

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

No 14907

NOTICE OF CLAIM TO A WATER RIGHT No. 36-4007

Notice is hereby given that the City of Twin Falls, Box 309, Twin Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from an unnamed spring, tributary to the Snake River with point of diversion in the SW¹/₄SW¹/₄, Sec. 31, T. 9 S., R. 18 E., B. M., Twin Falls County; the water is claimed to be used from Jan. 1 to Dec. 31 for domestic consumption and April 1 to Nov. 1 for irrigation with a priority of Dec. 30, 1932; the place of use is SW¹/₄SW¹/₄, Sec. 31, T. 9 S., R. 18 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Times-News,
Twin Falls, Idaho, on June 18 and
June 25, 1970.

I, Carolyn Jennings, being first duly sworn upon oath, depose and say that I am five clerk of the TIMES-NEWS, published daily, except Saturday, 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 Tuesdays, commencing with the issue dated June 18, 1970, and ending with the issue dated June 25, 1970.

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, 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.

Carolyn Jennings 26 JA
Subscribed and sworn to before me this _____ day of

June 1970

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

36-4007

47-4087
2

Identification No. 36-4007
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 City of Twin Falls, Idaho
post office address City Hall, Box 309, Twin Falls, Idaho - 83301
2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 31 Township 9 S
Range 18 E B.M. located on Un-named Spring

(name of source)

tributary to Snake River in Twin Falls 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:
December 30, 1932 amount: 0.5 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.5 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 domestic consumption period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use irrigation period of use from Apr. 1 to Nov. 1 (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 _____

 - b. Underground water diverting works: is well flowing or pumped flowing spring ; 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 SCANNED

JAN 28 2002

36-4007
47-4087

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. In 1969 a 1" dia. plastic line was extended 600' from the spring house to a drinking fountain in the park.

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 _____

[illegible]

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 Shoshone Falls Park, City of Twin Falls

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 The water is used for irrigation of park land and domestic consumption in drinking fountains and restroom facilities. The volume in continual use since 1932 has been 0.5 c.f.s.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation This spring was used for these same purposes prior to December 30, 1932. On that date, the City of Twin Falls acquired full title to the land upon which the spring is located and the water used. The full flow of water is used nearly all year round for the above described purposes. It is essential for the public good that this claim to a water right be established.

State of Idaho }
County of Twin Falls } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribe 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 14th day of May, 19 70.
City Manager Claimant City of Twin Falls, Ida.

[Signature]
Notary Public
Residing at Twin Falls, Idaho

My commission expires September 10, 1970

For Department Use Only

Received by <u>[Signature]</u>	Date <u>5-15-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>[Signature]</u>	Date <u>5-20-70</u>			
Fee received by <u>[Signature]</u>	Date <u>5-20-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by				
Published in <u>[Signature]</u>	Dates <u>6-11-70 to 7-5-70</u>			

36-4007

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. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

No 14907

1, Carolene Jennings, being first duly sworn upon oath, depose and say that I am five clerk of the TIMES-NEWS, published daily, except Saturday, 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 June 18, 1970, and ending with the issue dated June 25, 1970.

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Carolene Jennings
Subscribed and sworn to before me this 26th day of June, 1970.

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

36-4007

July 13, 1970

Re: Claim to a Water Right No. 36-4007

City Clerk
City of Twin Falls
City Hall
Box 309
Twin Falls, Idaho 83301

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 Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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:dr
Enclosures: Copy of claim
Receipt No. 4655

SCANNED

JAN 28 2007

36-4007

**NOTICE OF CLAIM TO
A WATER RIGHT
No. 36-4007**

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Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Times-News,
Twin Falls, Idaho, on June 18 and
June 25, 1970.

36-4007

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

June 10, 1970

Re: Claim to a Water Right No. 36-4007 - City of Twin Falls
Application for Permit No. 36-7132 - City of Twin Falls
" " " " 47-7102 - Ralph Schnell
" " " " 47-7098 - William H. Olson

Times News
Box 548
Twin Falls, Idaho 83301

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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notices (4)

36-4007

*Bill submitted
6-30-70
ds*

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4007

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Sec. 31, T. 9S, R. 18E, B.M., Twin Falls County; the water is
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April 1 to Nov. 1 for irrigation with a priority of Dec. 30, 1932
; the place of use is SW~~SW~~ Sec. 31,
T. 9S, R. 18E, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho,
on June 18 and June 25, 1970.

K.H.

36-4007

Gentlemen:

**Will you kindly sign, notarize and return the
enclosed claim which covers invoices submitted by you?**

**Upon receipt of the claim properly executed, your re-
mittance will be forwarded immediately.**

Thank you.

CITY OF TWIN FALLS, IDAHO

By: Constance J. Leiser

City Clerk

26-4007

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE — ANNEX 2
BOISE, IDAHO 83707

May 18, 1970

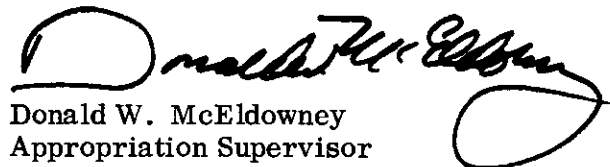
Re: Application for Permit and Claim to a Water Right

City of Twin Falls
City Hall, Box 309
Twin Falls, Idaho 83301

Dear Sirs:

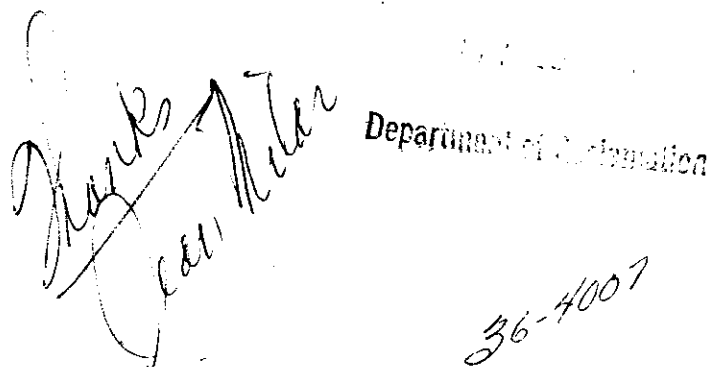
Enclosed are the signed notarized claims to cover the cost of filing a Claim to a Water Right and an Application for Permit. As soon as we receive the fees, we shall continue to process the claim and application.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures


Department of Reclamation
36-4007

May 18, 1970

Re: Application for Permit and Claim to a Water Right

City of Twin Falls
City Hall, Box 309
Twin Falls, Idaho 83301

Dear Sirs:

Enclosed are the signed notarized claims to cover the cost of filing a Claim to a Water Right and an Application for Permit. As soon as we receive the fees, we shall continue to process the claim and application.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

36-4007