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Identification No. 94-4000

Claim No. 42435

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Wilson C. Muller
post office address Rt 1 Box 24 Emaville Idaho 83829
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 15 Township 50 N
Range 4 E B.M. located on see 879 Springs
(name of source)
tributary to _____ in Shoshone County 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:

May 1952 amount: 2.04 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 2.04 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 all year around for household supply two dwellings period of use from _____ to _____ (both dates inclusive)
use Domestic period of use from 1 Jan to 31 Dec (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
; length is 20 feet; height is 3 feet;
width at bottom is 12 feet; width at top is 18 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 none; depth of well is 1 feet; diameter of well is 1 inches; type of pump is ✓
capacity of pump is 1 g.p.m.; name and address of well driller is ✓

94-4000

not applicable

1/2

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~~SECRET~~

active capa

_____ tested

6. 11. 2019

1 Aug

100

U S P A A U S

to point

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1/4	NE 1/4	NA
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[illegible]

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050 1011 0

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) No

6. Where water is used for stock watering, give number of each kind of stock watered Not applicable

7. Where water is used for domestic or ~~municipal~~ purposes give number of families served (1) 2 dwellings
name of town supplied No one

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.

This water is derived from Springs in a draw on the NW 1/4
of Sec. 15

In the Spring of the year there is enough snow in the draw to
3/4 of a mile long, to run to the Camas River. Run off lasts
3 to 10 days then there remains a small stream that produces

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

Approximately 300 gals of water per hour during the Summer
Months but never reaches the River.

In 1952 I put a small arch dam across the bottom of this
draw or ravine approximately 20 ft which made a little basin that
holds perhaps 5000 gals of water more or less. Basin is about 20' x 18'
x 3' ft deep and in hot weather is never full in fact for our two (2)
dwellings we use this water about as fast as it makes and we
use water pumped from the River for our garden and lawns

Water used is House hold. During wet weather there is a
surplus enough for any other dwelling. So I desire to take
the water right to protect my self & heirs. The Dam & largest of
the Springs is on my own ground. But should I sell I wish to keep
the water as is. There for my application for the Right to this water
supply

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

4/3/68
(Date)

Nathan C. Miller
(Signature of Claimant)

State of Idaho

County of Shoshone } ss.

On this 3rd day of April 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Oleis M. Ryan

Notary Public residing at Wallace

My commission expires 2/4/69

For Department Use Only

Received by <u>ip</u> Date <u>4-4-68</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>Deer</u> Date <u>4-15-68</u>	_____	_____	_____
Fee received by <u>ip</u> Date <u>4-15-68</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>KS</u> <u>4-18-68</u>	_____	_____	_____
Published in <u>Hellegg</u> Dates <u>4-25</u> <u>Evening News</u> <u>5-2</u>	_____	_____	_____

94-4000

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, 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.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

April 5, 1968

RECEIVED

APR 12 1968

Re: Claim to a Water Right

Department of Reclamation

Wilson C. Miller
Route #1, Box 24
Enavill, Idaho 83829

Dear Mr. Miller:

We are returning your personal check in the amount of \$10.00 and your claim to a water right. Please be advised that in order for the department to accept and process your claim we must have some additional information.

Item 2 of the claim requires a name of the source from which you divert your waters. We have inserted it in pencil, the information to the best of our understanding. If you agree, please complete it in ink. *completed as requested,*

Under Item 3a of the claim you must insert a specific quantity of water that you wish to claim with your May, 1952 priority. Again, from the information you have submitted, we have inserted the probable information in pencil. If you agree, please ink in the information. If not, please enter the correct amount. *yes.*

Also under 3b of the claim we must have a specific use and the month and the day in the spring to a month and a day in the fall which will constitute a period of use during each year. If you agree with this information, also ink it in. If no, please insert the correct information. *completed as requested*

Upon clarification of these issues, you will be requested to submit the claim and the \$10.00 check. Please contact us if we may be of any assistance in any manner.

Very truly yours,

Hope this is all needed. Thank you
Wilson C. Miller
Donald W. McEldowney

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Check in the amount of \$10.00 and the claim

94-4000

PROOF OF PUBLICATION

RECEIVED

MAY 6 1968

STATE OF IDAHO
County of Shoshone,

SS.

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT No. 94-4000

Notice is hereby given that
Wilson C. Miller, Route No. 1,
Box 24, Enayate, Idaho, has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.04 cubic feet per second of
water from an unnamed spring
with point of diversion in NE $\frac{1}{4}$ -
NW $\frac{1}{4}$, Sec. 15, T. 50 N, R. 4 E.
B.M., Shoshone County; the
water is claimed to be used
from January 1 to December
31 for domestic use with a pri-
ority of May, 1962; the place of
use is NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 15, T.
50 N, R. 4 E. B.M., Shoshone
County.

Any exception to this claim
of water right may be filed
with the Department of Recla-
mation.

s/R. KEITH HIGGINSON
State Reclamation
Engineer

4-24-5-1-68

Wm. Penney, being first duly sworn deposes and says
that he is publisher of KELLOGG EVENING NEWS
a daily newspaper of general circulation in said county,
published in the City of Kellogg, in the County of Sho-
shone and the State of Idaho, and which has been pub-
lished continuously in said county for a period of 78
weeks immediately prior to the publication of the notice
hereinafter described, and that the _____

Notice of claim
to a water right
Miller

of which the annexed is a true copy, was published in
each regular weekly/daily issue of said newspaper, and not
in a supplement thereto, for a period of Two con-
secutive weeks/days, the first publication thereof being in
its issue dated April 24, 1968 and the
last publication thereof being in the issue dated

May 1, 1968

Wm. Penney

Subscribed and sworn to before me this 2nd

day of May, 1968.

Wendell R. Baird

Notary Public

94-4000

The Kellogg Evening News

Only newspaper covering Kellogg-Wardner, Pine Creek and southern Shoshone County. City and suburban population over 15,000. Twice as large as any similar area in Shoshone County.

KELLOGG, IDAHO

May 3

1906

Department of Reclamation
Room 107 State House
Boise, Idaho

April 24-May 1 - Notice of claim to
a water right-----\$ 6.44

I hereby certify the above account to be correct, services on 1/10 m. claim fee delivered, and payment not received.

J. M. Tenny

Signature of Claimant

94-4000

The Kellogg Evening News

Only newspaper covering Kellogg-Wardner, Pine Creek and
southern Shoshone County. City and suburban
population over 15,000. Twice as large as
any similar area in Shoshone County.

KELLOGG, IDAHO

May 3

18 65

Department of Reclamation
Room 107 State House
Boise, Idaho

April 24-May 1 - Notice of claim to
a water right \$ 6.44

I hereby certify the above account to be
correct, services on/for it, charges de-
livered, and payment not received.

Jm Perry
Signature of Claimant

May 16, 1968

Re: Claim No. 94-4000

Wilson C. Miller
Route #1, P. O. Box 24
Enaville, Idaho 83829

Dear Mr. Miller:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under No. 94-4000.

Enclosed is Receipt No. 869 for the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 769

94-4000

April 18, 1968

Re: Claim No. 94-4000
Wilson C. Miller

Kellogg Evening News
Kellogg,
Idaho 83837

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 can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 94-4000

Notice is hereby given that Wilson C. Miller, Route #1, Box 24,
Enaville, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of .04
cubic feet per second ~~gals/sec~~ of water from an unnamed spring
with point of diversion in NE 1/4 sec.
15, T. 50 N, R. 4 E, B.M., Shoshone County; the water is
claimed to be used from January 1 to December 31 for domestic use
with a priority of May, 1952
; the place of use is NE 1/4 sec. 15, T. 50
N, R. 4 E, B.M., Shoshone County

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Kellogg Evening News, Kellogg, Idaho
on April 25 and May 2.

94-4000