

Affidavit of Publication

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

REC-5D
N^o 1279
APR 23 1972

NOTICE OF CLAIM TO A WATER RIGHT No. 47-4018

Notice is hereby given that Devon F. & Norma L. Rutherford, Route No. 1, Buhl, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.84 cubic feet per second of water from Seepile and Waste Water Ditch, trib. to Slaughterhouse Gulch with point of diversion in the NW1/4NW1/4, Sec. 20, T. 10S, R. 17E, B.M., Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes; and from March 15 to Nov. 15 for the irrigation of 7 acres with a priority of January, 1928; the place of use is within the NW1/4NW1/4, Sec. 20, T. 10S, R. 17E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. Keith Higginson
Director

Published in the Times News,
Twin Falls, Idaho on April 13 and
April 20, 1972.

I, Carolyn Jennings being first duly sworn upon
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
April 13, 19 72, and ending with the issue dated
April 20, 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
Subscribed and sworn to before me on this 21st day of
April, 19 72

[Signature]
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

47-4018

Identification No. _____
Claim No. 47-4018
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 Devon F. & Norma L. Ruhter
post office address Route #1, Buhl, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 20 Township 10S
Range 17E B.M. located on Seepile & Waste Water Ditch
(name of source)
tributary to Slaughterhouse Gulch 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:

(domestic) Jan., 1928 amount: 0.02 c.f.s. or _____ acre feet
(irrigation) Jan., 1928 amount: 0.80 c.f.s. or _____ acre feet
(stockwater) Jan. 1928 amount: 0.02 c.f.s. or _____ acre feet
Total claimed 0.84 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 March 15 to Nov. 15 (both dates inclusive)
use stockwater period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use domestic period of use from Jan. 1 to Dec. 31 (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 Soil and lumber, a
check type structure; length is 14 feet; height is 3½ 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 None

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 _____

SCANNED
JAN 23 2002

47 4018

474018
offer since we had

-
-
-
-
-

- 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_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

5. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch Waste Water spillway. The other users and their respective interests in the ditch are (if known) Beryl O. Griffith - future stockwater

6. Where water is used for stock watering, give number of each kind of stock watered 15 horses, 50 cows, 100 hens, 8 sows

7. Where water is used for domestic or municipal purposes give number of families served one 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 The water claimed for use has points of entrance of owners property at South-west corner from a ditch and two tile opening in Northeast area on owners property.

State of Idaho }
County of Adair } 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.

Robert F. Richter Norman K. Richter
Claimant
Sworn to before me this 30 day of March, 1972

Donald W. Eldridge
Notary Public
Residing at Boise Idaho

My commission expires 2-18-1974

Acit # 2237 For Department Use Only

Received by ej Date 3-30-72 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by BDF Date 3/30/72 _____
be received by ej Date 3/30/72 Fee \$ 10.00 _____
Approved for publication by D _____ 47 AC-18
Published in Times News Dates 4-13-4-20-72 _____

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

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

Nº 1279

I, Carolynne Jennings being first duly sworn upon 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 April 13, 19 72, and ending with the issue dated April 20, 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.

Carolynne Jennings
Subscribed and sworn to before me on this 21st day of April, 19 72

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

47-4018

May 9, 1972

Re: Claim to a Water Right No. 47-4018

Devon F. & Norma L. Ruhter
Route #1
Buhl, Idaho 83316

Dear Mr. & Mrs. Ruhter:

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. McEldowney
Appropriation Supervisor

DWM:CR

Enc: Copy of Claim

47 4018

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 27, 1972

Re: Application for Permit No. 47-7140
Claim to a Water Right No. 47-4018

Devon F. & Norma L. Ruhter
Route # 1
Buhl, Idaho 83316

Dear Mr. & Mrs. Ruhter:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7140. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet of water for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

47-4018

Page 2
Devon F. & Norma L. Ruhter
Re: 47-7140 & 47-4018
April 27, 1972

The Department is not authorized to determine the validity of a claim to a water right, therefore, a hearing in regard to Claim to a Water Right No. 47-4018 would not accomplish any purpose. The following is a quote from the provisions under which your claim has been filed (Section 42-225b, Idaho Code):

42-225b. 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest in connection with Application No. 47-7140. If you have any questions or if we may be of any assistance, please feel free to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

47 4018

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 27, 1972

Re: Application No. 47-7139 - Roger D. &/or Fern J. Lewis
Application No. 47-7140 - Devon F. & Norma L. Ruhter
Claim No. 47-4018 - Devon F. & Norma L. Ruhter

Mr. Floid C. Hartman
722 Green Acres Dr.
Twin Falls, Idaho 83301

Dear Mr. Hartman:

We have received and accepted your protest against applications No. 47-7139 & 47-7140. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

47 4018

Page 2

Mr. Floid C. Hartman

Re: 47-7139, 47-7140, 47-4018

April 27, 1972

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You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest in connection with applications No. 47-7139 and 47-7140. If you have any questions or if we may be of further assistance, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

47 4018
47 4018

TO: Mr. Keith R. Higginson
State Reclamation Engineer
State of Idaho
Statehouse
Boise, Idaho 83701

Department of Water Administration

Re: FILING NOS. 47-7139, Application for Permit to Appropriate Waters; 47-7140, Application for Permit to Appropriate Waters; 47-4018, Notice of Claim to Water Right.

The undersigned hereby protests the above water filings on the following grounds:

I.

The application is for purposes of speculation and delay and the applicant has no bonafide intent to complete the proposed works.

II.

Protestant is the holder of a permit to appropriate the same waters.

III.

Applicant does not have the financial resources available to complete the project.

IV.

Applicant has not followed the regulations of the Department of Water Administration with reference to the filing of financial statements, maps or drawings of outlet structure showing location or construction of diversion; no construction schedule has been provided.

V.

The priority date applicant requests in Claim No. 47-4018 is incorrect and should said permit be granted in whole or in part the priority date should be subsequent to the date requested.

I respectfully request that all of the above be set for a Public Hearing.

Dated this 25 day of April, 1972.


Floid C. Hartman

47 4018

April 7, 1972

Re: Application No. 47-7139 - Roger D. &/or Fern J. Lewis
" " 47-7140 - Devon F. & Norma L. Ruhter
Claim No. 47-4018 - " " " " " "

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 or 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enc: Legal Notices (3)

Bill submitted 5-4-72 CR
47 4018

The Times-News
TWIN FALLS, IDAHO

State of Idaho
Department Of Water Administration
Statehouse - Annex 2
Boise, Ida

83707

RUNTER CLAIM TO WATER RI HT

April 13 & 20, 1972

32 lines @.22	- - - - -	\$7.04
32 lines @.15	- - - - -	\$4.80

total 11.84

I hereby certify that the above account is correct and
just that the supplies were actually furnished and/or that
the services were actually rendered as charged, and that
I/we have not received payment therefor.

SIGNED: The Times-News - Magic Valley Newspapers, Inc.

BY:

Carolyn Jennings

INVOICE

018

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4018

Notice is hereby given that Devon F. & Norma L. Ruhter,

Route #1, Buhl, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.84 cubic feet per second ~~and 0.84~~ of water from Seepile and Waste Water Ditch, trib. to Slaughterhouse Gulch with point of diversion in the NW 1/4, Sec. 20, T. 10S, R. 17E, B.M.,
Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes; and from March 15 to Nov. 15 for the irrigation of 7 acres with a priority of January, 1928; the place of use is within the NW 1/4, Sec. 20, T. 10S, R. 17E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, ~~on or before~~ _____.

R. KEITH HIGGINSON

Director

Published in the Times News, Twin Falls, Idaho
on April 13 and April 20, 1972.

47 4018

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 47,4018

Notice is hereby given that Devon F. & Norma L. Ruhter, Route No. 1, Buhl, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.84 cubic feet per second of water from Seepile and Waste Water Ditch, trib. to Slaughterhouse Gulch with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 10S, R. 17E, B.M., Twin Falls County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes; and from March 15 to Nov. 15 for the irrigation of 7 acres with a priority of January, 1928; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 10S, R. 17E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. Keith Higginson

Director

Published in the Times News,
Twin Falls, Idaho on April 13 and
April 20, 1972.

*D.K.
4-19-72
ZL*

47 4018