

PROOF OF PUBLICATION

STATE OF IDAHO
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 25 day of July, 1974, and the last publication being on the 1 day of August, 1974;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 1 day of Aug, 1974.

Leonard L. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

RECEIVED

AUG 6 1974

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT No. 55 - 4012

Notice is hereby given that ELEANOR L. SMITH, 1017 N. 28th, Boise, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 7.0 cubic feet per second, 15 acre feet per day of water from springs, trib. to Long Gulch Creek with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 5 S., R. 4 W., B. M., Owyhee County.

The water is claimed to be used from May 1 to Nov. 15 for mining use with a priority of May 1, 1931; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 5 S., R. 4 W., 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 Owyhee Nugget, Marsing, Idaho on July 25, 1974 and Aug. 1, 1974.

OK
8-6-74
CW

55-4012

Identification No. _____

Claim No. 55-4012

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 Eleanor L. Smith
post office address 1017 North 28th, Boise, Idaho 83702

2. The point of diversion is in SW $\frac{1}{4}$ of SW (6+5) $\frac{1}{4}$ Section 7 Township 5 S
Range 4 W B.M. located on Springs
(name of source)

tributary to Long Gulch Creek in Owyhee 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 1, 1931 amount: 7.0 c.f.s. or 15 acre feet penday
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 Mining period of use from May 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 Dirt Dam
_____ ; length is 100 feet; height is 14 feet;
width at bottom is 10 feet; with at top is 18 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known May 1, 1931
Capacity 15 acre feet.

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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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 SW¹/₄SW¹/₄, Sec. 7, T. 5 S., R. 4 W.

[illegible]

Published in Executive Digest Dates 7-25, 8-1-74

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

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Leonard J. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

TO A WATER RIGHT No. 55 - 4012

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The water is claimed to be used from May 1 to Nov. 15 for mining use with a priority of May 1, 1931; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T. 5 S., R. 4 W., 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 Owyhee Nugget, Marsing, Idaho on July 25, 1974 and August 1, 1974.

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8-6-74
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55-4012

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 13, 1974

Ms. Eleanor L. Smith
1017 N. 28th
Boise, ID 83702

Re: Claim to a Water Right No. 55-4012

Dear Ms. Smith:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 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.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:

Enclosure

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DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83720



GORDON C. THROMBLEY
COMMISSIONER

STATE BOARD OF LAND COMMISSIONERS

CECIL D. ANDRUS
GOVERNOR AND PRESIDENT
PETE T. GENARRUSA
SECRETARY OF STATE
W. ANTHONY PARK
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
DELMER F. ENGELKING
SUPT. OF PUBLIC INSTRUCTION

July 25, 1974

Department of Water Administration
Statehouse - Annex 2
Boise, Id. 83320

Attention: Kenneth H. Foit, P.E.

Dear Mr. Foit:

Thank you for the opportunity to review Water Right No. 55-4012. Although the involved land is not state land we sincerely appreciate the courtesy you and the Department of Water Administration has extended.

This department has no objection to Water Right No. 55-4012. Please continue to submit any similar claims which you think this department may be interested in reviewing.

Your cooperation is appreciated.

Very truly yours,

FOR THE DIRECTOR

A handwritten signature in dark ink, appearing to read "David P. Tidwell".

DAVID P. TIDWELL
Division Chief, Range Management

DPT:vp

55-4012

July 19, 1974

State Land Commissioner
Statehouse

Re: Claim to a Water Right No. 55-4012

Dear Sir:

We are enclosing a copy of the above referenced claim to a water right which may be of interest to your agency. Please review the claim and if you have any comments, please submit them to our department as soon as possible.

We normally complete the processing of the claim within a six week period and we are required to take final action shortly thereafter.

If we may be of any assistance to you in the meantime, please do not hesitate to contact this department.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

RHF:cla

Enclosure

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STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

July 19, 1974

Owyhee Nugget
Marsing, Idaho 83639

Re: Claim to a Water Right No. 55-4012 - Eleanor L. Smith
02-7151 - Max L. Christensen
02-7153 - B and H Canal Company

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)

Sincerely,

Bill submitted
8-6-74
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Owyhee County

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with a priority of May 1, 1931

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Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

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