

AFFIDAVIT OF PUBLICATION

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

NOTICE OF CLAIM  
TO A WATER RIGHT  
No. 63-4109

Notice is hereby given that Mrs. William E. Breshears, 1012 15th Ave. South, Nampa, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from a ground water source with point of diversion in the (two wells) SE 1/4 NE 1/4, Sec. 36, T. 3N, R. 3W, B.M., Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1926 (.01 cfs); and 1966 (.02 cfs); the place of use is within the SE 1/4 NE 1/4, Sec. 36, 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.

R. KEITH HIGGINSON  
Director

August 5, 12, 1971

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:

August 5, 12, 1971

Verla Harker

Subscribed and sworn to before me this

12th day of August, 19 71

Adam J. Larr

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1975

63 4109

Identification No. \_\_\_\_\_  
Claim No. 63-4109P  
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 Mrs. Willaim E. Breshears  
post office address 1012 15th Ave. South, Nampa, Idaho
2. The point of diversion is in <sup>(Two wells)</sup> SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Section 36 Township 3N  
Range 3W 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:

|                                                |             |                    |           |       |           |
|------------------------------------------------|-------------|--------------------|-----------|-------|-----------|
| (1)                                            | <u>1926</u> | amount: <u>.01</u> | c.f.s. or | _____ | acre feet |
| (2)                                            | <u>1966</u> | amount: <u>.02</u> | 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 <u>Domestic</u> | period of use from <u>Jan. 1</u> | to <u>Dec. 31</u> | (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; with 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: <sup>(#2 well)</sup> is well flowing or pumped pumped; depth of well is 127 feet; diameter of well is 6 inches; type of pump is Burkley Submergible  
capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is Hossack, Well Driller  
of Nampa;  
<sup>(# 1 Well)</sup> Pumped; 105 feet deep with 6" diameter;  $\frac{1}{2}$  horsepower electric motor jet pump

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 \_\_\_\_\_

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 \_\_\_\_\_

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 \_\_\_\_\_

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 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 Both of the wells are tied into our domestic system.

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 19 day of July, 1971.

Mrs William E. Trueshear  
Claimant

Donald E. Allen  
Notary Public

Residing at Boise Idaho

My commission expires 2-15-1974

For Department Use Only

Received by ej Date 7/19/71 Fee #694 Exception filed by: \_\_\_\_\_

Forwarded to claimant by: \_\_\_\_\_ Date \_\_\_\_\_

Prelim. check by je Date 7-19-71

Fee received by ej Date 7/19/71 Fee \$ 10.00

Approved for publication by \_\_\_\_\_

Published in Ada Free Press Dates 8-5-71-12-71

**63 1109**

## 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

TO THE EDITOR OF THE  
 THE NEW YORK TIMES  
 Sir,  
 I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the above-named matter.  
 I am sorry to hear that you are not satisfied with the results of the investigation conducted by the Board of Health.  
 I am, however, confident that the Board has done its duty in the premises, and that the results of its investigation are correct.  
 I am, Sir, very respectfully,  
 Yours,  
 J. B. HARRIS, Mayor.

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:

August 5.12. 1971

Verla Barker

Subscribed and sworn to before me this.....

12<sup>th</sup> day of August, 19 71.

day of August, 1971  
William J. Lee

**Notary Public, Residing at Nampa, Idaho**

My Commission Expires June 23, 1975

WATER RIGHT NUMBER 63-4109

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 46

ACT  
ION

N OWNER LAST NAME - BRESHEARS  
N ADDRESS LINE 1 - 1012 15TH AVE. S.

FIRST NAME - MRS. WILLIAM E.

N  
N SOURCE - GROUNDWATER

CITY - NAMPA

STATE - ID

N STAGE - STAIRY CLM

PRIORITY - 06-01-1926 COUNTY - CANYON

TOTAL DIV. RATE - .0300CFS

N DIVERSION POINT - SENE 36 03N 03W

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

USE DIV. RATE - .0300CFS

N USE - DOMESTIC

PLACE OF USE - T4N 03N R4G 03W SEC 36 TRACT SENE

N REMARKS - PRIORITIES ARE 6-1-1926 OF .01 CFS & 9-1-1966 OF .02 CFS.

N 2 P/D IN SENE, S36, T3N, R3W.

IDENT. NO. G3-4109

# WATER RIGHT DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Old No.

**New No.**

1. Original Owner: Mrs. William E. Breshears

Present Owner: \_\_\_\_\_

3. City: Tampa State: Id Zip:

4. A. Source of Water: *gr*

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

C. Priority Date: 6-1-1926

E. Total Diversion Rate: .03

G. Transfer/Amendment (P,T of A or blank):

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

|                          |       |      |      |      | Gov't |        |
|--------------------------|-------|------|------|------|-------|--------|
|                          |       |      |      |      | Lot   | Rediv. |
|                          | Tract | Sec. | Twp. | Rge. |       |        |
| 6. A. Point of Diversion | SENE  | 36   | 3N   | 3W   |       |        |

from 1-1 to 12-31 for D purposes. Amount .03  
(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

8. Use Code: ☐

9. A. Decree Name:

10. Remarks: A. priority dates; 6-1-1926 of .01 gds & 6-1-1966 of .02 gds.  
B. 2 P/D in SENE, S36, T3N, R3W.  
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):

63-4109

July 28, 1971

Mr. William E. Bresheare  
1012 15th Avenue South  
Nampa, Idaho 83651

Dear Mr. Bresheare:

We are returning your application for permit and money order No. 2,004,619,303, in the amount of \$10.00. We find in reviewing your application that there are several questions that need clarification before we could process it.

Please note that item #3a must list the location of the point of diversion as to the nearest 40 acre subdivision, section, township and range that it would lie within. You have indicated the SE $\frac{1}{4}$  as the point of diversion. However, this is a 160 acre tract. The place of use under item #8a,1 should also be listed as to the nearest 40 acre subdivision, section, township and range that it would lie within. You should also complete a map on page three of the application.

As soon as you have clarified these issues, please re-submit the application and we shall continue with its processing.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:cm

Enclosure

63 4109

August 26, 1971

Re: Claim to a Water Right No. 63-4109

Mrs. William E. Breshears  
1012 15th Avenue South  
Nampa, Idaho 83651

Dear Mrs. Breshears:

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 4109

July 28, 1971

Re: Claim No. 63-4109 - Mrs. William E. Breshears

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 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)

63 4109

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

Bill submitted 8-18-71 By DM

DWM:cr

Enclosure

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4109

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1012 15th Ave. South, Nampa, Idaho

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R. KEITH HIGGINSON

Director

Published in the Idaho Free Press, Nampa, Idaho  
on Aug. 5 and Aug. 12, 1971.

63-4109