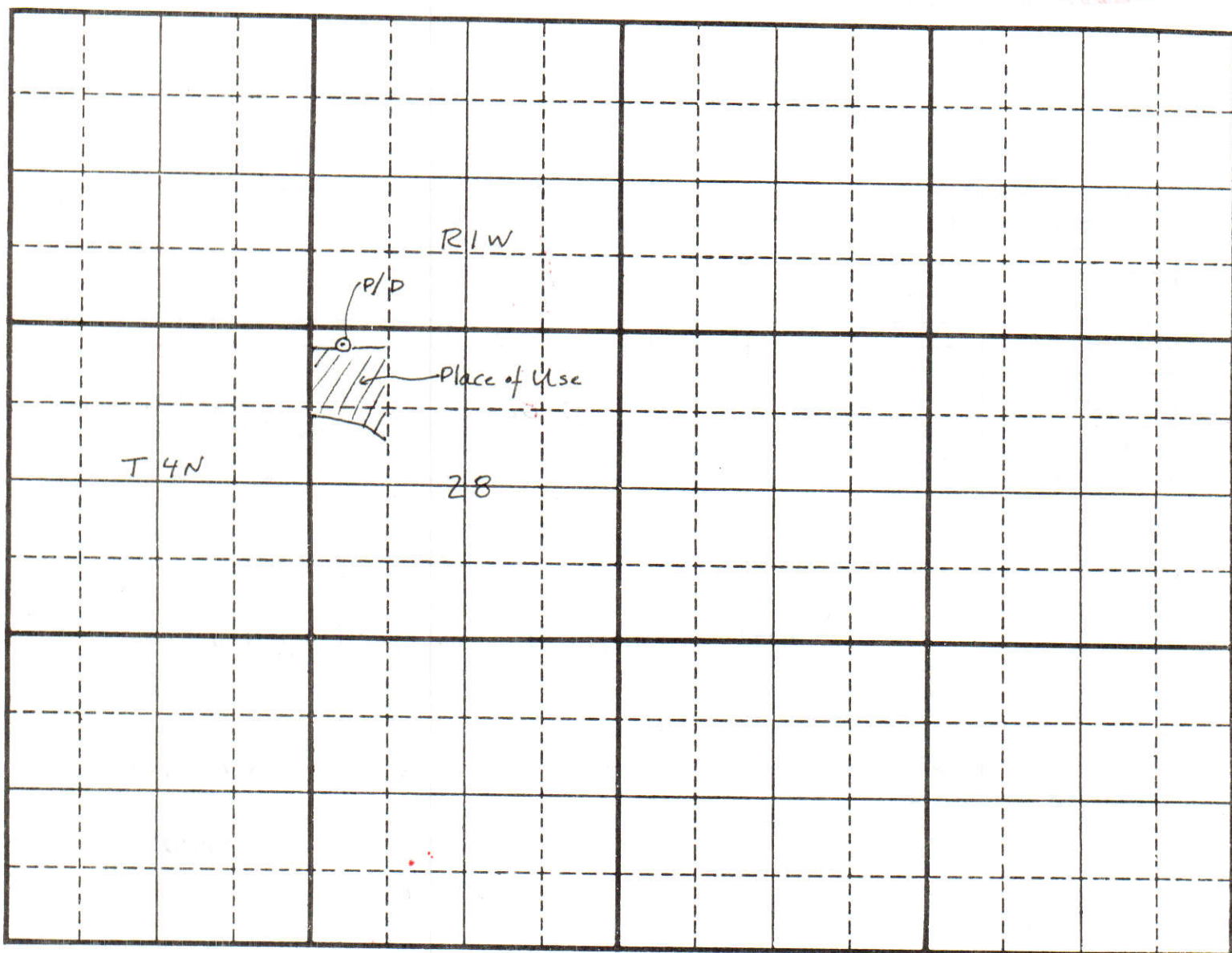


(8) Remarks \_\_\_\_\_



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 6<sup>th</sup> day of May, 19 88.

+ Thomas J. McCallum  
(Claimant)

David R. Tuttle  
Notary Public  
Residing at Boise Id

My commission expires \_\_\_\_\_

**MICROFILMED**

**AUG 17 1988**

**FOR DEPARTMENT USE ONLY**

|                                         |            |                           |                    |            |
|-----------------------------------------|------------|---------------------------|--------------------|------------|
| Received by _____                       | Date _____ | Exception filed by: _____ | Forwarded to _____ | Date _____ |
| Prelim. check by _____                  | Date _____ |                           | claimant by: _____ |            |
| \$30.00 fee received by _____           | Date _____ |                           |                    |            |
| Published in <u>The Idaho Statesman</u> |            |                           |                    |            |
| Dates <u>5/19 &amp; 5/26/1988</u>       |            |                           |                    |            |

RECEIVED

MAY 27 1988

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources  
Western Regional Office

## LEGAL ADVERTISING INVOICE

Amount Due

38.78

|                                               |             |                  |                    |
|-----------------------------------------------|-------------|------------------|--------------------|
| Account Name                                  |             | Account Number   |                    |
| Idaho Department of Water Resources (Western) |             | #47628           |                    |
| Address                                       |             | City/State       | Zip                |
| 2735 Airport Way                              |             | Boise, ID        | 83705              |
| Ordered By                                    | P.O. Number | Rate             | Run Dates          |
| Judy Pense                                    |             | NT               | 1988<br>May 19, 26 |
| Identification                                |             | Estimated Inches | Real Inches        |
| Notice of Claims to Water Rights              |             |                  |                    |
| Number of Affidavits Requested                |             |                  | Legal Number       |
| 1                                             |             |                  | #8565              |

MICROFILMED

AUG 17 1988

### NOTICE OF CLAIMS TO WATER RIGHT

The following claim(s) have been filed on water rights created by diversion and beneficial use:

63-04644 AMENDED

McCollum, Thomas J.  
6100 N. McDermott  
Meridian, Idaho 83642  
Source: Groundwater  
Diversion Pt: NWNW Sec. 28 T  
04N 401W  
Use: Irrigation (.500 CFS)  
Priority Date: 08/20/1936  
In: T04N R01W S28 NWNW SWNW  
— 35.0 Acres Total

63-04676 AMENDED

Eby, Eugene R.  
2028 Amber  
Boise, Idaho 83706  
Source: Groundwater  
Diversion Pt.: NWNW Sec. 28 T  
04N R 01W  
Use: Irrigation (.500 CFS)  
Priority Date: 08/20/1936  
In: T04N R01W S29 NENE SENE -  
32.0 Acres Total

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

R. KEITH HIGGINSON  
Director

Pub. May 19, 26, 1988

8565

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

Deborah Gregory

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of May 19, 1988

and ending with the issue of May 26, 1988

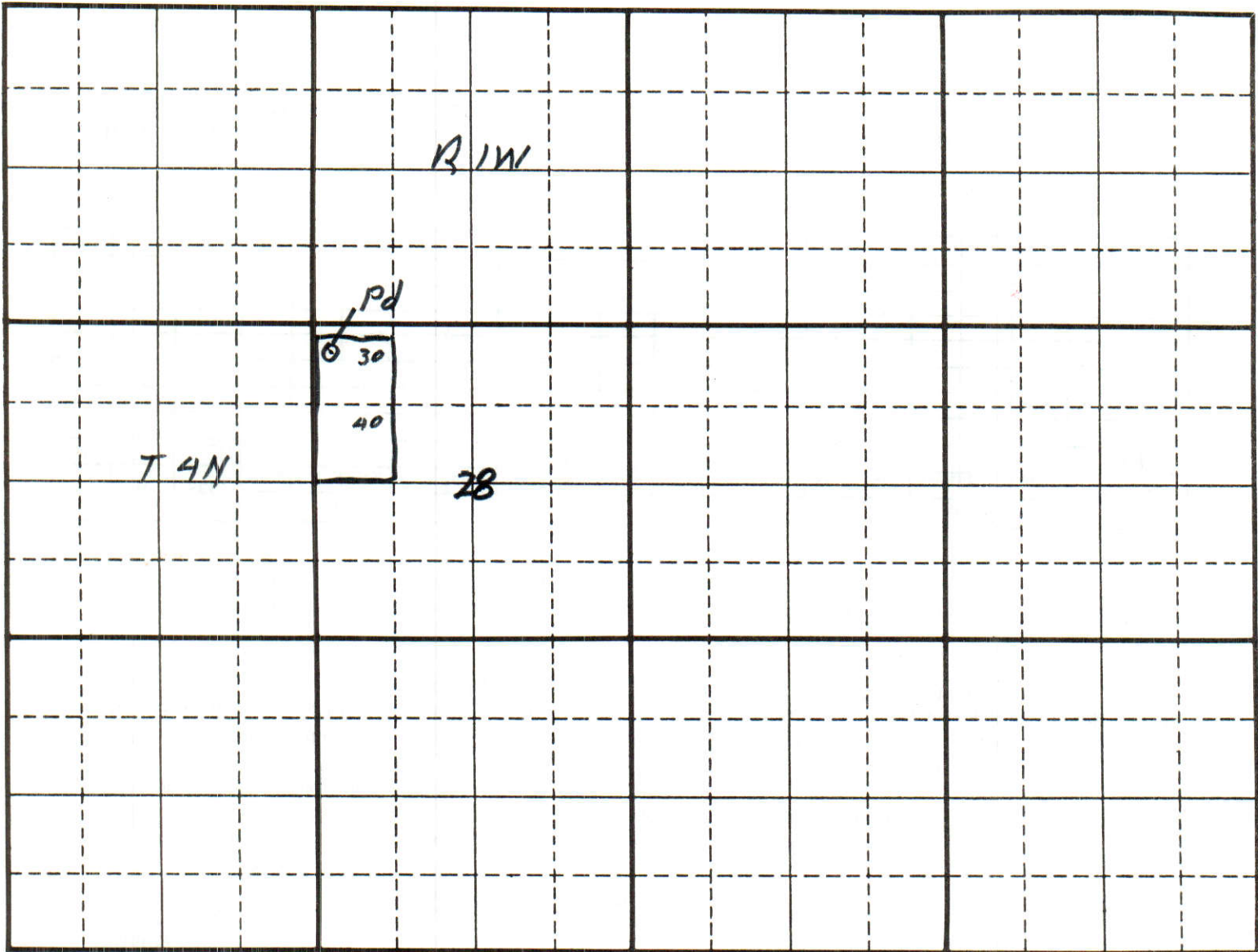
*Deborah Gregory*

Subscribed and sworn to before me this 26th

day of May, 1988

*Kinda E. P. 1/4/93*  
Notary Public for Idaho, Residing at Boise, Idaho

(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 Gem ) 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 Thomas J. McCollum  
(Claimant)

Sworn to before me this 28 day of March, 19 79.

[Signature]  
Notary Public  
Residing at Emmett

My commission expires lifetime

FOR DEPARTMENT USE ONLY

|                                      |                     |                     |              |               |
|--------------------------------------|---------------------|---------------------|--------------|---------------|
| Received by <u>JK</u>                | Date <u>3/28/79</u> | Exception filed by: | Forwarded to | Date          |
| Prelim. check by                     | Date                |                     | claimant by: |               |
| \$20.00 fee received by <u>20.00</u> | Date <u>3/28/79</u> | <u>#13017</u>       | <u>JK</u>    | <u>5/2/79</u> |
| Published in <u>Statesman</u>        |                     |                     |              |               |
| Dates <u>4/5 &amp; 4/12/79</u>       |                     |                     |              |               |

COUNTY OF ADA )

Cheryl R. Rehwaalt, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the  
issue of April 5, 19 79, and ending with the  
issue of April 12, 19 79.

Cheryl R. Rehwaalt

Subscribed and sworn to before me this 12th  
day of April, 19 79.

Notary Public for Idaho, Residing at Boise, Idaho

OK-KK  
5/1/79

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APR 13 1979

Department of Water Resources  
Western Regional Office

**MICROFILMED**

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 Thomas J. McCollum (Name of Claimant) 286-7163  
6100 N. McDermott Meridian, Id 83642 Telephone No. 888-2226  
(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) 8/20/1936

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)  
Groundwater tributary to \_\_\_\_\_

(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>0.50</u> | Use                                 | <u>Irrigation</u> | Period of Use From <u>3/15</u> | To <u>11/15</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) 0.50 TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW 1/4 NW 1/4, Sec. 28 Twp. 4N Rge. 1W B.M., County of Ada  
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. Artesian flowing well, ditches for irrigation

(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.      | NE1/4 |       |       |       | NW1/4 |           |          |       | SW1/4 |       |       |       | SE1/4 |       |       |       | TOTAL     |
|-----------|-----------|-----------|-------|-------|-------|-------|-------|-----------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----------|
|           |           |           | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4     | SW1/4    | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 |           |
| <u>4N</u> | <u>1W</u> | <u>28</u> |       |       |       |       |       | <u>30</u> | <u>5</u> |       |       |       |       |       |       |       |       |       | <u>35</u> |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |
|           |           |           |       |       |       |       |       |           |          |       |       |       |       |       |       |       |       |       |           |

No. of acres 35

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

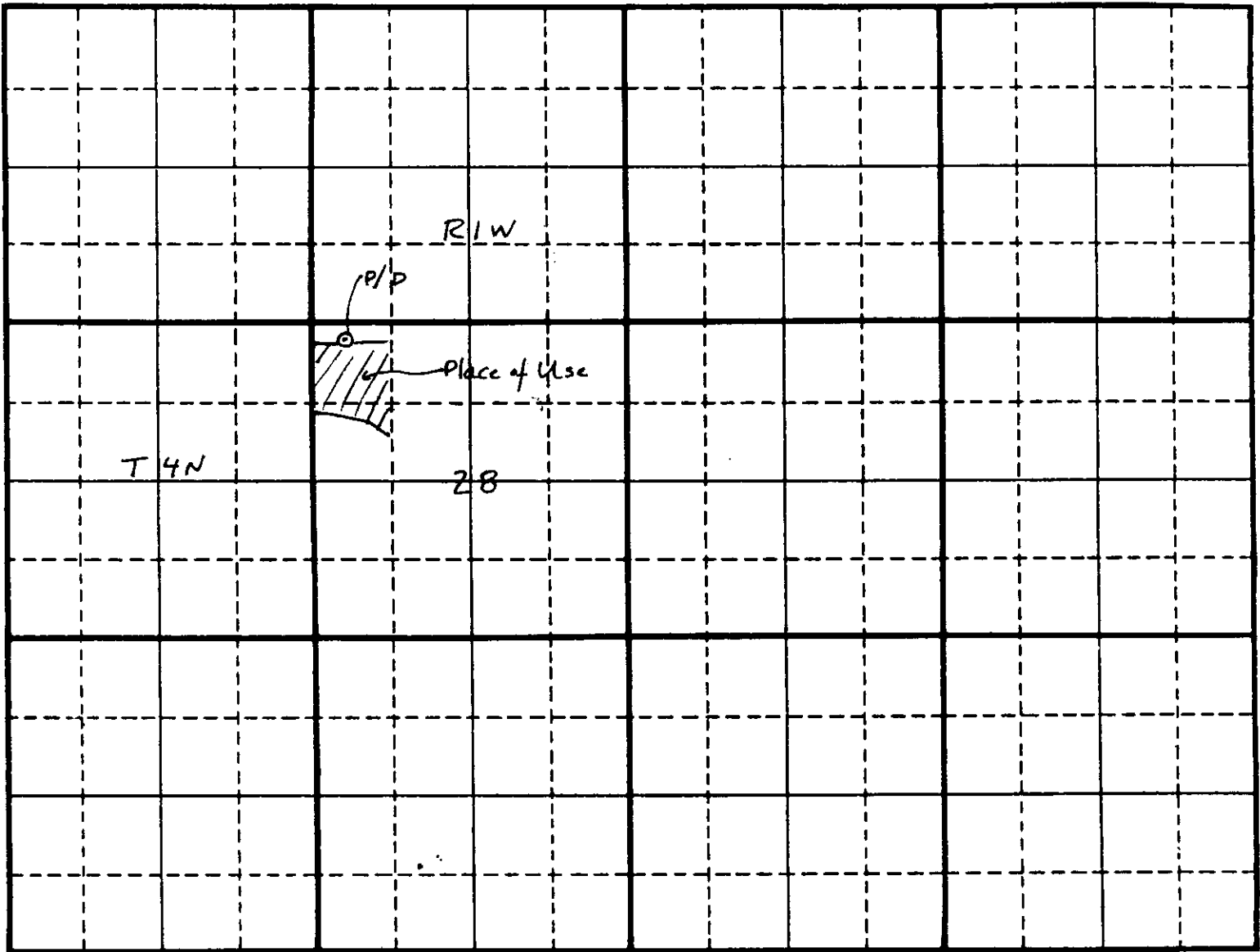
NOTE: Include here the type and number of stock watered: \_\_\_\_\_

(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

RECORDED

AUG 17 1988

(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 6<sup>th</sup> day of May, 19 88.  
+ Thomas McConnell  
(Claimant)

David R. Tutthell  
Notary Public  
Residing at Boise Id

My commission expires \_\_\_\_\_

**MICROFILMED**

AUG 17 1988

FOR DEPARTMENT USE ONLY

|                                         |            |                           |                    |            |
|-----------------------------------------|------------|---------------------------|--------------------|------------|
| Received by _____                       | Date _____ | Exception filed by: _____ | Forwarded to _____ | Date _____ |
| Prelim. check by _____                  | Date _____ |                           | claimant by: _____ |            |
| \$30.00 fee received by _____           | Date _____ |                           |                    |            |
| Published in <u>The Idaho Statesman</u> |            |                           |                    |            |
| Dates <u>5/19 &amp; 5/26/1988</u>       |            |                           |                    |            |

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MAY 27 1988

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

Department of Water Resources  
Western Regional Office

Amount Due

38.78

|                                                       |             |            |                    |              |  |
|-------------------------------------------------------|-------------|------------|--------------------|--------------|--|
| Account Name                                          |             |            | Account Number     |              |  |
| Idaho Department of Water Resources (Western)         |             |            | #47628             |              |  |
| Address                                               |             | City/State |                    | Zip          |  |
| 2735 Airport Way                                      |             | Boise, ID  |                    | 83705        |  |
| Ordered By                                            | P.O. Number | Rate       | Run Dates          |              |  |
| Judy Pense                                            |             | NT         | 1988<br>May 19, 26 |              |  |
| Identification                                        |             |            | Estimated Inches   | Real Inches  |  |
| Notice of Claims to Water Rights                      |             |            |                    |              |  |
| <div><div>1</div>Number of Affidavits Requested</div> |             |            |                    | Legal Number |  |
|                                                       |             |            |                    | #8565        |  |

MICROFILMED

AUG 17 1988

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of May 19, 1988  
and ending with the issue of May 26, 1988

Deborah Gregory

Subscribed and sworn to before me this 26th  
day of May, 1988

Kimberly E. Prew 12/93  
Notary Public for Idaho, Residing at Boise, Idaho

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 Thomas J. McCollum  
(Name of Claimant)  
5120 N. Linder Rd., Meridian, ID 83642 Telephone No. 888-2226  
(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) 8/20/1936

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)  
Groundwater tributary to \_\_\_\_\_

(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>.60</u> | Use                                 | <u>Irrigation</u> | Period of Use From     | <u>3/15</u> | To         | <u>11/15</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) \_\_\_\_\_ TOTAL QUANTITY USED.

(cfs, gpd, AFA)  
(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NW ¼, Sec. 28 Twp. 4N Rge. 1W B.M., County of Ada  
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. Artesian flowing well, 6" casing and ditches for irrigation

(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 |       |
| 4N | 1W | 28   |     |     |     |     |     | 30  | 40  |     |     |     |     |     |     |     |     |     | 70    |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 70

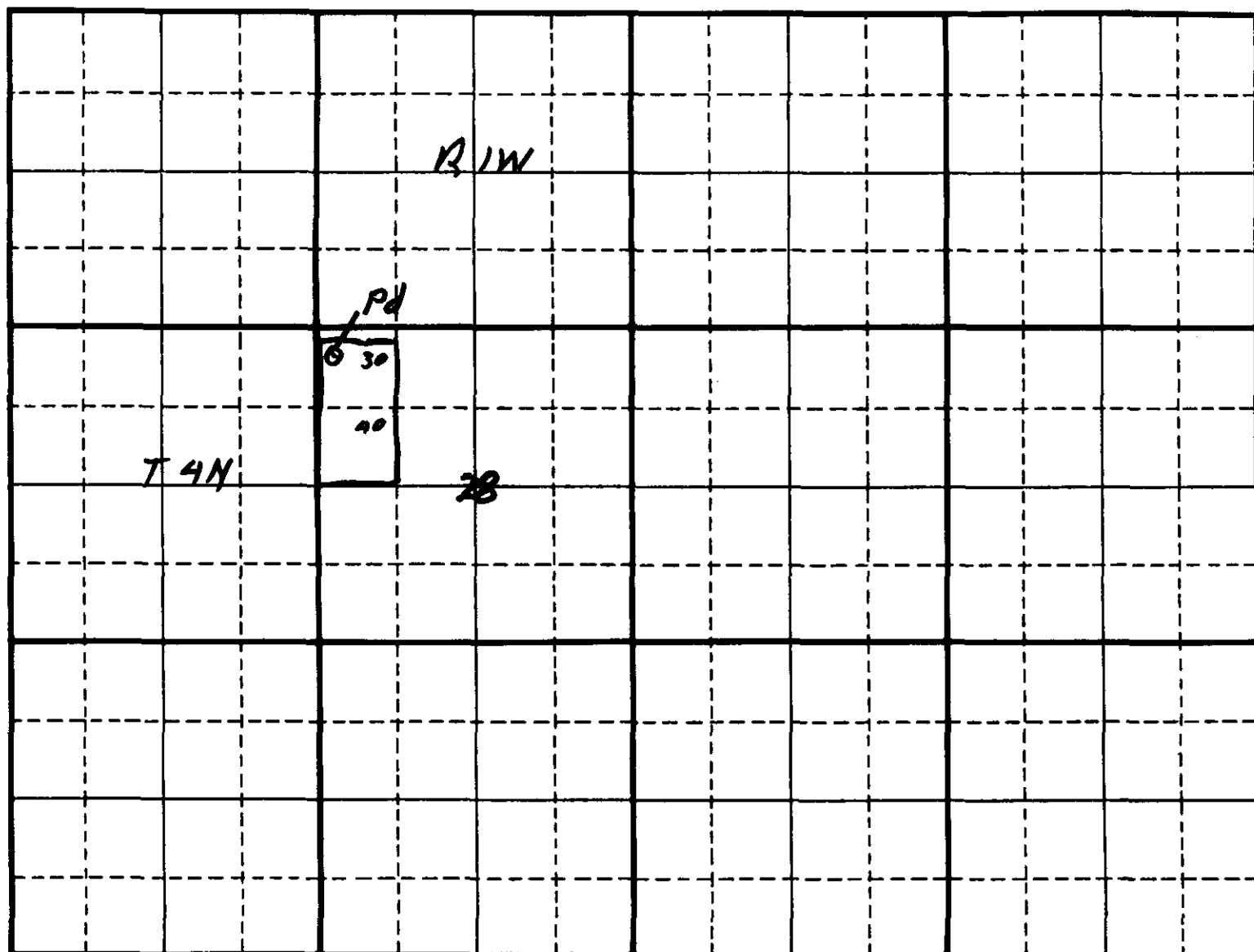
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Nampa, Meridian & Settlers water

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: \_\_\_\_\_

MICROFILMED

(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 Gem ) 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 Thomas J. McCollum  
(Claimant)

Sworn to before me this 28 day of March, 19 79.

Emmett H  
Notary Public  
Residing at

My commission expires lifetime

FOR DEPARTMENT USE ONLY

|                                      |                     |                     |              |               |
|--------------------------------------|---------------------|---------------------|--------------|---------------|
| Received by <u>JK</u>                | Date <u>3/28/79</u> | Exception filed by: | Forwarded to | Date          |
| Prelim. check by                     | Date                |                     | claimant by: |               |
| \$20.00 fee received by <u>20.00</u> | Date <u>3/28/79</u> | # <u>13017</u>      | <u>JK</u>    | <u>5/2/79</u> |
| Published in <u>Statesman</u>        |                     |                     |              |               |
| Dates <u>4/5 &amp; 4/12/79</u>       |                     |                     |              |               |

STATE OF IDAHO )  
 ) ss.  
COUNTY OF ADA )

Cheryl R. Rehwaalt, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the issue of April 5, 1979, and ending with the issue of April 12, 1979.

Cheryl R. Rehwaalt

Subscribed and sworn to before me this 12th day of April, 1979.

Dorothy Engstrom  
Notary Public for Idaho, Residing at Boise, Idaho

OK-KK  
5/1/79

RECEIVED

APR 13 1979

Department of Water Resources  
Western Regional Office

MICROFILMED

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: BD

Right Number 63-04644 Amended Applicant McCollum, Thomas J.

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. no for statement 5/19 & 5/26/88
- ☒ Exceptions processed.

By DA Date 6/15/88

STATE/OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/8/88

RECEIVED  
JUL 05 1988

Department of Water Resources



CECIL D. ANDRUS  
Governor

State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON  
Director

June 13, 1988

Thomas J. McCollum  
6100 N. McDermott  
Meridian, ID 83642

Re: Amended Claim No. 63-04644

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 free to contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

DRT:jp

Enclosure:

**RECEIVED**

AUG 17 1988

Boise, Idaho 83720  
(208) 334-2190

JUNE 8, 1988

THOMAS J. MC COLLUM  
6100 N. MC DERMOTT  
MERIDIAN, ID 83642

Re: Claim No. 63-04644

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

DRT:jp

Enclosure

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region

**MICROFILMED**

AUG 17 1988

Boise, Idaho 83720  
(208) 334-2190

JUNE 8, 1988

63-04644 Amended

MC COLLUM, Thomas J.  
6100 N. MCDERMOTT  
MERIDIAN, ID 83642

Source: Groundwater

Diversion Pt:                NWNW                Sec 28 T 4N R 01W

Use: IRRIGATION                ( .500 CFS)

Priority Date: 8/20/1936

In: T04N R01W S28                NWNW                SWNW

35.0 ACRES TOTAL

**RECORDED**

AUG 17 1988



CECIL D. ANDRUS  
Governor

State of Idaho  
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

R. KEITH HIGGINSON  
Director

March 21, 1988

Thomas J. McCollum  
5120 N. Linder Rd.  
Meridian, ID 83642

Re: Claim to a Water Right No. 63-4644'

Dear Mr. McCollum:

Enclosed is a copy of an exception filed in connection with your above-referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:jp

Enclosure

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APR 04 1988



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
Western Region

CECIL D. ANDRUS  
Governor

2735 Airport Way  
Boise, Idaho 83705  
(208) 334-2190

R. KEITH HIGGINSON  
Director

March 21, 1988

Vernon K. Smith  
Attorney at Law  
1900 Main Street  
Boise, ID 83702

Re: Claims to Water Right Nos. 63-4644 in the Name of Thomas J. McCollum, No. 63-4676 in the Names of Richard W. Eby and/or Eugene R. Eby, No. 63-5395 in the name of Alvin E. &/or Nancy A. Lutz, No. 63-5397 in the Names of Peter K. &/or Ingrid M. Kuehn, No. 63-5398 in the Name of Pete Cope

Dear Mr. Smith:

This office acknowledges receipt of your protests concerning the above-referenced claims to water rights. The Department will not schedule a hearing in the matter or evaluate for conformation or censure of the rights claimed. However, your protests will be made a part of the permanent Claim files, as described in Section 42-244, Idaho Code, which states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

**MicroFILMED**

DRT:jap

APR 04 1988

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MAR 15 1988  
*Hand-Delivered*  
Department of Water Resources  
Western Regional Office

VERNON K. SMITH  
ATTORNEY AT LAW  
1900 Main Street  
Boise, Idaho 83702  
  
Telephone: 345-1125

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                  |   |                                        |
|----------------------------------|---|----------------------------------------|
| In Re:                           | ) |                                        |
|                                  | ) | <u>PROTEST TO CLAIM OF WATER RIGHT</u> |
|                                  | ) | <u>FILED BY THOMAS J. MCCOLLUM</u>     |
| Statutory Claim to a Water Right | ) |                                        |
| Claim No. 63-4644, filed by      | ) |                                        |
| Thomas J. McCollum on March 28,  | ) |                                        |
| 1979.                            | ) |                                        |
|                                  |   | PROTESTANT: ROBERT H. RUBLE            |
|                                  |   | CAROLYN J. RUBLE                       |

COMES NOW Robert H. Ruble and Carolyn J. Ruble, residing at 6175 West Chinden Blvd., Meridian, Idaho 83642, and do hereby PROTEST the Claim to a Water Right, Claim No. 63-4644, filed by Thomas J. McCollum, 5120 N. Linder Rd. Meridian, Idaho 83642, with the Department of Water Resources on March 28, 1979, purportedly pursuant to Section 42-243 Idaho Code.

The initial objection of Protestant is the potential ambiguity resulting from the asserted Claim as to the diversion and application to a beneficial use of water flowing from a six inch artesian well casing located in Section 28, Township 4N, R1W, Boise-Meridian, located in Ada County, Idaho.

It is important for the Department to carefully note that there are at least two different artesian wells located in the NW 1/4, NW 1/4 of Section 28. Within that 40 acre parcel, the Protestant, Mr. Ruble, owns property where a ten inch artesian well is located, and the Claimant, Mr. McCollum, owns property where a six inch artesian well is located.

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The Protestant does not protest any claim with respect to water flowing from the artesian well located on the property owned by Mr. McCollum, which he has described to a six inch well casing; however, Protestant does protest the claim with respect to the beneficial use of any water flowing from the ten inch artesian well located on the property owned by Protestant.

It would appear that the claim is not intended to assert a beneficial use of water from the ten inch artesian well since it is physically impossible to deliver water from the ten inch artesian well to the SW 1/4, NW 1/4 of Section 28 because of the existence of the large drainage waste ditch. With respect to property located in the NW 1/4, NW 1/4 of Section 28, we have more acres claimed for which a beneficial use of water has been applied that is actually contained in a 40 acre parcel. The ten inch artesian well is located approximately 1/3 of the way in from the East boundary of this 40 acre parcel, which means approximately 13 acres could never be irrigated from this ten inch artesian well because of the natural flow of the land. That 13 acres is irrigated only from head waters of the Settlers Irrigation lateral system, and the artesian water has never before flowed onto any of that 13 acre parcel. With respect to the downstream remaining acreage, Mr. McCollum has less than 17 acres, and the artesian water flowing from his six inch well casing may well be used to augment the Settlers Irrigation ditch lateral, should there ever be an event when the Settlers Irrigation system is unable to supply sufficient waters for their shares. Coincidentally, Protestant has inquired of Settlers Irrigation District personnel and reviewed their records and has learned that there has never been a time in the history of that District that they have been unable to provide for adequate water needs of their shareholders.

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There has never been a need to augment or supplement water sources by that District, and any suggestion that such may become a need in the future is certainly not supported historically and could not be the basis for a claim to a water right of any beneficial use of artesian water from this ten inch casing and such has not been the case.

Additionally, of the 17 acres remaining, there is the homestead area, the house, the barn, the riding arena, hay storage facility and large unirrigated areas comprising 3 acres in approximate demension. It would appear that Claimant has asserted a claim that is five times greater than could ever be beneficially applied to his property, though in fact no such beneficial use has ever been made of the ten inch artesian well water to his premises.

At no time has Mr. McCollum ever claimed a right by diversion and application to a beneficial use of any water flowing from the artesian well described in his Claim to a Water Right.

The Protestant is the owner of the property where the artesian well is located, and there has never been any authorization, license or easement granted to Mr. McCollum to divert any water from this artesian well to any point across the property of Protestant or that of any adjoining neighbor. Any attempt to divert water from Protestant's premises and from this artesian well would constitute trespass and could never support the basis of a valid claim to a water right.

In summary, there has never been a beneficial use of water from this artesian well by Claimant for at least 8 years continuously to the protested land, and if there were any claim existing from previous use by any previous landowners, it is long since been forfeited and abandoned.

APR 04 1988

law.

Protestant does further note that in December, 1981, he filed an Exception to Claim to Water Right with reference to this Claim, No. 63-4644. In that exception, Protestant did state that Claimant's right is not to water from the artesian well, but to their shareholder right to water from Settlers Irrigation District which flows within their lateral. That fact is clearly the case today as Claimant has never used more water than provided to him through sources of Settlers Irrigation District. There has never been a need to augment or supplement the source of water needed to service the shareholders in the Settlers District, and Mr. McCollum has never made beneficial use of any water from the ten inch artesian well. If the artesian well were capped, as it has been on numerous occasions, the water source provided by Settlers Irrigation District is not impaired whatsoever. Furthermore, the Board of Directors of the Settlers Irrigation District have affirmatively stated that they make no claim to any water flowing from the ten inch artesian well and that they have for their shareholders with their own water sources. There is no basis to a water claim whatsoever.

Dated this 15 day of March, 1988.

  
Robert H. Ruble

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**APR 04 1988**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS  
Governor

(Office at the corner of  
Franklin and Cole Roads)

A. KENNETH DUNN  
Director

(208) 334-2190

January 19, 1982

RE: Claim to a Water Right No. 63-4644  
In the name of Thomas J. McCollum

Myrna South  
Counsel for Rubles  
737 North 7th Street  
Boise, Idaho 83702

Dear Ms. South:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

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

Very truly yours,

DAVID B. SHAW  
Western Regional Supervisor

DBS:jp

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file 63-4644

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JAN 7 1982

DEC 21 1981

Department of Water Resources

Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

In re: )  
 )  
CLAIM TO WATER RIGHT ) EXCEPTION TO CLAIM  
NO. 63-4644 ) TO WATER RIGHT  
 )  
 )  
 )

COME Robert H. Ruble and Carolyn J. Ruble and file exception to the Claim to Water Right No. 63-4644. Said claim is for .60 cfs for irrigation. It names as a source ground water, and as a means of diversion: Artesian well, 6 inch casing and ditches for irrigation. Claimants list 70 acres as place of use. Under question 6 B it names as uses "Settlers water". Claimant does have a right to .60 cfs of Settlers Irrigation water which runs through the ditch. The water from the artesian well which is located on Rubles' property flows into the ditch also. Claimant's right is not to water from the artesian well but to Settlers water running in the ditch.

Dated this 21st day of December, 1981.

MARCUS & MARCUS

By Myrna South  
Myrna South  
Counsel for Rubles  
737 North 7th Street  
Boise, Idaho 83702  
Telephone: 342-3563

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JAN 14 1982

Department of Water Resources  
Western Regional Office



State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS  
Governor

(Office at the corner of  
Franklin and Cole Roads)

A. KENNETH DUNN  
Director

(208) 334-2190

January 19, 1982

RE: Claim to a Water Right No. 63-4644  
and exception filed by Myrna South, Counsel for Robert H. and  
Carolyn J. Ruble

Thomas J. McCollum  
6100 No. McDermott  
Meridian, Idaho 83642

Dear Mr. McCollum:

Enclosed is a copy of an exception filed in connection with your above  
referenced claim to a water right. The Department will not schedule a  
hearing in this matter or evaluate for conformation or censure the right  
claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, any person who  
disagrees that a right has been established as set forth  
in said claim may file an exception thereto in duplicate,  
in affidavit form, accompanied by such proof as said per-  
son deems appropriate. An exception filed shall be made  
a part of the file of the claim in the Department of Water  
Resources and shall be considered the same as other evi-  
dence in said file. A copy of an exception filed shall  
be forwarded to the claimant by the Department of Water  
Resources."

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

Very truly yours,

DAVID B. SHAW  
Western Regional Supervisor

DBS:jp

Enclosure

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State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: gkn

Right Number 63-4644 Applicant Thomas J. McCollum

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 DBS Date 5/2/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.J Date 5/3/79

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region

---

92 South Cole Road  
Boise, Idaho 83705  
(208) 384-2190

MAY 2, 1979

THOMAS J. MC COLLUM  
5120 N. LINDER RD.  
MERIDIAN

ID 83642

RE: Claim No. 63-4644

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

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region

---

92 South Cole Road  
Boise, Idaho 83705  
(208) 384-2190

MARCH 30, 1979

The Idaho Statesman  
Box 40  
Boise, ID 83707

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 APRIL 23, 1979.

Yours truly,

Karla Knecht  
Secretary

Encl.

MICROFILMED

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published 4/5 & 4/12/79.

63-4644-

MC COLLUM, THOMAS J.

5120 N. LINDER RD., MERIDIAN, ID 83642

Source: GROUNDWATER

Priority Date: 08/20/1936

Amount: 0.60 CFS

Diversion Point: NWNW Sec 28 T 04N R 01W, ADA Co.

Use: IRRIGATION (0.60 CFS) from 03/15 to 11/15

Place of Use: NWNW SWNW Sec 28 T 04N R 01W FOR 70 ACRES

Diversion Means: ARTESIAN WELL, CASING & DITCHES

Revised 10/15/15