

RECEIVED
APR 13 1970
Department of Reclamation

AFFIDAVIT OF PUBLICATION

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

Verla Harker
of Nampa, 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 Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 Nampa, 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 2, 9, 1970

Verla Harker

Subscribed and sworn to before me this

9th day of April, 19 70

Adrian D. Kaur

Notary Public, Residing at _____, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

NOTICE OF A CLAIM TO A
WATER RIGHT
No. 63-4048

Notice is hereby given that Leo E. Axtell, Route 3, Nampa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from a ground-water source with point of diversion in SW1/4SE1/4 Sec. 2, Twp. 2 N., Rge. 2W., B.M., in Canyon County; the water is claimed to be used from April 1 to October 15 for irrigation purposes (0.08 c.f.s.) from Jan. 1 to Dec. 31 for domestic (0.02 c.f.s.) and stock-water (0.02 c.f.s.) purposes with a priority of August 1, 1961; the place of use is SW1/4SE1/4 Sec. 2, T. 2N., R. 2 W., 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 2, 9, 1970

63-4048

Identification No. _____

Claim No. 63-4048

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 Leo E. Axtell
post office address Route 3, Nampa, Idaho 83651

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 2 Township 2 N
Range 2 W B.M. located on ground-water
(name of source)
tributary to _____ 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:

August 1, 1961 amount: .10 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:

.02 cfs use domestic period of use from January 1 to December 31 (both dates inclusive)
.08 use irrigation period of use from April 1 to October 15 (both dates inclusive)
.02 use stockwater period of use from January 1 to December 31 (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 54 feet; diameter of well is 8 inches; type of pump is submersible
capacity of pump is 90 g.p.m.; name and address of well driller is Jess Doty
_____ ;

63-4048

[illegible]

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 18 beef

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

Well is 54 feet deep. Distance from top of casing to water level is 20 feet 8 inches. Measurements as of 3/28/70.

State of Idaho

County of Canyon } 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 3rd

day of March, 19 70

Leo E. Stelf
Claimant

Leo E. Stelf
Notary Public

Residing at Nampa, Idaho

My commission expires 10-10-73

For Department Use Only

Received by jk Date 3-12-70

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Dunn Date 3-12-70

Fee received by ej Date 3-18-70 Fee \$ 10.00

Approved for publication by _____

Published in Shoshone News Dates 4-2+9-70

63-4048

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.

I hereby swear that 3.71 ^{acres}
acres of land belonging to Leo and
Hazel Astell has been irrigated by
well and sprinkler system since 1961

Adolph Faustman

I hereby swear that 3.71
acres of land belonging to Leo and
Hazel Astell has been irrigated by
well and sprinkler system since 1961

Dale Kurgjivait

AFFIDAVIT OF PUBLICATION

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

Verla Harker
of Nampa, 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 Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, 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 Nampa, 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 2, 9, 1970

Verla Harker

Subscribed and sworn to before me this

9th day of April, 19 70

Edward D. Kaur

Notary Public, Residing at _____, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

63-4048

WATER RIGHT NUMBER 63-4048

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 150

ACT
ION

N OWNER LAST NAME - AXTELL
N ADDRESS LINE 1 - RT. 3

FIRST NAME - LEO E.

CITY - NAMPA

STATE - ID ZIP CODE - 83651

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

PRIORITY - 08-01-1961 COUNTY - CANYON TOTAL DIV. RATE - .1000CFS

N DIVERSION POINT - SWSE 02 02N 02W

N FROM - 04-01 TO - 10-15 USE - IRRIGATION

USE DIV. RATE - .0800CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0200CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 02N RNG 02W SEC 02 TRACT SWSE

AC 04

N REMARKS - AC. IRR.=3.71.

2000

63-4048

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-4048
 OTd No. _____ New No. _____

Record

1. Original Owner: L. E. Artell

Present Owner: _____

2. Address: Rt. 3

3. City: Nampa State: 10 Zip: 83651

4. A. Source of Water: fw

B. Tributary of: _____

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

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

C. Priority Date: 8-1-1961

D. County: 27

E. Total Diversion Rate: .1

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>SWSE</u>	<u>2</u>	<u>2N</u>	<u>2W</u>		

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

from 4-1 to 10-15 for A purposes. Amount .08
 (cfs or AC-FT/yr)

from 1-1 to 12-31 for S purposes. Amount .02

from 1-1 to 12-31 for D purposes. Amount .02

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

April 21, 1970

Re: Claim to a Water Right No. 63-4048

Mr. Leo E. Axtell
Route #3
Nampa, Idaho 83651

Dear Mr. Axtell:

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. 4324

63-4048

The Idaho Free Press

Published Daily Except Sunday

P. O. BOX 88, NAMPA, IDAHO 83651

AREA CODE 208
466-7891

RECEIVED
MAR 23 1970
Department of Reclamation

na

NOTICE OF A CLAIM TO A WATER RIGHT No. 63-4048

Notice is hereby given that Leo E. Axtell, Route 3, Nampa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from a ground-water source with point of diversion in SW1/4SE1/4 Sec. 2, Twp. 2 N., Rge. 2W., B.M., in Canyon County; the water is claimed to be used from April 1 to October 15 for irrigation purposes (0.08 c.f.s), from Jan. 1 to Dec. 31 for domestic (0.02 c.f.s) and stock-water (0.02 c.f.s.) purposes with a priority of August 1, 1961; the place of use is SW1/4SE1/4 Sec. 2, T. 2N., R. 2 W., 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 2, 9, 1970

Above is proof of your copy as it will appear in the News-Tribune or Idaho Free Press beginning April 2. If there are any corrections please notify by April 1.

Adam J. Kalb
Publisher

Verla Harker
Legal Clerk

63-4048

March 25, 1970

Re: Claim to a Water Right No. 63-4048 - Leo E. Axtell

Idaho Free Press
P.O. Box 88
Nampa, Idaho 83651

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 Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
4-13-70
Dr*

63-4048

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4048

Notice is hereby given that Leo E. Axtell, Route 3, Nampa, Idaho
_____ has filed a claim to a water right
established by diversion and application to beneficial use of 0.10
cubic feet per second ~~and feet~~ of water from a ground-water source
_____ with point of diversion in _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, Twp. 2 N., Rge. 2 W., B. M., in / Canyon County; the water is
claimed to be used from April 1 to October 15 for irrigation purposes (0.08 c.f.s.),
(0.02 c.f.s.) and stockwater (0.02 c.f.s.) purposes
from Jan. 1 to Dec. 31 for domestic / with a priority of _____
August 1, 1961; the place of use is _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T. 2 N., R. 2 W., 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 Free Press
on April 2nd and April 9th, 1970.

63-4048

March 12, 1970

Re: Claim to a Water Right

Mr. Leo E. Axtell
Route # 3
Nampa, Idaho 83651

Dear Mr. Axtell:

We acknowledge receipt of your Claim to a Water Right. However, before we can process your claim, we will require that you submit a \$10.00 filing fee.

Your immediate attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

63-4048