

RECEIVED

SEP 28 1970

Affidavit of Publication

NOTICE OF CLAIM TO A WATER RIGHT
No. 63-4070

Notice is hereby given that Helen L. Williams, 1880 E. 5th North, Mountain Home, 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 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, 1960; 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 September 17 and September 24, 1970.

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters 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 publication having been made on the ...17... day of Sept..., 1970, and the last publication having been made on the ...24... day of Sept... 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 MOUNTAIN 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.

Lloyd S. Waters
Subscribed and sworn to me this 24 day of Sept..., 1970
Vivian M. Waters
Notary Public

63-4070

Identification No. _____
Claim No. 63-4070
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 Helen L. Williams
post office address 1880 E. 5th North 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 _____
(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, 1960 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 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)
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; with 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 _____
_____ ;

63-4070

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_____

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 _____

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 _____

7. Where water is used for domestic or municipal purposes give number of families served one 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 spring is about 500' from home, water is conveyed to place of use by 1½
galvanized steel pipe

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.

Helen L. Williams
Claimant

Sworn to before me this 31st day of August, 19 70.

Carolyn Girkham
Notary Public

Residing at Mountain Home, Idaho

My commission expires October 10, 1973

For Department Use Only

Received by <u>lj</u>	Date <u>9-2-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>lj</u>	Date <u>9-2-70</u>			
Fee received by <u>lj</u>	Date <u>9-2-70</u>	Fee \$ <u>1.00</u>		
Approved for publication by <u>lj</u>				
Published in <u>Mtn. Home News</u>	Dates <u>9-17 & 9-24, 1970</u>			

63-4070

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</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. 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

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters 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 ... 17 ... day
of ... Sept ..., 1970, and
the last publication having been made on the
... 24 ... day of ... Sept ...
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.

Lloyd S. Waters

Subscribed and sworn to me this ... 24 ...
day of ... Sept ..., 1970

Vivian M. Waters
Notary Public

63-4070

October 7, 1970

Re: Claim to a Water Right No. 63-4070

Ms. Helen L. Williams
1880 E. 5th North
Mountain Home, Idaho 83647

Dear Ms. Williams:

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. 5113

63-4070

September 10, 1970

Re: Claim to a Water Right No. 63-4069 - Mr. & Mrs. W. E.
Williams
63-4070 - Helen L. Williams

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. McKelowney
Appropriation Supervisor

DWM:DR
Enc: Legal notices (2)

Bill submitted 9-30-70 By Dr

63-4070

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4070

Notice is hereby given that Helen L. Williams, 1880 E. 5th North,
Mountain Home, ~~Id~~ 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 an unnamed spring, tributary to Fall Creek
with point of diversion in the SE~~1~~NE~~1~~ Sec. 16, T. 1N, R. 9E, B.M.,
Elmore ~~Id~~ County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic purposes
with a priority of June 1, 1960;
the place of use is within the SE~~1~~NE~~1~~ 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 September 17 and September 24, 1970.

44.

63-4070