

RECEIVED

SEP 2 1971

Department of Water Administration

STATE OF IDAHO,) ss.
COUNTY OF ADA)

NOTICE OF CLAIM TO
A WATER RIGHT
No. 63-4118

Notice is hereby given that Darrel B. or Ruth E. Chenoweth, Route No. 5, South Five-Mile Road, Boise, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 3N, R. 1E, B.M., Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes with a priority of Aug., 1948 (0.02 cfs); Sept., 1952 (0.02 cfs); the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 3N, R. 1E, B.M.

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

R. KEITH HIGGINSON

Director

Pub. Aug. 19, 26, 1971.

Georgene Davis

, 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 ^{weekly} consecutive insertions, beginning with the issue of August 19, 1971, and ending with the issue of August 26, 1971.

Georgene Davis

Subscribed and sworn to before me this 27th day of August, 1971.

Jana A. Gentry

Notary Public for Idaho, Residing at Boise, Idaho

63 4118

The P.O. dept has
changed our address
to R.R. 5 South 5 mile Road
Borise Idaho. 83705

63 4118

RECEIVED
JAN 10 1964
BUREAU OF REVENUE

Identification No. _____

Claim No. 63-4118

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 Harrel B. or Ruth E. Chenoweth
post office address Boise, Idaho R3-Box 132-83705
The point of diversion is in SE 1/4 of NE 1/4 Section 22 Township 3N 1E
Range 1E S.M. located on Underground (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:

1948 Aug. amount: .02 c.f.s. or _____ acre feet
1952-Sept amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .04 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 period of use from Jan 1 to Dec 31 (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 98 feet; diameter of well is 5 inches; type of pump is Submersible
capacity of pump is 10.5 g.p.m.; name and address of well driller is Jack Stow

address Eagle when well was drilled. We do not know his present address as he left Eagle.

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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 _____

40 to 60 (number fluctuates)

7. Where water is used for domestic or municipal purposes give number of families served 2
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

Our stock (most of them are summer
ed in pasture in S.V. Number
varies from 1 to 60 head. We
bring them down the middle
of Oct and keep them here until May
(first part).

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

15th

day of

D.B. Blumwith
Claimant

July, 1971

R.F. Marks
Notary Public

Residing at

Mendon, Idaho

My commission expires

April 28, 1974

8-4. 8-2-71		For Department Use Only	
Received by <u>ij</u>	Date <u>7-19-71</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>ij</u>	Date <u>8-8-71</u>		
Fee received by <u>ij</u>	Date <u>8/3/71</u> Fee \$ <u>10.00</u>		
Approved for publication by			
Published in <u>Idaho Statesman</u>	Dates <u>8-19-71 to 8-26-71</u>		

63 4118

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.

RECEIVED

DEPARTMENT OF REVENUE & TAXATION

STATE OF IDAHO,) ss.
COUNTY OF ADA)

Georgene Davis, 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 ^{weekly} consecutive insertions, beginning with the issue of August 19, 1971, and ending with the issue of August 26, 1971.

Georgene Davis

Subscribed and sworn to before me this 27th day of August, 1971.

John A. Gandy
Notary Public for Idaho, Residing at Boise, Idaho

63 4116

WATER RIGHT NUMBER 63-4118

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 55

ACT
ION

N	OWNER LAST NAME - CHENOWETH	FIRST NAME - DARREL B.		
N	OWNER LAST NAME - CHENOWETH	FIRST NAME - RUTH E.		
N	ADDRESS LINE 1 - S. FIVEMILE RD.	ADDRESS LINE 2 - RT. 5		
N		CITY - BOISE	STATE - ID	ZIP CODE - 83705
N	SOURCE - GROUNDWATER			
N	STAGE - STATRY CLM	PRIORITY - 08-01-1948	COUNTY - ADA	TOTAL DIV. RATE - .0400CFS
N	DIVERSION POINT - SEME 22 03N 01E			
N	FROM - 01-01 TO - 12-31	USE - STOCKWATER	USE DIV. RATE -	.0200CFS
N	FROM - 01-01 TO - 12-31	USE - DOMESTIC	USE DIV. RATE -	.0200CFS
N	USE - STOCKWATER	PLACE OF USE - TWN 03N RNG 01E SEC 22 TRACT SENE		
N	REMARKS - PRIORITIES ARE 8-1-1948 OF .02 CFS & 9-1-1952 OF .02 CFS.			
N	NUN IRRIG USE - S/40-60 RANGE D/2 HOMES.			

3/79

IDENT. NO. 63-4118

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. 163-4118
 Old No. _____ New No. _____

Record

1. Original Owner: Darrel B. & Ruth E. Chenoweth

Present Owner: _____

2. Address: Rt. 5 Box 132 Rt. 5 S. Firemile Rd., Rt. 5

3. City: Boise State: ID Zip: 83705

4. A. Source of Water: gw

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: 8-1-1948

D. County: 01

E. Total Diversion Rate: .04

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>SENE</u>	<u>22</u>	<u>3N</u>	<u>1E</u>		

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

from 1-1 to 12-31 for 5 purposes. Amount .02
 (cfs or AG FT/yr)

from 1-1 to 12-31 for 10 purposes. Amount .02

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 _____

on 11-6-79

8. Use Code: **AS**

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1E	22				S													

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *priority dates; 8-1-1948 of .02 cfs + 9-1-1952 of .02 cfs.*
 B.
 C.
 D.
 E.

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

5/40-60 range D/2 homes.

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):

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July 22, 1971

Mr. Darrel B. Chenoweth
Route #3
Post Office Box #132
Boise, Idaho 83705

Dear Mr. Chenoweth:

We are returning your claim to a water right and personal check #92-302 in the amount of \$10.00. We find in reviewing this claim that there are several questions that need clarification before we could process it.

As you will note, you have listed the point of diversion as being the S $\frac{1}{4}$ S $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 22. This description could be in either the SE $\frac{1}{4}$ SE $\frac{1}{4}$ or in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22. Please verify which 40 acre subdivision it would lie within.

We also note in reviewing the claim that the water will be used for stock watering purposes. If this is the case, then perhaps you would also wish to list stock watering as a nature of use under item #3b.

Please clarify these issues and re-submit the claim so that we may begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #92-302 (\$10.00)
claim to a water right

63 4118

September 9, 1971

Re: Claim to a Water Right No. 63-4118

Darrel B. or Ruth E. Chenoweth
Rural Route No. 5
South Five-Mile Road
Boise, Idaho 83705

Dear Mr. & Mrs. Chenoweth:

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:dr
Enclosure: Copy of claim

63 4118

August 10, 1971

Re: Application No. 63-7383 - Seven Suckers Irrigation District
Claim No. 63-4118 - Darrel B. or Ruth E. Chenoweth

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 our 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 date. 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 4118

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 9-8-71 By ds

DWM:CR

Enc: Legal Notices

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4118

Notice is hereby given that Darrel R. or Ruth E. Chenoweth,
Route #5, South Five-Mile Road, Boise, Idaho
have
~~has~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.04 cubic feet per second ~~acre-foot~~
of water from a ground water source
with point of diversion in the SE1/4, Sec. 22, T. 3N, R. 1E, B.M.,
Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-
watering and domestic purposes
with a priority of Aug., 1948 (0.02 cfs); Sept., 1952 (0.02 cfs) ;
the place of use is within the SE1/4, Sec. 22, T. 3N, R. 1E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Idaho
on Aug. 17 and Aug. 24, 1971.

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63 4118

August 3, 1971

D. B. Chenoweth
R. R. #5, Box 132
Boise, Idaho 83705

Dear Mr. Chenoweth:

Attached herewith is your receipt No. 7420 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

63 4116