

MINIDOKA COUNTY NEWS

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)

Edward L. Mitchell, being first

duly sworn, deposes and says that he is the editor

of The Minidoka County News, a weekly newspaper published at Rupert, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of The Minidoka County News for

two consecutive weeks, commencing

with the issue dated Oct. 19, 1983, and

ending with the issue dated Oct. 26, 1983.

Subscribed and sworn to before me this

26th day of October, 1983.

Brenda J. Norman Notary Public

Cost of Publication \$30.55

Notary Fee

Total Cost OCT 27 1983

Department of Water Resources
Southern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

01-4048

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION, ATTN:
424 BOX 043, 550 W. FORT ST., BOISE,
ID 83720

Source: SNAKE RIVER trib. to COLUMBIA RIVER

Priority Date: 04-01-1907

Diversion Pt: SWNE Sec 01 T 09S R 25E

Use: IRRIGATION (2.80 CFS)

In: SENW SWNE Sec 01 T 09S R 25E
FOR 15 ACRES

37-4395

FLAT TOP SHEEP CO.

P.O. BOX 88, CAREY, ID 83320

Source: GROUNDWATER

Priority Date: 01-01-1920

Diversion Pt: NWNW SWNW Sec 19 T 09S R 25E

Use: STOCKWATER (0.08 CFS)

DOMESTIC (0.08 CFS)

In: NWNW SWNW Sec 19 T 09S R 25E
Sec 18 T 09S R 25E

37-4398

FLAT TOP SHEEP CO.

P.O. BOX 88, CAREY, ID 83320

Source: UNNAMED STREAM trib. to SINKS

Priority Date: 03-01-1969

Diversion Pt: SWSW Sec 36 T 06S R 23E

Use: STOCKWATER STORAGE (120.0 AF)

In: SWSW Sec 36 T 06S R 23E

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

A. KENNETH DUNN

Director

No. 83-243 - October 19 and 26, 1983.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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.
The United States of America acting, through the Regional Director
Notice is hereby given that Pacific Northwest Region, Bureau of Reclamation, Federal Building

(Name of Claimant)
& U.S. Courthouse, Box 043, 550 West Fort Street, Boise, ID 83724 Telephone No. (208) 334-1908
(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) April 1, 1907

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)
Snake River tributary to Columbia 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. af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	2.8 cfs	Use	Irrigation	Period of Use From	April 1 To October 31
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) 2.8 cfs TOTAL QUANTITY USED.
(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1 Twp. 9-S. Rge. 25 E. B.M., County of Minidoka
Additional points of diversion: Another diversion is located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1 Township 9S., Range 25 E.

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.

2 - 25 HP pumps w/400 gpm capacity each to 8" pipe and sprinkler systems.
1 - 25 HP pump--500 gpm capacity to 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.

[illegible]

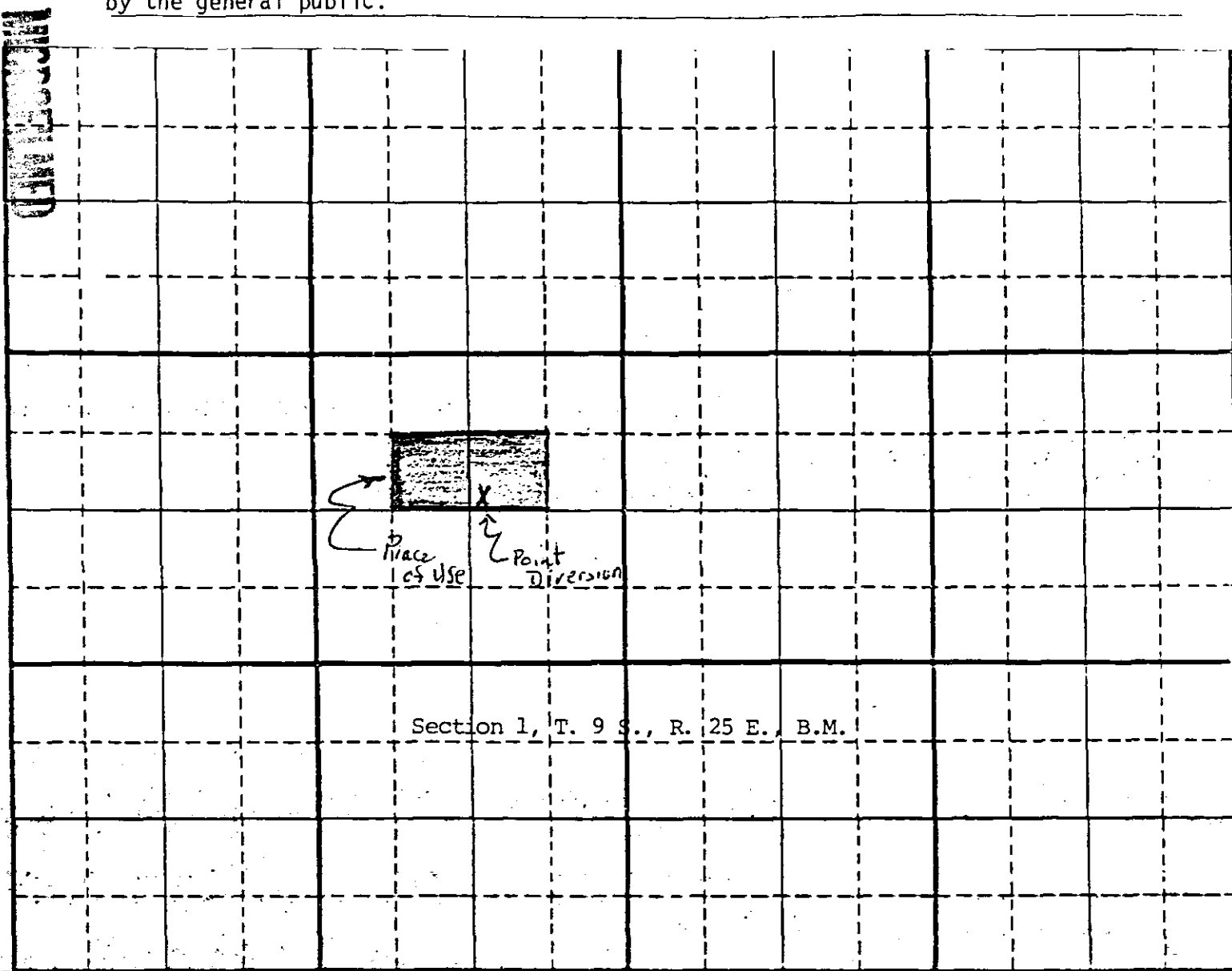
No. of acres 15

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

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: United States of America

18) Remarks Irrigation at Walcott Park. Water was diverted in 1907 to a very small amount of land including a few trees. As usage by the general public became greater more water was used as the park expanded. This park is used extensively by the general public.



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 affiant's knowledge.

John W. Keyser, Jr.
Acting Regional Director (Claimant)

Sworn to before me this 29th day of June, 19 83.

Ed Thomas
Notary Public
Residing at Boise

My commission expires 6-6-85

7/5/83
FOR DEPARTMENT USE ONLY

Received by See Date 6/29/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADL Date 7/22/83 claimant by: _____
\$30.00 fee received by SP Date 6-29-83 #30027
Published in Sumner Co. News _____
Dates 10/19 & 10/26/83 _____

☒ Point of Diversion
☐ Place of Use

5B. Originally a small pump of unknown size and capacity was used as means of diversion. As the park expanded larger systems had to be used until about 1940, 4 pumps were used to irrigate the park as follows:

60 gpm - HP =
80 gpm - HP =
200 gpm - HP =
500 gpm - HP = 25 - 8 inch

These 4 pumps pumped into gravity ditches that distributed the water throughout the park. In 1980 the park was enlarged and the irrigation system was upgraded in that now most of the park is sprinkler irrigated by 2 pumps of 25 HP and 400 gpm each. These pumps discharge into the sprinkler system by means of an 8-inch pipe. The 8 inch, 500 gpm, HP = 25 pump shown above will remain in service and gravity irrigate a small portion of the park.



United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043 - 550 WEST FORT STREET
BOISE, IDAHO 83724 - 0430

JUN 20 1983

IN REPLY PN 420
REFER TO:
870.

JUN 29 1983

5 claims to Southern
11 claims to Eastern

Mr. Kenneth Dunn
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Dunn:

Enclosed are 16 water right claims for use of waters within the Minidoka Project area, summarized as follows:

- | | |
|---------------------------------|---------------------------------|
| 1. Minidoka Irrigation District | Artificial Ground Water-Storage |
| 2. Burley Irrigation District | Artificial Ground Water-Storage |
| 3. Palisades Reservoir | Bank Storage |
| 4. Island Park Reservoir | Bank Storage |
| 5. Lake Walcott | Bank Storage |
| 6. Jackson Lake Wyoming | Storage Yield (Interstate) |
| 7. Grassy Lake Wyoming | Storage Yield (Interstate) |
| 8. Palisades Powerplant | Snake River Natural Flows |
| 9. Palisades Reservoir | Refill of Storage |
| 10. Island Park Reservoir | Refill of Storage |
| 11. American Falls Reservoir | Refill of Storage |
| 12. Walcott Park | Irrigation |
| 13. Palisades Camp | Irrigation & Domestic |
| 14. Palisades Camp | Domestic |
| 15. Falls Irrigation District | Recapture of Surface Water |
| 16. A&B Irrigation District | Recapture of Surface Water |

The claims, with their attachments are self explanatory.

Claim numbers 3, 4, and 5 are for net yields from so called Bank Storage in Palisades and Island Park Reservoirs and Lake Walcott respectively. Drawdown of American Falls Reservoir, also yields water stored in the permeable banks. However, Certificate No. 01-2064 for American Falls Reservoir already covers 100,000 acre-feet identified as bank storage, so no claim is required.

With regard to Lake Walcott the Foster Decree provides in part follows:

"It is further ORDERED, ADJUDGED AND DECREED, until otherwise provided by Statute, the State Engineer of the State of Idaho, or his duly authorized deputy, shall determine what part of the water flowing in Snake River at the Minidoka and Milner Dams, is storage waters, and what part is natural flow, as provided by the Idaho Session laws of 1909, entitled: "an act to provide for the

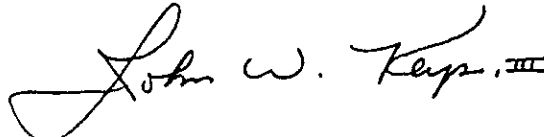
safe-guarding of the rights of those conserving public waters in Reservoirs and prohibiting Misappropriation of such waters by those having no Right to the use of same, and delaring a 'Misdemeanor', the amount of the natural flow to be determined as such natural flow would be, if unaffected by the diversion or acts of the parties hereto or any or either of them or by the release of stored water, the natural flow to which the Twin Falls Projects are entitled to be measured to them at the Milner Dam. (emphasis added.)

Thus, a water right for all "waters flowing in the Snake River at Minidoka and Milner Dams" except natural flow has been adjudicated to the United States. Since bank storage is a result of construction of Federal Reclamation Project Works and not a part of "natural flow," any yield from Bank Storage in Lake Walcott belongs to the United States by Decree and no claim should be required.

Until 1978, the various watermasters determined the "amount of the natural flows" to which the "Twin Falls Projects are entitled" by measurements taken at Neeley, on the basis that the "normal flow at Neeley is the same as the normal flow at Milner would have been, if the Minidoka Dam had never been constructed" (water distribution below Neeley Gaging Station - Lynn Crandall - April 1, 1926).

The computer model used by the District 01, Watermaster for water accounting since 1978, contains no provision for recognizing yield from bank storage, therefore a claim for bank storage yield in Lake Walcott is included with this filing.

Sincerely yours,



John W. Kays, III
Regional Director

Enclosures

cc: Project Superintendent, Burley, Idaho (w/enclosures)

MICROFILMED

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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) ss.
STATE OF IDAHO.)

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with the issue dated Oct. 19, 19⁸³, and
ending with the issue dated Oct. 26, 19⁸³

Subscribed and sworn to before me this

26th day of October, 1985.

Brenda Norman Notary Public

of Publication \$30.55

Notary Fee _____

Total Cost _____ OCT 27 1983

Department of Labor Resources
Southern District Office

MEMORANDUM FOR THE RECORD

SUBJECT: [Illegible]

[Illegible text follows, appearing as a series of lines from a memorandum or report.]

01-4048

INTER-DEPARTMENT MEMO — 1

DATE April 6, 1984

FROM Roberta

TO Claim 01-4046

SUBJECT U.S. Bureau of Reclamation -- Exhibits to 16 claims on Minidoka Project

See File 01-4046 for exhibits on Minidoka Project

RE: 01-4046 thru 01-4057
21-4155 thru 21-4157
23-4073

MICROFILMED

SIGNATURE

STATE OF IDAHO -
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 10, 1983

U.S. DEPT. OF INTERIOR
BUREAU OF RECLAMATION
ATTN: 424 BOX 043
550 W. FORT ST.
BOISE

ID 83720

RE: Claim No. 01-4048

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

RECEIVED

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Use: IRRIGATION (2.80 CFS)

In: SENW SWNE Sec 01 T 09S R 25E FOR 15 ACRES

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R. KENNETH DUNN

Director

 Published 10/19 & 10/26/83.

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Use: IRRIGATION (2.80 CFS)

In: SENW SWNE Sec 01 T 09S R 25E
FOR 15 ACRES

ok
10/15/67

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 7, 1983

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 7, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

MC
-10-

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADN

Bureau of Reclamation

Right Number 01-4048 Applicant USDI - BLM

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By ADN Date 11/16/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By sc Date 12/15/83