

No. 3683

RECEIVED

JUN 4 1971

Department of Water Administration

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

I, Vicki Blackburn being duly sworn,
deposes and says:

That I he is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
published at Payette, in the County of Payette and State
of Idaho that said paper has been and is in general cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; that the advertisement, a copy of which is attached
hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire
issue of said paper during the period and time of publica-
tion, and was published in the newspaper proper and not
a supplement; that said paper has been established and
regularly published for more than seventy-eight consecu-
tive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with
June 3, 19 71, and ending
with the issue of June 10, 19 71

Vicki Blackburn
Fee \$ 11.52

Subscribed and sworn to before me this 22nd day
of June, 19 71

Glenn L Robinson
Notary Public, Residing at Payette, Idaho.

My Commission Expires 11-20, 19 73

NOTICE OF CLAIM
TO A WATER RIGHT

Notice is hereby given that
Antone J. and or Edith M. Mell
Route No. 2, Parma, Idaho, have
filed a claim to a water right
established by diversion and
application to beneficial use of
4.0 cubic feet per second of
water from Ashlock Gulch
Drain tributary to Snake River
with point of diversion in the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, T. 7N,
R. 5W, B.M. in Payette County.

The water is claimed to be
used from April 1 to Oct. 30
for the irrigation of 41.4 acres
with a priority of March 15,
1969 the place of use is with-
in S $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 28, SE
 $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T. 7N, R.
5W, B.M.

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

(R. KEITH HIGGINSON
Director

Published in the Independent
Enterprise, Payette, Idaho on
June 3 and June 10, 1971.

No. 3683

6-3-2tc

63 4160

Identification No. _____
Claim No. 63-41008
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 Antone J. Mell and/or Edith M. Mell
post office address Route #2, Parma, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 28 Township 7 N
Range 5 W B.M. located on Ashlock Gulch Drain
(name of source)
tributary to Sage River in Payette 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: (200 miners inches)
March 15, 1969 amount: 4.0 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 Irrigation period of use from April 1 to Oct. 30 (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 _____
_____;

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 19 day of May, 1971

John M. Wood
Claimant

Donald H. Elmore
Notary Public

Residing at Boise Idaho

My commission expires 2-18-74

For Department Use Only

Received by <u>D</u>	Date <u>5-19-71</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>D</u>	Date <u>5-19-71</u>		claim by:	
Fee received by <u>ej</u>	Date <u>5/24/71</u>			
Approved for publication by <u>D</u>				
Published in <u>Indep. Enterprise</u>	Dates <u>6-3 & 6-10-71</u>			

Rec'd
#6459

63 4100

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.

Nº 3683

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

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deposes and says:

That I he is the Principal Clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
published at Payette, in the County of Payette and State
of Idaho that said paper has been and is in general cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; that the advertisement, a copy of which is attached
hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire
issue of said paper during the period and time of publica-
tion, and was published in the newspaper proper and not
a supplement; that said paper has been established and
regularly published for more than seventy-eight consecu-
tive weeks prior to the date of first publication of said
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with the issue of June 10, 19 71

Vicki Blackburn
Fee \$ 11.52

Subscribed and sworn to before me this 22nd day
of June, 19 71.
Glenn L. Robinson
Notary Public, Residing at Payette, Idaho.

My Commission Expires 11-20, 19 73

TO A WATER RIGHT

Notice is hereby given that
Anthony J. and or Ethel M. Moll
Route No 2, Parma, Idaho, have
filed a claim to a water right
established by diversion and
application to beneficial use of
4.8 cubic feet per second of
water from Ashlock Gulch
Drain tributary to Snake River
with point of diversion in the
SE 1/4 NW 1/4 of Sec. 28, T. 7N,
R. 5W, E.M. in Payette County.

The water is claimed to be
used from April 1 to Oct. 30
for the irrigation of 41.4 acres
with a priority of March 15,
1969 the place of use is with-
in S 1/2 NW 1/4 of Sec. 28, SE
1/4 SE 1/4 of Sec. 29, T. 7N, R.
5W, E.M.

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

(R. KEITH HIGGINSON
Director

Published in the Independent
Enterprise, Payette, Idaho on

63 4100

ACT

ION

N OWNER LAST NAME - MELL

FIRST NAME - ANTONIO J.

N OWNER LAST NAME - MELL

FIRST NAME - EDITH M.

N ADDRESS LINE 1 - RT. 2

N

CITY - PARMA

STATE - ID

N SOURCE - ASHLOCK GULCH DRAIN

TRIBUTARY OF - SNAKE RIVER

N STAGE - STATRY CLM

PRIORITY - 03-15-1969 COUNTY - PAYETTE TOTAL DIV. RATE - 4.0000CFS

N DIVERSION POINT - SENW 28 07N 05W

N FROM - 04-01 TO - 10-30 USE - IRRIGATION

USE DIV. RATE - 4.0000CFS

N USE - IRRIGATION

PLACE OF USE - T1N 07N R1G 05W SEC 28 TRACT SWNW

AC 20 TRACT SENW

AC 06

N USE - IRRIGATION

PLACE OF USE - T1N 07N R1G 05W SEC 29 TRACT SESE

AC 16

N REMARKS - AC. IRR.=41.4.

IDENT. NO. 63-4100

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

1. Original Owner: Antone J. & Edith M. Mell
- Present Owner: _____
2. Address: Rt. 2
3. City: Parma State: Id Zip: _____
4. A. Source of Water: Ashlock Hulch Drain
B. Tributary of: Snake River
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: 3-15-1969
D. County: 75
E. Total Diversion Rate: 4.
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>SE NW</u>	<u>28</u>	<u>7N</u>	<u>25W</u>		

- [illegible]

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ac. irr. = 41.4%
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):

July 6, 1971

Re: Claim to a Water Right No. 63-4100

Antone J. &/or Edith M. Mell
Route #2
Parma, Idaho 83660

Dear Mr. & Mrs. Mell:

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

63 4100

DWM:dr
Enclosure: Copy of claim

June 25, 1971

Re: Application No. 63-4100 - Antone J. Mall and/or Edith M. Mall
" " 65-7196 - Harry L. Starks and/or Vera M. Starks
" " 65-7202 - Sunnyside Farm

Independent Enterprise
Box 348
Payette, Idaho 83661

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on June 3rd and June 10th, 1971.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

63 4100

May 27, 1971

Re: Application No. 65-7196 - Harry L. &/or Vera M. Starks
" " 65-7202 - Sunnyside Farm
Claim No. 63-4100 - Antone J. &/or Edith M. Moll

Independent Enterprise
Box 348
Payette, Idaho 83661

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,

63 4100

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notices (3)

Bill submitted _____ By _____

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4100

Notice is hereby given that Antone J. and/or Edith M. Mell,
Route #2, Parma, Idaho

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 4.0 cubic feet per second ~~approximately~~
of water from Ashlock Gulch Drain tributary to Snake River
with point of diversion in the SE1/4 of Sec. 28, T. 7N, R. 5W, B.M.
in Payette County

The water is claimed to be used from April 1 to Oct. 30 for the
irrigation of 41.4 acres
with a priority of March 15, 1969 ;
the place of use is within the S1/4 of Sec. 28, SE1/4 of Sec. 29,
T. 7N, R. 5W, 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

63 410

Published in the Independent Enterprise, Payette, Idaho
on June 3 and June 10, 1971