

45-04033

Identification No. 13

Claim No. 45-4033

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 Charles J. Sumner
 post office address R #1 Box 127 Burley Idaho.
2. The point of diversion is in SE 1/4 of NE 1/4 of Section 4 Township 11S
 Range 24E B.M. located on Private Land (name of source)
 tributary to Underground Water 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:

aug 1 1935 amount: 2.5 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 agrimulture period of use from aug 1 1935 to Oct 15 (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; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

This Water is pumped into a Irrigator ditch

- b. Underground water diverting works: is well flowing or pumped Pumped; depth of well is 120 feet; diameter of well is 14 inches; type of pump is Bowl Nitch an 8" discharge
 capacity of pump is P g.p.m.; name and address of well driller is Jim Schaner

(Recessed)

45-4033

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 _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; 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.

Water is pumped directly into Irrigation ditch

- d. If water is stored: name of reservoir *no storage*; 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	
24	11	4				X													40
24	11	4	X																40

Total number of acres to be irrigated *80*

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? 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 none

7. Where water is used for domestic or municipal purposes give number of families served none
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 none

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

In 1935 my father put this pump in operation
as supplement water to water delivered by the Burley
Irrigation District. In 1969 I purchased this property
since this pump has no water claim filed I
thought I should file for a water claim.

State of Idaho

County of _____

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

March

1971

Claimant

Notary Public

Residing at

Burley, Idaho

My commission expires

Feb 20, 1974.

For Department Use Only

Received by ij Date 3-12-71 Exception filed by:

Prelim. check by BDF Date 3-12-71

Fee received by ij Date 3-12-71 Fee \$ 10.00

Approved for publication by D

Published in South Idaho Dates 4-1 & 4-8, 1971
Press at Burley, Idaho

Forwarded to
claimant by:

Date

45-4033

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.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
		Total claimed:	<u>1.2 c.f.s.</u> 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.

BURLEY IRRIGATION DISTRICT

223 EAST MAIN STREET
BURLEY, IDAHO - 83318

March 5, 1971

State of Idaho
Department of Water Administration
State House
Annex #2
Boise, Idaho 83707

Gentlemen:

This is to certify that I am acquainted with Mr. Charles Gummerson, Route #1, Burley, Idaho, and his farm upon which he has an 8" irrigation well.

This well has been used since 1935 to supplement his irrigation stream furnished by the Burley Irrigation District, and is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Tws. 11 S., Range 24 E. B. M.

Sincerely,

BURDELL CURTIS, Manager



BURLEY IRRIGATION DISTRICT

45-4033

March 4, 1971

State of Idaho
Department of Water Administration
State House
Annex #2
Boise, Idaho 83707

Dear Sirs:

This is to certify that I have been acquainted with the Charles Gummerson farm, Rt. 1, Burley, Idaho for sometime. That he has an 8" well located on the following described property, SE 1/4 of NE 1/4 Section 4, T-11, Range 24 East Boise Meridian. The above mentioned well has been used to irrigate his crops as a supplement to the irrigation water furnished by the Burley Irrigation District, Burley, Idaho and has been in use since approximately 1935.

Very truly yours



Dale Whitaker
South Side Electric Lines Inc.
PO Box 142
Declo, Idaho 83323

45-4033

MORGAN-LINDSAY INC.
BOX 152
DECLO, IDAHO 83323

March 4, 1971

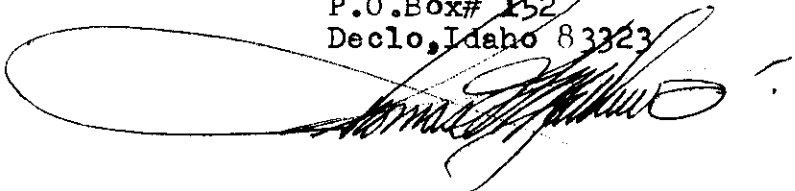
State of Idaho
Department of Water Administration
State House
Annex# 2
Boise, Idaho 83707

Dear Sirs:

This is to certify to you that I have been acquainted with the Charles Gummerson Farm, Rt# 1, Burley, Idaho for some time, and that he has an 8" well located on the following described property: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 4; T-11; R 24. The above mentioned well has been used to irrigate his crops as a supplement to the irrigation water furnished by The Burley Irrigation District Burley, Idaho, and has been in use since approximately 1935.

Very truly yours,

Bill Matthews, Mgr.
Morgan-Lindsay, Inc.
P.O. Box# 152
Declo, Idaho 83323



45-4033

**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 he is the
Bookkeeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice 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 April 1 1971, and ending
with the issue dated April 8, 1971.

Ruth Chambers

Subscribed and sworn to before me
this 10th day of April
1971.

Edith Ravestadt Notary Public

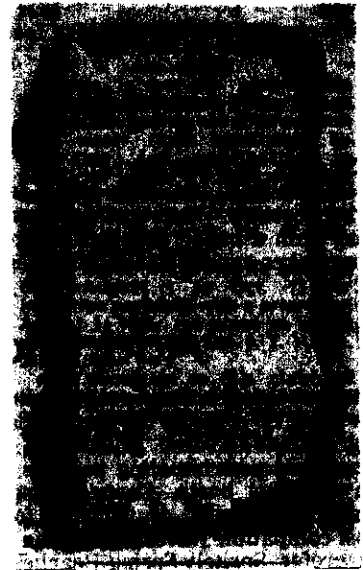
Cost of Publication

Notary Fee

Total Cost

My commission expires October 23, 1971

Department of Water Administration



48-4033

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 he 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 April 1 1971, and ending

with the issue dated April 8, 1971

Ruth Chambers

Subscribed and sworn to before me

this 10th day of April

1971

Edith Raustadt Notary Public

Cost of Publication

Notary Fee

Total Cost

My commission expires October 23, 1971

71 93

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 45-4033

Notice is hereby given that Charles Gummerson, Route 1, Box 107, Burley, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from a ground water source with point of diversion in the NE¹/₄NE¹/₄ Sec. 4, T. 11S, R. 24E, B.M., Cassia County.

The water is claimed to be used from August 1 to Oct. 15 for irrigation purposes with a priority of August 1, 1935; the place of use is within the E¹/₂NE¹/₄ Sec. 4, T. 11S, R. 24E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on April 1 and April 8, 1971.

45-4033

WILLIAM A. PARSONS
RICHARD K. SMITH

PARSONS & SMITH
ATTORNEYS AND COUNSELLORS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

AREA CODE 208
678-8382

P. O. BOX 910

April 21, 1971

Idaho Department of Water Administration
State House
Boise, Idaho

RE: Permit 45-4033

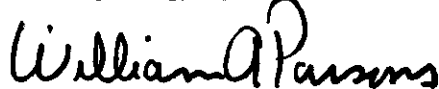
Gentlemen:

I noticed in the South Idaho Press that there was a notice of claim to a water right. Would you please forward to us a copy of the claim and we will reimburse you for the photo expense.

We want to make mention that we represent some other people involved in the same Northeast Quarter upon which the water has been used and we would want to make exception to this claim, however, no time limit was set in the notice. Could you please advise us as to the time element.

Very truly yours,

PARSONS & SMITH



William A. Parsons

WAP:rt

45-4033

April 22, 1971

Re: Claim to a Water Right No. 45-4033

Mr. Charles Gummerson
Route #1, Box 127
Burley, Idaho 83318

Dear Mr. Gummerson:

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. McElldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

45-4033

April 22, 1971

Re: Claim to a Water Right No. 45-4033

PARSONS & SMITH
Attorneys and Counsellors at Law
137 West 13th Street
Burley, Idaho 83318

ATTENTION: William A. Parsons

Dear Mr. Parsons:

We are enclosing a copy of the above referenced Claim to a Water Right, as requested in your April 21, 1971 letter. The fee for this copy will be \$.75.

Section 42-225 A and B, of the Idaho Code, do not impose a time element within which to file exceptions. If we understand these provisions, an exception may be filed at any time.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enclosures

45-4033

March 24, 1971

Re: Application No. 36-7169 - Fish & Wildlife Service

Claim No. 45-4033 - Charles Gunnerson

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 our 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 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,

Donald W. McElowney
Appropriation Supervisor

DWM:DR

Enc: Legal notices (2)

*Bill submitted
4-15-71
ds*

45-4033

71-93

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 45-4033

Notice is hereby given that Charles Gummerson, Route 1, Box 127, Burley, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 11S, R. 24E, B.M., Cassia County.

The water is claimed to be used from August 1 to Oct. 15 for irrigation purposes with a priority of August 1, 1935; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 4, T. 11S, R. 24E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on April 1 and April 8, 1971.

O.K.
3.26.71
B.B.

45-4033

NOTICE OF CLAIM TO A WATER RIGHT

No. 45-4033

Notice is hereby given that Charles Gunnerson, Route 1, Box 127,

Burley, Idaho.

has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second ~~surface~~ of water from a ground water source

with point of diversion in the SE1/4 Sec. 4, T. 11S, R. 24E, B.M.,

Cassia County

The water is claimed to be used from August 1 to Oct. 15 for

irrigation purposes

with a priority of August 1, 1935;

the place of use is within the SE1/4 Sec. 4, T. 11S, R. 24E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho.

on April 1 and April 8, 1971.

45-4033