

RECEIVED
Department of Water Administration

AFFIDAVIT OF PUBLICATION

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

Verla Harker
of Nampa, 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 Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 Nampa, 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:

February 10, 17, 1972

Verla Harker

Subscribed and sworn to before me this

17th day of February, 1972

Adam D. Carr

Notary Public, Residing at Nampa, Idaho
My Commission Expires June 23, 1975

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4136

Notice is hereby given that Frank J. Svehlak, Route #1, Box 275, Nampa, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.016 cubic feet per second of water from a ground water source with point of diversion in the SE 1/4 NE 1/4, Sec. 24, T. 3N, R. 3W, B.M., Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of May, 1937; the place of use is within the SE 1/4 NE 1/4, Sec. 24, T. 3N, R. 3W, 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
February 10, 17, 1972

63 4136

Identification No. _____

Claim No. _____

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 FRANK J. SVEHLAK

post office address Route #1 Box #275 Nampa, Idaho 83651

2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 24 Township 3 N

Range 3 W B.M. located on ground water

(name of source)

tributary to _____ in Canyon 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:

MAY 1937 amount: 1016 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 stock water 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).

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 pumped ; depth of well is

150 feet; diameter of well is 4 inches; type of pump is Burks Super Niagarette A3C-12

capacity of pump is _____ g.p.m.; name and address of well driller is Grover De Coursey

Nampa, Idaho ;

was first

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

[illegible]

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

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 _____
cattle, horses and chickens

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
Water source is a 150 ft deep well with 4" casing dug in 1937 by Grover De coursey Nampa, Idaho and used since that time by one family for domestic use and stock watering, consisting of chickens, cattle and horses. Water from this well was hand pumped for about a year after the well was dug and then an electric pump was installed, replacing the hand pump. This equipment is still in use.
AT THE PRESENT TIME THERE IS NO LIVESTOCK ON THE FARM DESCRIBED IN ITEM 2. THERE HAS BEEN IN THE PAST LIVESTOCK ON THIS FARM CONSISTING OF 3 HORSES, 30 HEAD OF CATTLE AND APPROXIMATELY 200 CHICKENS. IT IS ANTICIPATED THAT THERE WILL AGAIN BE LIVESTOCK ON THE PREMISES AT A FUTURE DATE, FACILITIES CONSISTING OF CHICKEN HOUSES AND A BARN STILL EXIST AND ARE MAINTAINED. ALSO WATER LINES ARE INTACT.

State of Idaho

County of Canyon } 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 14 day of Jan, 1972

Frank J. Svehlak
Claimant

Webster Caldwell
Notary Public

Residing at Nampa Idaho

My commission expires Aug 17 - 1974

62 7786

1-25-72 For Department Use Only

Received by 12 Date 1-17-72 Exception filed by: _____ Forwarded to claimant by: 12 Date 1-26-72
Prelim. check by 12 Date 1-26-72
Fee received by 12 Date 1-26-72 Fee \$ 10.00 #8746
Approved for publication by 12
Published in IDA. FREE PRESS Dates 2-10 & 2-17-72

63 1126

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	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

AFFIDAVIT OF PUBLICATION

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

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Adam D. Carr

Notary Public, Residing at Nampa, Idaho
My Commission Expires June 23, 1975

WATER RIGHT NUMBER 63-4136

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 17

ACT
ION

N OWNER LAST NAME - SVEHLAK
N ADDRESS LINE 1 - RT. 1 BOX 275

FIRST NAME - FRANK J.

N SOURCE - GROUNDWATER

CITY - NAMPA

STATE - ID ZIP CODE - 83651

N STAGE - STATRY CLM

PRIORITY - 05-01-1937 COUNTY - CANYON TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SENE 24 03N 03W

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

USE DIV. RATE - .0200CFS

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

N USE - STOCKWATER

PLACE OF USE - TWN 03N RNG 03W SEC 24 TRACT SENE

N NON IRRIG USE - S/33 RANGE & 200 CHICKENS D/1 HOME

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 -

Record

1. Original Owner: Frank J. Suehleak
- Present Owner: _____
2. Address: Rt. 1 Box 275
3. City: Nampa State: ID Zip: _____
4. A. Source of Water: gr
- B. Tributary of: _____
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: 5-1-1937
- D. County: 27
- E. Total Diversion Rate: ~~.01~~ .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 Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SENE</u>	<u>24</u>	<u>3N</u>	<u>3W</u>		

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

from 1-1 to 12-31 for S purposes. Amount .02
(cfs or AG-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 _____

8. Use Code: S

9. A. Decree Name:

B. Decree Date:

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

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

S/33 range + 200 chickens D/I home.

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):

March 2, 1972

Re: Claim to a Water Right No. 63-4136

Frank J. Svehlak
Route #1 - Box 275
Nampa, Idaho 83651

Dear Mr. Svehlak:

The Department of Water Administration has completed the processing 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.

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/BL
Enc: Copy of Claim

63 4136

Na

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4136

Notice is hereby given that Frank J. Svehlak, Route #1, Box 275, Nampa, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.016 cubic feet per second of water from a ground water source with point of diversion in the SE 1/4 NE 1/4, Sec. 24, T. 3N, R. 3W, B.M., Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of May, 1937; the place of use is within the SE 1/4 NE 1/4, Sec. 24, T. 3N, R. 3W, 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

February 10, 17, 1972

~~63-4136~~

O.K.
2-14-72
B.B.

February 4, 1972

Re: Application No. 63-7748 - Hermand G. &/or Jeanne Ackley
Claim No. 63-4136 - Frank J. Svahlak

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

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,

Fred Eisenbarth
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

63 4136

Bill submitted 2-23-72. cl

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4136

Notice is hereby given that Frank J. Svehlak, Route #1,
Box 275, Nampa, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.016 cubic feet per second ~~acres of water~~
of water from a ground water source
with point of diversion in the SE¹NE⁴, Sec. 24 T. 3N, R. 3W, B.M.,
Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic and stockwatering purposes
with a priority of May, 1937;
the place of use is within the SE¹NE⁴, Sec. 24 T. 3N, R. 3W, 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~~ _____.

R. KEITH HIGGINSON

Director

Published in the Idaho Free Press, Nampa, Idaho
on Feb. 10 and Feb. 17, 1972.

63 4136

January 26, 1972

Frank J. Svehlak
Route #1, Box 275
Nampa, Idaho 83651

Dear Mr. Svehlak:

Attached herewith is your receipt No. 8746 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

63 4136

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 17, 1972

Frank J. Svehlak
Route #1, P. O. Box 275
Nampa, Idaho 83651

Dear Mr. Scehlak:

We received the necessary information to complete your claim to a water right but due to the fact that a claim is a sworn affidavit of the claimant, it will be necessary that you enter the information from your letter to the appropriate place on the claim.

Please complete the amount of water you wish to claim under item #3a. (Seven gallons per minute is equal to .016 c.f.s.) Also list the number of each kind of livestock under item #6.

After completing these two items, please re-submit the claim once again with the required \$10.00 fee.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE/bb

Enc: Check #92-106 (\$10.00)
Claim to a Water Right

63 4126

January 17, 1972

Frank J. Svehlak
Route #1, P. O. Box 275
Nampa, Idaho 83651

Dear Mr. Svehlak:

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Please complete the amount of water you wish to claim under item #3a. (Seven gallons per minute is equal to .016 c.f.s.) Also list the number of each kind of livestock under item #6.

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Very truly yours,

Fred Eisenbarth
Appropriation Examiner

-FE/bb

Enc: Check #92-106 (\$10.00)
Claim to a Water Right

63 4126

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 11, 1972

Mr. Frank J. Svehlak
Route #1
Post Office Box # 275
Nampa, Idaho 83651

Dear Mr. Svehlak:

In reviewing your claim to a water right, we find several incompleting items. We find that most of these items could have been answered under the "remarks" section, under item #9. We have taken the liberty of re-typing your claim, filling in most of the incomplete items for your convenience.

Under item #3a, it would be best to state the month that the well was first used, and also the quantity of water that you wish to claim. Also, item #6 should include the maximum number of each kind of livestock.

Please complete these items and have our typed claim notarized once again and re-submit it to our office, with the \$10.00 fee.

If we may be of any further assistance in the filing of this claim, please feel free to contact this Department.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: check # 92-106 (\$10.00)
claim to a water right
re-typed claim form

63 4436

4
January 11, 1972

Mr. Frank J. Svehlak
Route #1
Post Office Box # 275
Nampa, Idaho 83651

Dear Mr. Svehlak:

In reviewing your claim to a water right, we find several incompleting items. We find that most of these items could have been answered under the "remarks" section, under item #9. We have taken the liberty of re-typing your claim, filling in most of the incomplete items for your convenience.

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Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cs

Enc: check # 92-106 (\$10.00)
claim to a water right
re-typed claim form

63 4426

Gentlemen

Department of Water Administration

January 14, 1972

This well was first used in May 1937. There is no livestock on this ranch at the present time but it is anticipated there may again be in the future. At one time this well supplied water, in addition to family use, to 30 head of cattle, 3 horses, 6 hogs and approximately 300 chickens. The quantity of water used to claim is 7 gallons per minute pumped with a shallow water pump from the present level of around 10 feet from the top of the ground.

Sincerely
Frank Schubert

63 4126