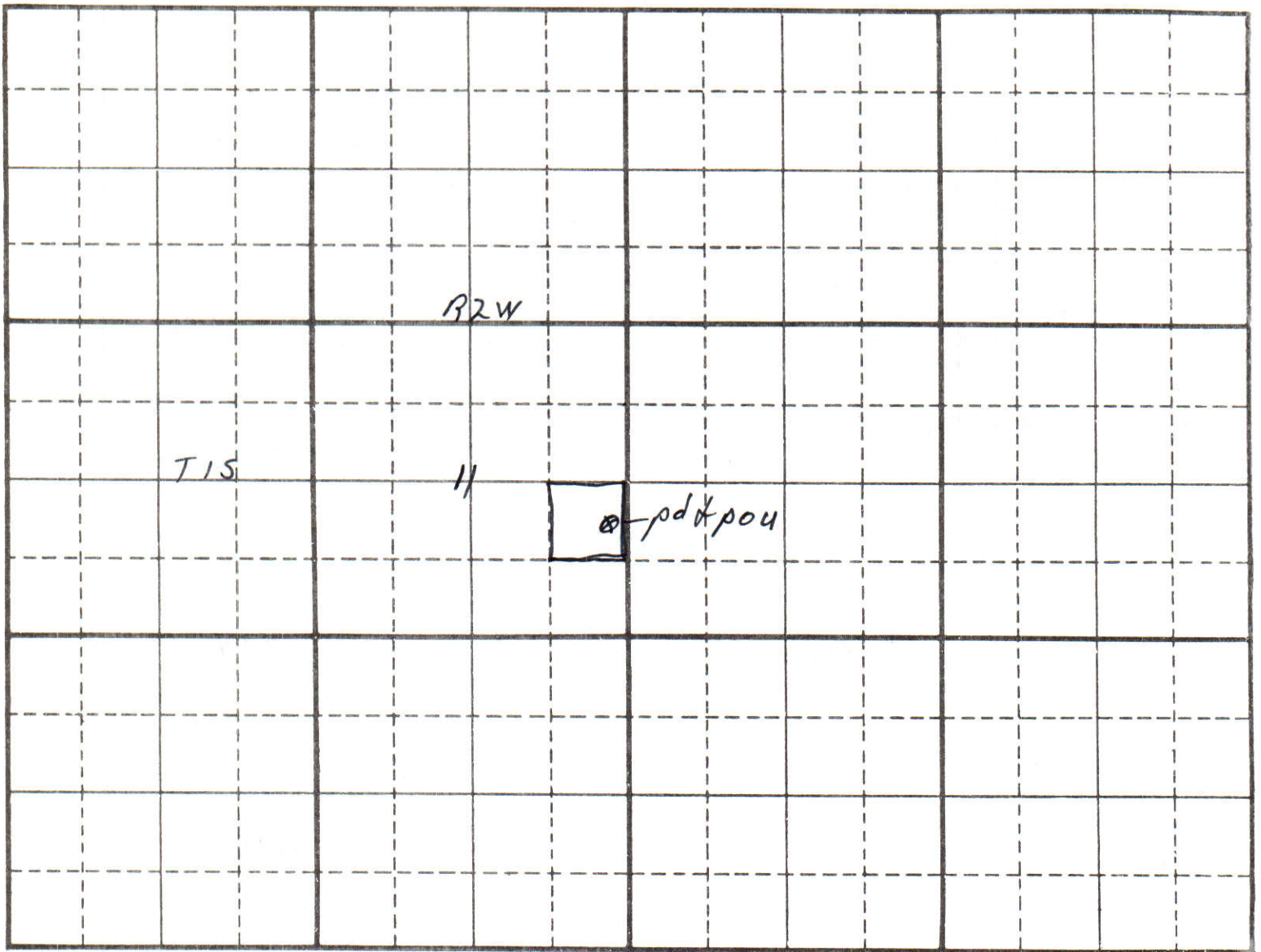


(8) Remarks _____



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)
County of Ada) 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 affiant's knowledge.

Sworn to before me this 15 day of June, 19 83.

x Donald C. Ayers
(Claimant)

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>6LS</u>	Date <u>6/15/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>6LS</u>	Date <u>6/20/83</u>		claimant by:	
\$30.00 fee received by <u>6LS</u>	Date <u>6/15/83</u>	# <u>31030</u>		
Published in <u>Idaho Press Tribune</u>				
Dates <u>6/30, 7/7/83</u>				

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.

Notice is hereby given that Donald C. &/or Margery M. Ayers
(Name of Claimant)

At 1 Box 96 Melba Idaho 83641 Telephone No. 495-2641
(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) 1940

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)

Waste water tributary to Walters Butte lateral

(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 <u>1.0</u>	Use <u>Irrigation</u>	Period of Use From <u>9/1</u>	To <u>11/1</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) 1.0 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 11 Twp. 15 Rge. 2W B.M., County of Canyon
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. headgate with gravity ditch

(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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>15</u>	<u>2W</u>	<u>11</u>													<u>6</u>				<u>6</u>

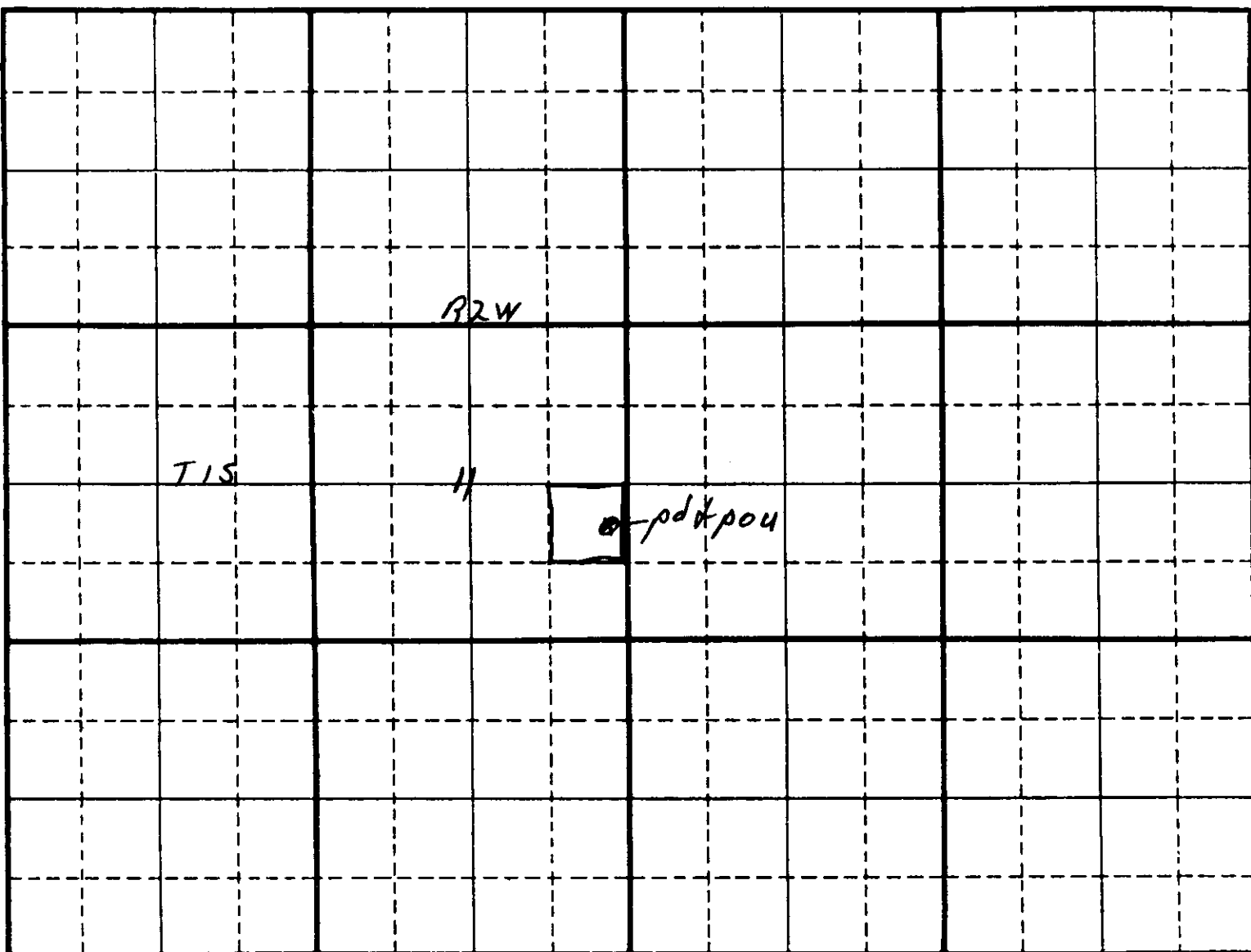
No. of acres 6

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: _____

(8) Remarks _____



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)
County of Ada) 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 affiant's knowledge.

x Donald C. Ayers
(Claimant)

Sworn to before me this 15 day of June, 1983.

Nancy M. Hathway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>CHS</u>	Date <u>6/15/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CHS</u>	Date <u>6/20/83</u>		claimant by:	
\$30.00 fee received by <u>CHS</u>	Date <u>6/15/83</u>	# <u>31030</u>		
Published in <u>Idaho Press Tribune</u>				
Dates <u>6/30, 7/7/83</u>				

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claims have been
filed on water rights created by
diversion and beneficial use:

63-5075

GRiffin, JAMES F.
705 N. 9TH ST., BOISE, ID 83702
Source: GROUNDWATER
Priority Date: January 1, 1936
Diversion Pt: LOT 01 (NENE) Sec
05 T 03N R 01W
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: LOT 01 (NENE) Sec 05 T 03N R
01W

63-5078

AYERS, DONALD C. &/or
MARGERY M.
RT. 1 BOX 96, MELBA, ID 83641
Source: WASTE WATER trib. to
WALTERS BUTTE LATERAL
Priority Date: April 1, 1940
Diversion Pt: NESE Sec 11 T 01S R
02W
Use: IRRIGATION (1.00 cfs)
In: NESE Sec 11 T 01S R 02W FOR
6 ACRES

63-5079

DYNES, RICHARD L. &/or
ANITA J. &/or KENNETH L.
&/or
LOETA
RT. 9 BOX 209, CALDWELL, ID
83605
Source: GROUNDWATER
Priority Date: January 1, 1957
Diversion Pt: SWSW Sec 36 T 03N
R 02W
Use: DOMESTIC (0.08 CFS)
In: SWSW Sec 36 T 03N R 02W

63-5080

BURLIE, CLAUDE L.
1738 HOWARD DR., SPARKS, NV
89431
Source: GROUNDWATER
Priority Date: July 1, 1928
Diversion Pt: SENW Sec 36 T 03N
R 02W
Use: IRRIGATION (0.18 CFS)
DOMESTIC (0.04 CFS)
In: SENW Sec 36 T 03N R 02W
FOR 9 ACRES

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, Western Region,
Statehouse, Boise, Idaho 83720.

KENDUNN,

Director

June 30; July 7, 1983.

Department of Water Resources
Western Region

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)**

County of Canyon) ss.

Connie Cutberth

of Nampa, Canyon County, Idaho, being first duly
sworn, deposes and says:

1. That I am a citizen of the United States of
America, and at all times hereinafter mentioned
was over the age of eighteen years, and not a party
to the above entitled action.

2. That I am the Principal Clerk of the Idaho
Press-Tribune, a daily, (except Saturday)
newspaper published in the City of Nampa and
Caldwell, in the County of Canyon, State of Idaho;
that the said newspaper is in general circulation
in the said County of Canyon, and in the vicinity of
Nampa and Caldwell, and has been uninterrupted-
ly published in said County during a period of
seventy-eight consecutive weeks prior to the first
publication of the notice, a copy of which is hereto
attached.

3. That the notice, of which the annexed is a prin-
ted copy, was published in said newspaper

Two times

in the regular and entire issue of said paper, and
was printed in the newspaper proper, and not in a
supplement.

4. That said notice was published the following
dates:

June 30; July 7, 1983

Connie Cutberth

Subscribed and sworn to before me this 7th
day of July

9 83

Janne Lusk
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1985

MICROFILMED

WRR100
63-5078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
20-NOV-1985 13:28:05

01 WATER RIGHT NUMBER - 63-5078

02 OLD (D) NUMBER -

LAST NAME
03001 - AYERS ✓
03002 - AYERS ✓

FIRST NAME
04001 - DONALD C. ✓
04002 - MARGERY M. ✓

ORIG. OWNER
05001 - C
05002 - C

06 ADD LINE 1 - RT. 1 BOX 96 ✓

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MELBA ✓

10 STATE - ID ✓

11 ZIP - 83641 ✓

12 STAGE - S STATUTORY CLAIM ✓

13 STATUS -

SOURCE
14001 - WASTE WATER ✓

TRIBUTARY OF
15001 - WALTERS BUTTE LATERAL ✓

16 DIVERSION MEANS - HEADGATE & DITCH ✓

17 COUNTY - 27 CANYON ✓

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 1.000 ✓

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----													
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S							
22001 - NESE	23001 - 11	24001 - 01S	25001 - 02W	26001 - 27001 -	28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION ✓	31001 - 01S	32001 - 02W	33001 - 11	34001 - NESE	35001 - 06	36001 -

TOTAL ACRES: 6 ✓

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401 ✓	38001 - 1101 ✓	39001 - 01 IRRIGATION ✓	40001 - 1.000	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 PRIORITY	1-APR-1940 ✓	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		

WRR100
63-5078

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
20-NOV-1985 13:28:05

----- D A T E S ----- D A T E S ----- F L A G S -----

54 LAST UPDATE - 5-JUL-1983

62 DATE_2 -

11/29/86
VERIFIED JKN

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 665

Right Number W3-5078 Applicant Ayers

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. 7-18-83
 - ☒ Claim published correctly. Press Tribune
 - ☒ Exceptions processed. 30/31030
W/30+ 7/7/83
- By OBS Date 1/12/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By PC Date 1/18/84

MICROFILMED

RECEIVED
JAN 18 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JULY 20, 1983

DONALD C. AYERS
MARGERY M. AYERS
RT. 1 BOX 96
MELBA

ID 83641

RE: Claim No. 63-5078

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,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

63-5028..

AYERS, DONALD C. &/or MARGERY M.

RT. 1 BOX 96, MELBA, ID 83641

Source: WASTE WATER trib. to WALTERS BUTTE LATERAL

Priority Date: 04/01/1940

Diversion Pt: NESE Sec 11 T 01S R 02W

Use: IRRIGATION (1.00 CFS)

In: NESE Sec 11 T 01S R 02W FOR 6 ACRES

MICROFILMED

3/83

IDENT. NO. 63-5078

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

[illegible]