

RECEIVED
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Department of Water Administration

Affidavit of Publication

NOTICE OF CLAIM TO A WATER RIGHT No. 63-4152

Notice is hereby given that JOHN L. GARRETT, 1209 N. Roosevelt, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring, tributary to Smith Creek, with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 2 N, R. 7 E, B. M., Elmore County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes, with a priority of July 1, 1929. The place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 2 N, R. 7 E, B. M.

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

Idaho, 83707, on or before June 26, 1972.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho, on June 8 and 15, 1972.

County of Elmore }
STATE OF IDAHO } ss.

I, ... Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

Two..... consecutive weeks, the first publica-
tion having been made on the ...8th... day
of June, 19.72, and
the last publication having been made on the
.....15th..... day of June

19.72.....; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this ...7th.....
day of June, 1972..

Uma M. Water
Notary Public

63 4152

Identification No. _____

Claim No. 63-4152 P

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 JOHN L. GARRETT
post office address 1209 N. Roosevelt, Boise, Idaho

2. The point of diversion is in ~~NE~~ NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 1 Township 2 N
Range 7 E B.M. located on ~~Strawberry Creek~~ Spring trib to Ruby River
(name of source)
tributary to Smith Creek in Elmore 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:

July 1, 1929 amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (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 earth & rock
Wood catch box; length is 15 feet; height is 2 feet;
width at bottom is 15 feet; width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known none
1" plastic pipe from catch box to house.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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 _____

~~approximately~~

c. Conveying works: length of ditch to place of use is 1/4 mi feet; width of ditch at top is _____ 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:

[illegible]

Total number of acres to be irrigated _____

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

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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	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.

b. Do you get water through a ditch owned by several users? no 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 _____
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.

Sworn to before me this 30 day of May, 1972

Claimant

Notary Public

Residing at

My commission expires

For Department Use Only

Received by ASP Date 5/30/72

Exception filed by:

Forwarded to
claimant by:

Date _____

prelim. check by AP Date 5/30/72

Fee received by ea Date 5/30/72 Fee \$ 10.00

Approved for publication by, 

Published in W. W. Wakesman Dates 4-8-1957 2

~~63~~ 4152

Affidavit of Publication

NOTICE OF CLAIM TO A WATER RIGHT No. 63-4152

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes, with a priority of July 1, 1929. The place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 2 N, R. 7 E, B. M.

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

Idaho, 83707, on or before June 28, 1972.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho, on June 8 and 15, 1972.

County of Elmore }
STATE OF IDAHO } ss.

I, ... Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

Two..... consecutive weeks, the first publication having been made on the ... 8th ... day
of June, 19.72, and
the last publication having been made on the
..... 15th day of June

19.72.....; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this ... 7th

day of June, 1972.

Verna M. Waters
Notary Public

WATER RIGHT NUMBER 63-4152

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 32

ACT
ION

FIRST NAME - JOHN L.

N OWNER LAST NAME - GARRETT
N ADDRESS LINE 1 - 1209 N. ROOSEVELT

N SOURCE - SPRING
N STAGE - STATRY CLM
N DIVERSION POINT - NWSE 01 02N 07E
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - DOMESTIC

CITY - BOISE
TRIBUTARY OF - SMITH CREEK

STATE - ID ZIP CODE - 83701

PRIORITY - 07-01-1929 COUNTY - ELMORE

TOTAL DIV. RATE - .0200CFS

USE DIV. RATE - .0200CFS

PLACE OF USE - TWN 02N RNG 07E SEC 01 TRACT NWSE

5000

IDENT. NO. 63-4152

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. 163-4152
 OTd No. _____ New No. _____

Record

1. Original Owner: John L. Garrett

Present Owner: _____

2. Address: 1209 M. Roosevelt

3. City: Boise State: Id Zip: _____

4. A. Source of Water: Spring

B. Tributary of: Smith Creek

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

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

C. Priority Date: 7-1-1929

D. County: 39

E. Total Diversion Rate: .02

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>NWSE</u>	<u>1</u>	<u>2N</u>	<u>7E</u>		

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

from 1-1 to 12-31 for 20 purposes. Amount .02
 (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 _____

February 6, 1974

Ernest D. Simpson
560 Phelps Circle
Mountain Home, ID 83647

Re: Claim Nos. 63-4152 & 63-4153 - John Garrett

Dear Mr. Simpson:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

"At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Sincerely,

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

KHF:def

63 4152

February 6, 1974

John L. Garrett
1209 N. Roosevelt
Boise, Idaho

Re: Claim Nos. 65-4152 & 65-4153

Dear Mr. Garrett:

We are enclosing a copy of the correspondence we received concerning the above referenced claims to a water right. The following is a quote from the provisions under which these claims have been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

"At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required"

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Sincerely,

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

KHF:DEF

Enclosure

63 4152

560 Phelps Circle
Mtn. Home, Idaho 83647
February 1, 1974

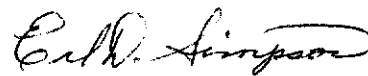
KHP

R. Keith Higginson, Director
Idaho Dept. of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

I am writing to protest the claim to water right #63-4153 which John Garrett of 1209 Roosevelt, Boise, Idaho, has filed. Mr. Garrett has not irrigated twenty acres of land since he has owned the land. I know that twenty acres of land has not been irrigated since 1968 as the irrigation system has completely deteriorated. I am also protesting claim to water right #63-4152 which Mr. Garrett has filed. This is a spring on my land which has not been authorized by me or previous owners. During the summer of 1973 the spring was not in use as the end of the pipeline was sticking out of the ground. It is possible that the spring has not been in use prior to 1973.

Sincerely,



Erl D. Simpson

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



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

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

June 2, 1972

Re: Application for Permit No. 61-7112 - Merlin W. Wilson
Claim to a Water Right Nos. 63-4152 - John L. Garrett
63-4153 - " " "

The Mountain Home News
Post Office Drawer 0
Mountain Home, Idaho 83647

Gentlemen:

Enclosed you will find three (3) legal notices 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 notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices 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,

Dorian Clay

Dorian Clay
Water Resource Examiner
Western District

DC:CS

Enc: Legal Notices (3)

Bill D. Submittal
6-21-72
a.s.

63 4152

**— NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4152**

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R. KEITH HIGGINSON
Director

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q

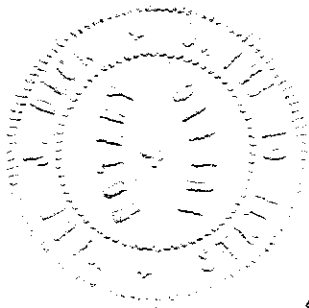
R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho, on June 8 and 15, 1972.

63 4152

I Certify that the Spring
west of NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 1 Township 2 N Range 7 E
Elmore County, Idaho
has been use for domestic
use since July 1929.

Letty L. L. L.
You Dick



W. J. Tress

John J. Harvey