

See 1000

63-4021

~~61-4061~~

~~63-4021~~

Identification No.

Claim No.

42605

Map No.

BAECH

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 MONICA S. EDSALL
post office address 901 BALSAM, BOISE, IDAHO 83704

2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 5N
Range 4E B.M. located on SPRING (name of source)

tributary to CLEAR CREEK 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:

JUNE 1938 amount: .02 c.f.s. or NA. 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 CEMENT CATCH BASIN ON SPRING, 2 1/2" PIPE; length is 1/4 MILE; height is _____ feet; width at bottom is NA feet; width at top is NA feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known NONE

b. Underground water diverting works: is well flowing or pumped NA; 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 _____

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is NA feet; width of ditch at top is NA feet; width of bottom of ditch is NA feet; depth of water is NA feet; grade of ditch per 1000 feet is NA feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 1/4 MILE, diameter of pipe line is 2 1/2 inches; type of pipe STEEL; grade of pipe per 1000 feet is 12. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible NONE

- d. If water is stored: name of reservoir NA; total capacity of reservoir is NA acre feet; active capacity of reservoir is NA acre feet; year construction commenced 1938; year completed 1938; date first used JUNE 1938; period of storage is from NA to NA; is reservoir drained each year NA; is reservoir on or off stream NA explain NA.

if feeder canal is used give maximum carrying capacity NA c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions NA.

has there been any enlargement of the reservoir since it was first built NA, 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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>4E</u>	<u>29</u>											<u>1.6</u>						<u>1.6</u>

Total number of acres to be irrigated 1.6

Explain any significant increase in area irrigated since first use, give dates and acreages if known NONE - USED ONLY FOR LAWN & HOUSEHOLD USE.

b. Do you get water through a ditch owned by several users? NA. 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 NA.

7. Where water is used for domestic or municipal purposes give number of families served ONE
name of town supplied NA.

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 NA.

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

THIS WATER WAS PIPED INTO THE PRESENT LOCATION
30 YEARS AGO AND HAS BEEN USED CONTINUOUSLY
SINCE THAT DATE.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

June 18, 1968
(Date)

Marion D. Edsall
(Signature of Claimant)

State of Idaho }
County of Ada } ss.

On this 18 day of June 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ernest L. Beckman
Notary Public residing at Boise

My commission expires 11-3-70

For Department Use Only

Received by <u>ef</u>	Date <u>6-25-68</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ef</u>	Date <u>6/25/68</u>			
Fee received by <u>ef</u>	Date <u>6-25-68</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>ef</u>	Date <u>6-26-68</u>			
Published in <u>Shoshone</u>	Date <u>7-4-68</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.

ADDENDUM TO CONTRACT FOR BEED

Attached to and made a part hereof:

Executed June 15th, 1968 between CLEAR CREEK CORPORATION, as Seller, and MONICA S. EDSALL, Boise, Idaho, as Purchaser.

Said Tract 59 of Clear Creek Estates, as per the plat attached and made a part of this contract, consists of 1.6 acres. It has a large home on it. For this home, this water is supplied by a spring which is piped approximately 1/4 mile from a spring located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29 and has supplied water for 30 years or more to this property.

The purchase of this property includes this spring and all of this water rights thereto and is considered to be a portion of this said purchase price.

CLEAR CREEK CORPORATION

RECEIVED

JUN 15 1968

Department of Reclamation

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 July 4, 1968 and ending with the issue of July 11, 1968

Fees \$ T. R. Adams

Subscribed and sworn to before me this 29 day of July 1968

Kathleen M. Brazger
Clerk District Court
Deputy

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63 - 4021

Notice is hereby given that Monica S. Adall, 901 Balsam, Boise, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 32 cubic feet per second of water from a spring, tributary to Clear Creek, with point of diversion in NE 1/4 Sec. 28, T. 5N., R. 4E. BM, Boise County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of June 1938; the place of use is the SW 1/4 SW 1/4, Sec. 29, T. 5N., R. 4E., BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Exp. July 11 1968

63 4021

Will sub. 7-30-68

RECEIVED

JUL 30 1968

Department of Reclamation

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 July 4, 1968
and ending with the issue of

July 11, 1968

Fees \$ T. R. Adams

Subscribed and sworn to before
me this 29 day of July

1968
Katherine M. Brennan
Clerk District Court
Charles H. Smith
Deputy

NOTICE OF CLAIM TO A
WATER RIGHT
No. 63 - 4021

Notice is hereby given that Monica S. Edsall, 901 Balsam, 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 a spring, tributary to Clear Creek, with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 5N., R. 4E. BM, Boise County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of June 1938; the place of use is the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 5N., R. 4E., BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Exp. July 4 - 11, 1968
—o—o—o—

WATER RIGHT NUMBER 63-4021

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 119

ACT
ION

N OWNER LAST NAME - EDSALL
N ADDRESS LINE 1 - 901 BALSAM

FIRST NAME - MONICA S.

N SOURCE - SPRING
N STAGE - STATRY CLM
N DIVERSION POINT - NENE 29 05N 04E

CITY - BOISE
TRIBUTARY OF - CLEAR CREEK

STATE - ID ZIP CODE - 83704

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

PRIORITY - 06-01-1938 COUNTY - BOISE

TOTAL DIV. RATE - .0200CFS

N USE - IRRIGATION

USE DIV. RATE - .0200CFS

PLACE OF USE - TWN 05N RNG 04E SEC 29 TRACT SWSW

AC 02

N REMARKS - AC. IRR.=1.6.

3/79

IDENT. NO. 63-4021

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]

- DATA ENTRY -

Record

Present Owner: _____

J. Right Basis (for adjudication claims A,B,C only):

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

[illegible]

July 30, 1968

Re: Claim No. 63-4021

Monica S. Edsall
901 Balsam
Boise, Idaho 83704

Dear Mrs. Edsall:

The Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 63-4021.

Enclosed is Receipt No. 1036 for the amount of \$10.00. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 1036

63 4021

July 23, 1968

Re: Application No. 63-7115 - Calvin G. Wells
Application No. 63-7113 - Monica S. Edsall
Application 63-7112 - Elmer A. Martin
Application No. 63-7070 - William B. Joy
Claim No. 63-4021 - Monica S. Edsall
Claim No. 63-4016 - Boise Stake Corporation

The Idaho World
Idaho City,
Idaho

Gentlemen:

As of this date we have not received the affidavit or the bill of publication for the above referenced applications and claims. It is quite important that a couple of these are processed immediately and we are waiting for the bill and affidavit. Your prompt reply would very much appreciated.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DEM:ks

63 4021

No. 63 - 4021

Notice is hereby given that Monica S. Edsall, 901 Balsam, 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 a spring, tributary to Clear Creek, with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 5N., R. 4E. BM, Boise County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of June 1938; the place of use is the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 5N., R. 4E., BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. July 4 - 11, 1968

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 62 4003
Notice is hereby given that Monica S. Edsall, 901 Balsam, Bose, 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 a spring, tributary to Clear Creek, with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 5N., R. 4E. BM, Boise County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of June 1938; the place of use is the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 5N., R. 4E., BM

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Exp. July 4 - 11, 1968

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

June 26, 1968

Re: Application No. 63-7115 - Calvin G. Wells
Application No. 63-7113 - Monica S. Edsall
Application No. 63-7112 - Elmer A. Martin
Application No. 63-7070 - William B. Joy
Claim No. 63-4021 - Monica S. Edsall
Claim No. 63-4016 - Boise Stake Corporation of the L.D.S. Church

The Idaho World
Idaho City, 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 can not 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

DMM:ks

Enclosure: Legal notice

63 4021

Form 3

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4021

Notice is hereby given that Monroe S. Small, 901 Balsam, Boise,
Idaho has filed a claim to a water right
established by diversion and application to beneficial use of .02
cubic feet per second ~~acre feet~~ of water from a spring, tributary to 1/4
Clear Creek, with point of diversion in NE 1/4, sec.
29, T. 5 N., R. 4 E, B.M., Boise County; the water is
claimed to be used from January 1 to December 31 for domestic use
with a priority of June 1938
; the place of use is SW 1/4, sec. 29, T.
5 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 July 4 and July 11.