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Identification No. _____
Claim No. 98-4007
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 George L. Pays - Mission Creek Angus Ranch
post office address Star Route Box 9, Copeland, Idaho 83822
2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 5 Township 6 4 N
Range 1 E B.M. located on reservoir Mission Creek
(name of source)
tributary to _____ in Boundary 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>March 5, 1945</u>	amount: _____	c.f.s. or <u>30</u>	acre feet
_____	amount: _____	c.f.s. or _____	acre feet
_____	amount: _____	c.f.s. or _____	acre feet
Total claimed _____ c.f.s. or <u>30</u> 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. 31st</u>	(both dates inclusive)
use <u>livestock</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31st</u>	(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 earth, rock
and lumber; length is 300 feet; height is 10 feet;
width at bottom is 20 feet; width at top is 10 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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c. Conveying works: length of ditch to place of use is 700 feet; width of ditch at top is 11 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 _____ earth _____; 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 _____
ranch reservoir _____;

total capacity of reservoir is 4 acres ~~less~~; active capacity of reservoir is 30 acre ~~feet~~;

year construction commenced 1945; year completed 1950; date first used 1950

period of storage is from year to year; is reservoir drained each year no;

is reservoir on or off stream off 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 _____ NW $\frac{1}{4}$ Sec. 5 T. 64 N., R. 1E BM

has there been any enlargement of the reservoir since it was first built. no, 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 80

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 _____
150 head cattle

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
The original permit # R-746 (new # 98-2135) was applied for
in February 28, 1945; and approved by Mark R. Kulo, State
Reclamation Engineer, March 5, 1945.
Work was to be completed on or before March 5, 1950; and
proof of completion of works was submitted January 19, 1950,
and certificate of completion of works issued February 18, 1950.
Evidently, submitting adequate proof of beneficial use
was somehow overlooked; as this particular permit # R-746, is
mentioned in other documents filed in the Boundary County
Courthouse. Reservoir and irrigation system have been in
constant use since 1945, as two heirs, Ralph & Willis Wallen
will testify. Also Soil Conservation Service.

State of Idaho

County of Boundary } 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 17th day of December, 1970.

Geo L Hays
Claimant

Marion Mesenbrink
Notary Public

Residing at Bonniers Ferry, Idaho

My commission expires 3-1-'73

For Department Use Only

Received by <u>ej</u>	Date <u>12-21-70</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ej</u>	Date <u>12-22-70</u>		claimant by:	
Fee received by <u>ej</u>	Date <u>12/22/70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>Herald</u>				
Published in <u>Bonniers Ferry</u>	Dates <u>1-7 & 1-14, 1971</u>			

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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:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
		Total claimed:		1.2 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 it 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 Boundary

ss.

W. H. Chubb

being

first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of Idaho Department Water Admin./George Hays

a Notice to Claim to a Water Right No. 98-4007/G. Hays

Notice for Publication, a printed copy of which is attached hereto was published in said

newspaper and not in a supplement thereof for ... 2 ... consecutive issues, com-

mencing with the issue dated Jan. 7, 1971, and ending with the

issue dated Jan. 14, 1971

William H. Chubb

Subscribed and sworn to before me this 29 day of Jan., 1971

Edon Kerby

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 98-4007

Notice is hereby given that George L. Hays (Mission Creek Angus Ranch), Star Route, Box 9, Copeland, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 30 acre feet per annum of water from Mission Creek with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 64N, R. 1E, B.M., Boundary County.

The water is claimed to be used from April 1 to October 31 for irrigation and January 1 to December 31 for livestock watering with a priority of March 5, 1945; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 64N, R. 1E, 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 Bonners Ferry Herald, Bonners Ferry, Idaho on January 7 and January 14, 1971.

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R. KEITH HIGGINSON

Director

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho on January 7 and January 14, 1971.

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the advertisement of **Idaho Department Water Admin./George Hays**

a **Notice to Claim to a Water Right No. 98-4007/G. Hays**

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for **2** consecutive issues, commencing with the issue dated **Jan. 7**, 19**71**, and ending with the issue dated **Jan. 14**, 19**71**

Subscribed and sworn to before me this **29** day of **Jan.**, 19**71**

Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 29, 1991

RE: Water Right No. 98-4007

William W. Hays
Mary F. Hays
Mission Creek Angus Ranch
HCR 60, Box 182H
Bonners Ferry, ID 83805

Dear Water Right Holder(s):

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, a claimed water right is considered real property; therefore, proof of owning the land is proof of owning the water right. We have placed your correspondence in the file for future reference.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla Curtis'.

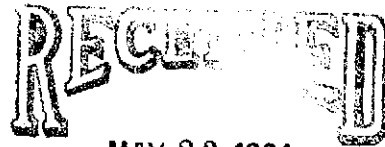
SHARLA CURTIS
Technical Records Specialist

SC:blm

MAILED
JUN 1 1991

May 21, 1991

State Of Idaho
Dept. of Water Resources
Statehouse
Boise, Idaho 83720



MAY 23 1991

Department of Water Resources

Dear Sir:

I am writing in regard to Claim to A Water Right number 98-4007 which was in the name of Geo. L. Hays my father, who passed away in 1980. I worked on the ranch with my father and it has now been deeded over to William W. and Mary F. Hays my wife. We would like to up date this Water Claim and have it put in our names.

What procedure and fees are necessary to up date the claim?

Hoping to hear from you concerning this matter.

Sincerely,

William W. Hays

William W. Hays

Mission Creek Angus Ranch

HCR 60 Box 182H

Bonnars Ferry, Idaho 83805

JUL 17 1991

February 10, 1971

Re: Claim to a Water Right No. 98-4007

Mr. George L. Hays
Mission Creek Angus Ranch
Star Route Box 9
Copeland, Idaho 83822

Dear Mr. Hays:

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
Enclosure: Copy of claim

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February 3, 1971

Re: Claim No. 98-4007 - George L. Hays (Mission Creek
Angus Ranch)

Bonnors Ferry Herald
212 Main
Bonnors Ferry, Idaho 83805

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on January 7th and 14th, 1971.

Thank you for your attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

98 4007

December 29, 1970

Re: Claim No. 98-4007 - George L. Hays

Bonnors Ferry Herald
212 Main
Bonnors Ferry, Idaho 83805

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 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/DG
Enc: legal notice

Bill submitted 2-10-71 By de

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NOTICE OF CLAIM TO A WATER RIGHT

No. 98-4007

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Boundary County

The water is claimed to be used from April 1 to October ~~10~~ 31 for irrigation and January 1 to December 31 for livestock watering
with a priority of March 5, 1945;
the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 64N,
R. 1 E, 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 Bonnars Ferry Herald, Bonners Ferry, Idaho
on January 7 and January 14, 1971.

December 22, 1970

George L. Hays
Star Route, Box 9
Copeland, Idaho 83822

Dear Mr. Hays:

Returned herewith is Departmental Receipt No. 5439 in the amount of
\$10.00 for Claim Application

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

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