

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4076

Notice is hereby given that Richard L. or Marjorie M. Younger, 1110 N. 9th East, Mountain Home, 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 an unnamed spring, tributary to Fall Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 1N, R. 9E, B.M., Elmore County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of June 1, 1970; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, T. 1N, R. 9E, 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 Mountain Home News, Mtn. Home, Idaho, on October 29 and November 5, 1970.

RECEIVED
NOV 6 1970

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Staters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....2..... consecutive weeks, the first publica-
tion having been made on the ..2..9... day
of ..October....., 19..70.., and
the last publication having been made on the
.....5..... day of ..November..
19..70...; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Floyd S. Staters

Subscribed and sworn to me this ..5.....
day of ..November....., 19..70..

Vivian M. Waters
Notary Public

Identification No. _____
Claim No. 63-4076
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Richard L. Younger or Marjorie M. Younger
post office address 1110 N. 9th. East Mountain Home, Idaho 83647
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 16 Township 1N
Range 9E B.M. located on un-named spring
(name of source)
tributary to Fall Creek in Elmore 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:
June 1, 1970 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 _____ 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 January 1 to December 31 (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 _____
_____ ;

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 _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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:

[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? _____ 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 Elmore

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 16th day of October, 19 70.

Richard L. Young Claimant
W. W. Sanders Notary Public

Residing at Mountain Home, Idaho

My commission expires March 3, 1973

For Department Use Only

Received by [Signature] Date 10-20-70

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by [Signature] Date 10-20-70

Fee received by [Signature] Date 10-21-70 Fee \$ 10.00

Approved for publication by [Signature]

Published in Mon. Home Dates 10-29 & 11-05, 1970
News

63 4076

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.



Department of
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County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Water do
solemnly swear that I am the foreman, or
publisher of the

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a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....2..... consecutive weeks, the first publica-

tion having been made on the ..29... day

of ..October....., 1970, and

the last publication having been made on the

.....5..... day of November

19..70..; every Thursday issue of the paper

during the period and time of publication and
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day of November....., 1970.

Vivian M. Water
Notary Public

9-13-71

RECEIVED

SEP 15 1971

Department of Water Administration

Mr. Keith Higginson
Idaho Dept. of Water Admin.
Statehouse
Boise, Id.

Dear Sir:

Water claim No. 63-4122, published in the Mountain Home News of Sept. 9, 1971 by Lawrence W. Ogborn, states, "waters is claimed to be used from January 1 to December 31 priority of 1968." How may this claim be made when Mr. Ogborn obtained this property at Fall Creek in 1971. We filed our claim on the same spring when we built our cabin in 1970. This implies to us that he has priority over us and feel it is quite unjustified and should be corrected. It is our understanding that property must be owned before filing of water rights can be made.

We would appreciate your checking into this for us and letting us know at your earliest convenience.

Called Mrs. Younger and explained that the priority date is based upon the date of first use of the waters. She said they did not realize this and that they change the priority on their Claim # 63-4076

9/15/71 BDF

Yours truly,

587-7176

Richard L. Younger

Richard L. Younger
1110 N. 9 E.
Mtn. Home, Id. 83647

63 4076

November 19, 1970

Re: Claim to a Water Right No. 63-4076

Richard L. or Marjorie M. Younger
1110 No. 9th East
Mountain Home, Idaho 83647

Dear Mr. & Mrs. Younger:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

Enclosures: Copy of claim
Receipt No. 5241

63 4076

October 22, 1970

Re: Claim No. 63-4076 - Richard L. or Marjorie M. Younger

Mountain Home News
P.O. Drawer 0
Mtn. Home, Idaho 83647

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. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

Bill submitted 11-16-70 By ds
63 4076

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R. KEITH HIGGINSON

Director

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