

map appears to be in the file 19-6111

Identification No. 63-4038
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 Roy F. Laysburge
post office address 1331 Manitou Ave., Boise, Idaho
Gaut at 4,
2. The point of diversion is in _____ 1/4 of _____ 1/4 Section 19 Township 5N
Range 5E B.M. located on Spring - Unnamed
(name of source)
tributary to Sinks 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: _____ May 1949 amount: .02 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 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 Collection
Basin with collection pipe and distribution pipe
to Cabin.

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 feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

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

[illegible]

Total number of acres to be irrigated_____

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

This spring is situated on deeded land owned by the claimant and has been used continuously since the date shown in item 3 a. above. The following people are aware of the facts concerning this spring and its use since acquisition date referred to above.

<u>John Casner, Sr.</u>	<u>-</u>	<u>Idaho City, Idaho</u>
<u>John Casner, Jr.</u>	<u>-</u>	<u>-</u>
<u>Ephram Casner</u>	<u>-</u>	<u>-</u>
<u>Caroline Kohley</u>	<u>-</u>	<u>Boise, Idaho</u>
<u>Glenn S. Layshure</u>	<u>-</u>	<u>-</u>
<u>Kathryn M. Layshure</u>	<u>-</u>	<u>-</u>

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 5th day of June, 1969.

Roy J. Layshure
Claimant

Mr. Russell Smith
Notary Public

Residing at Boise, Idaho

My commission expires Jan 19, 1972

For Department Use Only

Received by <u>ef</u>	Date <u>6-5-69</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>SP</u>	Date <u>6/5</u>			
Fee received by <u>ef</u>	Date <u>6-5-69</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>SP</u>	Date <u>6-12-69</u>			
Published in <u>Idaho World</u>	Dates <u>6-19-69</u>			

Rec'd #3133 given 63 4038

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.

The Idaho World

OFFICIAL PAPER OF BOISE COUNTY

T. & F. ADAMS, PUBLISHERS

PRINTING



PUBLISHING

IDAHO CITY, IDAHO

July 28, 1969

Roy Layshure

Notice of Claim to a Water
Right #63-4038. 26 lines 2x
June 19 - 26, 1969

5 98

I hereby certify the above account is
correct and just and that payment has
not been received.

T. R. Adams

63 4038

duplicate

~~63 4038~~
to

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO

COUNTY of BOISE

} ss.

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal 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 9 con-
secutive 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 pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issues beginning
with June 19, 1969

and ending with the issue of

June 26, 1969

Fees \$ 5.28

T. R. Adams

Subscribed and sworn to before

me this 29 day of July

1969

Kathleen M. DeBogaz
Clerk District Court

Chas. M. Smith
Deputy

NOTICE OF CLAIM TO A
WATER RIGHT

Notice is hereby given that
Roy F. Layshure, 1321 Manitou
Avenue, Boise, Idaho, has filed
a claim to a water right estab-
lished by diversion and applic-
ation to beneficial use of .02
cubic feet per second of water
from an unnamed spring tribut-
ary of the sinks with point of
diversion in Govt. Lot 4, Sec. 19
T. 5N., R. 5E., BM.; the water
is claimed to be used from Jan-
uary 1 to December 31 for do-
mestic purposes with a priority
of May 1949; the place of use is
Govt. Lot 4, Sec. 19, T. 5N., R.
5E., 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. June 19 - 26- 1969

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO

COUNTY of BOISE

} ss.

T. R. Adams being
duly sworn, deposes and says:
That he is the manager and prin-
cipal 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 con-
secutive 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 pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issues beginning

with June 14, 1969

and ending with the issue of

June 26, 1969

Fees \$.....

T. R. Adams
Subscribed and sworn to before

me this 16 day of July

1969

Richard M. Bryan
Clerk District Court

James H. Harkins
Deputy

NOTICE OF CLAIM TO A
WATER RIGHT

No. 63-4038

Notice is hereby given that
Roy F. Layshure, 1321 Manitou
Avenue, Boise, Idaho, has filed
a claim to a water right estab-
lished by diversion and applica-
tion to beneficial use of .02
cubic feet per second of water
from an unnamed spring tribut-
ary of the sinks with point of
diversion in Govt. Lot 4, Sec. 19
T. 5N., R. 5E., BM.; the water
is claimed to be used from Jan-
uary 1 to December 31 for do-
mestic purposes with a priority
of May 1949; the place of use is
Govt. Lot 4, Sec. 19, T. 5N., R.
5E., 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. June 19 - 26 1969

63-4038

Submitted 7-17-69

ACT

LON

N OWNER LAST NAME - DAYSHURE

FIRST NAME - ROY F.

N ADDRESS LINE 1 - 1321 MANITOU AVE.

CITY - BOISE

STATE - ID ZIP CODE - 83706

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 05-01-1949 COUNTY - BOISE TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - 19 05N 05E LOT 04

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 05N RNG 05E SEC 19 LOT 04

1000

IDENT. NO. 63-4038

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. 1 63-4038
 OTd No. _____ New No. _____

Record

1. Original Owner: Roy F. Layshure

Present Owner: _____

2. Address: 1321 Manitou Ave.

3. City: Bowse State: 10 Zip: 83706

4. A. Source of Water: 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: 5-1-1949

D. County: 15

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>19</u>	<u>5N</u>	<u>5E</u>	<u>4</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 _____

August 12, 1969

Re: Claim to A. Water Right No. 63-4038

Mr. Roy F. Layshure
1321 Manitou Avenue
Boise, Idaho

Dear Mr. Layshure:

Enclosed is a copy of the above referenced claim to a water right No. 63-4038. The Department informed you on July 18, 1969, of the conditions under which this claim was filed. We have, however, enclosed a copy of this letter so that you may once again review the contents of the letter. If the Department may be of any future assistance, please do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TC

Enc: copy of claim no. 63-4038
copy of 7-18-69 letter

63 4038

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 25, 1969

Re: Claim to A Water Right No. 65-4015
Claim to A Water Right No. 63-4038

Idaho World
Idaho City, Idaho

Gentlemen:

Please be advised that the Department of Reclamation has yet to receive the affidavit of publication and certified bill for each of the above referenced. We should appreciate receiving these items by return mail.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: none

63 4038

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 18, 1969

Re: Claim to A Water Right No. 63-4038

Mr. Roy F. Layshure
1321 Manitou Avenue
Boise, Idaho

Dear Mr. Layshure:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim has been filed under Claim No. 63-4038. Please refer to this number when adding information to your claim.

Receipt No. 3133 was given to you at the time you filed the claim. It was in the amount of \$10 and covered the filing fee.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court needs the information.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

63 4038

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 63-4938

Notice is hereby given that Roy F. Layshure, 1321 Manitou Avenue, Boise, Idaho, has 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 tributary of the sinks with point of diversion in Govt. Lot 4, Sec. 19 T. 5N., R. 5E., BM.; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of May 1949; the place of use is Govt. Lot 4, Sec. 19, T. 5N., R. 5E., 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. June 19 - 26, 1969

June 12, 1969

Re: Application for Water Permit No. 63-7240-Charles A. Pickens and/or
Dorothy V. Pickens
Application for Water Permit No. 65-7079-James F. Moore and/or
Alice Mae Moore
Application for Water Permit No. 65-7080-Sam E. and Elizabeth Charters
Claim to Water Permit No. 63-4038-Roy F. Layshure

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:DRR:jmb

Enclosures: Legal Notices (4)

63 4038

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4038

Notice is hereby given that Ray P. Laychure, 1321 Manitou Avenue,
Boise, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of .02
cubic feet per second ~~per second~~ of water from an unnamed spring
tributary of the sinks with point of diversion in Govt. Lot 4,
Sec. 19, T. 5 N., R. 5 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 Aug 19, 1969
May 1949; the place of use is Govt. Lot 4,
Sec. 19, T. 5 N., R. 5 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 June 19 and June 26, 1969.

July 7, 1969

Re: Claim to a Water Right No. 63-4038
Application for Permit Nos. 63-7240, 65-7079, and 65-7079

Idaho World
Idaho City, Idaho

Gentlemen:

Please be advised that as yet we have received neither the affidavit of publication nor the certified bill of publication for the above referenced.

Please submit these articles to the Department as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

392-4433

63 4038