RECEIVED
DEC 1 1972
Department of Water Administration

OK. DD.
12-1-72

STATE OF IDAHO)
)ss.
COUNTY OF ADA)

Marilyn A Connell, 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 ~~XXXXXXXXXXX~~ insertions, beginning with the issue of **November 16**, 19**72**, and ending with the issue of **November 23**, 19**72**.

Marilyn A Connell

Subscribed and sworn to before me this **27th** day of ~~**November**~~, 19~~**72**~~.

Iona A Young
Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT
No. 63-4180

Notice is hereby given that NORMAN &/or ESTHER G. MARSHALL, Route 1, Eagle, Idaho has filed a claim to a water right established by diversion and appliction to beneficial use of 0.10 cubic feet per second of water from a groundwater source with the point of diversion in the NE¼NW¼, Sec. 24, T. 4 N., R. 1 W., B.M., Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposed and from March 1 to Nov. 30 for the irrigation of one acre with a priority of 1925; the place of use is within the NW¼NW¼, Sec. 24, T. 4 N., R. 1 W., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Pub. Nov. 16 & 23, 1972 136

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Identification No. _____
Claim No. 63-4180
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant NORMAN and/or ESTHER M. MARSHALL
   post office address Route #1 Eagle, Idaho 83616
2. The point of diversion is in NE ¼ of NW ¼ Section 24 Township 4N
   Range 1W B.M. located on Groundwater
   (name of source)
   tributary to _____ in Ada County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
   a. Date of priority claimed:
   1925 amount: .10 c.f.s. or _____ acre feet
   _____ amount: _____ c.f.s. or _____ acre feet
   _____ amount: _____ c.f.s. or _____ acre feet
   Total claimed .10 c.f.s. or _____ acre feet.
   b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
   use Domestic period of use from 1/1 to 12/31 (both dates inclusive)
   use Irrigation period of use from 3/1 to 11/30 (both dates inclusive)
   use _____ period of use from _____ to _____ (both dates inclusive)
   use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
   a. Surface water diversion dam and/or headgate: material is composed of _____; length is _____ feet; height is _____ feet; width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first buil, giving dates and estimated capacities if known _____
   b. Underground water diverting works: is well flowing or pumped flowing; depth of well is 160 feet; diameter of well is 4 inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is Kenneth Barker;

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 4 feet; width of ditch at top is 2" feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____ period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	24						1											1

Total number of acres to be irrigated 1

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users?_____ If yes, give the name of the ditch _____. The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

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.

x Esther D. Marshall
Claimant

Sworn to before me this 1 day of November, 19 72

Donald Wm Elder
Notary Public

Residing at Boise Idaho

My commission expires 2-18-1974

For Department Use Only

Received by KSB Date 1 Nov 72	Exception filed by: Rec'd # 9002	Forwarded to claimant by:	Date
Prelim. check by KSB Date 1 Nov 72			
Fee received by ej Date 11-1-72 Fee $10.00			
Approved for publication by KSB			
Published in Id. Statesman Dates 11-16, 23-72			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed: May 18, 1871 amount: 0.8 c.f.s. or _____ acre feet
June 1, 1901 amount: 0.4 c.f.s. or _____ acre feet
Total claimed: 1.2 c.f.s. or _____ acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.

5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.

6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is $10.00.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	JEB	6 Nov	Application No. 63-4180 Name Marshall
(2)	JEB	6 Nov	Check: ☑ Signature ☑ Point of Diversion ☑ Quantity of Water and Period of Use ☑ Description of Diverting Works ☑ Time required for C/W and application of water to B/U ☑ Place of Use ☑ Map ☑ Fee
(3)	JEB	6 Nov	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	JEB	6 Nov	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	JEB	6 Nov	In form for advertising Yes
(6)	DL	12-1-72	Affidavit of Publication received Yes
(7)			Final date for protests _____ Protests received: yes ____ no ____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes ____ no ____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____
			See attached sheet for conditions of approval
			No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

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Application No. _____

RECOMMENDED

CONDITIONS OF APPROVAL

☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

_____

_____

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OK. DJ.
12-1-72

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R. KEITH HIGGINSON
Director

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ACTION

N OWNER LAST NAME - MARSHALL FIRST NAME - NORMAN
N OWNER LAST NAME - MARSHALL FIRST NAME - ESTHER G.
N ADDRESS LINE 1 - RT. 1
N CITY - EAGLE STATE - ID ZIP CODE - 83616
N SOURCE - GROUNDWATER
N STAGE - STATRY CLM PRIORITY - 06-01-1925 COUNTY - ADA TOTAL DIV. RATE - .1000CFS
N DIVERSION POINT - NENW 24 04N 01W
N FROM - 03-01 TO - 11-30 USE - IRRIGATION USE DIV. RATE - .1000CFS
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - IRRIGATION PLACE OF USE - TWN 04N RNG 01W SEC 24 TRACT NWNW AC 01

Moore Business Forms, Inc. sv 1412TS LTL-2

3/79

IDENT. NO. 63-4180

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Keypunched by State Office

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____ 163-4180
Old No. New No.

Record

1. Original Owner: Norman + Esther D. Marshall

Present Owner: _____

2. Address: Rt. 1
3. City: Eagle State: Id Zip: 83616
4. A. Source of Water: Gw

   B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

   B. Status (D,L,R,C,A,I,F - leave blank if valid):

   C. Priority Date: 6-1-1925

   D. County: 01

   E. Total Diversion Rate: .10

   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	NENW	24	4N	1W		

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

from 3-1 to 11-30 for A purposes. Amount .10 (cfs ~~or AC-FT/yr~~)

from 1-1 to 12-31 for D 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 _____

dc 11-7

8. Use Code: A

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	24						1											

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):

Western District Office

December 5, 1972

Re: Claim to a Water Right No. 63-4180

Mr. & Mrs. Norman Marshall
Route #1
Eagle, Idaho 83616

Dear Mr. & Mrs. Marshall:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

63 4180

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse – Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 9, 1972

RE: CLAIM TO A WATER RIGHT NOS. 63-4179 Jessie K. Hatcher
63-4180 Norman &/or Esther G. Marshall
63-4181 Floyd E. & Verona E. Thomas

The Idaho Statesman
Box 2640
Boise, Idaho 83701

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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)

Sincerely,

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Director

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