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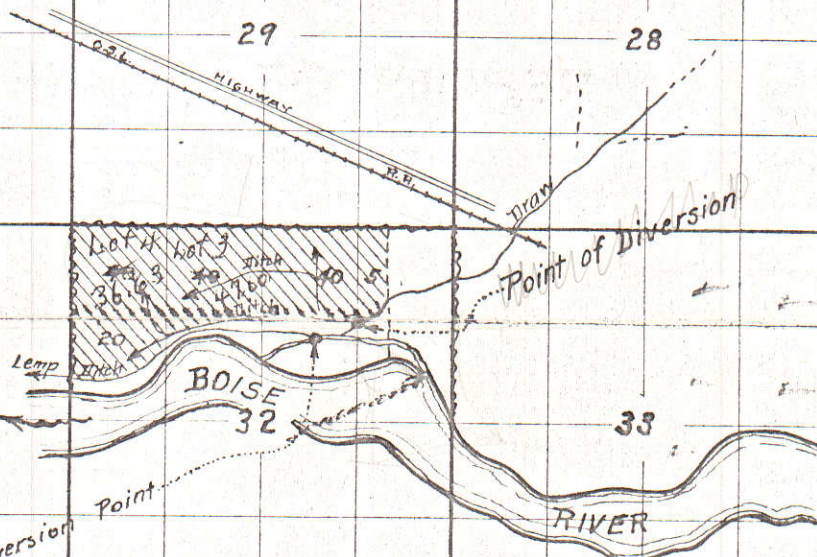
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Twp 5N, R4WBM.

63 4045

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 19 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:

March 5, 12, 1970

Verla Harker

Subscribed and sworn to before me this

12th day of March, 19 70

Edward J. Kaur

Notary Public, Residing at Nampa, Idaho

MY COMMISSION EXPIRES JUNE 23, 1971

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4045

Notice is hereby given that Joe Dolence, Route 1, Parma, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.20 cubic feet per second of water from the Boise River with point of diversion in the SE1/4NE1/4, Sec. 32, T. 5N, R. 4W, B.M., Canyon County; the water is claimed to be used from April 1 to October 15 for irrigation with a priority of August 21, 1920; the place of use is within the N1/2 NW1/4, SW1/4NW1/4, Sec. 32, T. 5 N, R. 4 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
March 5, 12, 1970

Identification No. _____
Claim No. 63-4045
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 Dolence
post office address Route 1, Parma, Idaho 83660
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 32 Township 5 N
Range 4 W.B.M. located on Boise River
(name of source)
tributary to Boise 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>August 21, 1920</u>	amount: <u>1.20</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 <u>Irrigation</u>	period of use from <u>April 1st</u>	to <u>Oct. 15th</u>	(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 dirt and gravel
_____; length is 175 feet; height is 8 feet;
width at bottom is 30 feet; width at top is 16 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Diversion same.
 - 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 _____

c. Conveying works: length of ditch to place of use is 1 mile ~~1000~~; width of ditch at top is 30 feet; width of bottom of ditch is 20 feet; depth of water is 3-4 feet; grade of ditch per 1000 feet is 1 feet; material through which ditch passes is gravel, no pipe; 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 none

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 _____

~~SECRET~~

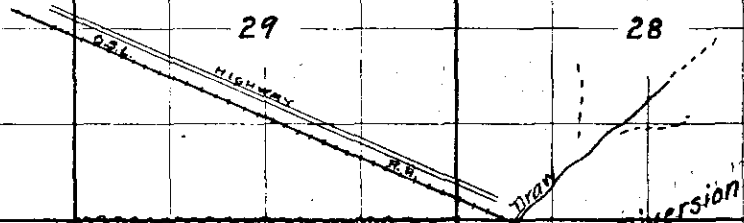
[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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Lemp Diversion Point

Twp 5N, R4W, B1M

63 4045

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch Larsen-Bachelor-Lemp. The other users and their respective interests in the ditch are (if known) _____

Earl Klahr, Rt. 5, Caldwell, Idaho 1/2

I. E. Pharess, Rt. 1, Parma, Idaho 1/4

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
In the spring of each year a dam of sand and gravel is built in Boise River, to the above specifications. The material for it is taken from the river bottom below the dam. Each year high water washes it out. This dam acts as a diversion of water needed into the ditch of the parties.

There is constructed in the ditch below the dam a concrete structure 16 feet wide and 5 feet high, with a concrete apron, where unneeded water may be diverted back into the river.

Further down the ditch about 650 feet another such structure exists for further diversion back to the river of unneeded water. Here water necessary for all parties to use for irrigation is retained in the ditch.

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 5th day of February, 1970.

Joe Bachelor
Claimant

Lois S. Johnston
Notary Public

Residing at Caldwell, Idaho

My commission expires August 4-1973

For Department Use Only

Received by <u>PWH</u> Date <u>2-9-70</u> <u>keet</u>	Exception filed by:	Forwarded to	Date
Prelim. check by _____ Date _____		claimant by:	
Fee received by <u>ej</u> Date <u>2-9-70</u> Fee \$ <u>41.89</u>			
Approved for publication by _____			
Published in <u>Liburne</u> Dates <u>3-5-12-70</u>			

63 4045

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

A F F I D A V I T

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

DENVER C. GLENN and L. JAY BOWER, each for himself, being first duly sworn, says:

Denver C. Glenn is a son-in-law of Ole Larsen, former owner and resident in the Parma area since 1920; that L. Jay Bower owned the property involved since 1943.

That said parties are acquainted with irrigation water uses from Boise River on what was known as the Jerome Long or Ole Larsen Ranch in Section 32, T. 5 N., R. 4 W., B.M. in Canyon County, Idaho, and from personal knowledge and inquiry believe that irrigation water was first diverted from Boise River for use on said property in 1921, and that said water has been regularly used each year thereafter for such purposes.

Denver C. Glenn

L Jay Bower

SUBSCRIBED AND SWORN to before me this 5th day of February, 1970.

Laird S. Johnston
Notary Public for State of Idaho
Residing at Boise, Idaho.

AFFIDAVIT OF PUBLICATION

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:

March 5, 12, 1970

Verla Harker

Subscribed and sworn to before me this

12th day of March, 1970

Orlando Kaur

Notary Public, Residing at Nampa, Idaho

BY COMMISSION EXPIRES 10-20-71

WATER RIGHT NUMBER 63-4045

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 147

ACT
ION

N OWNER LAST NAME - DOLENCE

FIRST NAME - JOE

N ADDRESS LINE 1 - RT. 1

CITY - PARMA

STATE - ID ZIP CODE - 83660

N SOURCE - BOISE RIVER

N STAGE - STATRY CLM

PRIORITY - 08-21-1920 COUNTY - CANYON TOTAL DIV. RATE - 1.2000CFS

N DIVERSION POINT - SENE 32 05N 04W

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

USE DIV. RATE - 1.2000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 05N RNG 04W SEC 32 TRACT NENW

AC 48 TRACT NWNW

AC 37

N

TRACT SWNW

AC 20

N REMARKS - AC. IRR.=104.23.

1000

IDENT. NO. 63-4045

ID 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

Initials

Date _____

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied
(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

**Field Exam Accepted
and changes entered**

License Signed

Transfer Approved

Keypunched by State Office

dc

12-10-79

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 63-4045
 OTd No. _____ New No. _____

Record

1. Original Owner: Joe Dolence

Present Owner: _____

2. Address: Rt 1
 3. City: Poncha State: CO Zip: 83460

4. A. Source of Water: Boise River
 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: 8-21-1920

D. County: 27
 E. Total Diversion Rate: 1.2

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>5N</u>	<u>4W</u>		

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

from 4-1 to 10-15 for A purposes. Amount 1.2
 (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 _____

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	
<i>5N</i>	<i>4W</i>	<i>32</i>					<i>48</i>	<i>37</i>	<i>20</i>										<i>105</i>

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. Irr. = 104.23.*
 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):

March 25, 1970

Re: Claim to a Water Right. No. 63-4045

Mr. Joe Dolence
Route 1
Parma, Idaho 83660

Dear Mr. Dolence:

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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:DR

Enclosure: Copy of claim

63 4045

CA legal

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4045

Notice is hereby given that Joe Dolence, Route 1, Parma, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.20 cubic feet per second of water from the Boise River with point of diversion in the SE1/4NE1/4, Sec. 32, T. 5N, R. 4W, B.M., Canyon County; the water is claimed to be used from April 1 to October 15 for irrigation with a priority of August 21, 1920; the place of use is within the N1/2 NW1/4, SW1/4NW1/4, Sec. 32, T. 5 N, R. 4 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
March 5, 12, 1970

RECEIVED

Department of Reclamation

February 23, 1970

Re: Claim to a Water Right No. 63-4045 - Joe Dolence

News Tribune
P.O. Bx 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 Examiner

DWM:DR
Enc: Legal notice

*Bill submitted
3-16-70
JW*

63 4045

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4045

Notice is hereby given that Joe Dolence, Route 1, Parma, Idaho,
 has filed a claim to a water right
established by diversion and application to beneficial use of 1.20
cubic feet per second/~~acre foot~~ of water from the Boise River
 with point of diversion in the SE $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{4}$
Sec. 32, T. 5N, R. 4W, B.M., Canyon County; the water is
claimed to be used from April 1 to October 15 for irrigation
 with a priority of August 21, 1920
; the place of use is within the NE $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{4}$
SW $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{4}$, Sec. 32, T. 5N, 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/711/ News Tribune, Caldwell, Idaho.
on March 5 and March 12, 1970.

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63 4945

LAW OFFICES
MILLAR, CALLISTER & CARTER
ATTORNEYS AT LAW
510 W. WASHINGTON STREET
Box 1545
BOISE, IDAHO 83701

Z. REED MILLAR
MARION J. CALLISTER
RONALD G. CARTER

TELEPHONE 342-4508

February 9, 1970

Department of Reclamation
State of Idaho
Room 107, Statehouse
Boise, Idaho 83701

RE: Claim of Water Route, Joe Dolence

Gentlemen:

I hand you herewith claim of a water right by Joe Dolence from Boise River in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 32, Township 5 North, Range 4 W., B.M., Canyon County, Idaho, together with our check for filing fee in the amount of \$10.00.

Mr. Dolence has been on the property for several years on property he is purchasing from Bowers. I decided he would be the appropriate one to make this claim, which is agreeable with Mrs. Bowers.

As you know, we have checked carefully through the department records as to the origin of this usage for agricultural purposes and have concluded we can establish this claim.

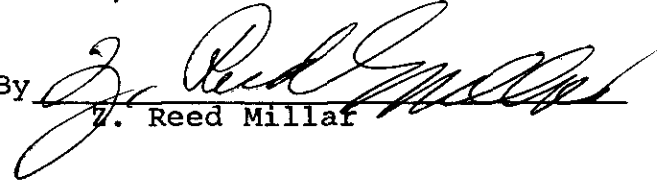
The affidavit of Denver C. Glenn and L. Jay Bower who are familiar with the facts and the origin of use, is attached.

Will you please keep us advised.

Very truly yours,

MILLAR, CALLISTER & CARTER

By


Z. Reed Millar

ZRM:mrc
Encs.

63 4045