

RECEIVED

MAY 11 1970

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF ADA } ss.

Georgene Davis

, being duly sworn,
deposes and says: That she is the Principal Clerk of The Idaho
Daily Statesman, a daily newspaper printed and published at
Boise, Ada County, State of Idaho, and having a general circula-
tion 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 Daily Statesman for

LEGAL NOTICES

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4052

Notice is hereby given that Mr. &
Mrs. Richard F. Marks, Route 2,
Boise, Idaho, have filed a claim to
a water right established by diver-
sion and application to beneficial
use of 0.02 cubic feet per second of
water from a groundwater source
with point of diversion in the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T. 4N, R. 1E,
B.M., Ada County; the water is
claimed to be used from Jan. 1 to
Dec. 31 for domestic purposes with
a priority of December, 1953; the
place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 32, T. 4N, R. 1E, B.M.
Any exception to this claim of
water right may be filed with the
Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub. April 30, May 7 1970.

Two

weekly

consecutive insertions, beginning with the

April 30 70

issue of _____, 19____, and ending with the

issue of May 7, 1970.

Georgene Davis

Subscribed and sworn to before me this 7th day of

May, 1970.

Jana A. Young

Notary Public for Idaho, Residing at Boise, Idaho

63-4052

Identification No.

Claim No.

Map No.

63-4052

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 MR. & MRS. RICHARD F. MARKS
post office address RT. 2, BOISE, IDAHO 83702
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 32 Township 4N
Range 1E B.M. located on (WELL)
(name of source)
tributary to _____ in ADA 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:
DECEMBER, 1953 amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .02 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; 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 56 feet; diameter of well is 4 inches; type of pump is BURKE SHALLOW-WELL
capacity of pump is 15 g.p.m.; name and address of well driller is _____
_____ ;

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YES; if so, give dates and explain. NEW PUMP MARCH 27, 1970. ORIGINAL PUMP WORE OUT.

- 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 _____

- [illegible]

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 ONE ONLY
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 drilled some 16 plus years ago by James F. Fuller.
The reason for the present filing is to protect the water right
against pumping by a neighbor who has put down a 10-inch well
for mobile home^{lot} purposes. This method was advised as the best
way to insure protection of our right.

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.

Richard F. Marks
Claimant

Sworn to before me this 7th day of April, 1970.

Julia E. Green
Notary Public
Residing at Meridian, Idaho

My commission expires 2-16-71

4-15-70 For Department Use Only

Received by <u>ej</u>	Date <u>4-8-70</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Re</u>	Date <u>4-15-70</u>		claimant by:	
Fee received by <u>ej</u>	Date <u>4-16-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>Re</u>				
Published in <u>Waterman</u>	Dates <u>4-30 + 5-7, 1970</u>			

63-4052

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.

Georgene Davis, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Daily 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 Daily Statesman for

Leopoldo Navio

May, 1970.

63-4052

WATER RIGHT NUMBER 63-4052

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 154

ACTION

N OWNER LAST NAME - MARKS
N OWNER LAST NAME - MARKS
N ADDRESS LINE 1 - RT. 2

FIRST NAME - RICHARD F.
FIRST NAME - MRS. RICHARD F.

CITY - BOISE

STATE - ID ZIP CODE - 83702

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM
N DIVERSION POINT - SENE 32 04N 01E
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - DOMESTIC

PRIORITY - 12-01-1953 COUNTY - ADA

TOTAL DIV. RATE - .0200CFS

USE DIV. RATE - .0200CFS

PLACE OF USE - TWN 04N RNG 01E SEC 32 TRACT SENE

IDENT. NO. 63-4052

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-4052
OTd No. New No.

Record

1. Original Owner: Richard F. Marks & ~~Mr~~ Mrs.
Richard F. Marks

Present Owner: _____

2. Address: Rt. 23. City: Boise State: ID Zip: 837024. A. Source of Water: GW

B. Tributary of: _____

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

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

C. Priority Date: 12-1-1953D. County: 01E. 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): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SENE</u>	<u>32</u>	<u>4N</u>	<u>1E</u>		

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

from 1-1 to 12-31 for D purposes. Amount .02
(cfs or AC-Ft/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: D

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	
4N	1E	32				D													

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):

May 25, 1970

Re: Claim to a Water Right No. 63-4052

C
O
P
Y

Mr. & Mrs. Richard F. Marks
Route 2
Boise, Idaho 83702

Dear Mr. & Mrs. Marks:

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

Enclosures: Copy of claim
Receipt No. 4494

63-4052

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 22, 1970

Re: Claim to a Water Right No. 63-4052 - Mr. & Mrs. Richard F. Marks
" " " " " " 63-4054 - Albert O. Darkwood
Application for Permit No. 63-7324 - Albert O. Darkwood
" " " " " 63-7325 - Edward A. Johnson
" " " " " 63-7326 - Robert R. Baxter
" " " " " 63-7327 - Joseph Holladay
" " " " " 63-7328 - Bradford L. Huebner

Idaho Daily Statesman
300 North 6th
Boise, Idaho 83702

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 notices (7)

*Bill submitted
5-11-70
ds*

63-4052

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4052

Notice is hereby given that Mr. & Mrs. Richard F. Marks, Route
2, Boise, Idaho, have filed a claim to a water right
established by diversion and application to beneficial use of 0.02
cubic feet per second ~~1.11/1.11~~ of water from a groundwater source
with point of diversion in the SE¹NE¹
Sec. 32, T. 4N, R. 1E, B.M., Ada County ; the water is
claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
with a priority of December, 1953
; the place of use is within the SE¹NE¹
Sec. 32, T. 4N, R. 1E, 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 Idaho Daily Statesman, Boise, Idaho
on April 30 and May 7, 1970.

not

63-4052

April 10, 1970

Re: Claim to a Water Right - Richard F. Marks

Mr. & Mrs. Richard F. Marks
Rte. 2
Boise, Idaho 83702

Dear Mr. & Mrs. Marks:

We are returning your claim to a water right and your \$10 personal check. Before we can process your claim, we must have a specific quantity of water listed under item 3a.

We should also have an answer to item 7 of the claim, in as much as, this is filed in connection with a domestic use.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosures

63-4057