

Identification No. 03-40057

Claim No. 02-4009

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 Skyway Enterprises, Inc.
post office address Route #3, Weiser, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 17 Township 10 N Range 5 W B.M. located on Snake River (also known as lot #80 of Sunnyside Orchard)
(name of source)
tributary to _____ in Washington 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:
April 1931 amount: 1.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 Nov. 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 pumped directly
from Snake River; 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 _____; 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 50 feet; width of ditch at top is 8" pipe feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

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

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:

[illegible]

Total number of acres to be irrigated 13

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 _____

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 Water is pumped directly from the Snake River, using 5 HP pump into an 8" line 50' long.

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 19th day of March, 1971.

Claimant

Notary Public

Residing at Boise, Idaho

My commission expires Jan 19, 1972

For Department Use Only

Received by <u>V.H.</u> Date <u>3-19-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>B.L.</u> Date <u>3-19-71</u>	Receipt <u>93774 given</u>		
Fee received by <u>V.H.</u> Date <u>3-19-71</u> Fee \$ <u>10.00</u>		<u>2</u>	<u>4009</u>
Approved for publication by _____			
Published in <u>Weiser Signal</u> Dates <u>4-1 & 4-8, 1971</u>			

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.

WARRANTY DEED

THIS INDENTURE, Made this 30 day of June, in the year 1955 between ALEX ACHTZIGER and wife, LEA ACHTZIGER of Weiser, County of Washington, State of Idaho the parties of the first part, and E. O. JUDD and wife, JOYCE JUDD of Weiser, County of Washington, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ---Eight Thousand and No/100- - - - - DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in Washington County, State of Idaho, to-wit:

Lots 78, 79 and 80 of Sunnyside Orchard Tract, located in Section 17, Township 10, North of Range 5, West of Boise Meridian, together with all water, water rights, pumping plants and irrigation system used in connection with said lands, RESERVING to the grantors herein one-half of all oil, gas and mineral rights of said lands.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first written.

Signed, sealed and delivered in the presence of

Alex Achtziger (SEAL)
Lea Achtziger (SEAL)

STATE OF IDAHO)
(ss.
County of Washington)

On this the 30th day of June, 1955, before me, the undersigned, a Notary Public in and for said State, personally appeared Alex Achtziger and wife, Lea Achtziger, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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

(SEAL)
(Elizabeth Coulter, Notary Public)
(State of Idaho)

Elizabeth Coulter
Notary Public for Idaho,
residing at Weiser, Idaho.

Documentary Revenue Stamps \$ 8.80

Filed for record at request of J. F. Glabby, at 10:45 o'clock A.M. this 17th. day of July, 1956.

Fees: \$1.50

Nell M. Guiver, Recorder

State of Idaho)
County of Washington)

10th March

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Mary Kautz
By Vivienne Dickerson.

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Booth, being duly sworn,
deposes and says:

That he is the S CLERK of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
April 1, 1971, and ending
with the issue of April 8, 1971.
Dorothy A. Booth
Fees, \$ 7.25

Subscribed and sworn to before me this 3
day of MAY, 1971.
[Signature]
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 5-1, 1973.

No. 489
**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 02-4009

Notice is hereby given that Sky-
way Enterprises, Inc., Route 3,
Weiser, Idaho, has filed a claim to
a water right established by di-
version and application to bene-
ficial use of 1.0 cubic feet per sec-
ond of water from the Snake
River with point of diversion in
the SE¹/₄SW¹/₄ Sec. 17, T. 10N, R.
5W, B.M., Washington County.
The water is claimed to be used
from April 1 to Nov. 15 for ir-
rigation purposes with a priority
of April, 1931; the place of use is
within the SE¹/₄SW¹/₄ Sec. 17, T.
10N, R. 5W, B.M.
Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, Statehouse, Boise,
Idaho.

R. KEITH HIGGINSON
Director
Published in the Weiser Signal,
Weiser, Idaho, on April 1 and
April 8, 1971. 4-25

May 6, 1971

Re: Claim to a Water Right No. 02-4009
" " " " " " 02-4010
" " " " " " 67-4012

Skyway Enterprises, Inc.
Route #3
Weiser, Idaho 83672

Gentlemen:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. 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 Claims

April 29, 1971

Re: Application No. 67-7053 - K. W. Currier
 Claim No. 02-4009 - Skyway Enterprises, Inc.
 " " 02-4010 - " " "
 " " 67-4012 - " " "

Weiser Signal
P.O. Box 709
Weiser, Idaho 83672

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on April 1 and April 8, 1971.

Your prompt attention to this matter would be most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

March 24, 1971

Re: Application No. 67-7053 - K. W. Currier
Claim No. 02-4009 - Skyway Enterprises, Inc.
" " 02-4010 - Skyway Enterprises, Inc.
" " 67-4012 - Skyway Enterprises, Inc.

Weiser Signal
P.O. Box 709
Weiser, Idaho 83672

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 our 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 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

Bill submitted 5-6-71 by ds

DWM:DR
Enc: Legal notices (4)

2 4009

No. 489

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 02-4009

Notice is hereby given that Skyway Enterprises, Inc., Route 3, Weiser, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from the Snake River with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T. 10N, R. 5W, B.M., Washington County.

The water is claimed to be used from April 1 to Nov. 15 for irrigation purposes with a priority of April, 1931; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T. 10N, R. 5W, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Weiser Signal,
Weiser, Idaho, on April 1 and
April 8, 1971. 4-2s

NOTICE OF CLAIM TO A WATER RIGHT

No. 02-4009

Notice is hereby given that Skyway Enterprises, Inc., Route 3,
Weiser, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 1.0 cubic feet per second ~~1.0 cfs~~
of water from the Snake River
with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T. 10N, R. 5W, B.M.,
Washington County.

The water is claimed to be used from April 1 to Nov./5 for
irrigation purposes
with a priority of April, 1931;
the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T. 10N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Weiser Signal, Weiser, Idaho,
on April 1 and April 8, 1971.

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