

RECEIVED

NOV 26 1969

Department of Reclamation

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

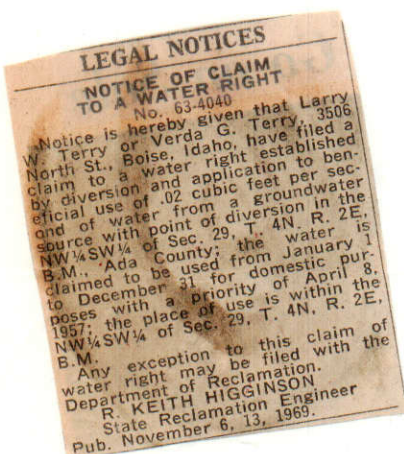
Statesman for Two consecutive ^{weekly} insertions, beginning with the issue of November 6, 1969, and ending with the issue of November 13, 1969.

Georgene Davis

Subscribed and sworn to before me this 20th

day of November, 1969.

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



Bill submitted

12-1-69
ds

63 4040

Identification No.

Claim No.

Map No.

63-4040

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 Larry W. Terry or Verda G. Terry
post office address 3506 North Street, Boise, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 29 Township 4 N
Range 2 E B.M. located on ground-water
(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:
4-8-1957 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 44 feet; diameter of well is 4 inches; type of pump is advanced pump
capacity of pump is 9 g.p.m.; name and address of well driller is Harvey Stone
_____ ;

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_____

[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 name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

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

State of Idaho }
County of ADA } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 10th day of October, 1969.
Larry W. Terry Claimant

M. Russell Beach Notary Public
Residing at Boise, Idaho

My commission expires Jan 19, 1973

For Department Use Only

Received by <u>Dea</u> Date <u>10-10-69</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Dea</u> Date <u>10-10-69</u>	_____	_____	_____
Fee received by <u>ju</u> Date <u>10-10</u> Fee \$ <u>10⁰⁰</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____
Published in <u>Statesman</u> Dates <u>11-6 and 13-69</u>	_____	_____	_____

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.

RECEIVED

Department of Justice

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 consecutive ^{weekly} insertions, beginning with the issue of November 6, 19 69, and ending with the issue of November 13, 19 69.

Georgene Davis

Subscribed and sworn to before me this 20th day of November, 19 69.

Anna A. Green
Notary Public for Idaho, Residing at Boise, Idaho

Bill submitted
12-1-69

63 4060

WATER RIGHT NUMBER 63-4040

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 142

ACT
ION

N OWNER LAST NAME - TERRY
N OWNER LAST NAME - TERRY
N ADDRESS LINE 1 - 3506 NORTH ST.

FIRST NAME - LARRY N.
FIRST NAME - VERDA G.

CITY - BOISE

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 04-08-1957 COUNTY - ADA

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - NWSW 29 04N 02E

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 04N RNG 02E SEC 29 TRACT NWSW

6000

IDENT. NO. 63-4040

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. 1634040
 OTd No. _____ New No. _____

Record

1. Original Owner: Larry N. & Vonda J. Tunny

Present Owner: _____

2. Address: 3506 North St

3. City: Boise State: ID Zip: _____

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: 4-8-1957

D. County: 01

E. 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>NWSW</u>	<u>29</u>	<u>4N</u>	<u>2E</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

[illegible]

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):

November 24, 1969

Re: Claim To A Water Right No. 63-4040 - Larry W. or Verda G. Terry
Claim To A Water Right No. 63-4041 - Mrs. Marie Smith
Application for Permit No. 63-7271 - Robert A. Condie & Calvin E. Clark

The Idaho Daily Statesman
300 North 6th
Boise, Idaho 83702

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on November 6th, and 13th, 1969/

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

63-4040

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

October 29, 1969

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

Re: Claim to a Water Right No. 63-4040 - Larry W. or Verda G. Terry
" " " " " " 63-4041 - Mrs. Marie Smith
Application for Permit No. 63-7271 - Robert A. Condie and Calvin E. Clark

The 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 Examiner

DWM:DR

Enc: legal notices (3)

63 4040

December 2, 1969

Re: Claim to a Water Right No. 63-4040

C
O
P
Y

Larry W. Terry or
Verda G. Terry
3506 North Street
Boise, Idaho

Dear Mr. or Mrs. Terry:

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:mjl

Enclosure: Copy of Claim

63 4040

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4040

Notice is hereby given that Larry W. Terry or Verda G. Terry, 3506 North
St., Boise, Idaho, have ~~has~~ filed a claim to a water right
established by diversion and application to beneficial use of .02
cubic feet per second ~~and~~ feet of water from a groundwater source
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
of Sec. 29, T. 4N, R. 2E, B.M., Ada County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of April 8, 1957
; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$
of Sec. 29, T. 4N, R. 2E, 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 The Idaho Daily Statesman, Boise, Idaho,
on November 6 and November 13, 1969.