

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 27 1972

STATE OF IDAHO, }
County of Blaine, } ss.

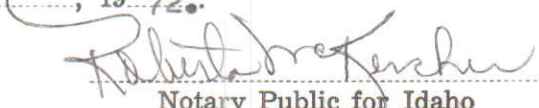
Department of Water Administration
Southern District Office

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 13th day of JULY, 1972 and ending with the last publication thereof on the 20th day of JULY, 1972.

Cost of this publication is \$ 11.16.


GEORGE T. FRITZ

Subscribed and sworn to before me, this 21st day
of JULY, 1972.


Notary Public for Idaho
Residing at Hailey,
Blaine, County, Idaho.

RECEIVED

JUL 27 1972

Department of Water Administration

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4021

Notice is hereby given that John Dris Durfee Route 1, Box 65-A Carey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second acre feet of water from East Channel of Little Wood River with point of diversion in the NE¹/SW¹/4, Sec. 15, T. 2S, R. 21E, B. M., Blaine County.

The water is claimed to be used from April 1 to Oct. 1 for the irrigation of 65 acres with a priority of 1914; the place of use is within the SW¹/SW¹/4, Sec. 15; SE¹/SE¹/4, Sec. 16, T. 2S, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard N., Twin Falls, ID. 83301 on or before July 31, 1972.

R. KEITH HIGGINSON

Director

Published in the Wood River Journal, Hailey, Idaho on July 13 and July 20, 1972.

37 4021

Identification No. 37-4021
Claim No. 37-
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 John Davis Durfee
post office address Route #1 Box 65-A Carey, Idaho 83320
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 15 Township 2S
Range 21E B.M. located on East Channel of Little Wood River
(name of source)
tributary to Little Wood River in Blaine 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:

1914 amount: 3 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 April 1 to Oct. 1 (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 Concrete
_____ ; length is 33 feet; height is 2 1/2 feet;
width at bottom is 14 inches feet; with at top is 14 inches feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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 _____
_____ ;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 600 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 2 1/2 feet; grade of ditch per 1000 feet is 3 feet; material through which ditch passes is soil; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

d. If water is stored: name of reservoir _____ ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____ ; year completed _____ ; date first used _____
period of storage is from _____ to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 65

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) Lawrence Dixon - 1/2 interest

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

This water tap was moved in 1919 from the NE 1/4 of the SE 1/4 of Section 15, Township 25, Range 21E, to the present location, the NE 1/4 of the SW 1/4 of Section 15, Township 25, Range 21E.

Due to the fact that we flood irrigate, it requires more than 1 inch per acre, so that is what has always been used.

Any discharge from Carry Lake is also used as a source of irrigating water.

State of Idaho

County of Latah 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 30th day of June, 19 72

John Orie Dierks
Claimant

Paul B. B...
Notary Public

Residing at Harmon, Idaho

My commission expires 9-22-73

For Department Use Only

Received by <u>alw</u>	Date <u>6-30-72</u>	Rec No <u>9404</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>PH</u>	Date <u>6-30-72</u>				
Fee received by <u>alw</u>	Date <u>6-30-72</u>	Fee <u>\$10.00</u>			
Approved for publication by <u>PH</u>					
Published in <u>Wood River Journal</u>	Dates <u>7-13 & 7-20-72</u>	<u>alw</u>			

37 4021

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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 27 1972

STATE OF IDAHO, }
County of Blaine, } ss.

Department of Water Administration
Southern District Office

GEORGE T. FRITZ, being first duly sworn deposes and says that he is now and all times herein mentioned has been the Editor and Publisher of the Wood River Journal (formerly The Hailey Times) which is now, and all times herein mentioned has been a newspaper as defined in Section 60-106 of the Idaho Code printed, regularly issued and published weekly at Hailey, in Blaine County, Idaho, and having a general circulation in said county, and having not less than 200 bona fide subscribers living within said county, and that said newspaper has been continuously and uninterruptedly so printed and published as a weekly newspaper in said county during the period of 78 consecutive weeks prior to the first publication of the annexed true copy and at all times since, and that said annexed true copy was so published in the regular edition of said newspaper, the Wood River Journal, and not in any supplement thereof, for two consecutive weeks commencing with the first publication thereof on the 13th day of JULY, 19 72 and ending with the last publication thereof on the 20th day of JULY, 19 72.

Cost of this publication is \$ 11.16.


GEORGE T. FRITZ

Subscribed and sworn to before me, this 21st day
of JULY, 19 72.


Notary Public for Idaho
Residing at Hailey,
Blaine County, Idaho.

TO A WATER RIGHT No. 37-4021

Notice is hereby given that John Dris Durfee Route 1, Box 65-A Carey, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second acre feet of water from East Channel of Little Wood River with point of diversion in the SW 1/4, Sec. 15, T. 25, R. 21E, B. M., Blaine County.

The water is claimed to be used from April 1 to Oct. 1 for the irrigation of 65 acres with a priority of 1914; the place of use is within the SW 1/4, SW 1/4, Sec. 15, SE 1/4, SE 1/4, Sec. 16, T. 25, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard N., Twin Falls, ID. 83301 on or before July 31, 1972.

R. KEITH HIGGINSON
Director

Published in the Wood River
Journal, Hailey, Idaho

37 4021

ACT
IONN OWNER LAST NAME - DURFEE
N ADDRESS LINE 1 - RT. 1 BOX 65A
N

FIRST NAME - JOHN ORIS

CITY - CAREY

STATE - ID ZIP CODE - 83320

N SOURCE - LITTLE WOOD RIVER

N STAGE - STATRY CLM

PRIORITY - 06-01-1914 COUNTY - BLAINE

TOTAL DIV. RATE -

3.0000CFS

N DIVERSION POINT - NESW 15 02S 21E

N FROM - 04-01 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - 3.0000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 02S RNG 21E SEC 15 TRACT SWSW

AC 35

N USE - IRRIGATION

PLACE OF USE - TWN 02S RNG 21E SEC 16 TRACT SESE

AC 30

4000

IDENT. NO. 37-4021

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 137-4021
 OTd No. _____ New No. _____

Record

1. Original Owner: John Oris Durfee

Present Owner: _____

2. Address: Rt. 1 Box 65 A

3. City: Carey State: 10 Zip: 83320

4. A. Source of Water: Little Wood River

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: 6-1-1914

D. County: 13

E. Total Diversion Rate: 3.

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>NE SW</u>	<u>15</u>	<u>25</u>	<u>21 E</u>		

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

from 4-1 to 10-1 for A purposes. Amount 3.
 (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 _____

AKO 11-2

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	
20	21E	15											35						35
		16																30	30
																			<u>65</u>

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):

August 3, 1972

Re: Claim to a Water Right No. 37-4021 - John Dris Durfee

John Dris Durfee
Route 1, Box 63-A
Carey, Idaho 83320

Dear Mr. Durfee:

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

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Copy of claim

37 4021

I, Ray Simpson, do hereby declare on this date, June 30, 1972, that I lived in the Carey Valley south of Carey in 1914, and know that William Geroulas used water from a water tap on the East Channel of Little Wood River in that year.

The location of that tap was in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 2S, Range 21E. In 1919, this tap was moved to the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Township 2S, Range 21E.

The water was used on approximately 35 acres of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, Township 2S, Range 21E. This water was also used on approximately 30 acres of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 2S, Range 21E.

cc: 1

Ray Simpson

Subscribed and sworn to before me on June 30 1972.

Pearl T. Tilton
Notary Public

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
SOUTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301
(208) 734-3578

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

July 6, 1972

Re: Application Nos. 37-4021 - John Dris Durfee
37-4022 - Lawrence Leslie Dixon

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

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,

Bob Haynes
District Engineer
Southern District

BH:alw
Enc: Legal Notice (2)

Bill submitted
7-27-72
alw
37 4021

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4021

Notice is hereby given that John Drie Durfee

Route 1, Box 65-A, Carey, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second acre feet of water from East Channel of Little Wood River

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 2S, R. 21E, B.M.
Blaine County

The water is claimed to be used from April 1 to Oct. 1

for the irrigation of 65 acres

with a priority of 1914;

the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, T. 2S,
R. 21E, 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 July 31, 1972.

R. KEITH HIGGINSON

Director

Published in the Wood River Journal, Hailey, Idaho

on July 13 and July 20, 1972.

June 21, 1972

John Durfee
Route 1, Box 65-A
Carey, Idaho 83320

Dear Mr. Durfee:

Pursuant to your request, enclosed please find two (2) Claim to Water Right forms.

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

Sincerely,

Bob Haynes
District Engineer
Southern District

BH:ALW

Enclosures