

AFFIDAVIT of PUBLICATION

RECEIVED
APR 3 1972

Department of Water Administration

STATE OF IDAHO
County of Twin Falls

ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 23rd day of March, 1972, and the last publication having been made on the 30th day of March, 1972; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey

Subscribed and sworn to before me this

31st day of March, 1972

Lois D. Matthews
Notary Public.

Buhl, Idaho

Residing at

January 1, 1973

My Commission Expires

47 4016

Legal Department

NOTICE OF CLAIM TO A WATER RIGHT No. 47-4016

Notice is hereby given that Robert M. Maxwell, III, Route # 4, Buhl, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Unnamed Springs with point of diversion in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 9, T. 9S, R. 15E, B.M., Twin Falls County.

The water is claim to be used from Jan. 1 to Dec. 31 for domestic purposes; from Oct. 15 to April 1 for stockwatering purposes; and from March 15 to Nov. 15 for the irrigation of 5 acres with a priority of 1932; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 9S, R. 15E, 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 Buhl Herald, Buhl, Idaho on March 23 and March 30, 1972.

(11t2)

Identification No

Claim No. 47-4016P

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 Robert M. Maxwell, III
post office address Route #4, Buhl, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 9 Township 9S
Range 15E B.M. located on springs (unnamed)
(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:

1932 amount: .12 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .12 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 period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use irrigation period of use from March 15 to Nov. 15 (both dates inclusive)
use livestock watering period of use from Oct. 15 to April 1 (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
_____ ; length is 4 feet; height is 4 feet;
width at bottom is 3 feet; width at top is 1 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 _____
_____ ;

SCANNED

JAN 23 2002

47 4016

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 _____

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:

[illegible]

Total number of acres to be irrigated 5

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? No 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 2 horses, 6 cows

7. Where water is used for domestic or municipal purposes give number of families served 2
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 5"; from March 15 to Nov. 15 for irrigation

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

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.

Robert M. Maxwell Jr
Claimant

Sworn to before me this 8 day of March, 1972

Donald E. Eldon
Notary Public

Residing at Boise Idaho

My commission expires 2-18-1974

For Department Use Only

Received by if Date 3/8/72 rect # 8149 Exception filed by:

Forwarded to claimant by: _____ Date _____

Prelim. check by LEB Date 8/1/72

Fee received by if Date 3/8/72 Fee \$ 10.00

Approved for publication by SA

Published in BOISE HERALD Dates 3-23 & 3-30-72

47 4016

I N S T R U C T I O N S

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

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 23rd day of March, 1972, and the last publication having been made on the 30th day of March, 1972; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey

Subscribed and sworn to before me this 21st day of March, 1972
Henry J. Matthews
Notary Public.

Buhl, Idaho
Residing at
January 1, 1973
My Commission Expires

Notarially sworn that Robert E. Bailey, Editor of Buhl, Idaho, County of Twin Falls, State of Idaho, does hereby claim to a water right by diversion for beneficial use of the water of the second of the following springs with the following description: SE 1/4, R. 15E, T. 36N, B. 1W, Boise, Idaho.

The water is to be used from the spring for domestic purposes and for the purpose of irrigation and for the purpose of power and for the purpose of navigation and for the purpose of other uses within the area of the spring, SE 1/4, R. 15E, T. 36N, B. 1W, Boise, Idaho.

Any water claimed by the claimant of water right is subject to the order of the State Engineer, Boise, Idaho.

ROBINSON
Director
Public Works Department, Buhl, Idaho
March 30, 1972
(1112)

April 17, 1972

Re: Claim to a Water Right No. 47-4016

Robert M. Maxwell, III
Route #4
Buhl, Idaho 83316

Dear Mr. Maxwell:

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:bb
Enclosure: Copy of Claim

SCANNED

JAN 23 2002

47 915
47-4016

March 17, 1972

Re: Claim No. 47-4016 - Robert M. Maxwell, III

Buhl Herald
P.O. Box 312
Buhl, Idaho 83316

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,

Fred Eisenbarth
Appropriation Examiner

FE:CR

Enc: Legal Notice

Bill submitted 4-5-72. CR

47 4016

NOTICE OF CLAIM TO A WATER RIGHT

No. 47-4016

Notice is hereby given that Robert M. Maxwell, III, Route #4, Buhl, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Unnamed Springs with point of diversion in the SE¹/₄ NW¹/₄, Sec. 9, T. 9S, R. 15E, B.M., Twin Falls County.

The water is claim to be used from Jan. 1 to Dec. 31 for domestic purposes; from Oct. 15 to April 1 for stockwatering purposes; and from March 15 to Nov. 15 for the irrigation of 5 acres with a priority of 1932; the place of use is within the NE¹/₄ NE¹/₄, Sec. 9, T. 9S, R. 15E, 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 Buhl Herald, Buhl, Idaho on March 23 and March 30, 1972.

47 4016

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 47-4016

Notice is hereby given that Robert M. Maxwell, III, Route # 4, Buhl, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.12 cubic feet per second of water from Unnamed Springs with point of diversion in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 9, T. 9S, R. 15E, B.M., Twin Falls County.

The water is claim to be used from Jan. 1 to Dec. 31 for domestic purposes; from Oct. 15 to April 1 for stockwatering purposes; and from March 15 to Nov. 15 for the irrigation of 5 acres with a priority of 1932; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 9S, R. 15E, 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 Buhl Herald, Buhl, Idaho on March 23 and March 30, 1972.

(11t2))

~~47~~ 4016