

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 29 day

of January, 1970, and the date of the last publication

was on the 5 day of February, 1970.

Thomas D. Miller

Subscribed and sworn to before me this 5

day of March, 1970
(SEAL)

Audrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

.....Lines at 14c

.....Lines at 10c

TOTAL COST

COPY OF NOTICE

Title of Notice

Claim to a Water Right

Title of Notice

Everett Trader

Plaintiff Attorney

NOTICE OF CLAIM TO A WATER RIGHT NO. 37-4008

Notice is hereby given that Everett Trader, Hill City, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .09 cubic feet per second of water from a groundwater source with point of diversion in the NW 1/4 NW 1/4 of Sec. 35, T. 1S, R. 12E, B.M., Camas County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of August 11, 1941; the place of use is within the NW 1/4 NW 1/4, Sec. 35, T. 1S, R. 12E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. Keith Higginson
State Reclamation
Engineer 1-29-2tc

Department of Reclamation

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
Insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

No 717

37-4008

8

Identification No. _____
Claim No. 37-4008
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Everett Trader
post office address Hill City, Idaho, Box 102 83337
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 35 Township 1 S
Range 12 E B.M. located on ground-water

(name of source)

tributary to _____ in Camas 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:

<u>August 11, 1941</u>	amount: <u>0.09</u>	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 <u>domestic</u>	period of use from <u>January 1</u> to <u>December 31</u>	(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; with at top is _____ 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 flowing; depth of well is 250 feet; diameter of well is 4 inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is George Skywles
_____;

37-4008

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_____

[illegible]

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? _____ 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 50 head

7. Where water is used for domestic or municipal purposes give number of families served 1
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 Cassia } 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 14 day of November, 1969.

Everett Linder
Claimant

S. S. Thomas
Notary Public

Residing at Taunton, Idaho

My commission expires January 21, 1970

For Department Use Only

Received by <u>ef</u>	Date <u>11-18-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ef</u>	Date <u>11-19-69</u>			
Fee received by <u>ef</u>	Date <u>11-19-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by _____				
Published in <u>Cassia County</u>	Dates <u>12-11-69</u>	<u>1-29-70</u>	<u>2-5-1970</u>	

Cassia published by Gooding Linder

37-4008

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.

RECEIVED
NOV 12 1969
Department of Reclamation

IN THE MATTER OF:)
)
Claim To a)
Water Right)
State of Idaho)
County of Canyon)

AFFIDAVIT

Tom Wokersien being first duly sworn,
deposes and says: That I am well acquainted with the Everett
Trader property located in Section 35, Township 1 South,
Range 12 East Boise Meridian. That I am well acquainted
with the well on the above property, and that it has been
used for domestic purposes for house use and for stock watering.
That the house use has been approximately 0.05 and the balance
of 0.09 has been used for stock watering.

Tom Wokersien
(Signature)

Subscribed and sworn to before me this 14 day of November 1969

J. J. Smith
(Notary Public)

Residing at *Fairfield* :
My Commission Expires *11/26/1970* :

IN THE MATTER OF:

CLAIM TO A WATER
RIGHT.

AFFIDAVIT

REPORT OF THE

State of Idaho
County of CAMAS

George G. Perkins being first duly sworn,
deposes and says: I am well acquainted with the Everett Trader
property located in Section 35, Township 1 South, Range 12 East
Boise Meridian. That I am well acquainted with the well on the
above property, and that it has been used for domestic
purposes for house use and for stock watering. That the house
use has been approximately 0.05 and the balance of 0.09 has
been used for stock watering.

(Signature)

Subscribed and sworn to before me this 17th day of November, 1969

T. J. [illegible]
(Notary Public)

Residing at Fairfield, Idaho
My Commission Expires 1/26/1970

37.4008

Affidavit of Publication

State of Idaho, }
County of Gooding } ss.

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, 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 29 day of January, 1970, and the date of the last publication was on the 5 day of February, 1970.

Thomas D. Miller

Subscribed and sworn to before me this 5

day of March, 1970.
(SEAL)

Andrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

..... Lines at 14c

..... Lines at 10c

TOTAL COST

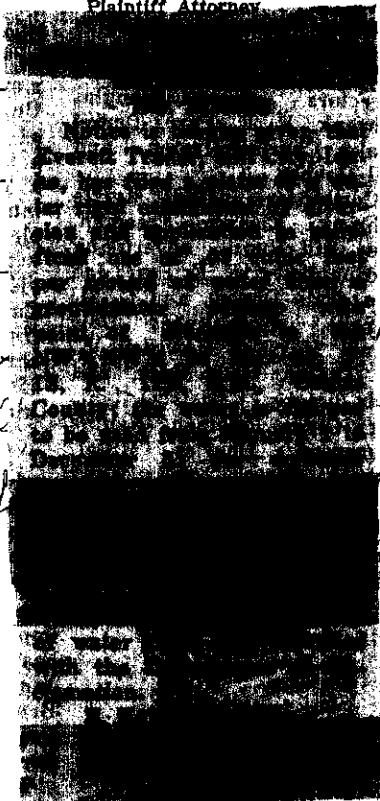
COPY OF NOTICE

Title of Notice

Claims to a Water Right
Title of Notice

Everett Trader

Plaintiff Attorney



ho
tion
2

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
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7 pt. per line, successive	
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6 pt. per line, successive	
insertion.....	10c

N^o 717

37-4008

Affidavit of Publication

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Thomas D. Miller

Subscribed and sworn to before me this 5

day of March, 1970.
(SEAL)

Audrey C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

Defendant

Plaintiff

Bill to

State of Idaho
Dept. of Reclamation
Statehouse - Annex 2
Boise, Idaho
82701

PUBLICATION RATES:

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No 717

37 400

WATER RIGHT NUMBER 37-4008

WATER RIGHTS EDIT REPORT

12/07/79

PAGE 192

ACT
ION

FIRST NAME - EVERETT

N OWNER LAST NAME - TRADER
N ADDRESS LINE 1 - P.O. BOX 102

CITY - HILL CITY

STATE - ID ZIP CODE - 83337

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 08-11-1941 COUNTY - CAMAS

TOTAL DIV. RATE - .0900CFS

N DIVERSION POINT - NWNW 35 01S 12E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0900CFS

N USE - DOMESTIC

PLACE OF USE - 1WN 01S RRG 12E SEC 35 TRACT NWNW

1000

IDENT. NO. 37-4008

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. 1 37-4008
 Old No. _____ New No. _____

Record

1. Original Owner: Everett Traders

Present Owner: _____

2. Address: P.O. Box 102

3. City: Hill City State: 10 Zip: 83337

4. A. Source of Water: gws

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: 8-11-1941

D. County: 25

E. Total Diversion Rate: .09

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>NW10</u>	<u>35</u>	<u>15</u>	<u>12E</u>		

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

from 1-1 to 12-31 for D purposes. Amount .09
 (cfs or AG 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: D

[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):

March 25, 1970

Re: Claim to a Water Right No. 37-4008

C
O
P
Y

Mr. Everett Trader
Box 102
Hill City, Idaho 83337

Dear Mr. Trader:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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 Examiner

DWM:DR

Enclosures: Copy of claim
Receipt No. 3869

37-4008

March 4, 1970

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Gooding Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

We have on this date received the affidavit of publication along with the certified bill for the above referenced claim.

However, we are herewith returning the affidavit in order that you may have it notarized. Upon receipt of the notarized affidavit, we will forward the certified bill to our accounting department for payment.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Affidavit of publication

37-4008

February 17, 1970

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on Jan. 29 and Feb. 5, 1970, on the Camas County page.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

*will forward
called 3-3-69
tg*

37-4008

January 15, 1970

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Gooding County Leader
Box 56
Gooding, Idaho 83330

TO BE PUBLISHED ON CAMAS COUNTY PAGE!

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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
3-24-70
dw*

NEED PROOF
**NOTICE OF CLAIM TO A
WATER RIGHT**

NO. 37-4008

Notice is hereby given that Everett Trader, Hill City, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .09 cubic feet per second of water from a groundwater source with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 35, T. 1S, R. 12E, B.M., Camas County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of August 11, 1941; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 1S, R. 12E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. Keith Higginson
State Reclamation
Engineer 1-29-2tc

37-4008

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 9, 1970

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Camas County Courier
Fairfield,
Idaho 83327

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on December 4 and 11, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney

Donald W. McEldowney
Appropriation Examiner

DWM:DR

January 14: -
We have no record of receiving said
application.

37-4008
- Gooding County Clerk
Box 560
Gooding.
ack

Handwritten notes:
Don't know if
this is correct
for application
1/2

January 9, 1970

Re: **Claim to a Water Right No. 37-4008 - Everett Trader**

**Camas County Courier
Fairfield,
Idaho 83327**

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on **December 4 and 11, 1969.**

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

37-4008

December 22, 1969

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Camas County Courier
Fairfield,
Idaho 83327

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on December 4 and 11, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

37-4008

November 25, 1969

Re: Claim to a Water Right No. 37-4008 - Everett Trader

Camas County Courier
Fairfield,
Idaho 83327

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 date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

37-4008

NOTICE OF CLAIM TO A WATER RIGHT

No. 37-4008

Notice is hereby given that Everett Trader, Hill City, Idaho
_____ has filed a claim to a water right
established by diversion and application to beneficial use of .09
cubic feet per second ~~Acres/1667~~ of water from a groundwater source
_____ with point of diversion in NW1/4, S.
Sec. 35, T. 1 S., R. 12 E., B.M., Camas County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of August 11, 1941
_____ ; the place of use is NW1/4, Sec. 35,
T. 1 S., R. 12 E., B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Camas County Courier, Fairfield, Idaho
on December 4 and December 11, 1969.

37-4008