

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:

June 3, 10, 1971

Subscribed and sworn to before me this

10th day of June, 1971

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1975

63 498

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4098

Notice is hereby given that Carroll David and/or Mildred Joy Gerhardson, Route #5, Box 308-C, Nampa, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from a ground water source with point of diversion in the SW 1/4 SW 1/4 of Sec. 35, T. 4N, R. 2W, B.M. in Canyon County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering and domestic purposes with a priority of 1900; the place of use is within the SW 1/4 SW 1/4 of Sec. 35, T. 4N, R. 2W, 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
June 3, 10, 1971

Identification No. _____

Claim No. 63-4098

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 Mildred Joy and/or Carroll David Gerhardson
post office address Rt # 5 Box 308 C Nampa Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 35 Township 4N
Range 2W 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:

1900 amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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 Livestock 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 ? feet; diameter of well is 6 inches; type of pump is electric motor
capacity of pump is ? g.p.m.; name and address of well driller is ?
_____ ;

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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_____

[illegible]

Total number of acres to be irrigated 1

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 6 head of horses

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied one

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.

Mildred Jay Burkardson
Carroll David Burkardson
Claimant

Sworn to before me this 17 day of May, 1971.

Donald M. Eldon
Notary Public
Residing at Boise Idaho

My commission expires 2-18-1974

rec'd # 6430 For Department Use Only 63 1008
Received by ij Date 5/17/71 Exception filed by: Forwarded to Date
Prelim. check by FE Date 5/17/71
Fee received by ij Date 5/19/71 Fee \$ 10.00
Approved for publication by D
Published in Ada Free Press Dates 6-3 & 6-10-71

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.

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
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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.

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Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

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June 3, 10, 1971

Verla Harker

Subscribed and sworn to before me this

10th day of June, 19 71

Adam D. Fair

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1975

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ACT
ION

N OWNER LAST NAME - GERHARDSON

FIRST NAME - MILDRED JOY

N OWNER LAST NAME - GERHARDSON

FIRST NAME - CARROLL DAVID

N ADDRESS LINE 1 - RT. 5 BOX 308C

N

CITY - NAMPA

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 06-01-1900 COUNTY - CANYON

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SWSW 35 04N 02W

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 - T4N 04N R4G 02W SEC 35 TRACT SWSW

N NON IRRIG USE - S/6 RANGE D/1 HOME.

IDENT. NO. 63-4098

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

- | | <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>SWSW</u> | <u>35</u> | <u>4N</u> | <u>2W</u> | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [illegible]

ca 11-6-79

8. Use Code: ~~A~~ S

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

S/6 range 0/1 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):

June 16, 1971

Re: Claim to a Water Right No. 63-4098

Carroll David &/or Mildred Joy Gerhardson
Route #5, Box 308-C
Nampa, Idaho 83651

Dear Mr. & Mrs. Gerhardson:

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 4098

DWM:dr
Enclosure: Copy of claim

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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

June 3, 10, 1971

63 4 28

May 27, 1971

Re: Claim No. 63-4094 - V. W. Goodman
" " 63-4095 - G. M. Cline
" " 63-4098 - Carrell David &/or Mildred Joy Garhardson
" " 63-4099 - A. T. Tomer

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 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 4098

Donald W. McEldowney
Appropriation Supervisor

DWM:DS

Enc: Legal notices (4)

Bill submitted 6-16-71 By ds

NOTICE OF CLAIM TO A WATER RIGHT

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_____.

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R. KEITH HIGGINSON

Director

Published in the Idaho Free Press, Nampa, Idaho
on June 3 and June 10, 1971.

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