

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED
SEP 9 1983
Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Betty W. Wagner (Name of Claimant)

14142 Paseo Verde, Tustin, Calif. 92680 (Mailing Address) Telephone No. 432-5361 (local phone) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1921

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dry Creek tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.6 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Jul 15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.6 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
1/4 Lot 1 1/4, Sec. 31 Twp. 11S Rge. 20E B.M., County of Twin Falls
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate & ditch 1/2 mile to P. U. Original P. D. was two miles upstream from this point, but the original ditch went back into Dry Creek before reaching this land.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
11S	20E	19											21						21
													1/4						
		30						77											77
								1/4											

No. of acres 98

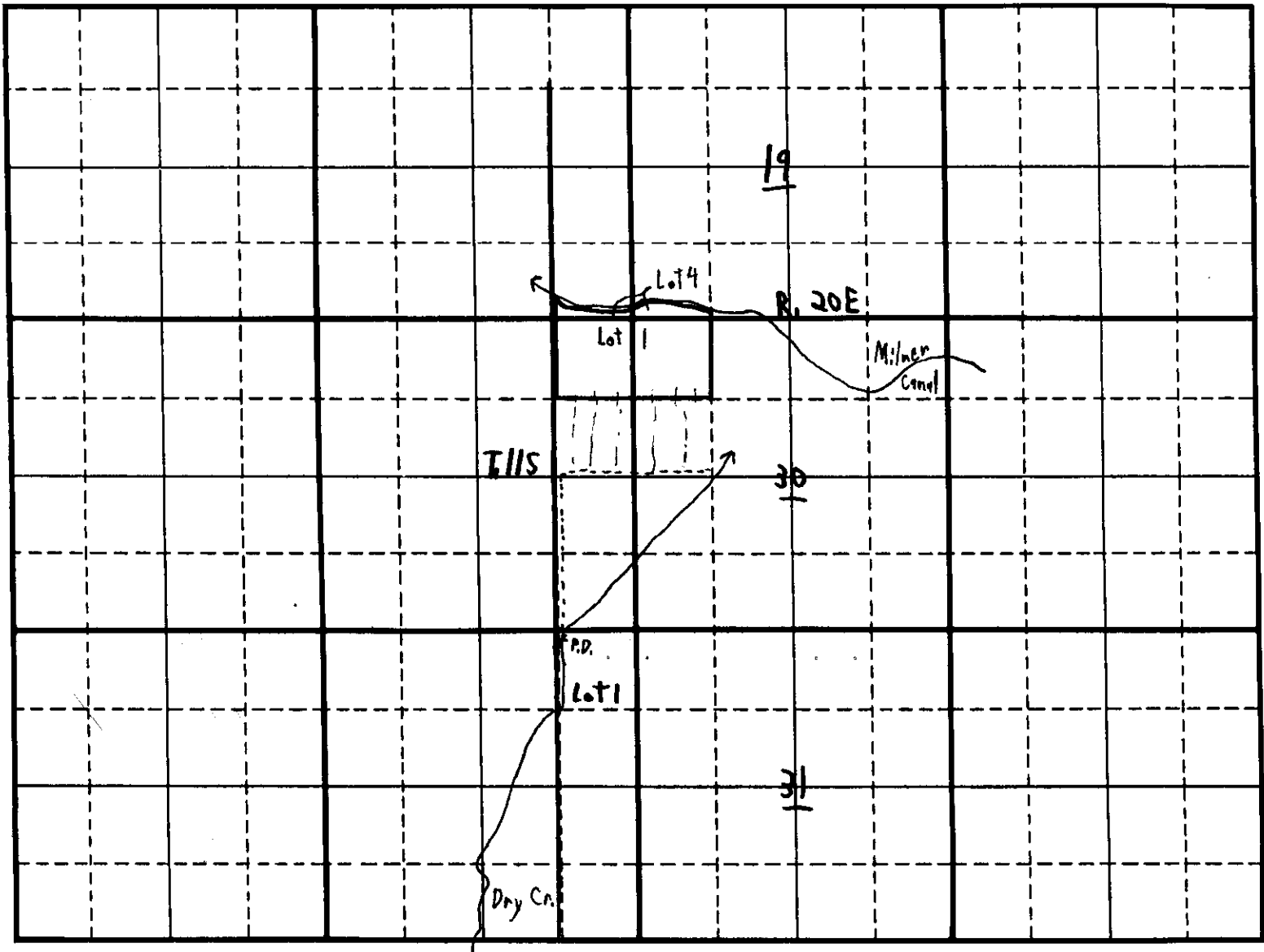
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

UNRECORDED

(8) Remarks Right No. 45-0480 was decreed to 80 acres (about 77 ac. excluding roads) for 80" of water. However, delivery of this right to decreed land was stopped when Milner Low-Lift Canal was built in 1921. Water has been used south of the Canal since then. This right will be transferred to 77 acres with the original priority. This claim covers acres added to the system in 1921.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

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 affiant's knowledge.

Betty H. Wagner
(Claimant)

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

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY			
Received by <u>myself</u>	Date <u>9/8/80</u>	Exception filed by:	Forwarded to
Prelim. check by <u>myself</u>	Date <u>9/11/80</u>		claimant by:
~~3000~~ fee received by <u>myself</u>	Date <u>9/10/80</u>	<u>16542</u>	
Published in <u>Times News</u>			
Dates <u>9/25</u> <u>10/2/80</u>			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 14, 1980

BETTY W. WAGNER
14142 PASEO VERDE
TUSTIN

CA 92680

RE: Claim No. 45-4120

Dear Claimant:

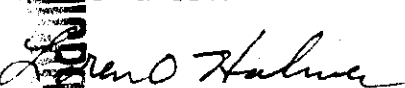
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



LOREN O. HOLMES
Southern Region Supervisor

Enclosure

(Individual)



**TITLE INSURANCE
AND TRUST**

ATICOR COMPANY

STATE OF CALIFORNIA

COUNTY OF Orange

} SS.

On 27 August 1980

before me, the undersigned, a Notary Public in and for said
State, personally appeared Betty W. Wagner

_____, known to me
to be the person whose name is subscribed
to the within instrument and acknowledged that she
executed the same.

WITNESS my hand and official seal.

Signature

Johnnie R. Huber



P. O. Box 22, East Irvine, CA 92650

(This area for official notarial seal)

STAPLE HERE

Nº 10617

STATE OF IDAHO.

COUNTY OF TWIN FALLS

55

I, Ronda Capps M. Buere being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWSPAPER
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
September 25, 1980, and ending with the issue dated
October 2, 1980.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 9 day of

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

WAGNER, BETTY W.
1745 E PASO VERDE,
TUBAHO, CA 96080
SOURCE: CREEK tributary
to BRAKE RIVER
Priority Date: 11/01/1981
Ambient: 25 CPS
Diversions: LOT 01 Sec.
31 T 11S R 2E, TWIN FALLS
CA 96081
LINE SEGMENTATION 11.00 GPS
from 04/01 to 07/18
FACE OF UPR: LOT 01
ROWDOWN Sec 18 T 11S R 2E
LOF 01-14-0000 Sec 30 T 11S
R 2E FOR 96 ACRES
Diversion Means
HEADGATE & DITCH

MICKY

Affidavit of Publication

Nº 10617

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

45-4120
WAGNER, BETTY W.
14142 PASEO VERDE,
TUSTIN, CA 92680
Source: DRY CREEK tribu-
tary to SNAKE RIVER
Priority Date: 04/01/1921
Amount: 1.60 CFS
Diversion Point: LOT 01 Sec.
31 T 11S R 20E, TWIN FALLS
Co.
Use: IRRIGATION (1.60 CFS)
from 04/01 to 07/15
Place of Use: LOT 04
(SWSW) Sec 19 T 11S R 20E
LOT 01 (NWNW) Sec 30 T 11S
R 20E FOR 98 ACRES
Diversion Means:
HEADGATE & DITCH

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

I, Linda Capps McQuire being first duly sworn upon
oath, depose and say that I am Rene Clark of the TIMES-NEWS
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated

September 29, 19 80, and ending with the issue dated
October 2, 19 80.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McQuire
Subscribed and sworn to before me on this 7 day of

October, 19 80.

Delba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICKELSON



TWIN FALLS CANAL COMPANY

POST OFFICE BOX 326
TWIN FALLS, IDAHO, 83301



October 3, 1980

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: App. for Permit No. 45-4120
Name: Wagner, Betty W.

RECEIVED

OCT 6 1980

Department of Water Resources
Southern District Office

Gentlemen:

The Twin Falls Canal Company after researching filed water right permit has concluded that water sought to be appropriated is waste water, which would accrue below the Company's last delivery. However, we are advised that many others hold prior rights to this waste water and of course the holder has a right to cease wasting water.

The Canal Company will continue to make deliveries to their shareholders to the extent possible, but makes no effort to put additional water in the ditches so as to insure that waste water would be available for permits such as this one.

Respectfully Submitted,

C.W. Travis
General Manager

CWT:brw

MICROFILMED

45-4120

WAGNER, BETTY W.

14142 PASEO VERDE, TUSTIN, CA 92680

Source: DRY CREEK tributary to SNAKE RIVER

Priority Date: 04/01/1921

Amount: 1.60 CFS

Diversion Point: LOT 01 Sec 31 T 11S R 20E, TWIN FALLS Co.

Use: IRRIGATION (1.60 CFS) from 04/01 to 07/15

Place of Use: LOT 04 (SWSW) Sec 19 T 11S R 20E LOT 01 (NWNW)
Sec 30 T 11S R 20E FOR 98 ACRES

Diversion Means: HEADGATE & DITCH

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 9/25 & 10/2/80.

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 17, 1980

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 13, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

September 12, 1980

Betty W. Wagner
14142 Pasco Verde
Tustin, California 92680

Re: Claim to a Water Right No. 45-4120

Dear Ms. Wagner:

Enclosed is your receipt No. 16592 for check No. 92-38 in the amount of \$30.00 for the above referenced Application for Permit which was received in this office September 10, 1980.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED