

AFFIDAVIT OF PUBLICATION

RECEIVED
JUL 20 1977

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

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 63-4519

Notice is hereby given that EARL DEAN &/or AVIS MARTIN Route 2, Box 2159, Nampa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 12 gallons per minute of water from a groundwater source with the point of diversion in the SW 1/4 NW 1/4 Sec 23 T4N-R2W B.M., Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwater purposes with a priority date of 1912; the place of use is within the SW 1/4 NW 1/4 Sec 23 T4N-R2W B.M.

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

C. STEPHEN ALLRED

Director

July 7, 14, 1977

Verla Harker
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 twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 has been uninterruptedly 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 printed 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:

July 7, 14, 1977

Verla Harker

Subscribed and sworn to before me this _____

19 77 14th day of July

Adam D. Tarkenton

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

NOTARIAL

OK
7-20-77
A

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 EARL DEAN &/or AVIS MARTIN
(name of claimant)
of Route 2, Box 2159 Nampa, ID, claims a right to the diversion and beneficial use of
(mailing address)
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) _____
groundwater source _____, tributary to, _____

- (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	<u>12 gpm</u>	Use	<u>domestic</u>	Period of Use:	From	<u>1-1</u>	To	<u>12-31</u>
Amount	<u>12 gpm</u>	Use	<u>stockwater</u>	Period of Use:	From	<u>1-1</u>	To	<u>12-31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 12 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) _____ 1912 _____

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)
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23 Twp. 4N 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. Well is artesian and flows. The well casing is 4" diameter and is 90 feet deep.

- (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.

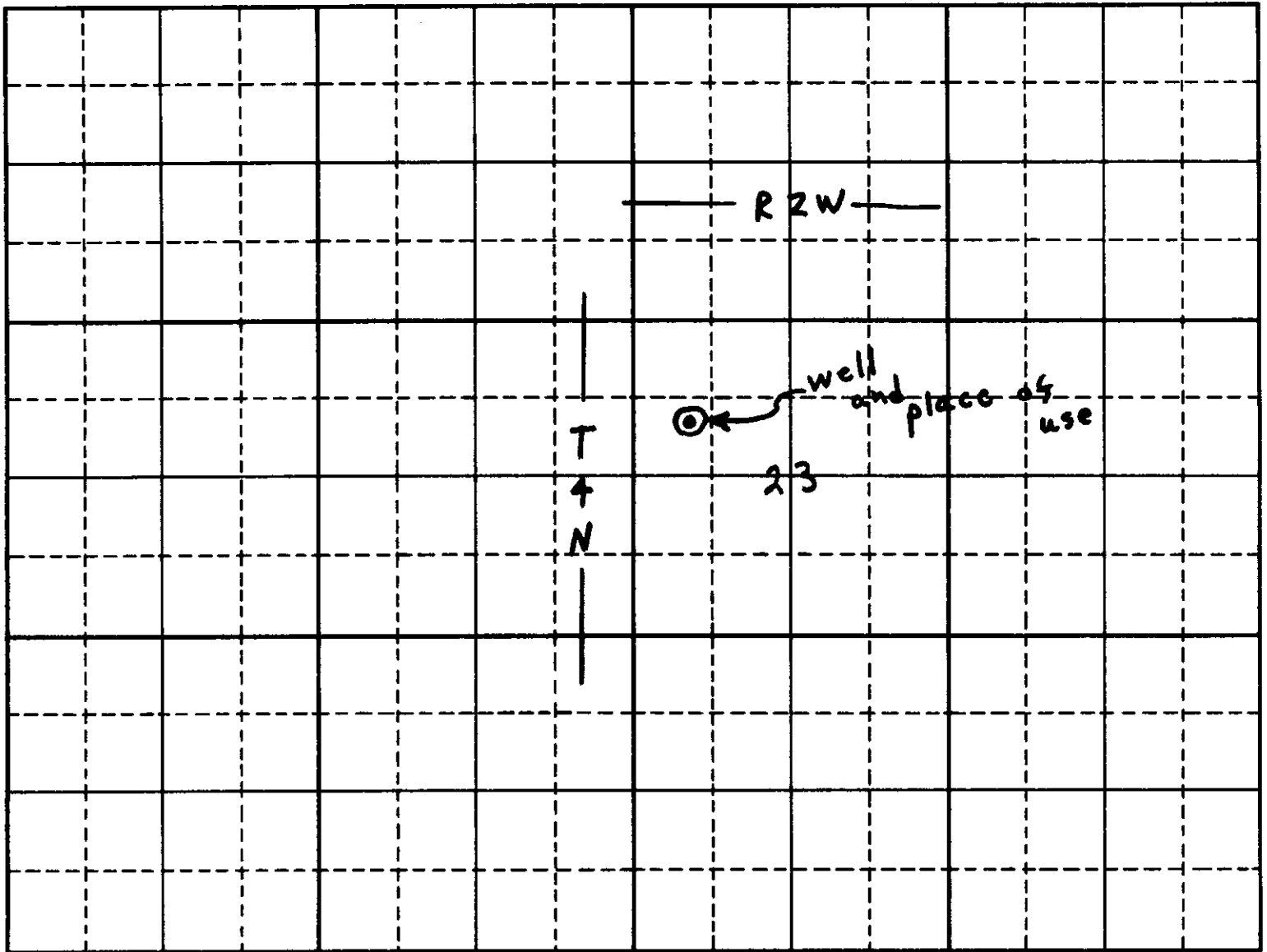
[illegible]

Total No. of acres _____

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

- (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 affiants knowledge.

Sworn to before me this 23rd day of June, 19 77
Earl S. Martin (Claimant)
Lyle Glen Saylor
Notary Public
Residing at Boise, Idaho
My commission expires 11-25-78

For Department Use Only

Received by WJH Date 6-23-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by WJH Date 6-28-77 claimant by: _____
\$10.00 fee received by WJH Date 6-23-77 #8104
Approved for publication by _____
Published in Idaho Free Press _____
Dates July 7+14, 1977 _____

AFFIDAVT OF WENDELL ALLEN

STATE OF IDAHO)
 ss.
County of Canyon)

WENDELL ALLEN, being first duly sworn, deposes and says:

That he is of the age of 56 years, and was born, raised and lived all his life in Canyon County, Idaho, near the Boise River, North of Nampa, a short distance from where Dean and Avis Martin, husband and wife, who live on the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE.

There is a well by the Martin's house on said land, which your Affiant knows has been in continuous use and existence for fifty years last past. There is another well located on said land in one of the pastures, which has been in use and existence for at least the same period of time.

Wendell Allen
Wendell Allen

SUBSCRIBED AND SWORN to before me this 10th day of June, 1977.

[Signature]
Notary Public for Idaho
Residing at Nampa, Idaho
My Commission Expires April 20, 1981

AFFIDAVIT

EXHIBIT "A"

All that part of Lots 5 and 6 of Section 14, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South of the Southerly meander line of the Boise River;

and

The W $\frac{1}{2}$ of the NW $\frac{1}{2}$ of Section 23, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho; Save and Except that portion thereof lying South of the Caldwell High-Line Canal, as now located.

It is understood and agreed that the drapes, carpet and air conditioner in the house on the above described real property is considered by the parties hereto as affixed to the real property.

Together with 10.75 shares of stock in the Franklin Ditch Company.

AFFIDAVIT OF WADE WHIFFEN

STATE OF IDAHO)
 ss.
County of Canyon)

WADE WHIFFEN, being first duly sworn, deposes and says:

That he was born on April 27, 1905, in Canyon County, Idaho.

That your Affiant knows Dean Martin and is familiar with the ranch and farm land owned by Dean Martin on the Boise River in Canyon County, Idaho, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

That your Affiant grew up and lived as a child on a neighboring farm and can remember in 1912 and subsequent years, frequently playing with the children who then lived on the land now owned by Dean Martin.

There is a well by Dean Martin's house on the above described land which was in existence in the year 1912, and which has been in continuous use and existence to the date hereof. There is another well on said land in one of the pastures which has been in use and existence for the same period of time.

That your Affiant remembers these wells quite clearly.

Wade Whiffen
Wade Whiffen

SUBSCRIBED AND SWORN to before me this 13th day of June, 1977.

Laura S. Sweeney
Notary Public for Idaho
Residing at Naupau, Idaho

EXHIBIT "A"

All that part of Lots 5 and 6 of Section 14, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, lying South of the Southerly meander line of the Boise River;

and

The W $\frac{1}{2}$ of the NW $\frac{1}{2}$ of Section 23, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho; Save and Except that portion thereof lying South of the Caldwell High-Line Canal, as now located.

It is understood and agreed that the drapes, carpet and air conditioner in the house on the above described real property is considered by the parties hereto as affixed to the real property.

Together with 10.75 shares of stock in the Franklin Ditch Company.

MICROFILMED

AFFIDAVIT OF PUBLICATION

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

Verla Harker
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 twenty-one years,
and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press,
a daily, (except Sunday) newspaper published in the City of
Nampa, 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 has
been uninterruptedly 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 printed 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:

July 7, 14, 1977

OK
7-20-77
A

Verla Harker

Subscribed and sworn to before me this

19 77 14th day of July

Adam D. Lash

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

Michutina

WATER RIGHT NUMBER 63-4519

WATER RIGHTS EDIT REPORT

12/26/79

PAGE 5

IT
IN

↓ OWNER LAST NAME - DEAN
↓ OWNER LAST NAME - MARTIN
↓ ADDRESS LINE 1 - RT. 2 BOX 2159

FIRST NAME - EARL
FIRST NAME - AVIS

CITY - NAMPA

STATE - ID ZIP CODE - 83651

↓ SOURCE - GROUNDWATER
↓ STAGE - STATRY CLM

PRIORITY - 06-01-1912 COUNTY - CANYON

TOTAL DIV. RATE - .0300CFS

↓ DIVERSION POINT - SWNW 23 04N 02W
↓ FROM - 01-01 TO - 12-31 USE - STOCKWATER
↓ FROM - 01-01 TO - 12-31 USE - DOMESTIC
↓ USE - STOCKWATER

USE DIV. RATE - .0300CFS
USE DIV. RATE - .0300CFS

PLACE OF USE - FWN 04N RNG 02W SEC 23 TRACT SWNW

3/79

IDENT. NO. 163-4519

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]

- DATA ENTRY -

Record

Present Owner: _____

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

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

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

Q A 11-8-79

8. Use Code:

[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

Claim
Application No. 163

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

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
Papers Sent

(1) WPM 6/28/77

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) WPM 6/28/77

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) af OL

Affidavit of Publication received(date) 7-20-77

(12) _____

Final date for protests N/A

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 WPM Date 7-26-77

Microfilm



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

July 27, 1977

Re: Claim to a Water Right No. 63-4520 & 63-4519

Earl Dean &/or Avis Martin
Route 2, Box 2159
Nampa, ID 83651

Dear Mr. & Mrs. Martin:

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.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enclosure

MICROFILMED



DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

July 1, 1977

Re: Notice of Claim to a Water Right No. 63-4519 -- Earl &/or Avis Martin
63-4520 -- Earl &/or Avis Martin
63-4521 -- Roland G. &/or Evangeline Simer
Notice of Application for Water Permit No. 63-8959 -- Burrilane Farms, Inc.
63-8971 -- Stephen D. Hennis
Notice of Proposed Amending of Water Permit No. 63-8395 -- Roger L. Ellis
63-8448 -- Helen &/or Michel Swartz

Idaho Free Press
P. O. Box 33
Nampa, ID 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 25, 1977.

Sincerely,

TA FLECK
Secretary

MICROFILMED

Bill submitted
7-20-77
J

NOTICE OF CLAIM TO A WATER RIGHT

NO. 63-4519

Notice is hereby given that EARL DEAN &/or AVIS MARTIN
Route 2, Box 2159 Nampa, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 12 ^{gallons per minute} ~~XXXXXXFEETXXXXXXFEET~~ ~~XXXXXXFEET~~ of water
from JXXXXXXXXXXXXXX a groundwater source
with the point of diversion in the SW1/4NW1/4 Sec 23 T4N-R2W B.M., Canyon
County.

The water is claimed to be used from Jan 1 to Dec 31
for domestic and stockwater purposes

with a priority date of 1912 ;
the place of use is within the SW1/4NW1/4 Sec 23 T4N-R2W B.M.

Any exception to this claim of water right may be filed with the Direc-
tor of the Idaho Department of Water Resources, 92 South Cole Road, Boise,
Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Idaho Free Press, Nampa, ID
on July 7, 1977 and July 14, 1977.

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