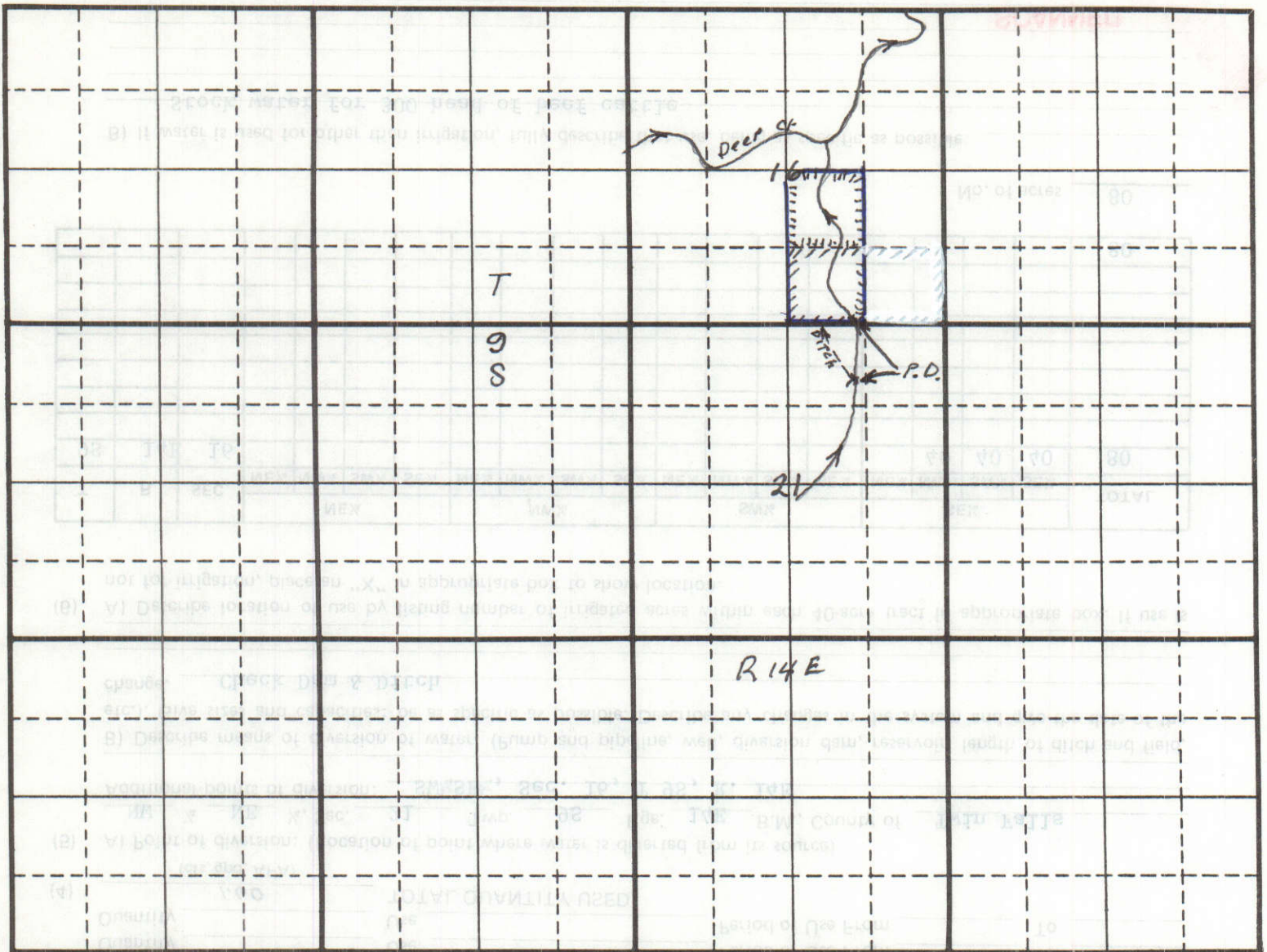


(8) Remarks _____

(3) _____
NOTE: Include both the lake and the point of stock water.



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 Twin Falls)

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.

Roy G. Powell - Doris F. Powell
(Claimant)

Sworn to before me this 9 day of April, 19 79.

Loren O. Halmer
Notary Public
Residing at Twin Falls, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by LH Date 4-9-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JP Date 4-11-79 claimant by: _____
\$20.00 fee received by maria Date 4/9/79 #12751
Published in times news
Dates April 26 - May 3, 1979

RECEIVED

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:

47-4101

ROY H. &/or DORIS F. COUCH

Route 3, Box 202, Buhl, Idaho 83316

Source: UNNAMED STREAM tributary to DEEP CREEK

Priority Date: 03/15/1936

Amount: 1.60 CFS

Diversion Point: NWNE Sec 21 T 09S R 14E

SWSE Sec 16 T 09S R 14E, TWIN FALLS Co.

Use: IRRIGATION (1.60 CFS) from 03/15 to 11/15

STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: NWSE SWSE Sec 16 T 09S R 14E FOR 80 ACRES

Diversion Means: CHECK DAM & DITCH

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 April 26 and May 3, 1979.

MICROFILMED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Nola Laughlin being first duly sworn, depose and say that I am Gene 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 Thursdays, commencing with the issue dated April 26, 19 79, and ending with the issue dated May 3, 19 79.

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 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 May 3rd day of May, 19 79.

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

RECEIVED

CLAIM TO A WATER RIGHT

APR 9 1979

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the ~~publicly owned~~ ^{Department of Water Resources} ~~water~~ 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 Roy H. Couch &/or Doris F. Couch
(Name of Claimant)

Route 3 - Box 202, Buhl, Idaho 83316 Telephone No. 543-6582
(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) March 15, 1936

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 Stream tributary to Deep Creek

(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>1.60 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov. 15</u>
Quantity	<u>0.02</u>	Use <u>stockwater</u>	Period of Use From <u>Jan 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 1.60 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 21 Twp. 9S Rge. 14E B.M., County of Twin Falls
Additional points of diversion: SW ¼ SE ¼, Sec. 16, T 9S, R. 14E

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. Check Dam & Ditch

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	16														40	40		80

No. of acres 80

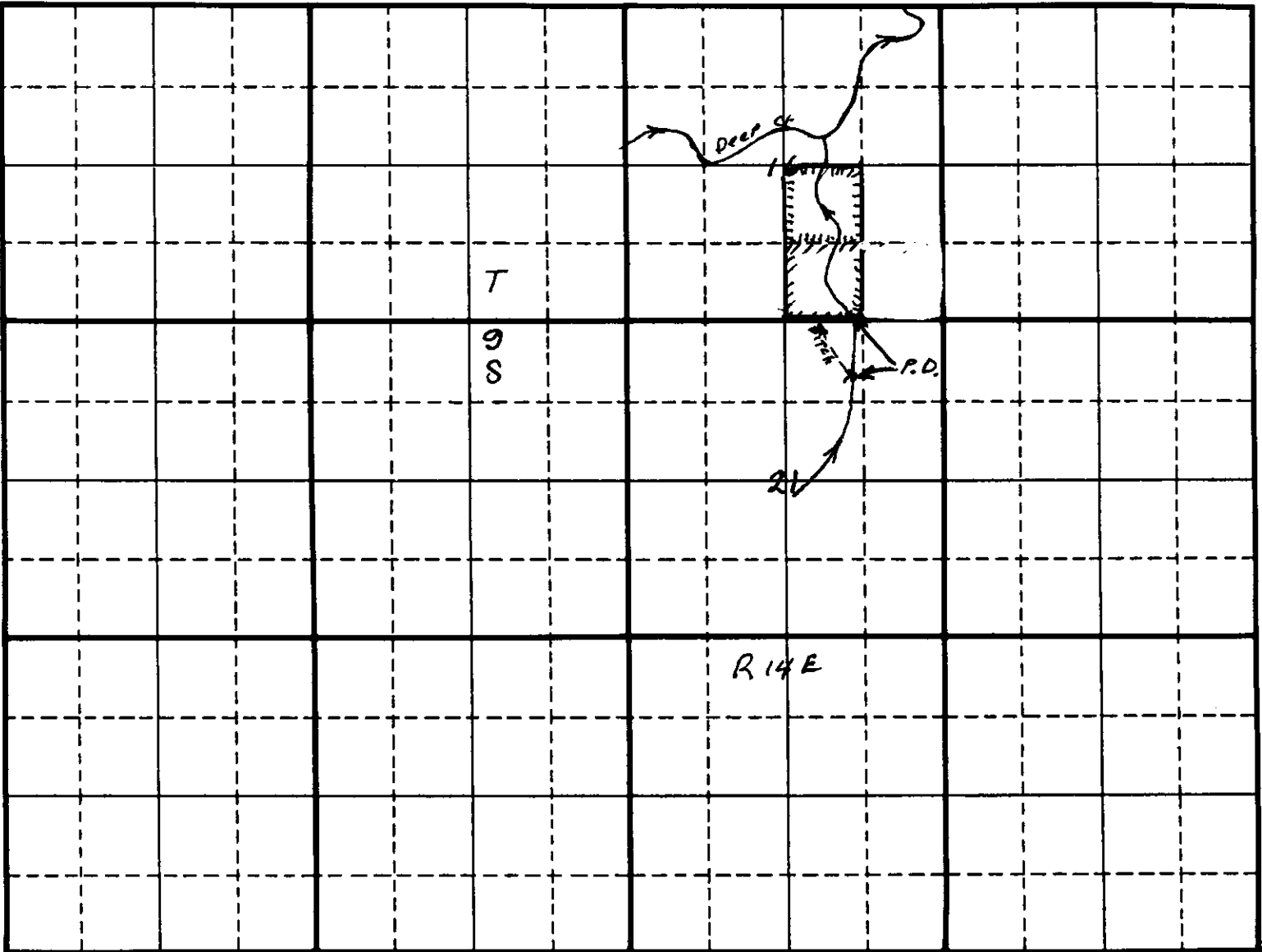
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water for 300 head of beef cattle

SCANNED

NOTE: Include here the type and number of stock watered: JAN 28 2002

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

(8) Remarks _____



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.

Loy G. Couch - Doris F. Couch
(Claimant)

Sworn to before me this 9 day of April, 19 79.

Loren O. Halmer
Notary Public
Residing at Twin Falls, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY				
Received by <u>LH</u>	Date <u>4-9-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JP</u>	Date <u>4-11-79</u>		claimant by:	
\$20.00 fee received by <u>monya</u>	Date <u>7/9/79 #12751</u>			
Published in <u>times news</u>				
Dates <u>April 26 - May 3, 79</u>				

AFFIDAVIT

My name is Ward Fairchild , I reside on my farm in Melon Valley, north-west of Buhl, Twin Falls County, Idaho. I am familiar with the property known as the Old Scott Place. Of my own knowledge I state on my oath that the ditch which diverts water from a gulch in the 40 acres south of the road, legal description NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 21 T 9S R 14 E, and delivers it to the 80 acres north of the road, legal description SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 16 T 9S R 14 E, for the purpose of irrigating said 80 acres, was constructed in the 1930's.

In the mid 1960's I rented the farm, of which said 80 acres is a part. I irrigated it by means of a dam diverting all the water from the gulch through the above mentioned ditch. Due to the fact that most of the water is irrigation waste water, the flow was undependable, but sufficient to irrigate approximately 60 acres of pasture.

Dated November 17, 1978

Ward Fairchild

STATE OF IDAHO

County of Twin Falls

On this 17th day of November, 1978, before me,
Jane K. Wright, a Notary Public in and for said State,
personally appeared Ward Fairchild, known to me to be the
person whose name is subscribed to the within instrument, and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal,
the day and year in this certificate first above written.

Jane K. Wright
Notary Public for Idaho

Residing at Buhl, Idaho

My name is N. R. Hunt, I live on the east side in Melon Valley, 5 miles north-west of the town of Buhl, Twin Falls County, Idaho.

Mr. C. M. Scott and I were neighbors for many years, in Melon Valley, where we each owned and operated farms.

From personal knowledge I state that Mr. Scott did, during the 1930's, divert the water from the gulch south of his house, in that 40 acres, legal description NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 21 T 9S R 14 E, and by means of a ditch convey said water to the 80 acres north of the road, legal description SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 16 T 9S R 14 E, for the purpose of irrigation approximately 60 acres of said 80 acres.

I am still actively engaged in farming, and my farm adjoins the Old Scott Place on the east.

Dated November 16, 1978.

N. R. Hunt

STATE OF IDAHO

County of Twin Falls.

On this 16TH day of November, 1978, before me, JERRY F. DECKER, a Notary Public in and for said State, personally appeared N. R. Hunt, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Jerry F. Decker
Notary Public for Idaho
Residing at Buhl, Idaho

I, Wesley Fairchild, residing near the town of Hagerman in Gooding County, in the State of Idaho, do hereby solemnly swear that the following is, to the best of my knowledge, a true and accurate statement.

In the 1930's, probably in 1936, I was working for Mr. C.M. Scott on his 120 acre farm, now known as the Old Scott Place, in Melon Valley $5\frac{1}{2}$ miles Northwest of the town of Buhl, in Twin Falls County, in the State of Idaho. An east-west road on a section line divided the farm, the house being situated on the 40 acres south of the road, the legal description being NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21 T 9S R 14 EBM. A gulch ran through this 40 in a northerly direction near the east boundary. About 450 feet from the south boundary of the property Mr. Scott built a ditch to divert water from the gulch in a north-westerly direction following the contour of the land, to a point about midway of the north boundary of the above described 40 acres. He built the ditch across the road to irrigate the 80 acres lying north of the road, the legal description being SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16 T 9S R 14 EBM. Mr. Scott dammed the gulch and diverted all the available water into his ditch to irrigate approximately 60 acres of the 80 acres in Section 16.

In 1952 I bought the 40 acres in Section 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21 T 9S R 14 EBM, and rented the 80 acres in Section 16: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16 T 9S R 14 EBM. I ran water through the above mentioned ditch for the three years I farmed the property, to irrigate the land north of the road in Section 16. I would estimate that there was 50 inches of water running in the gulch at that time, during the irrigation season. Most of the available water being irrigation waste water.

Dated November 14, 1978

Wesley O Fairchild

STATE OF IDAHO

County of Gooding

On this 14 day of November, 1978, before me, Georgia Lucille Clark, a Notary Public in and for said State, personally appeared Wesley Fairchild, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Georgia Lucille Clark
Notary Public for Idaho

Residing at Hagerman, Idaho

de
mayor
5-4-79

Affidavit of Publication

FILED 8229

STATE OF IDAHO,
COUNTY OF TWIN FALLS ss.

I, Nola Laughlin Mayor first duly sworn u.
oath, depose and say that I am Trust Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do ~~not~~ 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 Thursdays, commencing with the issue dated
April 26, 19 79, and ending with the issue dated
May 3, 19 79.

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 the of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 3rd day of

May 19 79
Carolee Jennings

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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 14, 1979

ROY H. COUCH
DORIS F. COUCH
ROUTE #3
BOX #202
BUHL

ID 83316

RE: Claim No. 47-4101

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 D. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 11, 1979

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 MAY 14, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
MAY 14 1979

47-4101-

COUCH, ROY H. &/or DORIS F.

ROUTE #3, BOX #202, BUHL, ID 83316

Source: UNNAMED STREAM tributary to DEEP CREEK

Priority Date: 03/15/1936

Amount: 1.60 CFS

Diversion Point: NWNE Sec 21 T 09S R 14E SWSE Sec 16 T 09S R 14E,
TWIN FALLS Co.

Use: IRRIGATION	(1.60 CFS)	from 03/15 to 11/15
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NWSE SWSE Sec 16 T 09S R 14E FOR 80 ACRES

Diversion Means: CHECK DAM & 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 4/26 & 5/3/79.