

# Affidavit of Publication

STATE OF IDAHO,  
COUNTY OF TWIN FALLS } ss.

Nº 9569

B-3 Times-News, Twin Falls

## LEGAL NOTICE

### 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:

47-4173  
SCHMIDT, LEBERT J.  
RT. 4 BOX 224, BUHL, ID  
83316

Source: UNNAMED

COULEE

Priority Date: 03/01/1957

Amount: 0.30 CFS

Diversion Point: LOT 04 Sec  
07 T 09S R 15E, TWIN  
FALLS Co.

Use: IRRIGATION (0.20 CFS)  
from 05/01 to 10/15

STOCKWATER (0.10 CFS)  
from 03/01 to 11/01

Place of Use: SWSW Sec 07  
T 09S R 15E FOR 15  
ACRES

Diversion Means: DIVERTED  
THROUGH PIPE.

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

PUBLISH: Thursday, Aug. 7,  
and 14, 1980.

I, Ronda Copps McQuire being first duly sworn upo  
oath, depose and say that I am Print Clerk 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

August 7, 1980, and ending with the issue dated  
August 14, 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.

Ronda Copps McQuire  
Subscribed and sworn to before me on this 15 day of

August, 1980.

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

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

AUGUST 25, 1980

Lebert J. Schmidt  
Route 4  
Box 224  
Buhl, Idaho 83316

RE: Claim No. 47-4713

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

SCANNED  
JAN 29 2002

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No. 47-4173  
**RECEIVED**  
JUL 28 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 LEBERT J. SCHMIDT  
(Name of Claimant)

ROUTE #4, BOX 224, BUHL, IDAHO, 83316 Telephone No. 543-6360  
(Mailing Address) (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) since March 1, 1957

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)  
Unnamed coulee tributary to

(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>3</u> | <u>10 inches</u> | Use <u>Irrigation</u>               | Period of Use From <u>5/1</u> | To <u>10/15</u>        |            |
| Quantity <u>1</u> | <u>5 inches</u>  | Use <u>Stock watering</u>           | Period of Use From <u>3/1</u> | To <u>11/1</u>         |            |
| Quantity          |                  | Use                                 | Period of Use From            | To                     |            |
| Quantity          |                  | Use                                 | Period of Use From            | To                     |            |
| Quantity          |                  | Use                                 | Period of Use From            | To                     |            |

(4) 15 in. or 30 CFS TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
Lot 4 1/4 SW 1/4, Sec. 7 Twp. 9S Rge. 15 E, 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. Diverted through pipe "6"

(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 |       |
| <u>9S</u> | <u>15E</u> | <u>7</u> |        |        |        |        |        |        |        |        |        |        | <u>15</u>                |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        | (This is actually called |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        | Lot 4)                   |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |
|           |            |          |        |        |        |        |        |        |        |        |        |        |                          |        |        |        |        |        |       |

No. of acres 15

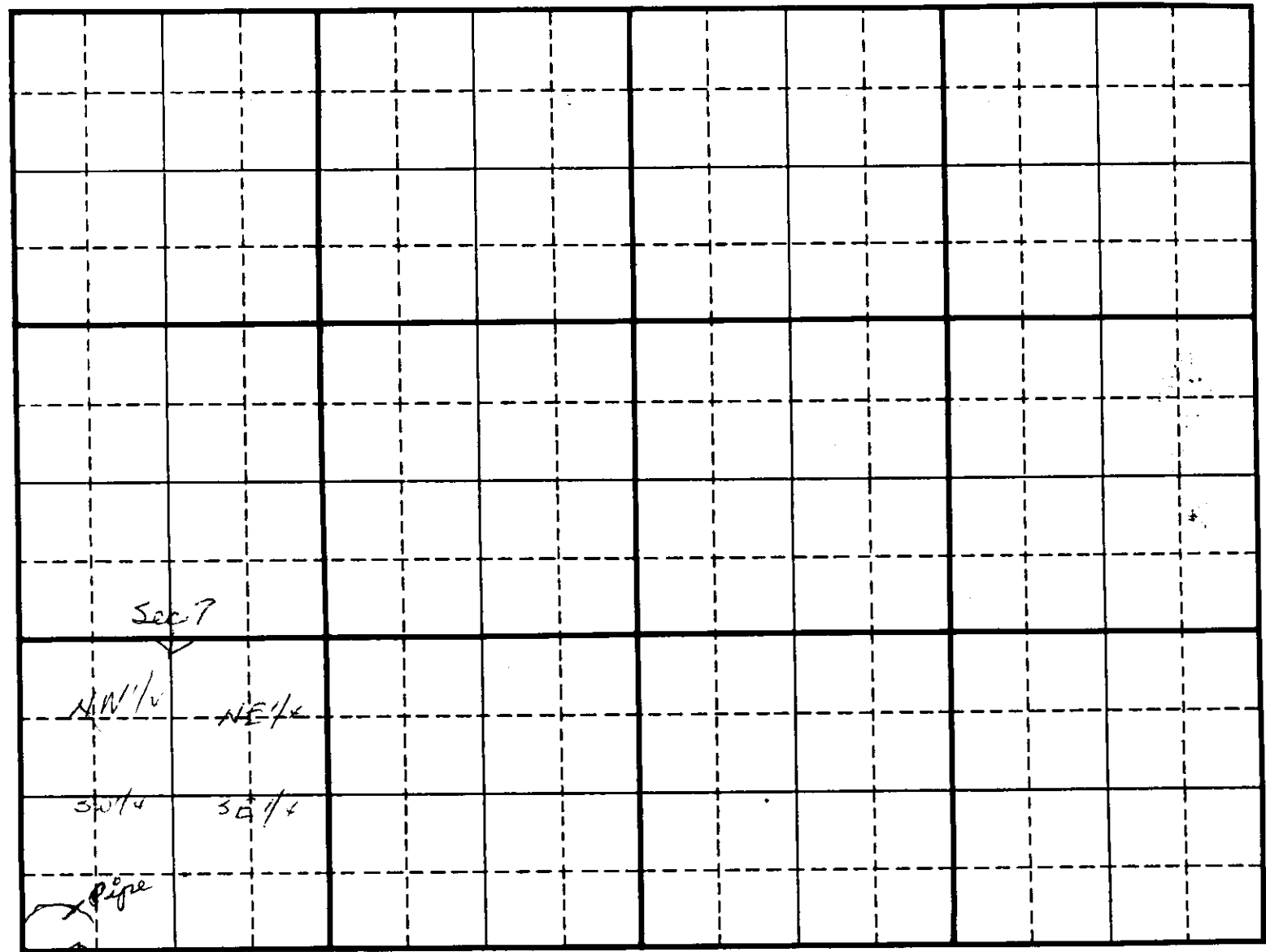
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Also used for stock water during about eight months of the year

NOTE: Include here the type and number of stock watered: 25-30 head cattle watered out of coulee

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

**RECEIVED**  
MICHIGAN

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Lot 4  
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 )  
County of TWIN FALLS ) 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 affiant's knowledge.

Sworn to before me this 15<sup>th</sup> day of July, 19 80

Lebert J. Schmidt  
(Claimant)  
[Signature]  
Notary Public  
Residing at Buhl

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by marga Date 7-28-80 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by ADM Date 7-29-80  
30.00 ~~\$20.00~~ fee received by marga Date 7-28-80 # 16528  
Published in Twin Falls  
Dates 8/1 & 8/14/80

# Affidavit of Publication

No 9569

STATE OF IDAHO,  
COUNTY OF TWIN FALLS } ss.

I, Ronda Copps McSwine Department of Being first duly sworn upc  
Southern District of the TIMES-NEWS.  
oath, depose and say that I am Print Clerk 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

August 7, 1980, and ending with the issue dated  
August 14, 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 uninterrupted 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 uninterrupted.

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 15 day of

August, 1980

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

8-8 Times-News, Twin Falls

## LEGAL NOTICE

NOTICE OF THE  
COURT OF THE  
COUNTY OF TWIN FALLS, IDAHO  
IN RE: ESTATE OF  
JAMES EARL RAY, JR.  
DECEASED  
BY: JAMES EARL RAY, JR.  
ADMINISTRATOR

STATE OF IDAHO  
COUNTY OF TWIN FALLS  
JAMES EARL RAY, JR.  
ADMINISTRATOR

UNNAMED

COLLEGE

Public Date: 02/01/1987

Division: 1-30 CFS

Division Point: 100-01 Sec

of T 100 R 10E, TWIN

FALLS, IDAHO

Use: 100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

100-01 Sec 27

MICROFILM

AFFIDAVIT

Department of Water Resources  
Southern District Office

STATE OF IDAHO                    )  
                                      ) ss  
COUNTY OF TWIN FALLS        )

I, James D. Strawser whose wife was Irene Strawser (now deceased) acquired property described as follows:

Township 9 South, Range 15 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 7: That portion of Lot 4, lying South of the Coulee described as BEGINNING at the Southeast corner of Lot 4 of said Section; running THENCE North 00° West 299 feet to a point; running THENCE North 64° 02' West 1060 feet to a point; running THENCE South 63° 00' West 169 feet, more or less, to a point on the West line of Lot 4 of said Section; running THENCE South 00° West 686.4 feet to the Southwest corner of Lot 4; running THENCE East 1108.80 feet to the Southeast corner of Lot 4, the Point of Beginning,

EXCEPT Roadway 20 feet wide along the East side thereof.

This was acquired by us on April 7, 1958. At that time, the former owner, George Johnson had ditches leading from the Coulee in the above described property to irrigate as much of the lower portion of the property as possible. Up to April 23, 1964 when I sold the property, I was using water out of that Coulee for approximately six months each year for irrigating and for livestock water. At times there was as much as 25 inches of water and sometimes no water.

James D. Strawser

Subscribed and sworn to this 15th Day of July, 1980

John R. Brown  
Notary Public  
Residing at Buhl, Idaho  
Lifetime Commission

MICROFILMED



# TWIN FALLS CANAL COMPANY

POST OFFICE BOX 326

TWIN FALLS, IDAHO, 83301



August 12, 1980

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

RE: App. for Permit No. 47-4173  
Name: Schmidt, Lebert J.

RECEIVED  
AUG 14 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

SCANNED  
JAN 29 2002

MICROFILMED

I, William Miller, Route ~~3~~ #4, Buhl, Idaho, do hereby protest Claim 47-4173 of Lebert Schmidt. The water claimed is wastewater from the Twin Falls Canal Company shares that I hold. Mr. Schmidt diverts the water on my property with my permission, but I don't want to be responsible for delivering this water to him. I may want to use this wastewater myself, which I understand is my right since all the water comes from my land.

*William K Miller*  
*8/8/80*

RECEIVED  
AUG 8 1980  
Department of Water Resources  
Southern District Office

RECEIVED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

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

August 11, 1980

Lebert J. Schmidt  
Route 4 Box 224  
Buhl, Idaho 83316

Dear Mr. Schmidt:

We are enclosing a copy of an exception in Opposition to your claim to a water right, submitted by William Miller.  
The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the Idaho Code):

42-243b. Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described right.

If you have any questions regarding this matter, please contact us.

Sincerely,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:mmm



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

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

August 11, 1980

William Miller  
Route 4  
Buhl, Idaho 83316

Re: Claim to a Water Right No. 47-4173

Dear Mr. Miller:

We are in receipt of your exception to a Claim to a Water Right..

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections  
"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:marya  
Encl:

**MICROFILMED**

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:

42-4123-

SCHMIDT, LEBERT J.

RT. 4 BOX 224, BUHL, ID 83316

Source: UNNAMED COULEE

Priority Date: 03/01/1957

Amount: 0.30 CFS

Diversion Point: LOT 04 Sec 07 T 09S R 15E, TWIN FALLS Co.

|                 |            |                     |
|-----------------|------------|---------------------|
| Use: IRRIGATION | (0.20 CFS) | from 05/01 to 10/15 |
| STOCKWATER      | (0.10 CFS) | from 03/01 to 11/01 |

Place of Use: SWSW Sec 07 T 09S R 15E FOR 15 ACRES

Diversion Means: DIVERTED THROUGH PIPE.

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 8/7 & 8/14.

MICROFILMED

B-8 Times-News, Twin Falls

## LEGAL NOTICE

### 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:

47-4173

SCHMIDT, LEBERT J.  
RT. 4 BOX 224, BUHL, ID  
83316

Source: UNNAMED  
COULEE

Priority Date: 03/01/1957

Amount: 0.30 CFS

Diversion Point: LOT 04 Sec  
07 T 09S R 15E, TWIN  
FALLS Co.

Use: IRRIGATION (0.20 CFS)  
from 05/01 to 10/15

STOCKWATER (0.10 CFS)  
from 03/01 to 11/01

Place of Use: SWSW Sec 07  
T 09S R 15E FOR 15  
ACRES

Diversion Means: DIVERTED  
THROUGH PIPE.

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

PUBLISH: Thursday, Aug. 7,  
and 14, 1980.

*Handwritten:*  
J. Schmidt  
m. Lebert  
8/7/80

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

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

JULY 30, 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 billings to this office before AUGUST 25, 1980.

Yours truly,

Mary A. Hill  
Secretary

Encl.

RECEIVED  
JUL 31 1980  
TWIN FALLS, IDAHO



**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*

July 29, 1980

Lebert J. Schmidt  
Route 4 Box 224  
Buhl, Idaho 83316

Re: Claim to a Water Right 47-4173

Dear Mr. Schmidt:

Enclosed is your receipt No. 16528 for check No. 92-250 in the amount of \$30.00 for the above referenced Claim to a Water Right which was received in this office July 28, 1980.

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

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl :



**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

July 23, 1980

Lebert J. Schmidt  
Route 4  
Buhl, Idaho 83316

Dear Mr. Schmidt:

Please find enclosed the claim you recently filed with our office and your check #184 - 92-250, in the amount of \$30.00 along with the affidavit by James D. Strausen. I am returning these so that you may clarify a few items on your original claim.

Please clarify the following:

Item 1 on the claim: Please list a month and a day in 1957 which the water was first put to use. If you do not know, I would suggest listing 3/1/1957 as the date. This date would be the first date for the period of use you listed in item 3.

Item 4 on the claim: Please note that 15 miners inches is equivalent to 0.30 cfs. If the total is 0.39 cfs as listed on the original claim you must adjust the amounts listed in item 3 to total 0.39 cfs.

Items 5,6, and the map on the claim: Please indicate on the map how the point of diversion listed in item 5 and the place of use listed in item 6 are positioned.

I have enclosed another claim form so that you may make the clarifications. Once you have made the changes and have signed and had your signature notarized, please return the claim along with the check for \$30.00 and the affidavit and our office will process your claim.

If you have any questions please don't hesitate to contact our office.

Sincerely,

Allen D. Merritt  
Senior Water Resource Analyst

ADM:marya

Encl:

RECEIVED  
JUL 27 1980  
TWIN FALLS, IDAHO