
ION Hiway

R4W

26

3 N

25A 50 to 58

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.

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.

Clair H. Learitt
(Claimant)

My commission expires March 8, 1980

Received by J/K H Date 5/3/77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by R.W. H. Date 5-4-77 _____
\$10.00 fee received by CS Date 5-3-77 # 7680 _____
Approved for publication by CS May 5, 1977 _____
Published in News-Tribune _____
Dates May 12, 1977 + May 19, 1977 _____

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 20 1977

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

Department of Water Resources
Western Regional Office

Verla Harker
of Caldwell, 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 News-Tribune,
a daily, (except Sunday) newspaper published in the City of
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 Caldwell, 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:

May 12, 19, 1977

Verla Harker

Subscribed and sworn to before me this _____

1977 day of May

Adam I. Kato

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4485

Notice is hereby given that
CLAIR H. &/or JOANNE T.
LEAVITT, Route 4, Caldwell,
Idaho, has filed a claim to a
water right established by diver-
sion and application to
beneficial use of 0.66 cubic feet
per second of water from un-
named springs with the point of
diversion in the NE 1/4 SW 1/4, Sec.
26, T3N-R4W B.M., Canyon
County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic and stockwater pur-
poses and from March 15 to Nov.
15 for the irrigation of 30 acres
with a priority date of March,
1937; the place of use is within
the N 1/2 SW 1/4, Sec. 26, T3N-R4W
B.M.

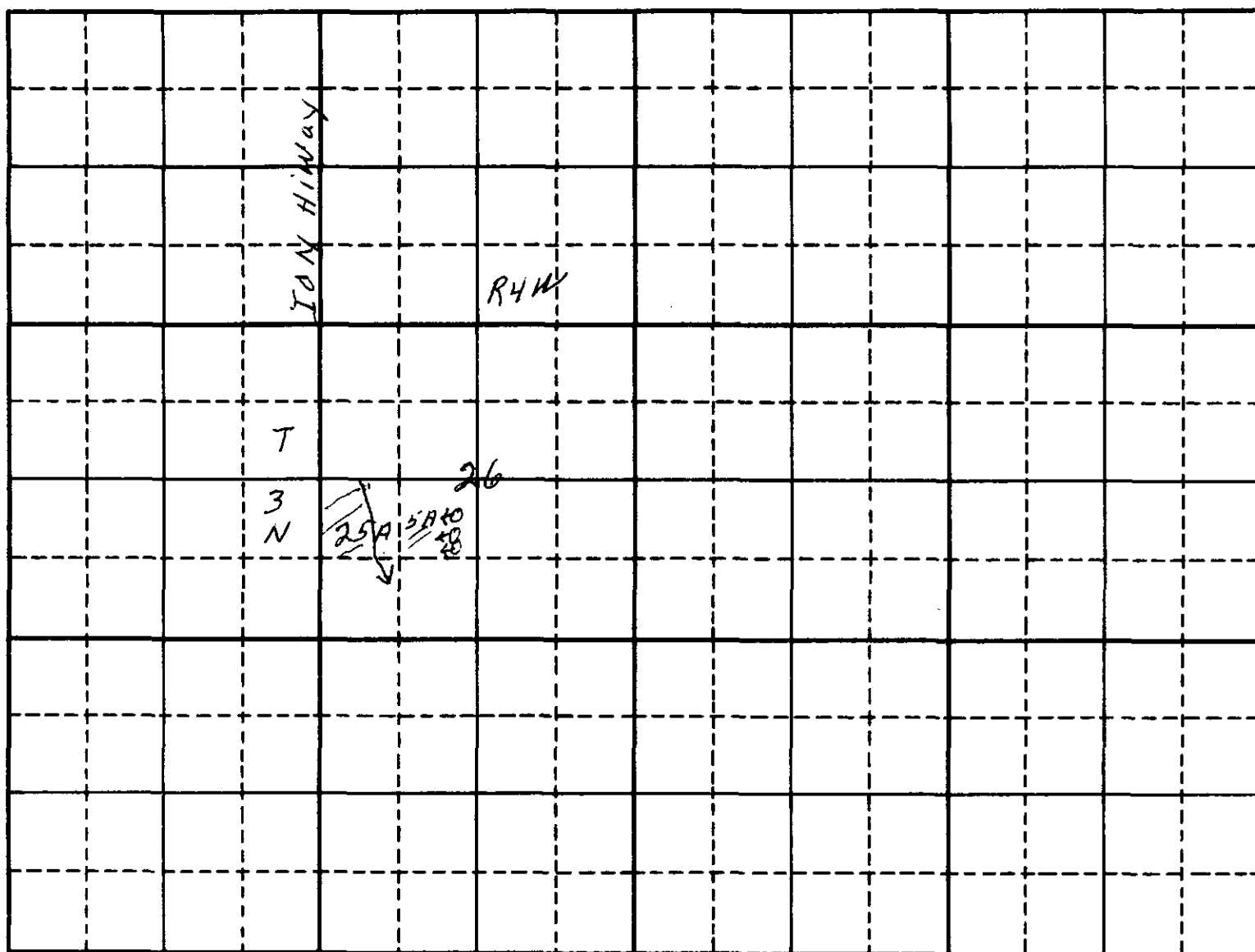
Any exception to this claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 92
South Cole Road, Boise, Idaho
83705.

C. STEPHEN ALLRED
Director
May 12, 19, 1977. Passed

CRB 5/20/77

MICROFILMED

(8) Remarks Supplemental right to Wilder Irrigation District



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 3rd day of May, 19 77.

Clair H. Leavitt
(Claimant)

Rita Bendale
Notary Public
Residing at Boise, Id

My commission expires March 8, 1980

For Department Use Only

Received by <u>J/K AI</u>	Date <u>5/3/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W. H.</u>	Date <u>5-4-77</u>		claimant by:	
\$10.00 fee received by <u>CA</u>	Date <u>5-3-77</u>	# <u>7680</u>		
Approved for publication by <u>CS</u>	<u>May 5, 1977</u>			
Published in <u>Newsp-Tribune</u>				
Dates <u>May 12, 1977 + May 19, 1977</u>				

AFFIDAVIT OF PUBLICATION

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

MAY 20 1977

Department of Water Resources
Western Regional Office

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1. That I am a citizen of the United States of America, and at all
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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:

May 12, 19, 1977

Verla Harker

Subscribed and sworn to before me this

19 77 19th day of May

Adam O. Kato
Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

MICROFILMED

ACT
IONN OWNER LAST NAME - LEAVITT
N OWNER LAST NAME - LEAVITT
N ADDRESS LINE 1 - RT. 4FIRST NAME - CLAIR H.
FIRST NAME - JOANNE T.

CITY - CALDWELL

STATE - ID ZIP CODE - 83605

N SOURCE - SPRINGS

N STAGE - STATRY CLM

PRIORITY - 03-01-1937

COUNTY - CANYON

TOTAL DIV. RATE -

.6600CFS

N DIVERSION POINT - NESW 26 03N 04W

N FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - .6000CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0200CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 04W SEC 26 TRACT NESW

AC 05 TRACT NWSW

AC 25

N NON IRRIG USE - S/500 RANGE.

IDENT. NO. 63-4485

WATER RIGHT DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

B. Tributary of:

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

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

from to for purposes. Amount

8. Use Code: *A*

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>3N</i>	<i>4W</i>	<i>26</i>									<i>5</i>	<i>25</i>							<i>30</i>

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

5/500 range.

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):

Bolo

GIVENS AND GIVENS

ATTORNEYS AT LAW

COLUMBIA BUILDING, 500 WASHINGTON STREET

P. O. BOX 964

BOISE, IDAHO 83701

RAYMOND L. GIVENS
RAYMOND D. GIVENS

May 26, 1977

BY

Mr. C. Stephan Allred,
Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Permit No. 63-4485 in the name of
Clair H. &/or Joanne T. Leavitt,
Route 4, Caldwell, Idaho.

Dear Mr. Allred:

We file herewith, on behalf of the Boise Project Board of Control, objection to a permit as follows:

Permit No. 63-4485 in the name of
Clair H. &/or Joanne T. Leavitt
Route 4, Caldwell, Idaho.

The drain is a part of the irrigation works of the Boise Project Board of Control, which is generally described as the transferred works operation and control of which, by contract, was transferred to the Boise Project Board of Control.

The drain, as well as other irrigation works of the Boise Project Board of Control, is the property of the United States of America. The waters developed by this drain are waters developed by the Project and, in part, used upon Project lands and therefore are not true waste waters subject to such application.

The Boise Project Board of Control, therefore, requests that the permit above noted be denied.

Yours very truly

GIVENS & GIVENS


Raymond D. Givens

RDG:sg

July 6, 1977

Re: Claim to a Water Right No. 63-4485
(Clair H. &/or Joanne T. Leavitt)

Raymond D. Givens
GIVENS & GIVENS
P. O. Box 964
Boise, ID 83701

Dear Mr. Givens:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The following is a portion of Section 42-225b, Idaho Code related to the filing of a claim to a water right:

"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."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

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

Sincerely,

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

LGS:rf

July 6, 1977

Re: Claim to a Water Right No. 63-4485

Clair H. &/or Joanne T. Leavitt
Route 4
Caldwell, ID 83605

Dear Mr. & Mrs. Leavitt:

Enclosed is a copy of an exception filed by Raymond D. Givens, attorney on behalf of Boise Project Board of Control in connection with the above referenced claim as provided by Chapter 2, Section 42-225b of the 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."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

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

Sincerely,

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

LGS:rf

Enc.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No. 63-4485

☒ 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) R.W.H. 5-4-77

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) R.W.H. 5-4-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

RMS

Other rights on the same place of use

(10) _____

Comments: _____

(11) rf OK

Affidavit of Publication received (date) 5-23-77

(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 LLA

Date 5-31-77

MICROFILMED



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

June 1, 1977

Re: Claim to a Water Right No. 63-4485

Clair H. &/or Joanne T. Leavitt
Route 4
Caldwell, ID 83605

Dear Mr. & Mrs. Leavitt:

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

RECEIVED
JUN 1 1977

May 25, 1977

Re: Claim to a Water Right No. 63-4485

Richard Eismann
Box 36
Homedale, ID 83628

Dear Mr. Eismann:

Pursuant to your telephone conversation, enclosed is a copy of the above referenced ~~claim~~ to a water right.

If you have any questions, please contact this office.

Sincerely,

RITA FLECK
Secretary

RF

Enc.

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN REGION

Cecil D. Anderson
Governor

R. Keith Higginson
Director

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

May 6, 1977

RE: SEE ATTACHED SHEET

63-4485

News-Tribune
P. O. Box 1179
Caldwell, ID 83605

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 May 30, 1977.

Sincerely,

MICROFILMED

Bill submitted
5-23-77
ry

PUBLISHED IN NEWS-TRIBUNE, CALDWELL, IDAHO on May 12, 1977 and May 19, 1977

Claims

63-4481 Earl E. Boston
63-4483 Herman H. &/or Alta M. Meyers
63-4485 Clair H. &/or Joanne T. Leavitt

Applications

63-8755 Ben Gahley
63-8756 Floyd J. &/or Ione A. Shelp
63-8757 Virgil Isaacson
63-8761 Fred &/or Hester Gooding
63-8762 Gooding Farms, Inc.
63-8763 Shaw Hereford Ranch, Inc.
63-8764 Pease Farms
63-8765 Albert B. &/or Ada W. Stettler
63-8767 Symms Fruit Ranch
63-8770 Robert M. &/or Jane W. Willcuts
63-8776 Bruce C. Bartlett
63-8777 Jack C. Wolleson
63-8778 Ascuaga Farms, Inc.

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 63-4485

Notice is hereby given that CLAIR H. &/or JOANNE T. LEAVITT
Rt. 4, Caldwell, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.66 cubic feet per second ~~xxxxxx~~ of water
from unnamed springs
with the point of diversion in the N~~1~~/4 SW~~1~~ Sec 26 T3N-R4W B.M., Canyon
County.

The water is claimed to be used from Jan 1 to Dec 31
for domestic and stockwater purposes and from Mar 15 to Nov 15 for the
irrigation of 30 acres
with a priority date of March 1937 ;
the place of use is within the N~~1~~/4 SW~~1~~ Sec 26 T3N-R4W 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

Published in the News-Tribune, Caldwell, ID
on May 12, 1977 and May 19, 1977.

MC2071177