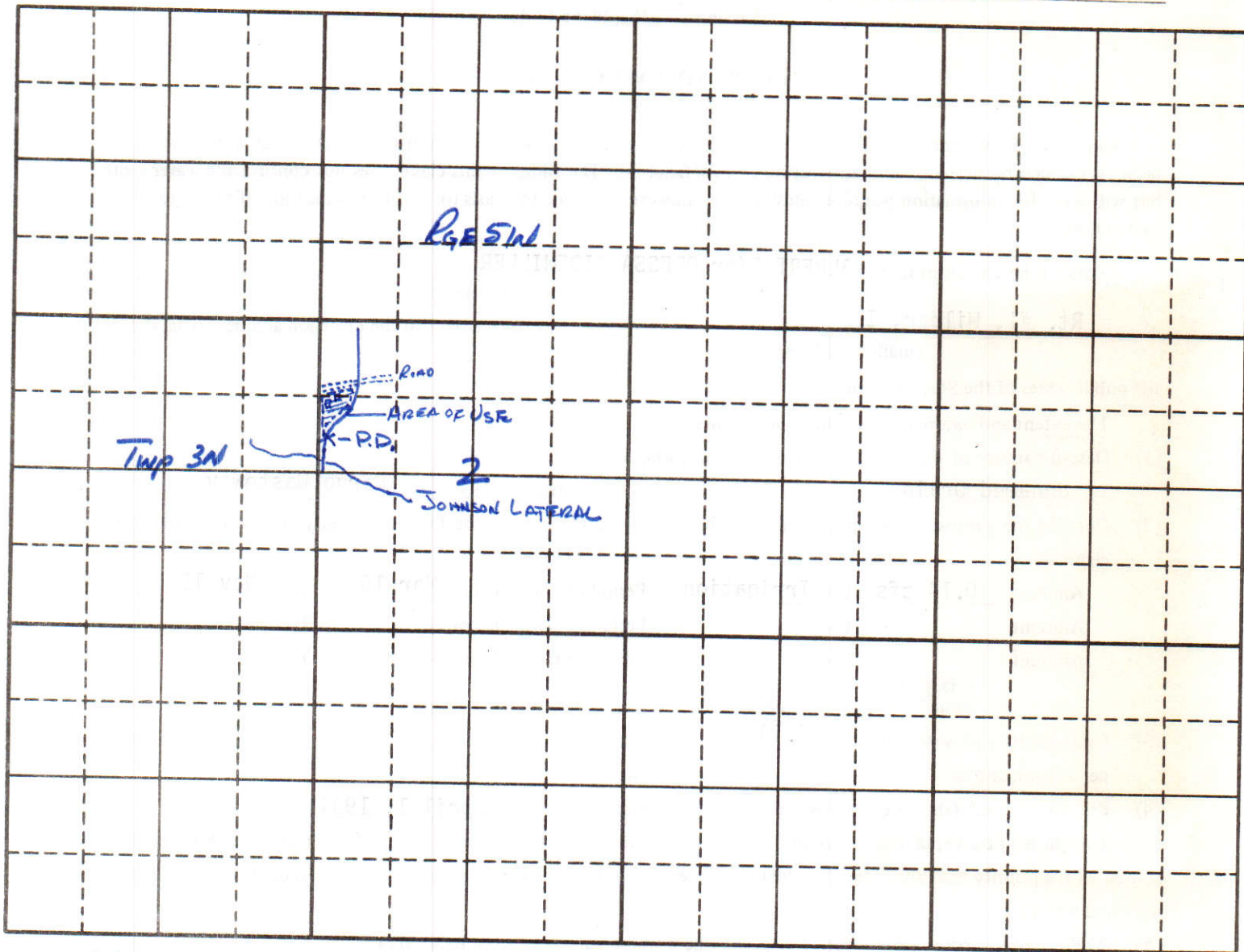


(8) Remarks _____



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 24th day of March, 1977

Albert E. Schmitt
(Claimant)
Lyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>RL</u>	Date <u>3-24-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RWH</u>	Date <u>3-24-77</u>		claimant by:	
\$10.00 fee received by <u>RL</u>	Date <u>3-24-77</u> #7064			
Approved for publication by <u>[Signature]</u>				
Published in <u>News Tribune</u>				
Dates <u>April 7 + 14, 1977</u>				

AFFIDAVIT OF PUBLICATION

RECEIVED
May 12 1977

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

Department of Water Resources
Western Regional Office

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 63-4442 in the name of ALBERT &/OR ODESSA EIDEMILLER of Route 1, Wilder, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.14 cubic feet per second from an unnamed drain with the point of diversion in the SW 1/4 NW 1/4 Sec 2 T3N-R5W B.M., Canyon County. The water is claimed to be used from March 15 to Nov. 15 for irrigation of 7 acres with a priority date of April 1, 1934 the place of use is within the W 1/2 NW 1/4 Sec 2 T3N-R5W B.M.

The Claim holder now proposes to amend the claim to a water right by changing the priority to July 1, 1961.

Any exception to this 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
May 5, 12, 1977

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 5, 12, 1977

OK
5-16-77
M

Verla Harker

Subscribed and sworn to before me this

12th day of May, 1977.

Adam Q. Harker

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

MICROFILMED

AFFIDAVIT OF PUBLICATION

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

Department of Water Resources
 Western Regional Office

Verla Harker
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 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.

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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:

April 7, 14, 1977

Verla Harker

Subscribed and sworn to before me this

14th day of April,
 19 77. Adam J. Law

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

NOTICE OF CLAIM TO A WATER RIGHT No. 63-4442

Notice is hereby given that
 ALBERT &/or ODESSA
 EIDEMILLER Route 1 Wilder,
 ID has filed a claim to a water
 right established by diversion
 and application to beneficial use
 of 0.14 cubic feet per second of
 water from unnamed drain trib.
 Fargo Wasteway with the point
 of diversion in the SW1/4NW1/4
 Sec 2 T3N-R5W B.M., Canyon
 County.

The water is claimed to be
 used from March 15 to Nov. 15
 for irrigation of 7 acres with a
 priority of April 1, 1934; the
 place of use is within the
 NW1/4NW1/4, SW1/4NW1/4, Sec 2
 T3N-R5W B.M.

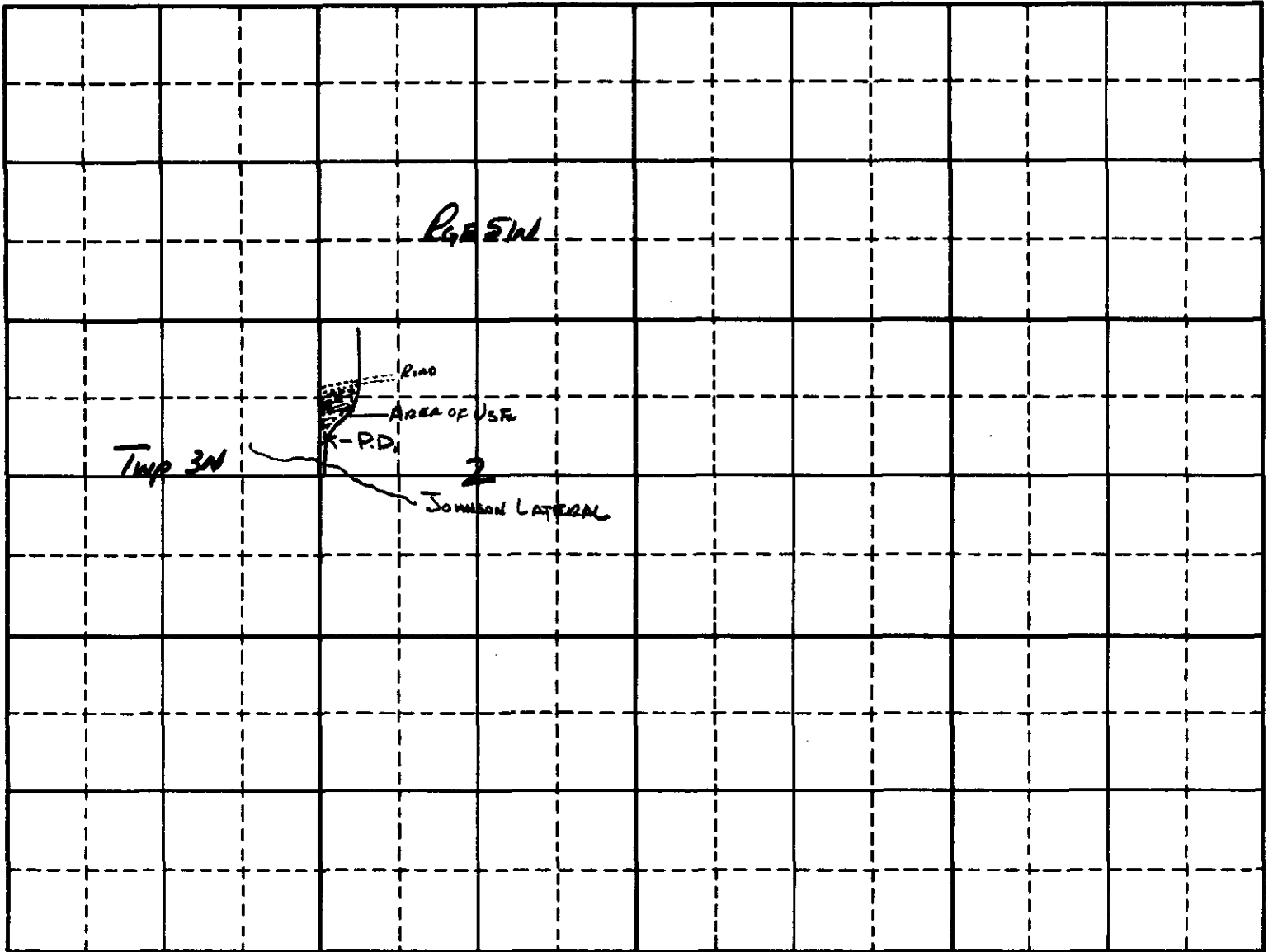
Any exception to this claim of
 water right may be filed with the
 Idaho Department of Water
 Resources, Statehouse, Boise,
 Idaho, 83720.

C. STEPHEN ALLRED
 Acting Director
 April 7, 14, 1977

OK
 1-25-77
 J

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 24th day of March, 19 77
Albert E. Miller (Claimant)
Lyle Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>RLH</u>	Date <u>3-24-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RLH</u>	Date <u>3-24-77</u>		claimant by:	
\$10.00 fee received by <u>RLH</u>	Date <u>3-24-77</u> # <u>7364</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>News Tribune</u>				
Dates <u>April 7 & 14, 1977</u>				

AFFIDAVIT OF PUBLICATION

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

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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 5, 12, 1977

OK
5-16-77
M

Verla Harker

Subscribed and sworn to before me this

12th day of May,
19 77.

Adam Q. Harris
Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

MICROFILMED

AFFIDAVIT OF PUBLICATION

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

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1-25-77
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Verla Harker

Subscribed and sworn to before me this

14th day of April,
19 77. Adam J. Laro

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1979.

MICROFILMED

ACT
ION

N OWNER LAST NAME - EIDEMILLER
N OWNER LAST NAME - EIDEMILLER
N ADDRESS LINE 1 - RT. 1

FIRST NAME - ALBERT
FIRST NAME - ODESSA

N
N SOURCE - UNNAMED DRAIN

CITY - WILDER STATE - ID
TRIBUTARY OF - FARGO WASTEWAY

N STAGE - STATRY CLM

PRIORITY - 07-01-1961 COUNTY - CANYON TOTAL DIV. RATE - .1400CFS

N DIVERSION POINT - SWNW 02 03N 05W

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

USE DIV. RATE - .1400CFS

N USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 05W SEC 02 TRACT NWNW AC 02 TRACT SWNW AC 05

3/79

IDENT. NO. 63-4442

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 -

OTd No.

New No.

1. Original Owner: Albert & Odessa Eidemiller

Present Owner:

2. Address: Rt. 1

3. City: Wilder

State: 10

Zip:

4. A. Source of Water: unnamed drain

B. Tributary of: Fargo Wasteway

5. 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: 7-1-1961

D. County: 27

E. Total Diversion Rate: 0.14

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):

6. A. Point of Diversion

Tract

Sec.

Twp.

Rge.

Gov't

Lot

Rediv.

SWNW 2 3N 5W

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

from 3-15 to 11-15 for A purposes. Amount 0.19
(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 _____

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):

RAYMOND L. GIVENS
RAYMOND D. GIVENS

GIVENS AND GIVENS
ATTORNEYS AT LAW
COLUMBIA BUILDING, 500 WASHINGTON STREET
P. O. BOX 984
BOISE, IDAHO 83701

May 26, 1977

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

Re: Permit No. ~~63-4442~~ in the name of
Albert &/or Odessa Eidemiller, Route
1, Wilder, Idaho

Dear Mr. Allred:

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

Permit No. 63-4442 in the name of
Albert &/or Odessa Eidemiller, Route
1, Wilder, Idaho

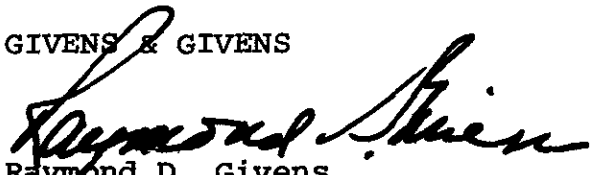
The Eidemiller drain is a part of the irrigation works
of the Boise Project Board of Control, which is generally
described as the transferred works operation and control
of which, by contract, was transferred to the Boise Project
Board of Control.

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. 63-4442
(Albert &/or Odessa Eidemiller)

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. 63-4442

Albert &/or Odessa Eidemiller
Route 1
Wilder, ID 83676

Dear Mr. & Mrs. Eidemiller:

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- 4442

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
N/A 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 3-24-77

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

(4) R.W.H 3-24-77

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) if ok

Affidavit of Publication received(date) 5-16-77

(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 144

Date 5-23-77

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higgason
Director

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

May 24, 1977

Re: Claim to a Water Right No. 63-4442

Albert &/or Odessa Eidemiller
Route 1
Wilder, ID 83676

Dear MR. & Mrs. Eidemiller:

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



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

April 29, 1977

Re: Notice of application for water permit No. 63-8617--Eidemiller (Amended)
Notice of amended claim to a water right No. 63-4442--Eidemiller

The 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 23, 1977.

Sincerely,

Bill submitted
5-16-77
ry

RECEIVED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Claim to a Water Right No. 63-4442 in the name of Albert &/or Odessa Eidemiller of Route 1, Wilder, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.14 cubic feet per second from an unnamed drain with the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T3N-R5W B.M., Canyon County. The water is claimed to be used from Mar 15 ~~84~~ to Nov 15 for irrigation of 7 acres with a priority date of April 1, 1934 the place of use is within the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 2 T3N-R5W B.M.

The claim holder now proposes to amend the claim to a water right by changing the priority to July 1, 1961.

Any exception to this 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 News-Tribune, Caldwell, Idaho on May 5, 1977 & May 12, 1977.

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

April 1, 1977

Re: See attached sheet

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 April 25, 1977.

Sincerely,

MICROFILMED

PUBLISHED IN THE NEWS-TRIBUNE, CALDWELL, IDAHO ON APRIL 7 & 14, 1977

Notice of Claim to a Water Right

63-4443	Albert &/or Odessa Eidemiller
63-4442	Albert &/or Odessa Eidemiller
63-4444	Harrry &/or Anna May Elston

Notice of Application for Water Permit

63-8612	Earl M. Tuckness
63-8616	Herman R. &/or Bessie Krantz
63-8617	Albert &/or Odessa Eidemiller
63-8619	Darwin G. &/or Annabelle Noe &/or Alan Noe
63-8620	Layton Noe & Teila Noe
63-8621	Max M. Takasugi
63-8622	Max M. Takasugi
63-8626	L. W. &/or Barbara J. Ragains

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. ~~63-4442~~

Notice is hereby given that ~~ALBERT &/or ODESSA EIDEMILLER~~

~~Route 1 Wilder, ID~~
has filed a claim to a water right established by diversion and application
to beneficial use of ~~0.14~~ cubic feet per second ~~XXXXXXX~~ acre feet of water
from ~~unnamed drain trib. Fargo Wasteway~~
with the point of diversion in the ~~SW 1/4 Sec 2 T3N-R5W B.M., Canyon County~~

The water is claimed to be used from ~~Mar 15 to Nov 15~~
for ~~Irrigation of 7 acres~~

with a priority of ~~April 1, 1934~~;
the place of use is within the ~~SW 1/4, SW 1/4 Sec 2 T3N-R5W B.M.~~

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

~~C. STEPHEN ALLRED~~
~~XXXXXXXXXXXXXXXXXXXX~~

Acting Director

Published in the ~~News-Tribune, Caldwell, ID~~

on ~~April 7, 1977~~ and ~~April 14, 1977~~

MICROFILMED