

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 May 13, 1971, and ending with the issue of May 20, 1971.

Georgene Davis

Subscribed and sworn to before me this 20th day of May, 1971.

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

LEGAL NOTICES

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 63-4091

Notice is hereby given that the Sara Jane Smith Estate, Box 99, Route 1, Eagle, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an artesian well with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 4N, R. 1W, B.M., Ada County.

The water is claimed to be used from April 1 to Oct. 30 for irrigation purposes and from Jan. 1 to Dec. 31 for stockwater purposes with a priority of prior to 1920; the place of use is within the N $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 4N, R. 1W, 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. May 13, 20, 1971

63 4091

M.L. McClure
P.O. Box 372
Eagle, Idaho
83616
Ph. 939-0903

Identification No. 63-4091
Claim No. 2
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Send any correspondence to
Earl Heffner
Route 1, P.O. Box 99
Eagle, Idaho 83616

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 Sara Jane Smith Estate
post office address Route 1 Eagle Box 99
2. The point of diversion is in SE 1/4 of SE 1/4 Section 11 Township 4 N
Range 1 West B.M. located on Ada County (name of source)
tributary to (Artesian Well) 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:

Prior to 1920 amount: .06 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 for Irrigation period of use from April 1 to Oct 30 (both dates inclusive)
use Stock water period of use from Winter time from (both dates inclusive)
use to period of use from Jan 1 1920 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 _____ ; depth of well is 330 feet; diameter of well is 4 inches; type of pump is none
capacity of pump is _____ g.p.m.; name and address of well driller is Fred White
address unknown. Believed Dead.

attach well logs if available; has there been any change in pump or motor since well was first completed none; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 1100 feet; width of ditch at top is 2 feet; width of bottom of ditch is 1 feet; depth of water is 1 feet; grade of ditch per 1000 feet is nil feet; material through which ditch passes is Earth - dirt; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe no pipe; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible no changes

- d. If water is stored: name of reservoir none; 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 _____

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 _____

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:

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	
4N	1W	14	X															7.4 acres
4N	1W	11															X	7.1 acres

Total number of acres to be irrigated 14.8

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

None

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 30 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied none

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 23 day of April, 1971

Residing at Boise Idaho

My commission expires _____

For Department Use Only

Received by Deed Date 4-23-71

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by Deed Date _____

Fee received by Deed Date 4-23-71 Fee \$ 10.00

63 4091

Approved for publication by Deed

Published in Idaho Statesman Dates 5-13 & 5-20, 1971
at Boise, Idaho

IF 5936

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 weekly consecutive insertions, beginning with the issue of May 13, 1971, and ending with the issue of May 20, 1971.

Georgene Davis

Subscribed and sworn to before me this 20th day of May, 1971.

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

63 4691

ACT

ION

N OWNER LAST NAME - SARA JANE SMITH EST.

N ADDRESS LINE 1 - P.O. BOX 99

ADDRESS LINE 2 - RT. 1

N

CITY - EAGLE

STATE - ID ZIP CODE - 83616

N

SOURCE - GROUNDWATER

N

STAGE - STATRY CLM

PRIORITY - 06-01-1920 COUNTY - ADA

TOTAL DIV. RATE - .0600CFS

N

DIVERSION POINT - SESE 11 04N 01W

N

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

USE DIV. RATE - .0600CFS

N

FROM - 01-01 TO - 12-31 USE - STOCKWATER

N

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 01W SEC 14 TRACT NENE

AC 07

N

USE - IRRIGATION

PLACE OF USE - TWN 04N RNG 01W SEC 11 TRACT SESE

AC 07

N

REMARKS - AC. IRR.=14.8.

N

NON IRRIG USE - S/30 RANGE.

IDENT. NO. 63-4091

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 03-4091
Old No. New No.

Record

1. Original Owner: Sara Jane Smith Estate

Present Owner: _____

2. Address: P.O. Box 99, Rt. 13. City: Eagle State: ID Zip: 836164. 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: 6-1-1920D. County: 01E. Total Diversion Rate: .06

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>SE SE</u>	<u>11</u>	<u>4N</u>	<u>1W</u>		

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

from 4-1 to 10-30 for A purposes. Amount .06
(cfs or ~~AC~~ FT/yr)from 1-1 to 12-31 for S 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 _____

811679

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. irr.* = 14.8.
B.
C.
D.
E.

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

12. Other Rights for Same Use: *8/30 range*

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 7, 1971

Re: Claim to a Water Right No. 63-4091 (Sara Jane Smith Est.)

Earl Heffner
Route 1, P. O. Box 99
Eagle, Idaho 83616

Dear Mr. Heffner:

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 4091

May 5, 1971

Re: Application No. 63-7422 - Paul Mussell
63-7423 - Developers International, Inc.
63-7424 - Nancy Jewel Spoon
63-7425 - Addie C. Mussell
63-7426 - Lois M. York
63-7427 - Richard A. York, Jr.
Claim No. 63-4090 - Donald C. Forsyth
63-4091 - Sara Jane Smith Estate

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 4091

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 5-27-71 by ds

DWM:DR
Enc: Legal notices (8)

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4091

Notice is hereby given that the Sara Jane Smith Katata, Box 99,
Route 1, Eagle, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.06 cubic feet per second ~~amount~~
of water from an artesian well
with point of diversion in the SE~~1~~SE~~4~~ Sec. 11, T. 4N, R. 1W, B.M.,
Ada County.

The water is claimed to be used from April 1 to Oct. 30 for irri-
gation purposes and from Jan. 1 to Dec. 31 for stockwater purposes
with a priority of prior to 1920 ;
the place of use is within the N~~1~~NE~~1~~NE~~4~~ Sec. 14, S~~1~~SE~~1~~SE~~4~~ Sec. 11,
T. 4N, R. 1W, 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 May 13 and May 20, 1971.

63 4091