

45-04041

Identification No. 45-4041 P

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 W. B. Whiteley
post office address Box 218 Oakley, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 8 Township 12S
Range 22 E B.M. located on Underground
(name of source)

tributary to _____ in Cassia 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:

Nov. 1962 amount: 3.0 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 Irrigation period of use from April 15 to Oct 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 _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

45-4041

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 3000 feet; width of ditch at top is 48" feet; width of bottom of ditch is 18" feet; depth of water is 2 1/2 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is Earth; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; 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 _____

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 _____

has there been any enlargement of the reservoir since it was first built _____, 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	
12S	22E	8											40	40	40	40	40	40	240

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 _____ 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 CASSIA } 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 28 day of APRIL, 1972

[Signature]
Claimant
[Signature]
Notary Public
Residing at Burley, Idaho

My commission expires 6-13-73

For Department Use Only			
Received by <u>[Signature]</u>	Date <u>5-9-72</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>[Signature]</u>	Date <u>5-1-72</u>		Date
Fee received by <u>[Signature]</u>	Date <u>5-19-72</u>	Fee <u>\$10.00</u>	
Approved for publication by <u>[Signature]</u>			
Published in <u>SOUTH IDA. PRESS</u>	Dates <u>5-23 & 5-30-72</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</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that she is the

Bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated May 23 1972, and ending

with the issue dated May 30 1972

Ruth Chambers

Subscribed and sworn to before me

this 1st day of June

1972.

Edith Rantall Notary Public

Cost of Publication 11.52

Notary Fee _____

Total Cost _____

My commission expires October 23, 1975

72-164

WATER RIGHT
No. 45-4041

Notice is hereby given that Wm. Whiteley, Box 212, Burley, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from a groundwater source with point of diversion in the SE 1/4 SW 1/4, Sec. 8, T. 12S, R. 22E, B.M., Cassia County.

The water is claimed to be used from April 15 to Oct. 31 for the irrigation of 240 acres with a priority of November, 1962; the place of use is within the S 1/2 SW 1/4, SE 1/4, Sec. 8, T. 12S, R. 22E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, State House, Boise, Idaho, 83707.

R. KEITH HIGGINS, Notary

Published in the South Idaho Press, Burley, Idaho, May 23 and May 30, 1972.

45-4041

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

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ley, Idaho, in the county aforesaid and that
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Deponent further states that the printed no-
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according to law in the regular editions of

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consecutive weeks, commencing with the issue

dated May 23 1972, and ending

with the issue dated May 30 1972

Ruth Chambers

Subscribed and sworn to before me

this 1st day of June

1972

Edith Runtlett Notary Public

Cost of Publication 11.52

Notary Fee

Total Cost

My commission expires June 12, 1973

72-164

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 45-4041

Notice is hereby given that
W.B. Whiteley Box 218, Oakley,
Idaho has filed a claim to a
water right established by
diversion and application to
beneficial use of 3.0 cubic feet
per second of water from a
groundwater source with point
of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 8, T. 12S, R. 22E, B.M.,
Cassia County.

The water is claimed to be
used from April 15 to Oct. 31 for
the irrigation of 240 acres with a
priority of November, 1962; the
place of use is within the
S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, T. 12S, R.
22E, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the South Idaho
Press, Burley, Idaho on May 23
and May 30, 1972.

45-4041

June 20, 1972

Re: Claim to a Water Right No. 45-4041

W. B. Whiteley
Box 218
Oakley, Idaho

Dear Sir:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

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 supporting evidence that you would like to have included in your claim file, you may have that information or evidence added 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 Supervisor

DWM:bb

Enclosure: Copy of Claims

bcc: Southern District Office
Twin Falls, Idaho

45-4041

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 12, 1972

Re: Claim No. 45-4041 - W. B. Whiteley
Application No. 45-7091 - Bureau of Land Management
" " 45-7094 - John Hilling & Wayne May
Transfer No. 1096 - John H. Peterson

South Idaho Press
Box 190
Burley, Idaho 83318

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. 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. 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 claimant)

Very truly yours,

BoB Haynes
Water Resource Inv. Adm.,
Southern Division

BH/BL
Enc: legal notices (4)

*Bill submitted 6-1-72
alw*

45-4041

NOTICE OF CLAIM TO A WATER RIGHT

No. 45-4041

Notice is hereby given that W. B. Whiteley

Box 218, Oakley, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second ~~and/or from~~ of water from a groundwater source

with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 12S, R. 22E, B.M.,

Cassia County

The water is claimed to be used from April 15 to Oct. 31 for the
irrigation of 240 acres

with a priority of November, 1962;

the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, T. 12S, R. 22E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~on or before~~ 9.

R. KEITH HIGGINSON

Director

Published in the SE South Idaho Press, Burley, Idaho

on May 23 and May 30, 1972.

45-4041

WATER RIGHT

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Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from a groundwater source with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 12S, R. 22E, B.M., Cassia County.

The water is claimed to be used from April 15 to Oct. 31 for the irrigation of 240 acres with a priority of November, 1962; the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 8, T. 12S, R. 22E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho on May 23 and May 30, 1972.

49
4111

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 11, 1972

W. B. Whiteley
Box 218
Oakley, Idaho 83345

Dear Mr. Whiteley:

Attached herewith is your Receipt No. 9207 in the amount of \$ 10.00
for your claim application

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

45-4041

HERMAN E. BEDKE

ATTORNEY AT LAW

POST OFFICE BOX 249

BURLEY, IDAHO 83318

TEL. 678-2401

1416 OVERLAND

May 8, 1972

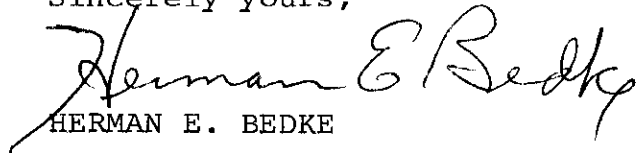
RECEIVED
MAY 9 1972
Department of Water Administration

Mr. Dorian Clay
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Clay:

Pursuant to your letter of W. B. Whiteley on May 4, 1972, we are returning our claim to a water right and Mr. Whiteley's check in the sum of \$10.00.

Sincerely yours,


HERMAN E. BEDKE

jid

Enclosures

45-4041