

**NOTICE OF CLAIM TO
A WATER RIGHT
NO. 47-4022**

Notice is hereby given that Clifford O. Davis, Route 3, Twin Falls, 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 waste water with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 10S, R. 16E, B.M., Twin Falls County.

The water is claimed to be used from April 1 to Oct. 15 for the irrigation of 138 acres with a priority of May 1, 1910; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$ (E $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1, T. 10S, R. 16E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the Times-News, Twin Falls, Idaho, on August 17 and August 24, 1972.

Affidavit of Publication

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

RECEIVED

Nº AUG 15 1972

Department of Water Administration
being first duly sworn upon
Southern District of Idaho

I, Carolyne Jennings
oath, depose and say that I am Princ. Clerk
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 Aug. 17, 19 72, and ending with the issue dated Aug. 24, 19 72.

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.

Carolyne Jennings
Subscribed and sworn to before me on this 24th day of August, 19 72.

Cliff O. Davis
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Identification No. _____
Claim No. 47-4022
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 Clifford O. Davis
post office address Route #3, Twin Falls, Idaho 83301
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 1 Township 10S
Range 16E B.M. located on Waste Water
(name of source)
tributary to _____ 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:

<u>May 1, 1910</u>	amount: <u>3.0</u>	c.f.s. or	_____	acre feet
_____	amount: _____	c.f.s. or	_____	acre feet
<u>(See Remarks)</u>	amount: _____	c.f.s. or	_____	acre feet
Total claimed <u>3.0</u>				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 <u>Irrigation</u>	period of use from <u>April 1</u> to <u>Oct. 15</u>	(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 Concrete
~~headgate~~ ^{check} (4') with two ^{head gates} 15" CMP ~~channels~~; 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 _____; 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 _____

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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 10 feet; width of ditch at top is 2 feet; width of bottom of ditch is 2 feet; depth of water is 2 feet; grade of ditch per 1000 feet is unknown feet; material through which ditch passes is Sandy clay (rocky); maximum length of pipe line to first place of use is 10 feet; diameter of pipe line is 15 inches; type of pipe concrete; grade of pipe per 1000 feet is unknown.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

NONE

- 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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10S	16E	1		46	40		47			5									138

Total number of acres to be irrigated 138

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
ditches have changes but same land has been irrigated.

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
Claimant has lived on place since 1911 and water was used before that. Ditch will hold 150 miners inches. 150 miners inches are needed since flow is not continuous, being waste water. If it were continuous only 60 inches would be necessary. Soil is thin and takes more water than normal.

Also, see B. B. Greggs versus A. A. Davis, District Court, Twin Falls County. This suit concerns operation of check dam and headgate. Dated about 30 years ago.

This is supplemental water to Twin Falls Canal Company water of 89 inches but without waste water crops would burn.

State of Idaho

County of Ada } 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

9th

day of

Clifford O Davis
Claimant

August
Notary Public

1972

Residing at

Boise, Idaho

My commission expires

May 26, 1974

For Department Use Only

Received by KHF

Date

8-10-72
8/9/72

Exception filed by:

Forwarded to claimant by:

Date

Prelim. check by KHF

Date

8/9/72

Fee received by KHF

Date

8/9/72

Fee \$ 10.00

Approved for publication by RF

Published in

Dates

47

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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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Identification No.

Claim No.

Map No.

47-4022

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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(Please refer to the instructions on the back of this form)

1. Name of claimant Clifford O. Davis
post office address Route #3, Twin Falls, Idaho 83301

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a. Date of priority claimed:

May 1, 1910 amount: 3.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
(See Remarks) amount: _____ c.f.s. or _____ acre feet
Total claimed 3.0 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 1 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 Concrete
~~headgate~~ ^{check} (4') with two 15" CMP ~~check~~ ^{headgates}; 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 _____; 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 _____

47 4022

_____; if so, give dates and explain _____

NONE

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 _____
ditches have changes but same land has been irrigated.

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 _____

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Claimant has lived on place since 1911 and water was used before that. Ditch will hold 150 miners inches. 150 miners inches are needed since flow is not continuous, being waste water. If it were continuous only 60 inches would be necessary. Soil is thin and takes more water than normal.

Also, see B. B. Greggs versus A. A. Davis, District Court, Twin Falls County. This suit concerns operation of check dam and headgate. Dated about 30 years ago.

This is supplemental water to Twin Falls Canal Company water of 89 inches but without waste water crops would burn.

State of Idaho

County of Ada

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 9th day of August, 1972.

Clifford O Davis
Claimant

Lester D. Fort
Notary Public

Residing at Base, Idaho

My commission expires May 26, 1974

For Department Use Only

Received by KHF Date 8-10-72

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by KHF Date 8/9/72

Fee received by KHF Date 8/9/72 Fee \$ 10.00

Approved for publication by RF

Published in _____ Dates _____

177-3022

RECEIVED

Nº AUG 15 1972

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS }

ss.

I, Carolyn Jennings Department of Water Administration
being first duly sworn before
Southern District Court

oath, depose and say that I am Princ. 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
Aug. 17, 19 72, and ending with the issue dated
Aug. 24, 19 72.

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
24th
Subscribed and sworn to before me on this _____ day of
August, 19 72.

Notary Public
Notary Public in and for the County of Twin Falls, Idaho
State of Idaho, residing at Twin Falls, Idaho 4922

September 7, 1972

Re: Claim to a Water Right No. 47-4022 - Clifford O. Davis

Clifford O. Davis
Route 3
Twin Falls, Idaho 83301

Dear Mr. Davis:

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 of the 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 the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Copy of claim

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47 4022

August 10, 1972

Re: Claim No. 47-4022 - Clifford O. Davis

Times News
P. O. 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. 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
District Engineer
Southern District

Bill submitted 8-25-72 by alw

BH:alw

Enc: Legal Notice

47 4022

NOTICE OF CLAIM TO A WATER RIGHT

NO. \$647-4022

Notice is hereby given that Clifford O. Davis,

Route 3, Twin Falls, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 3.0 cubic feet per second ~~SSSS XXXX XXX XXXXXX~~
of water from waste water

with point of diversion in the SW¹/₄NE¹/₄, Sec. 1, T. 10S, R. 16E, B.M.,
Twin Falls County

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

for the irrigation of 138 acres

with a priority of May 1, 1910;

the place of use is within the W¹/₂NE¹/₄, E¹/₂NW¹/₄, Sec. 1, T. 10S, R. 16E,
B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the Times News, Twin Falls, Idaho

on August 17 and August 24, 1972

47 4022