

AFFIDAVIT OF PUBLICATION

RECEIVED
MAY 8 1970
Department of Reclamation

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
of Caldwell, 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 News-Tribune, a daily, (except Sunday) newspaper published in the City of Caldwell, 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 Caldwell, 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:

April 30; May 7, 1970

Subscribed and sworn to before me this

7th day of May, 19 70

Anna K. Lane
Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

NOTICE OF CLAIM TO A WATER RIGHT No. 63-4053

Notice is hereby given that J.L. Horrace, Route 6, Caldwell, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from Isham Drain, tributary to the Snake River with point of diversion in the SW1/4NE1/4 Sec. 21, T. 3N, R. 4W, B.M., Canyon County; the water is claimed to be used from March 20 to November 1 for irrigation with a priority of April, 1930; the place of use is within the SW1/4NE1/4, N-1/2NW1/4, SE1/4NW1/4, N1/2-SE1/4, Sec. 21, T. 3N, R. 4W, B.M.
Any exception to this claim of water right may be filed with the Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation Engineer
April 30; May 7, 1970

63-4053

Identification No. _____

Claim No. 63-4053

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 J. L. Horrace
post office address Route 6, Caldwell, Idaho 83605
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 21 Township 3N
Range 4W B.M. located on Isham Drain
(name of source)
tributary to Snake River 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:

<u>April 1930</u>	amount: <u>2.0</u>	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 March 20 to Nov. 1 (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 check dam and head-
gate; length is 10 feet; height is 4 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 _____
_____;

63-4053

_____; if so, give dates and 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_____

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 100

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 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 15th day of April 1970
J. L. Horvace Claimant
[Signature] Notary Public
Residing at Boise, Idaho

My commission expires May 1, 1972

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by:
<u>[Signature]</u>	<u>4-15-70</u>		
Prelim. check by <u>Dg</u>	Date <u>April 15-70</u>		
Fee received by <u>[Signature]</u>	Date _____	Fee \$ <u>10.00</u>	
Approved for publication by <u>Dg</u>			
Published in <u>Idaho Tribune</u>	Dates <u>4-30 + 5-7, 1970</u>		

63-4053

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
	<u>Total claimed:</u>		<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.

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Department of Reclamation

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April 30; May 7, 1970

Verla Harker

Subscribed and sworn to before me this

7th day of May, 19 70

Adrian K. Lark

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JULY 23, 1971

63-4053

May 25, 1970

Re: Claim to a Water Right No. 63-4053

Mr. J. L. Horrace
Route #6
Caldwell, Idaho 83605

Dear Mr. Horrace:

The Department of Reclamation 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

Enc: Copy of claim

63-4053

The Idaho Free Press

Published Daily Except Sunday

RECEIVED

P. O. BOX 88, NAMPA, IDAHO 83651

APR 27 1970

AREA CODE 208
966-7891

Department of Reclamation

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Any exception to this claim of water right may be filed with the Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation Engineer
April 30; May 7, 1970

Above is proof of your copy as it will appear in the News-

Tribune or Idaho Free Press beginning April 30. If

there are any corrections please advise by April 29.

Adam J. Kalb
Publisher

Verle Harker
Legal Clerk

63-4053

April 22, 1970

Re: Claim to a Water Right No. 63-4053 - J. L. Horrace

News Tribune
P.O. Box 1179
Caldwell, Idaho 83605

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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

63-4053

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No. 63-4053

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cubic feet per second ~~acre feet~~ of water from Isham Drain, tributary to
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Sec. 21, T. 3N, R. 4W, B.M., Canyon County; the water is
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with a priority of April, 1930
; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 3N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the News Tribune, Caldwell, Idaho,
on April 30 and May 7, 1970.

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63-4053