

RECEIVED

OCT 24 1970

Department of Water Administration

NOTICE OF CLAIM TO
A WATER RIGHT
No. 63-4075

Notice is hereby given that Joe A. Chester, 2268 Gekeler Lane, Boise, Idaho, has 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 $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T. 3N, R. 2E, B.M., Ada County. The water is claimed to be used from April 15 to Oct. 15 for irrigation with a priority of November, 1937; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 3 N, R. 2E, 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
Publish Oct. 8, 15, 1970.

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 insertions, beginning with the issue of October 8, 1970, and ending with the issue of October 15, 1970.

Georgene Davis

Subscribed and sworn to before me this 23rd
day of October, 1970.

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

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Identification No. _____

Claim No. 63-4075

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 Joe A. Chester
post office address 2268 Gekeler Lane
2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 23 Township 3 N
Range 2 E B.M. located on Ground water
(name of source)
- tributary to _____ in _____ 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:

X Nov. 1937, 1937 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 irrigation period of use from April 15 to Oct. 15 (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 pumped ; depth of well is 33 feet; diameter of well is 4 inches; type of pump is abandon well centrifugal
capacity of pump is 20 g.p.m.; name and address of well driller is John Cox (deceased)
deceased

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attach well logs if available; has there been any change in pump or motor since well was first completed yes; if so, give dates and explain I have had four pumps since I bought the property in 1937. I don't know the dates nor do I know what pumps the former owner had.

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of 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 _____.

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 _____

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 1,39

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
This well was in existence on the property when I purchased it
from Oscar Milstead in October, 1937. At that time the water
was used for suplimentary irrigation purposes. In the spring of
1938 I began using the well for domestic water supply in addition
to irrigation. It was used for these purposes until May of 1966.
At this time the water was found to be contaminated and unfit
for household use. Since that time the water from this well has
been used entirely for irrigation. Due to subdividing and housing
development in the area, the ditch water provided with the land
is no longer available in sufficient amount to maintain a lawn
and garden. The well is now my sole source of irrigation.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

9-22-70
(Date)

X Joe A. Chester
(Signature of Claimant)

State of Idaho }
County of Ada } ss.

On this 22nd day of September 1970, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Russell E. Leonard
Notary Public residing at Boise, Idaho

My commission expires 3-22-72

For Department Use Only

Received by <u>ij</u>	Date <u>9-22-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Dec</u>	Date <u>9-22-70</u>			
Fee received by <u>ij</u>	Date <u>9-22-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D dg</u>				
Published in <u>Idaho Statesman</u>	Dates <u>10-8 & 10-15, 1970</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.

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AFFIDAVIT

County of Ada

Chester Rvals being first duly sworn,
deposes and says: The well described in the accompanying
application for claim to water rights by Mr. Joe A. Chester
did exist in the year 1937 and was used for supplementary
irrigation. The well was and is located on the property described
as:

Block numbered six (6) in lot numbered one (1) of
Veazy Park in S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section
twenty-three (23) Township three (3) North range
two (2) East of Boise meridian as shown by official
plat of Lot 1 of Veazy Park.

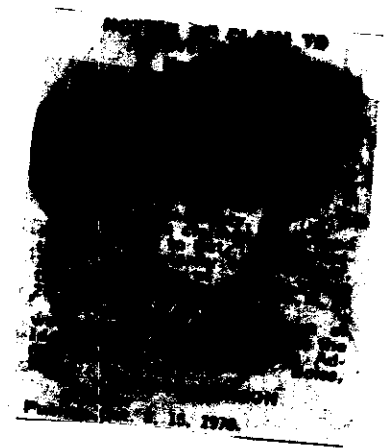
The well is still in use as indicated by Mr. Chester in
his application for water rights.

Chester Ryals
(Signature)

Subscribed and sworn to before me this 22nd day of September, 19 70

Roscoe E. Leonard
(Notary Public) for Idaho

Residing at Boise, Idaho
My Commission Expires 3-22-72



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 insertions, beginning with the issue of October 8, 1970, and ending with the issue of October 15, 1970.

Georgene Davis

Subscribed and sworn to before me this 23rd day of October, 1970.

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

ACTION

N OWNER LAST NAME - CHESTER FIRST NAME - JOE A.
N ADDRESS LINE 1 - 2268 GEKELER LN.
N CITY - BOISE STATE - ID ZIP CODE - 83701
N SOURCE - GROUNDWATER
N STAGE - STATRY CLM PRIORITY - 11-01-1937 COUNTY - ADA TOTAL DIV. RATE - .0200CFS
N DIVERSION POINT - SWSW 23 03N 02E
N FROM - 04-15 TO - 10-15 USE - IRRIGATION USE DIV. RATE - .0200CFS
N USE - IRRIGATION PLACE OF USE - TWN 03N RNG 02E SEC 23 TRACT SWNE AC 01

3/79

IDENT. NO. 63-4075

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

**WATER RIGHT
DATA ENTRY LOG**

[illegible]

- DATA ENTRY -

OTd No.

New No.

1. Original Owner: Joe A. Chester

Present Owner: _____

2. Address: 2268 Gekeler Ln.

3. City: Boise

State: ID

Zip: 83701

4. A. Source of Water: GW

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): 8

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 11-1-1937

D. County: 01

E. Total Diversion Rate: .02

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 Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWSW</u>	<u>23</u>	<u>3N</u>	<u>2E</u>		

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

from 4-15 to 10-15 for A purposes. Amount .02
(cfs or ~~MG-PT~~/yr)

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 _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

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	SE 1/4	
3N	2E	23			1														

9. A. Decree Name:

B. Decree Date:

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):

October 29, 1970

Re: Claim to a Water Right No. 63-4075

Mr. Joe A. Chester
2268 Gekeler Lane
Boise, Idaho

Dear Mr. Chester:

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
Enclosure: Copy of claim

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October 1, 1970

Re: Application No. 63-7370 - Harold E. or Pearl I. Welverton
63-7371 - Joe A. Chester
Claim Number 63-4075 - Joe A. Chester

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. McElDowney
Appropriation Supervisor

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DWM:DR
Enc: Legal notices (3)

Bill submitted 10-27-70 By dy

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4075

Notice is hereby given that Joe A. Chester, 2268 Gekeler Lane,
Boise, Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second acre/feet
of water from a ground water source
with point of diversion in the SW~~1~~SW~~4~~ Sec. 23, T. 3N, R. 2E, B.M.,
Ada County.

The water is claimed to be used from April 15 to Oct. 15 for
irrigation
with a priority of November, 1937;
the place of use is within the SW~~1~~NE~~4~~ Sec. 23, T. 3N, R. 2E, 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 October 8 and October 15, 1970.

R.H.

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