

Identification No. _____

Claim No. 63-4039

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 ORVILLE ~~MY~~MILDRED MYERS
post office address 96 IDAHO CITY STAGE BOISE, IDAHO
2. The point of diversion is in SE 1/4 of 16 Section 16 Township 4 N
Range 4 E B.M. located on natural spring site, not
(name of source)
tributary to any stream, but near More's Cr. in BOISE 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>January 1, 1925</u>	amount: <u>.02</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>domestic and garden</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</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 Concrete and blocks
_____; length is 8' feet; height is 8' feet;
width at bottom is 8' feet; width at top is 8' feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
The present box replaced the original wooden box which was deteriorated from many years of use. The present box was installed about ten years ago (1959)
 - 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 _____;

_____; if so, give dates and explain _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

The water is and has been used for yard sprinkling and garden and inside the dwelling.

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 _____

[illegible]

None

b. Do you get water through a ditch owned by several users? No 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 _____
One burro is kept and watered from this supply.

7. Where water is used for domestic or municipal purposes give number of families served One family
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 Upward of 1 1/4 years ago this water was appropriated for use at this site in connection with the teachers' residence and schoolhouse, and the appropriation has been in use from that time on, the school being now terminated the use has continued for residential purposes and domestic purposes by the applicants as purchasers of the school site.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The flow of the water is not sufficiently great that it reaches the streams draining this area, hence is not regarded as tributary. It is totally consumed on the premises. There is no drainage.

State of Idaho

County of Boise

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.

Mildred Myers Carroll R. Myers
Claimant

Sworn to before me this 18th day of August, 19 69.

Frederick W. [Signature]
Notary Public
Residing at Idaho City, Idaho

My commission expires April 2, 1971

For Department Use Only

Received by <u>if</u>	Date <u>8-20-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>if</u>	Date <u>8-20-69</u>			
Fee received by <u>if</u>	Date <u>8-20-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>[Signature]</u>				
Published in <u>World</u>	Dates <u>9-9-11-69</u>			

63 4039

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	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.

SUPPORTING AFFIDAVIT

RECEIVED
AUG 14 1969

Department of Reclamation

STATE OF IDAHO)
) SS.
County of Boise)

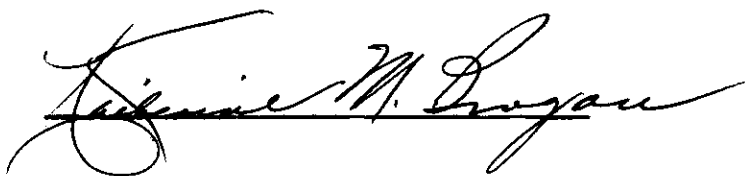
KATHERINE M. BROGAN, being first duly sworn says:

She is, and has been for 44 years past, during which period and for the greater part of which she has been Clerk of the District Court and Ex-officio Auditor and Recorder of Boise County, Idaho, acquainted with the premises now owned by Orville Myers and Mildred Myers, his wife, lying in Section 15, T. 4 North Range 4 EBM, said premises being described as

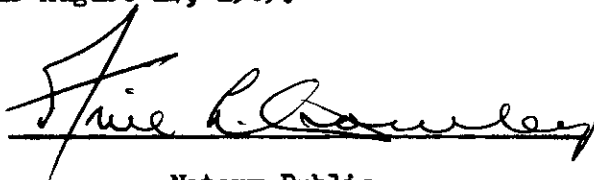
Beginning at the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 15; said point being the real point of beginning; thence North 320.00 feet along the West line of the said Section 15 to a point; thence South 80°00' E. 300 feet to a point; thence South 44° 39' E. 376.5 feet to a point on the South Line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 15; thence West 560 feet to the real point of beginning;

and during the said 44 years the waters of the spring which rises on the adjoining Section 16 have been piped to and used to supply the school and residential facilities on the said lands.

Affiant does not know for how many years before she became acquainted with the land the said use was established; but it has been at least 44 years to her personal knowledge.



Subscribed and sworn to before me August 14, 1969.



Notary Public
Residing at Idaho City, Idaho

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO,
COUNTY OF BOISE,

} S.S.

T. R. Adams being

duly sworn, deposes and says:
That he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issues beginning

with Sept. 4, 1969
and ending with the issue of

September 11, 1969

Fees \$ 6.71.

T. R. Adams

Subscribed and sworn to before
me this 5 day of October

1969

Richard M. Morgan
Clerk District Court

Deputy

—o—o—o—
NOTICE OF CLAIM TO A
WATER RIGHT

No. 63 - 4035

Notice is hereby given that Orville R. and ~~Myers~~ Myers, care Idaho City Stage, Boise, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of .02 cubic feet per second of water from an unnamed spring with point of diversion in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 4N., R. 4E., B.M., Boise County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of January 1, 1925; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 4N., R. 4E., 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. Sept. 4 - 11, 1968

Dept of Reclamation

63 4035

WATER RIGHT NUMBER 63-4039

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 141

ACT
ION

N OWNER LAST NAME - MYERS
N OWNER LAST NAME - MYERS
N ADDRESS LINE 1 - C/O IDAHO CITY STAGE

FIRST NAME - ORVILLE
FIRST NAME - MILDRED

CITY - BOISE

STATE - ID ZIP CODE - 83700

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 01-01-1925 COUNTY - BOISE

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SESE 16 04N 04E

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 04N RNG 04E SEC 16 TRACT SESE

1000

IDENT. NO. 63-4039

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. 13-4039
 OTd No. _____ New No. _____

Record

1. Original Owner: Orville & Mildred Myers

Present Owner: _____

2. Address: % Idaho City Stage

3. City: Boise State: ID Zip: _____

4. A. Source of Water: g spring

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: 1-1-1925

D. County: IS

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>SESE</u>	<u>16</u>	<u>4N</u>	<u>4E</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 _____

SKO 1106

8. Use Code: D

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	4E	16																	D

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 13, 1969

Re: Claim to a Water Right No. 63-4039

Orville and Mildred Myers
c/o Idaho City Stage
Boise, Idaho

Dear Mr. and Mrs. Myers:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. We have enclosed a copy of the claim for your files; please refer to the claim number if you desire to add or change information in your claim.

You should be aware that the filing of the claim completes the Department's work in processing the claim. Under Idaho Statutes, no further processing is pending at this time. Your claim will merely be filed on record with the Department until such time you or a court may be in need of the information.

Enclosed is a departmental receipt in the amount of \$10.00 covering the filing fee.

If we may be of assistance at any time, please feel free to contact the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc
Enc: Copy of claim
Receipt No. 3529

63 4039

August 26, 1969

Re: Claim to a Water Right No. 63-4039 - Orville R. and Mildred Myers

Idaho World
Idaho City,
Idaho 83631

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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notice

63 4039

September 24, 1969

Re: Claim to a Water Right No. 63-4039 - Orville R. and Mildred Myers

Idaho World
Idaho City,
Idaho 83631

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced. The legal notice was to be published in your paper on September 4th and September 11th, 1969.

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

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

63 4039

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4039

Notice is hereby given that Orville R. and Mildred Myers,
% Idaho City Stage, 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~~ of water from an unnamed spring
with point of diversion in SE¹SE¹.
Sec. 16, T. 4 N, R. 4 E, B.M., Boise County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of January 1, 1925
; the place of use is within the SE¹SE¹.
Sec. 16, T. 4 N, R. 4 E, 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 World, Idaho City, Idaho
on September 4 and September 11, 1969.

83 4039

SC

*Should be
div. 15 9-11-69
Inadvertently
advertised!*