

RECEIVED

JUN 21 1971

Department of Water Administration

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 ~~XXXXXX~~ consecutive insertions, beginning with the issue of June 10, 1971, and ending with the issue of June 17, 1971.

Georgene Davis

Subscribed and sworn to before me this 17th day of June, 1971.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4104

Notice is hereby given that Eugene E. and-or Mozelle McMahan, 10910 McMillan Road, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .15 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 4N, R. 1E, B.M., Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and irrigation purposes with a priority of August, 1967, the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 4N, 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. June 10, 17, 1971.

63 4104

Identification No. _____

Claim No. 63-4104

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 Eugene E. McMahan and/or E. Mozelle McMahan
post office address 10910 McMillian Road, Boise, Idaho 83702

2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27 Township 4 N
Range 1 E B.M. located on Groundwater
(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:

August, 1967 amount: .15 c.f.s. or 3 acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .15 c.f.s. or 3 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:

.03 c.f.s. use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
.12 c.f.s. use Irrigation 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 pump ; depth of well is 50 feet; diameter of well is 6 inches; type of pump is submersible
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

63 4104

Completed

-
-
-
-

- 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_____

- [illegible]

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 _____

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 18 day of May, 1971.

Eugene E. Mahan
Claimant

Donald R. Eldon
Notary Public

Residing at Boise Idaho

My commission expires 2-18-1974

For Department Use Only

Received by <u>D</u>	Date <u>5-18-71</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>D</u>	Date <u>5-18-71</u>	<u>rec'd # 6450</u>	claimant by:	
Fee received by <u>ij</u>	Date <u>5/18/71</u>	Fee \$ <u>10⁰⁰</u>		
Approved for publication by <u>D</u>				
Published in <u>IDA. STATESMAN</u>	Dates <u>6-10-4-6-17-71</u>		<u>63</u>	<u>4104</u>

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.

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 ~~consecutive~~ consecutive insertions, beginning with the issue of June 10, 1971, and ending with the issue of June 17, 1971.

Georgene Davis

Subscribed and sworn to before me this 17th day of June, 1971.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

MAINT
WATER

WARRANTY DEED

INDEXED

For Value Received

Dorothy L. Silliman, a widow,

the grantor, does hereby grant, bargain, sell and convey unto

Eugene E. McMahan and E. Mozelle McMahan, husband and wife

the grantees, the following described premises, to-wit:

Commencing at the section corner common to Sections 26, 27, 34 and 35, Township 4 North, Range 1 East of the Boise Meridian, in Ada County, Idaho; thence North $89^{\circ} 54'$ West 1318.0 feet to a point; thence North $0^{\circ} 06'$ East 30.0 feet to a point; thence South $89^{\circ} 54'$ East 161.1 feet to real point of beginning; thence North $0^{\circ} 06'$ East 185.0 feet to a point; thence South $89^{\circ} 54'$ East 428.00 feet to a point; thence South $77^{\circ} 35'$ West 142.63 feet to a point; thence South $31^{\circ} 50'$ West 79.00 feet to a point; thence South $44^{\circ} 47'$ West 122.40 feet to a point; thence North $89^{\circ} 54'$ West 161.1 feet to real point of beginning, being a Portion of Blocks 3 and 4 of John McMillan's First Subdivision, according to the plat thereof filed in Book 3 of Plats at page 104, records of Ada County, Idaho.

WATER RIGHT NUMBER 63-4104

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 41

ACT
ION

N OWNER LAST NAME - MC MAHAN
N OWNER LAST NAME - MC MAHAN
N ADDRESS LINE 1 - 10910 MC MILLIAN RD.

FIRST NAME - EUGENE E.
FIRST NAME - E. MOZELLE

CITY - BOISE

STATE - ID ZIP CODE - 83702

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 08-01-1967 COUNTY - ADA

TOTAL DIV. RATE - .1500CFS

N DIVERSION POINT - SESE 27 04N 01E

N USE - IRRIGATION

USE DIV. RATE - .1200CFS

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

USE DIV. RATE - .0300CFS

N USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 01E SEC 27 TRACT SENE

** W ** MISSING ACRES FOR IRRIGATION WATER USE

IDENT. NO. 63-4104

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 63-4104
Old No. New No.

Record

1. Original Owner: Eugene E. & E. Mozelle McMahon

Present Owner: _____

2. Address: 10910 McMillian Rd.3. City: BoiseState: IdZip: 837024. 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: 8-1-1967D. County: CIE. Total Diversion Rate: .15

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>SESE</u>	<u>27</u>	<u>4N</u>	<u>1E</u>		

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

from _____ to _____ for A purposes. Amount .12
(cfs or AC-FT/yr)from 1-1 to 12-31 for D purposes. Amount .03

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: A

9. A. Decree Name:

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):

June 23, 1971

Re: Claim to a Water Right No. 63-4104

Eugene E. &/or E. Moselle McMahan
10910 McMillian Road
Boise, Idaho 83702

Dear Mr. & Mrs. McMahan:

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 4104

June 2, 1971

Re: Application No. 63-4104 - Eugene E. and/or Monelle Matheson

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 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,

Donald W. McElwainey
Appropriation Supervisor

DWM:er

Enclosure

63 4104

Bill submitted 6-23-71 By de

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4104

Notice is hereby given that Eugene E. and/or Mozella McMahon,
10910 McMillan Road, Boise, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of .15 cubic feet per second ~~surface~~
of water from a ground water source
with point of diversion in the SE1/4, Sec. 27, T. 4N, R. 1E, B.M.,
Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic ~~purposes~~ and irrigation purposes
with a priority of August, 1967;
the place of use is within the SE1/4, Sec. 27, T. 4N, 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 June 10 and June 17.

63 4104