

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO, } S.S.
COUNTY OF BOISE }

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for Two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning
with March 23, 1972
and ending with the issue of

March 30, 1972
T. R. Adams
Fees \$.....

Subscribed and sworn to before
me this 5th day of May
1972

Robert J. Tuffield
Clerk District Court

Deputy

NOTICE OF CLAIM TO A
WATER RIGHT

No. 63-4141

Notice is hereby given that
Merrill G. &/or Victoria Johan-
na Worbois, 908 N. 29th Street,
Boise, Idaho, have 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 Elk
Creek, tributary to Mores Creek
with point of diversion in the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 6N., R.
5E., B.M., Boise County.

The water is claimed to be
used from January 1 to Dec-
ember 31 for domestic purposes
with a priority of July 18, 1958;
the place of use is within the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 6N., R.
5E., B.M.

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

R. KEITH HIGGINSON
Director

Published in the Idaho World,
Idaho City, Idaho, on March 23
and March 30, 1972

63 4141

Identification No. _____
Claim No. 63-4141
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 MERRILL G. WORBOIS and/or JOHANNA VICTORIA WORBOIS (Ph. 343-12222)
post office address 908 N. 29th st., Boise, Idaho 83702

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 6N
Range 5E B.M. located on Elk Creek
(name of source)
tributary to Mores Creek in Boise 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 18, 1958 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 _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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 _____
_____ ;

63 411

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 _____ 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:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	5 E	26											X - domestic use						

Total number of acres to be irrigated _____

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

_____. The other users and their respective
interests in the ditch are (if known) _____

[illegible]

name of town supplied _____

[illegible][illegible]

County of Ada } ss.

x Merrill S. Korbois
Claimant

Day of March, 1972.

Residing at 1 Baise

7/29/1975

Published in IDAHO WORLD Dates 3-23 & 3-30-72

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

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO. }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper

once a week for Two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning

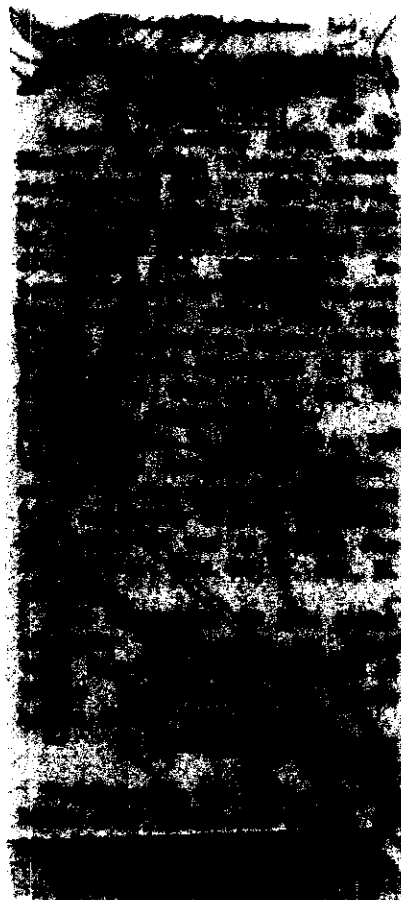
with March 23, 1972
and ending with the issue of

March 30, 1972
Fees \$..... T. R. Adams

Subscribed and sworn to before
me this Sunday of May

1972
Robert J. Tuffield
Clerk District Court

Deputy



63 4441

WATER RIGHT NUMBER 63-4141

OWNER LAST NAME - WORBUIS

FIRST NAME - MERRILL G.

ORIG OWNER -

OWNER LAST NAME - WORBUIS

FIRST NAME - JOHANNA VICTORIA

ORIG OWNER -

ADDRESS LINE 1 - 908 N. 29TH ST.

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE - 83702

SOURCE - ELK CREEK

TRIBUTARY OF - MOSES CREEK

STAGE - STATRY CLM

STATUS -

PRIORITY - 07-18-1958 COUNTY - BOISE

TOTAL DIV. RATE - .0200 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSW 26 06N 05E LOT 1 REDIV -

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

USE DIV. RATE -

.0200 CFS USE DIV. VOLUME -

.00 AFA

USE - DOMESTIC

PLACE OF USE - 14N 06N RNS USE SEC 26 TRACT SWSW LOT 1 AC

DATE -

TOTAL ACRES 0

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

3/79

IDENT. NO.

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 -

New No.

1. Original Owner: Merrill E. + Johanna Victoria Warbois

Present Owner: _____

2. Address: 908 N. 29th St.

3. City: Boston State: MA Zip: 02102

4. A. Source of Water: *Elk Creek*
B. Tributary of: *Mores Creek*

5. A. Stage (A,P,L,D,S,J): 2

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

C. Priority Date: 7-18-1958

D. County: 15

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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWSW</u>	<u>26</u>	<u>6N</u>	<u>5E</u>		

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

[illegible]

dc 11-6

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):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

May 11, 1972

Re: Claim to a Water Right No. 63-4141

Merrill G. &/or Johanna V. Worbois
908 N. 29th Street
Boise, Idaho 83702

Dear Mr. & Mrs. Worbois:

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.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Copy of Claim

bcc: Western District Office

63 4141

April 13, 1972

Re: Claim No. 63-4141 - Merrill G. Worbois &/or Johanna Victoria Worbois

The Idaho World
Box 144
Idaho City, Idaho 83631

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on March 23rd and March 30th, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL

63 4141

March 17, 1972

Re: Claim No. 63-4141 - Merrill G. &/or Victoria Johanna Worbois

The Idaho World
Box 144
Idaho City, Idaho 83631

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)

Very truly yours,

63 4141

Fred Eisenbarth
Appropriation Examiner

FE:CR

Enc: Legal Notice

Bill submitted 5-11-72 - cr

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4141

Notice is hereby given that Merrill G. &/or Victoria Johanna Worbois,
908 N. 29th Street, Boise, Idaho
have
~~has~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second ~~approximately~~
of water from Elk Creek, tributary to Mores Creek
with point of diversion in the SW¹/₄SW¹/₄, Sec. 26, T. 6N, R. 5E, B.M.,
Boise County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic purposes
with a priority of July 18, 1958;
the place of use is within the SW¹/₄SW¹/₄, Sec. 26, T. 6N, R. 5E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho World, Idaho City, Idaho
on March 23 and March 30, 1972.

63 4141