HYDE
CHARTERED
ONE CAPITAL CENTER
SUITE 800
BOISE, IDAHO 83701

P. O. BOX 2898
999 MAIN STREET
TELEPHONE 343-6485
AREA CODE 208

September 1, 1978

RECEIVED

SEP 7 1978

Department of Water Resources
Twin Falls District Office

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Attention: James E. Stanton
Senior Water Resource Agent

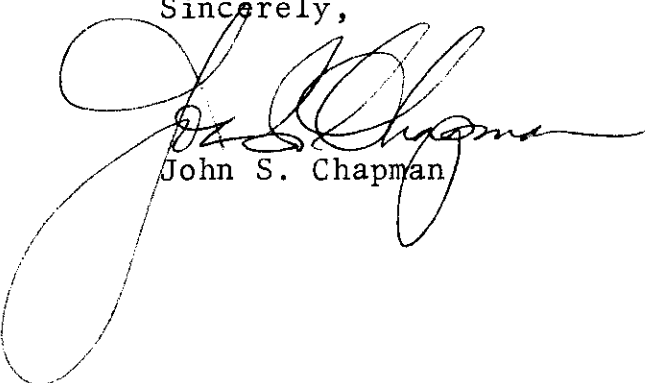
Dear Mr. Stanton:

I have enclosed herein the State of Idaho, Department of Water Resources Claim to a Water Right, duly executed by Dorothy Chapman and myself, and my check No. 1960 in the amount of \$20. Please file the Claim.

If there are any questions or additional suggested changes, please call me.

Best personal regards.

Sincerely,


John S. Chapman

JSC:mc
Enc.