

RECEIVED

FEB 25 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

Two weekly

consecutive insertions, beginning with the
issue of February 12, 1970, and ending with the

issue of February 19, 1970.

Georgene Davis

Subscribed and sworn to before me this 20th day of

February, 1970.

Jana A. Gaung

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
No. 63-4042
Notice is hereby given that
Francis J. Herman, Route 1, Melba,
Idaho, has filed a claim to a water
right established by diversion and
application to beneficial use of .164
cubic feet per second of water from
a groundwater source with point of
diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.
29, T. 1S, R. 1W, B.M., Ada County;
the water is claimed to be used
from April 1 to Nov. 1 for irrigation
and from Jan. 1 to Dec. 31 for live-
stock and domestic purposes with a
priority of February, 1937; the place
of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 1S, R. 1W,
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. Feb. 12, 19, 1970.

63 4042

RECEIVED

JAN 30 1970

Department of Reclamation

no number

STATE OF IDAHO,) ss.
COUNTY OF ADA)

Georgene Davis

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho 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

Statesman for Two ^{weekly} consecutive insertions, beginning with the issue of January 15, 19 70, and ending with the issue of January 22, 19 70.

Georgene Davis

Subscribed and sworn to before me this 27th day of January, 19 70.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CLAIM TO A WATER RIGHT
Notice is hereby given that Francis J. Herman, Route 1, Melba, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .164 cubic feet per second of water from a groundwater source with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 29, T. 1S. R. 1W. B.M., Ada County; the water is claimed to be used from April 1 to Nov. 1 for irrigation and from Jan. 1 to Dec. 31 for livestock and domestic purposes with a priority of February, 1937; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 1S, R. 1W, 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. Jan. 15, 22, 1970.

Identification No. 8

Claim No. 63-4042

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 Francis J. Herman
post office address Route 1, Melba, Idaho 83641

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 1 S
Range 1 W B.M. located on Groundwater
(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:

February, 1937 amount: .164 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .164 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 Livestock period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Irrigation period of use from April 1 to Nov. 1 (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 315 feet; diameter of well is 4 $\frac{1}{2}$ inches; type of pump is Dempster Automatic - 2 hp
capacity of pump is 376/445 g.p.m.; name and address of well driller is A.E. Hosack
(See attached sheets)

attach well logs if available; has there been any change in pump or motor since well was first completed no; if so, give dates and explain except repairs (see attached sheets)

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; 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 _____

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 _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 S	1 W	29		½			1												1 ½
			(Irrigation or sprinkling of experimental plat and yard = possible 1½ acres)																

Total number of acres to be irrigated 1 ½

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

Where water is used for domestic or municipal purposes give number of families served 2

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. See attached sheets.

giving dates and quantities See attached sheets.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

County of Ada } ss.

Sworn to before me this 29th day of December 1969,

 Claimant

James J. Herman
Claimant

Day of December 1969
W. Russell Cook
 Notary Public.

Residing at Trice, Idaho

My commission expires Jan 19, 1978

Received by DLM Date 12-29-69 , #Exception filed by:

Prelim. check by OK Date 12-29-69 rec'd 4025 gms.

Fee received by 21 Date 12-29-69 Fee \$ 10.00

Approved for publication by _____

Published in Stationer Dates 1-15-72-70

Forwarded to _____ Date _____
claimant by: _____

63 4042

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.

CHESTER EGGERS, JR.
CHAIRMAN OF THE BOARD
M. B. SCHLOTTMAN
VICE CHAIRMAN OF THE BOARD
ROYSE VAN CUREN
PROJECT MANAGER
W. J. FARRELL
SECRETARY-TREASURER

REFERENCE—FIRST SECURITY BANK OF IDAHO—BOISE
THE IDAHO FIRST NATIONAL BANK—BOISE
BUREAU OF RECLAMATION—BOISE, IDAHO; WASHINGTON D. C.

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS:
NANPA & MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U. S. RECLAMATION PROJECT)

214 BROADWAY

BOX 2298
BOISE, IDAHO 83701

December 31, 1969

Mr. Keith Higginson
State Reclamation Engineer
Statehouse
Boise, Idaho 83707

Re: (BK-906)

Dear Mr. Higginson:

Mr. Francis Herman has asked me to contact your office to substantiate to some degree a filing on his domestic well located on the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 1 South, Range 1 West, Boise Meridian, Idaho.

Personally, I can vouch for the use of the well the past twelve years, but I also am convinced after some investigation of other relative information.

The well was drilled in 1937 give or take a year by Allen E. Hosack's rig of Nampa. I did fail to locate a drilling log, but quite likely there was one kept. The depth appears to be 315 feet fully cased with 4 inch casing. Mr. Herman claims 315 feet of casing was installed, which I have no reason to dispute. The 10 DW Dempster Automatic pump presently on the well appears to be the original installation. This is a deep well cylinder type pump with a 2 inch pipe supporting the cylinder and containing the connecting rod. The cylinder is about 220 feet below the top of the casing and the water lift at present is approximately 190 feet.

It was pointed out to Mr. Merman that because of adjacent deep well irrigation development that might possibly affect his water supply, a protective record should be kept on the water surface at intervals. The intervals should be short enough to establish accurate data on the year round water table.

Enclosed is a copy of some pertinent information about the well as provided me by Mr. Herman.

If you have need of any further information I might have available, please feel free to contact this office.

Sincerely yours,

Royse Van Curen
Royse Van Curen
Project Manager

RVC:jb

Enclosure

CC: Francis J. Herman, Rt. 1, Melba, Idaho

58 4042

WELL ON FRANCIS HERMAN PLACE

Allen E. Hosack contract drilling job - placed one of his rigs to drill with Scotty Cliff and helper operating it. Only took them about ten days as they didn't hit any rock.

Well drilled Feb.-March, 1937
315 feet deep
190 feet static water level

Tested with drill rig with 18 inch stroke under full pipe load and couldn't lower an inch pumping steady day and night.

Ground pipe $4\frac{1}{2}$ " C.D.
Galvanized pump casing 2- $\frac{3}{4}$ " O.D.
Inside diameter of well casing and pump cylinder $2\frac{1}{4}$ " I.D.

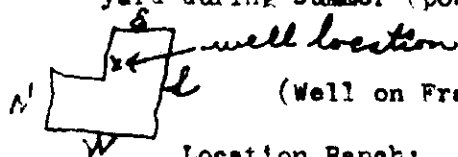
Then Hosack installed Dempster automatic pump. 2-horse electric motor and 220 gal. galvanized tank (Pump 10 DW).

9" stroke pump with $2\frac{1}{4}$ " cylinder (38 strokes delivers 370 gal. per hour.

10" stroke delivers 445 gal. per hour.

Actual measurement of stroke with steel tape 9- $\frac{5}{8}$ " which is probably called a 10" stroke.

Primary use of well continuous for Personal and Stock water - with some irrigation of experimental plots and sprinkling trees, shrubbery and yard during summer (possibly $1\frac{1}{2}$ acres).



(Well on Francis Herman place)

at I Melba, Idaho 83641

Location Ranch:

SE 4	SW 4	Sec 20	NW 4	NE 4
NE 4	NW 4	Sec 29	1 S	1 W
Ada County				

Description of ranch:

SE 4 SW 4 Sec 20 NW 4 NE 4

NE 4 NW 4 Sec 29 1S 1W

Allen E. Hosack, contract well driller, put one of his well drilling outfits, operated by his man known as "Scotty" ^{Califf} and his helper, to drill well on our place - February-March, 1937. Took them approximately 10 days as they didn't hit any rock. Soft water well - neighbor had tested and tested right next to rain water. Well drilled to 315 feet deep and water raised to a static 190 ft. Test with drilling outfit under full pipe load with an 18 inch stroke, day and night, then measured height of water and it didn't lower static level below 190 ft.

As contractor, Mr. Hosack purchased the Automatic Dempster pump, with two horse electric motor (with 220 gal. galvanized pressure tank) and other well accessories, from what was known then as the McLain Hardware Co., the predecessor company of the Graybill Wholesale Co., and installed them in or on our well - which are rated (the 9 to 10 inch stroke) at between 376 to 445 gal. per hour.

From time to time, as was necessary, purchased parts to keep pump in good repair, which has given very good service with a minimum of repairs.

Francis J. Herman
Pte I

Melba, Idaho 83641

Dempster Mill Mfg., Beatrice, Nebraska

Some numbers on pump equipment, etc. - Fig. 1012 on pump base
also No. 10 DW 58.

Measured stroke with steel tape - measured 9-5/8" (could be called
10" stroke)

9" - 376 gal. per hr.

10" - 445 gal. per hr.

Well drilled Feb.- March, 1937.

Up to 1960 bought occasional matched belts for drive (2) and re-
placed felt packers and small, soft drive pinion two or three times
ourselves (from Graybill's).

Nov. 14, 1949, Lloyd Swarthout checked well pump and fixed points
(wouldn't cut in) - \$3.00.

March 14, 1956, service on pump - \$3.50, points, by Melba Electric
(after Swarthout sold out).

May 7, 1957, service call Melba Electric - \$3.00, loose nut on wire
switch box.

Sept 27, 1960, repairs to pump - \$7.50, replaced leathers at top
(Woods Lumber yard (Cecil Woods)).

April 24, 1961, pump parts, gaskets, felts, etc., (\$3.03 Graybills)
made repairs myself.

Nov. 17, 1965. Had J. Howard Pine pick up a number of parts to
completely replace worn parts on pump, bought from Graybill Wholesale
Co. Pine paid for parts as billed to him and I paid Pine.
Labor \$26.50, Nov. 17, 1965 - Parts \$71.10, Dec. 20, 1965.

Nov. 18, 1965, purchased roll of leathers - \$9.00.

Oct. 29, 1968, Munford Pump Service - \$52.00 (Lloyd Hamilton, repair man)
Put in new parts and leather top, new automatic control, new pressure
fauge control, etc.

Francis J. Herman
Rte I

Melba, Idaho 83644

63 4042

No. 6, N. 7 & No. 8

Drinking water requirements for households and personal uses and livestock, etc., may vary from year to year as is required as times and markets change.

58 head of dairy cows, young stock and bull.

85 ewes and buck
125 lambs

6 brood sows and boar
100 pigs

300 hens
500 brooder chickens

12 turkey hens and gobbler
360 turkeys

Have had two families in our household, besides several families in tenant house, etc.

Several single hired men.

Combinations of crews for digging potatoes and topping corn, pulling carrots, etc., occasionally to approximately 60 men some days.

Some people didn't have wells or soft water of their own came and got water now and then.

When I tried the nursery business occasionally I tested plots on virgin soil in present sheep yard - used some well water for irrigating to test costs and feasibility. Also sprinkled trees, shrubbery and yard. Hauled water for fire control while burning and making cement structures.

If I should switch to beef cattle raising, I may need more water and I'd have to put in a submersible pump to get more capacity.
-- or if I should desire to irrigate more acres sometime.

Francis J. Herman
Rto I
Melba, Idaho 83641

Identification No. _____

Claim No. _____

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 Francis J. Herman
post office address Rte I Melba Idaho 83641

2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 15
Range 7N B.M. located on S. 8E4 SW4 Sec 20 NW4 7E4
7E4 7SW4 Sec 29 1E 1W
tributary to W 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: Feb-March 1937 continuous Feb 1937
(Details on extra sheet pg. 1 and 2)
amount: range between 376 to 445 gallons per hour
.164 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: (Personal, livestock) (some irrigation or sprinkling during summer here well and personal yard, shrubbery, + trees - experimental plot)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from (Details extra sheet pg 3) 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: well flowing or pumped pumped; depth of well is electric
315 feet; diameter of well is 3 1/4" O.D.; type of pump is Rempator Automatic - 2 horse
capacity of pump is 376 g.p.h.; name and address of well driller is A.E. Hoesack - contractor
Midland Blvd. Nampa, Idaho
(actual measured stroke 9 5/8" probably would be called 10" stroke)
(details on extra sheet pg 1 & pg 2) (Scotty Cluff)

attach well logs if available; has there been any change in pump or motor since well was first completed No; if so, give dates and explain except repairs (further details extra sheet pg 2)

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; 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 _____

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 _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			(irrigation or sprinkling) experimental plots and yard = possible 1½ acres																
15	16	29	½				1												1 ½

Total number of acres to be irrigated 1½

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 details on extra
(sheet pg. 3)

7. Where water is used for domestic or municipal purposes give number of families served details on pg 3
~~name of town supplied~~ ranch (details extra sheet pg. 3)

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. possible (details extra pg. 3)

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho }
County of _____ } 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.

Francis J. Heiman
Claimant

Sworn to before me this _____ day of _____, 19____.

Notary Public

Residing at _____

My commission expires _____

For Department Use Only

Received by _____	Date _____	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>D</u>	Date _____	<u>Information ONLY</u>	_____	_____
Fee received by _____	Date _____	Fee \$ _____	_____	_____
Approved for publication by _____	_____	_____	_____	_____
Published in _____	Dates _____	_____	_____	_____

INSTRUCTIONS

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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.

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

Two ^{weekly} consecutive insertions, beginning with the
issue of February 12, 1970, and ending with the
issue of February 19, 1970.

Georgene Davis
Subscribed and sworn to before me this 20th day of

February, 1970.

John A. [Signature]
Notary Public for Idaho, Residing at Boise, Idaho



2nd amended

STATE OF IDAHO,)
COUNTY OF ADA) ss.

Georgene Davis

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho 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

Statesman for Two ^{weekly} consecutive insertions, beginning with the issue of January 15, 19 70, and ending with the issue of January 22, 19 70.

Georgene Davis

Subscribed and sworn to before me this 27th day of January, 19 70.

Lana A. Young
Notary Public for Idaho, Residing at Boise, Idaho

WATER RIGHT NUMBER 63-4042

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 144

ACT
ION

N OWNER LAST NAME - HERMAN
N ADDRESS LINE 1 - RT. 1

FIRST NAME - FRANCIS J.

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

CITY - MELBA

STATE - ID ZIP CODE - 83641

N DIVERSION POINT - NWNE 29 01S 01W

PRIORITY - 02-01-1937 COUNTY - ADA

TOTAL DIV. RATE - .1600CFS

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .1600CFS

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

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

N USE - IRRIGATION

PLACE OF USE - TWN 01S RNG 01W SEC 29 TRACT NWNE

AC 01 TRACT NENW

AC 01

N REMARKS - AC. IRR.=1.5.

3/79

IDENT. NO. 63-4042

I D 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

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-4042
 Old No. _____ New No. _____

Record

1. Original Owner: Francis J. Herman

Present Owner: _____

2. Address: Rt. 1
 3. City: Melba State: ID Zip: 83641

4. A. Source of Water: gw
 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: 2-1-1937
 D. County: OI
 E. Total Diversion Rate: .16
 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>NWNE</u>	<u>29</u>	<u>18</u>	<u>1W</u>		

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

from	to	for	Amount
<u>4-1</u>	<u>11-1</u>	<u>A</u> purposes.	<u>.16</u> (cfs or AC-Ft/yr)
<u>1-1</u>	<u>12-31</u>	<u>D</u> purposes.	
<u>1-1</u>	<u>12-31</u>	<u>S</u> purposes.	

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Ac. Crr. = 1.5.
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 3, 1970

Re: Claim to a Water Right No. 63-4042

Mr. Francis J. Herman
Route #1
Melba, Idaho 83641

Dear Mr. Herman:

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 4042

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 3, 1970

Re: Claim to a Water Right No. 63-4042

Idaho Daily Statesman
300 North 6th
Boise, Idaho

Gentlemen:

Enclosed you will find a copy of the legal notice in connection with the above referenced claim forwarded to you on January 6th to be published in your paper on January 15th and 22nd.

In checking the affidavit we find that the claim number was omitted from the publication. As we did not receive a tear sheet for proofing previous to advertising, we would now request that you re-publish the notice at your expense for two consecutive weeks. (February 12th and 19th)

Upon receipt of the correct affidavit of publication, we will forward your certified bill covering the first publications to our Accounting Department.

If you have any questions regarding this matter, please contact me.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Copy of legal notice

*Bill submitted
3-3-70
dw*

63 4042

January 6, 1970

Re: Claim to a Water Right No. 63-4042 - Francis J. Herman

Idaho Daily Statesman
300 North 6th
Boise, Idaho

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

63 4042

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4042

Notice is hereby given that Francis J. Herman, Route 1, Malba,
Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of .164
cubic feet per second ~~acre feet~~ of water from a groundwater source
with point of diversion in the NE 1/4 of
Sec. 29, T. 1S, R. 1W, B.M., Ada County; the water is
claimed to be used from April 1 to Nov. 1 for irrigation and from
Jan. 1 to Dec. 31 for livestock / ^{and domestic purposes} with a priority of February, 1937
; the place of use is within the NE 1/4,
NE 1/4, Sec. 29, T. 1S, R. 1W, 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 January 15 and January 22, 1970.