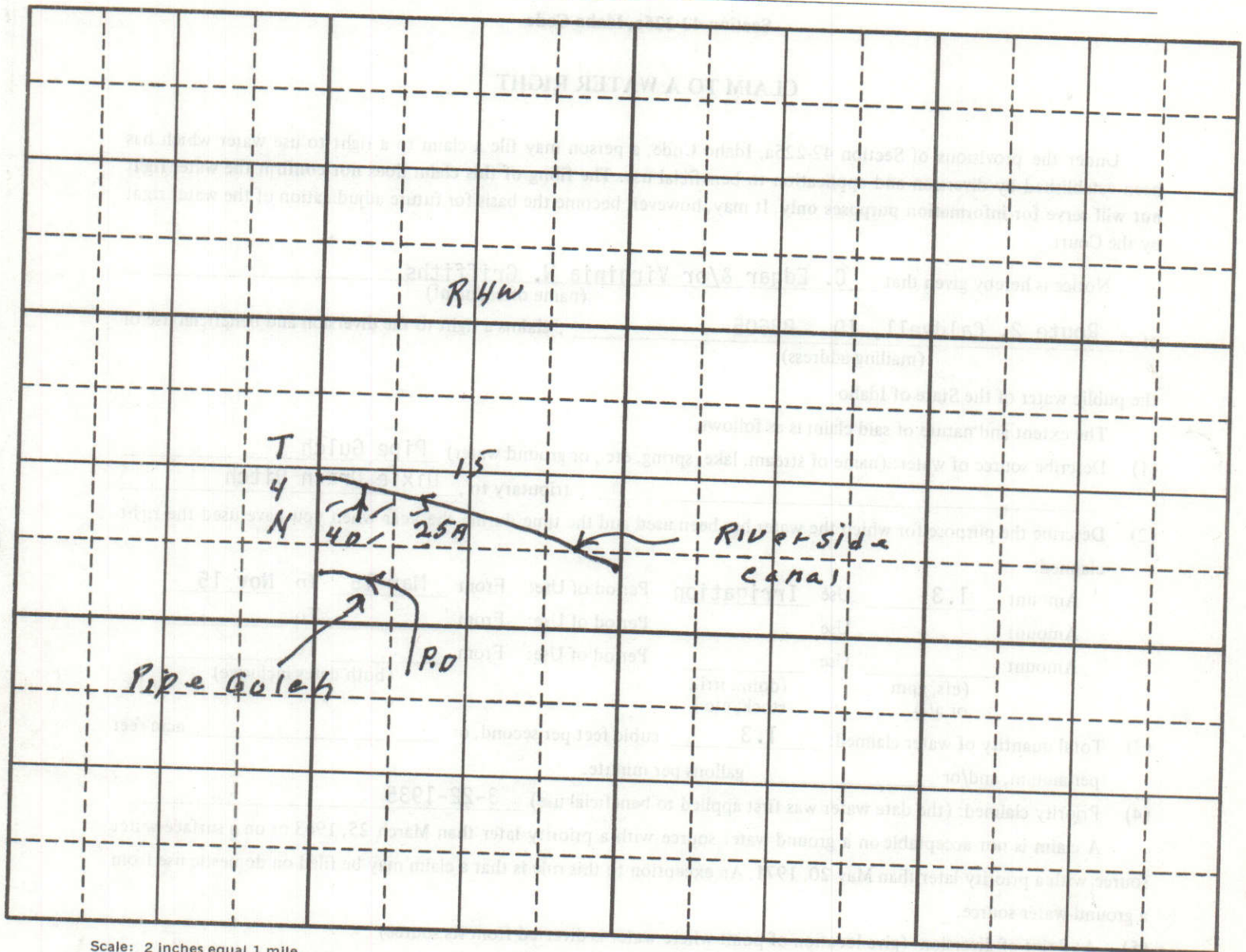


(8) Remarks



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 affiants knowledge.

Sworn to before me this 30 day of June

C Edgar Griffiths
(Claimant)

19 78

Notary Public

Residing at

David R. Tuttle
Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by 2KN Date 6/30/78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by R.W.H. Date 7-5-78 claimant by: _____
\$10.00 fee received by slw Date 6-30-78 #11157
Approved for publication by _____
Published in Idaho Free Press, Nampa & Caldwell
Dates 7-13 & 7-20-78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that C. Edgar &/or Virginia W. Griffiths (name of claimant)
of Route 2, Caldwell, ID 83605 (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Pipe Gulch
tributary to, Dixie Drain Ditch
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 1.3 Use Irrigation Period of Use: From Mar 15 To Nov 15
Amount Use Period of Use: From To
Amount Use Period of Use: From To
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 1.3 cubic feet per second, or acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 3-22-1935

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 22 Twp. 4N Rge. 4W 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. CHECK IN DITCH PER TELECON ALW 7-6-78

- (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.

Table with 18 columns: T, R, SEC., NE 1/4, NW 1/4, SW 1/4, SE 1/4, and TOTAL. Row 1 shows 4N, 4W, 15, 25, 40, 65.

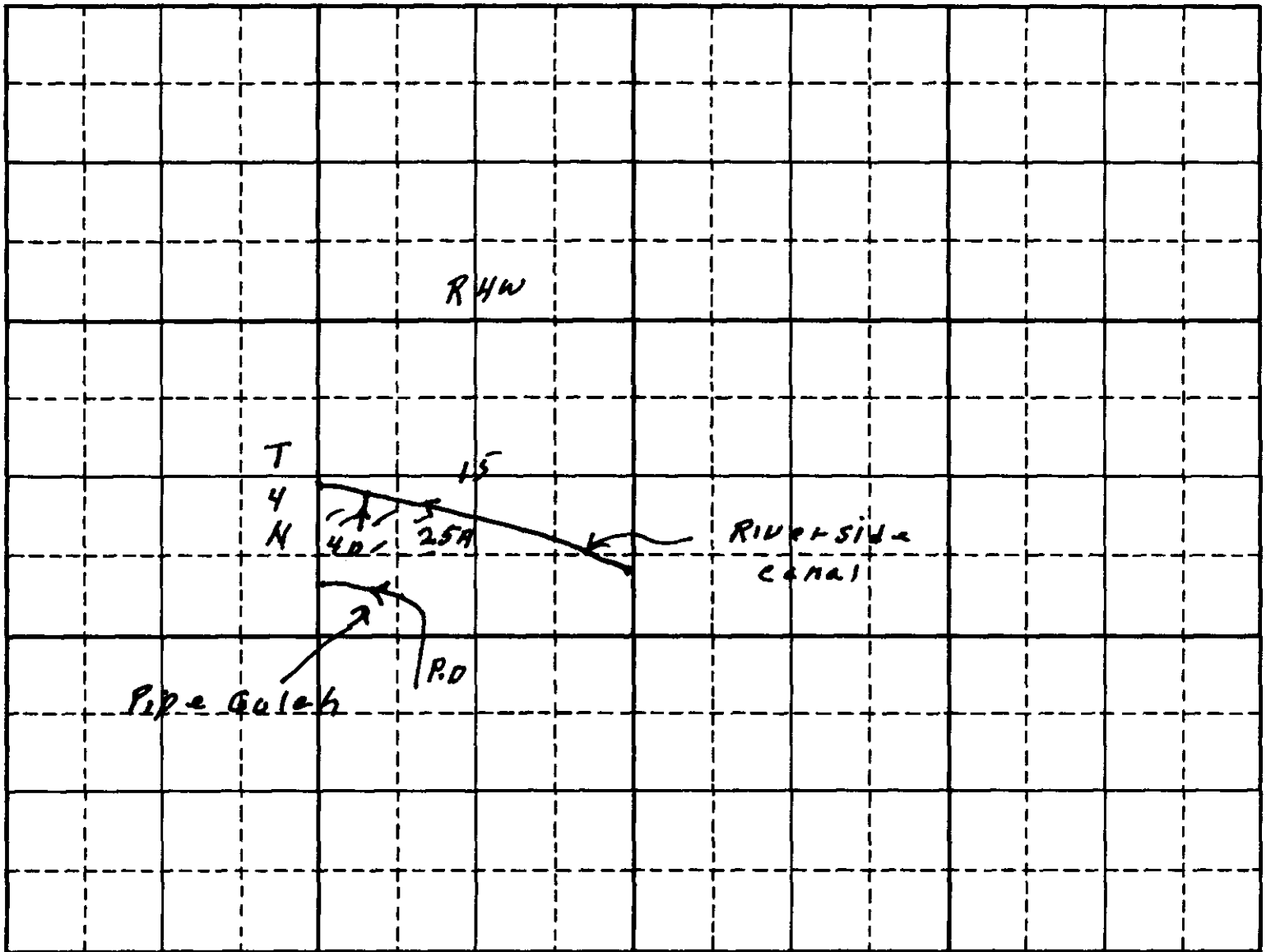
Total No. of acres 65

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

- (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 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 affiants knowledge.

Sworn to before me this 30 day of June

C. Edgar Griffiths
(Claimant)

David R. Tathell
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>2KN</u>	Date <u>6/30/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>7-5-78</u>		claimant by:	
\$10.00 fee received by <u>slw</u>	Date <u>6-30-78 #11157</u>			
Approved for publication by				
Published in <u>Idaho Free Press, Nampa & Caldwell</u>				
Dates <u>7-13 & 7-20-78</u>				

AFFIDAVIT OF PUBLICATION

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

Verla Harker

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claims to water rights have been established by diversion and application to beneficial use:

Nampa, Canyon County, Idaho, being first duly poses and says:

63-4620
Name: R. WENDELL ALLEN
Address: Route 2, Nampa, Idaho
Source: GROUNDWATER
Priority Date: 1928
County: Canyon
Amount: 0.07 cfs
Point of Diversion: SE 1/4 NW 1/4 Sec 23 T 4N-R 2W B.M.
Use: domestic and stockwater purposes from Jan. 1 to Dec. 31
Place of Use: SE 1/4 NW 1/4 Sec 23 T 4N-R 2W B.M.
Means: artesian well and pump

I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, party to the above entitled action.

63-4621
Name: C. EDGAR &/OR VIRGINIA W. GRIFFITHS
Address: Route 2, Caldwell, Idaho
Source: PIPE GULCH TRIB. TO DIXIE DRAIN DITCH
Priority Date: March 22, 1935
County: Canyon
Amount: 1.3 cfs
Point of Diversion: NE 1/4 NW 1/4 Sec 22 T 4N-R 4W B.M.
Use: irrigation of 65 acres from March 15 to Nov. 15
Place of Use: N 1/2 SW 1/4 Sec 15 T 4N-R 4W B.M.
Means: headgate and ditch

Idaho Free Press & News-Tribune
I am the Principle Clerk of the (except Sunday) newspaper published in the City of Caldwell, in the County of Canyon, State of Idaho; that newspaper is in general circulation in the said County of and in the vicinity of Nampa and Caldwell, and has interruptedly published in said County during a period of eight consecutive weeks prior to the first publication of the copy of which is hereto attached.

63-4622
Name: C. EDGAR &/OR VIRGINIA W. GRIFFITHS
Address: Route 2, Caldwell, Idaho
Source: PIPE GULCH TRIB. TO DIXIE DRAIN DITCH
Priority Date: June 29, 1910
County: Canyon
Amount: 0.8 cfs
Point of Diversion: NE 1/4 NW 1/4 Sec 22 T 4N-R 4W B.M.
Use: irrigation of 40 acres from March 15 to Nov. 15
Place of Use: SE 1/4 SW 1/4 Sec 15 T 4N-R 4W B.M.
Means: headgate and ditch

the notice, of which the annexed is a printed copy, was in said newspaper

63-4623
Name: C. EDGAR &/OR VIRGINIA W. GRIFFITHS
Address: Route 2, Caldwell, Idaho
Source: PIPE GULCH TRIB. TO DIXIE DRAIN DITCH
Priority Date: April 15, 1960
County: Canyon
Amount: 1.9 cfs
Point of Diversion: NE 1/4 NW 1/4 Sec 22 T 4N-R 4W B.M.
Use: irrigation of 95 acres from March 15 to Nov. 15
Place of Use: S 1/2 NW 1/4, NE 1/4 SW 1/4 Sec 15 T 4N-R 4W B.M.
Means: headgate and ditch

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

63-4624
Name: C. EDGAR &/OR VIRGINIA W. GRIFFITHS
Address: Route 2, Caldwell, Idaho
Source: PIPE GULCH TRIB. TO DIXIE DRAIN DITCH
Priority Date: March 31, 1921
County: Canyon
Amount: 0.5 cfs
Point of Diversion: NE 1/4 NW 1/4 Sec 22 T 4N-R 4W B.M.
Use: irrigation of 25 acres from March 15 to Nov. 15
Place of Use: SW 1/4 SW 1/4 Sec 15 T 4N-R 4W B.M.
Means: headgate and ditch

said notice was published the following dates:

y 13, 20, 1978

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

July 13, 20, 1978

20th day of July

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES
JULY 12th, 1981

MICROFILMED

R. A. Griffiths,

AGREEMENT.

No. 10

Dated, June 29, 1910.

Owner or owners of the NE¹/₄ of
the NW¹/₄ of Sec. 22, Twp. 4 N.,
R. 4 W. E.M., in Canyon County,
Idaho.

Recorded, July 12, 1910, 1-20 PM.

Book 4 B & A., page 616.

Witnesseth: That whereas, the said party of the 1st part is the owner of the SE¹/₄ of the SW¹/₄ of Sec. 15, Twp. 4 N., R. 4 W. E. M., Canyon County, Idaho, lying adjacent to and N of the 1st above described property and, Whereas, the land of the said 1st party is of a lower altitude than that of the 2nd party, and, Whereas, the 1st party does now receive water for irrigating his said land thro a ditch that runs through the said land of 2nd party, and leaves said 2nd party's land near the middle of the N boundary line thereof.

This agreement witnesseth, that for and in consideration of the license to bring water across said land of 2nd party as aforesaid, the 1st party hereby agrees to and with said 2nd party that he will maintain the said ditch or any ditch through which he may receive water across land of the 2nd party, in a good and safe condition, and will not permit the water therefrom to overflow the land of 2nd party, in any manner or to any extent whatever, and will save and keep the said party of the 2nd part safe and harmless from all damages of every kind that may result to 2nd party or his said land by reason of 1st party running water across the land of said 2nd party as aforesaid. Provided that

Abstract # 9118

Canyon Abstract & Trust Co Bldg.

Caldwell, Idaho

nothing herein contained shall, in any way, interfere with the right of the 2nd party to use the said ditch.

The owners for the time being of the said 1st above described land shall have the benefit of and be bound by this agreement and shall be deemed to be included wherever the names of the said 2nd parties hereto occur.

In Witness Whereof, the said parties have hereunto set their hands and seals the day and year first above written.

Signed: H. A. Griffiths, First Party, J. Jester Jr. & Will Monk, Second Party.

Acknowledged, by H. A. Griffiths, J. Jester Jr., Will Monk, July 9, 1910, before T. A. Walters, Notary Public, Canyon County, Idaho.
(Seal).

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

ALVIN L. BLACK, being first duly sworn upon oath, deposes and says:

That he is a resident of Canyon County, Idaho, and makes this Affidavit in support of an Application by Ed and Virginia Griffiths to the Department of Water Resources, State of Idaho, for a determination of water rights affecting certain described real properties. This affiant was born in 1905 in Canyon County, State of Idaho. That this affiant was acquainted with the property which originally patented to John W. Newland on January 23, 1901. The property is described as the SE 1/4 of SW 1/4 Section 15, T. 4 N., R. 4 W., B.M. consisting of 40 acres. That this affiant has been well acquainted with the property between 1905 and 1911 because this affiant traveled with his family across the 40 acres described to the community to secure supplies and go to church. That at all times during irrigation season, this affiant knows the 40 acres described herein was irrigated for every year from 1911 to the date of this affidavit.

This affiant further states that he at all times from 1921 to the time of this affidavit, has been well acquainted with property that was deeded from the State of Idaho to W. H. Curtis on March 31, 1921. The property is described as the SW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County and lies North of the West End Drain, containing approximately twenty (25) acres. That your affiant knows of his own knowledge that from 1921 to the

AFFIDAVIT - 1

MICROFILMED

date of this affidavit the property, during the crop season, has continuously been irrigated.

This affiant has been acquainted with property deeded by the State of Idaho to Elisha N. Hanson, on May 5, 1934, and described as the NW 1/4 of SW 1/4 of Section 15, T. 4 N., R. 4 W, B.M., Canyon County, lying south of the Riverside Canal, and property deeded by the State of Idaho to Elisha Hanson, on March 22, 1935, described as the NE 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying South of the Riverside Canal all being in Canyon County, Idaho, and totaling approximately 65 acres. This affiant has been well acquainted with the 65 acres described in this paragraph and knows of his own knowledge that the property has been irrigated continuously since 1935.

This affiant has been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on May 5, 1934, and described as the NW 1/4 of SW 1/4, Section 15, T. 4 N., R. 4 W., B.M. lying North of the Riverside Canal in Canyon County, Idaho. That affiant has also been acquainted with property deeded from the State of Idaho to Elisha N. Hanson on March 22, 1935, described as the NE 1/4 of SW 1/4 Section 15, T. 4 N., R 4 W. B.M. lying North of the Riverside Canal, and the property deeded from the State of Idaho to Elisha N. Hanson on August 26, 1935, described as the S 1/2 of the NW 1/4, Section 15, T. 4 N., R. 4 W. B.M. in Canyon County, totaling 95 acres. That this affiant knows of his own knowledge that

the properties described in this paragraph have been irrigated continuously since 1960.

Alvin L. Black
Alvin L. Black

SUBSCRIBED AND SWORN to before me this 28 day of April, 1978.

Guanne Erwin
Notary Public for Idaho
Residing at: Boise, Idaho

RECEIVED

AUG 11 1992

Department of Water Resources

August 11, 1992

21027 Notre Road

Caldwell, Idaho 83605

To the Water Resource Board,

I receive agricultural water for my land from a diversion in the Rexburg Canal, also known as Cape Gulch waterway, Filings # 63-4621, # 63-4622, # 63-4623, and # 63-4624.

We were short of water last week and I would protect the operation of a pump that has been placed in the waterway above my diversion point by a man named Del Christensen at 19501 Top Road, Caldwell, Idaho 83605, and his neighbors to the east, located south of Greenleaf in Canyon County.

Ed Huppittus

3/79

IDENT. NO. 63-4621

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 63-4621
Old No. New No.

Record

1. Original Owner: C. Edgar & Virginia W. Griffiths

Present Owner: _____

2. Address: Rt. 23. City: Caldwell State: Id Zip: 836054. A. Source of Water: Pipe Gulch
B. Tributary of: Dixie prain Ditch5. 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: 3-22-1935D. County: 27E. Total Diversion Rate: 1.3

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NENW</u>	<u>22</u>	<u>4N</u>	<u>4W</u>		

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

from 3-15 to 11-15 for A purposes. Amount 1.3
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

CH 11-8-79

8. Use Code: A

[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):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-4621

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ NA Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RWA 7-5-78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RWA 7-5-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) 7-25-78

(12) _____

Final date for protests _____
Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District W By DRT Date 8-2-78

MINIMUM FEE

INTERDEPARTMENT MEMO

FROM Anita L. Warntjes

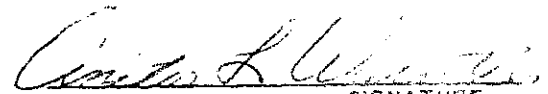
DATE July 6, 1978

TO C. Edgar &/or Virginia W. Griffiths files 63-4621 through 63-4624

SUBJECT Means of diversion of water

I talked to Virginia by telephone today to find the means of diversion from Pipe Gulch. She said that all claim's water was diverted by check in a ditch.

RECEIVED


SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

August 30, 1978

RE: 63-4621
63-4622
63-4623
63-4624

C. Edgar &/or Virginia W. Griffiths
Rt. 2
Caldwell, ID 83605

Dear Mr. & Mrs. Griffiths:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, 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 Regional Supervisor

DBS:rf

Enclosure

RECEIVED



DEPARTMENT OF WATER RESOURCES

WESTERN REGION

John V. Evans
Governor

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

July 6, 1978

RE: Notice of Claims to a Water Right Nos. 63-4620 - Allen
63-4621 - Griffiths
63-4622 - Griffiths
63-4623 - Griffiths
63-4624 - Griffiths

Idaho Free Press
P. O. Box 33
Nampa, Idaho 83651

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before July 6, 1978.

Sincerely,

RITA FLECK
Secretary

P.S. There is one legal notice enclosed.

MICROFILMED

63-4621

Name: C. EDGAR &/OR VIRGINIA W. GRIFFITHS

Address: Route 2, Caldwell, Idaho

Source: PIPE CULCH TRIB. TO DIXIE DRAIN DITCH

Priority Date: March 22, 1935

County: Canyon

Amount: 1.5 cfs

Point of Diversion: 1/4 Sec 12 T 4N-R 4W D.M.

Use: irrigation of 65 acres from Mar 15 to Nov 15

Place of Use: P.S. 1/4 Sec 15 T 4N-R 4W D.M.

Means: headgate and ditch

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 in the Idaho Free Press, Pampa & Caldwell, Idaho
on July 13 and July 20, 1972.

NOT RECORDED