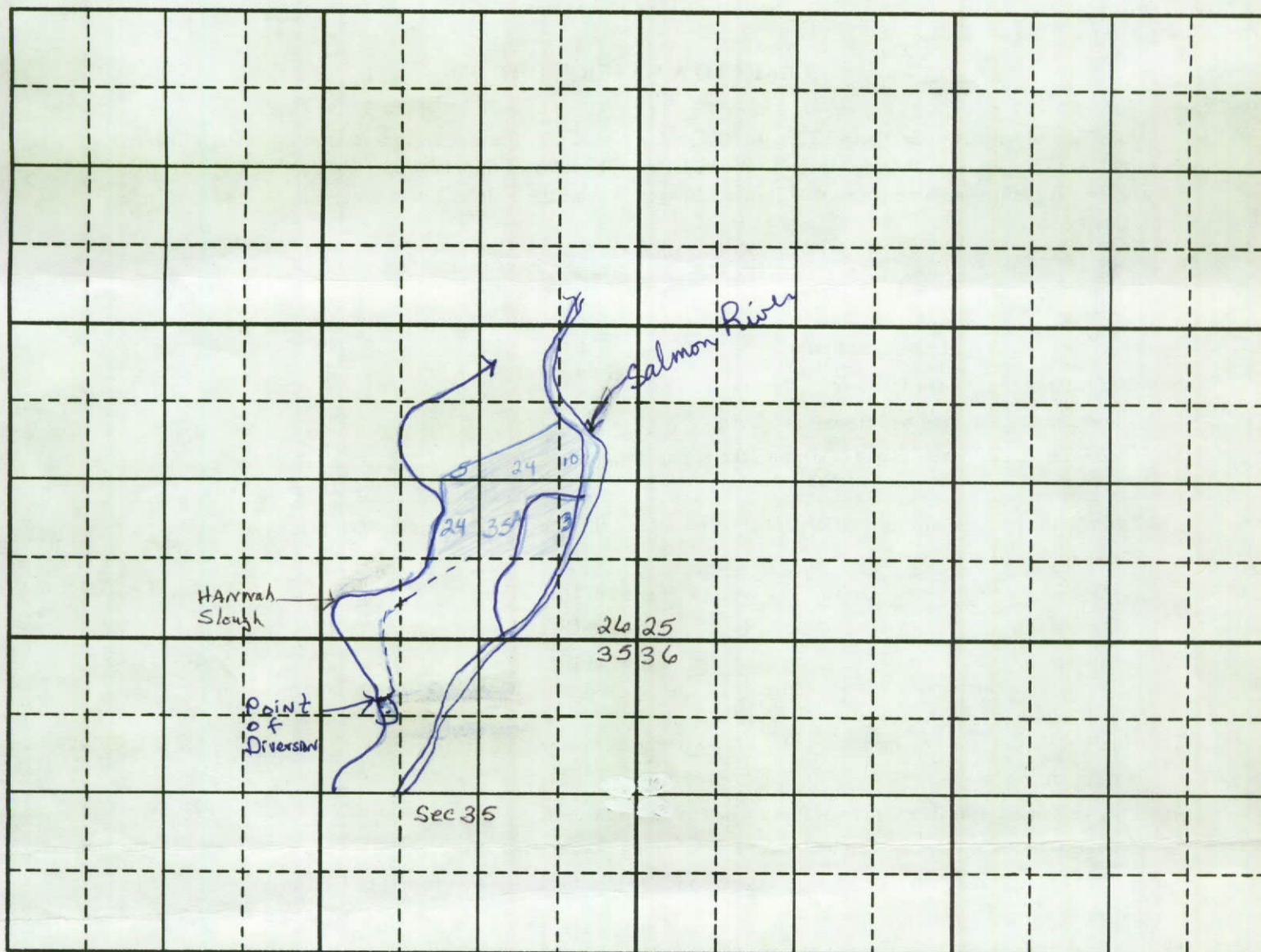


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Custer) 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 12th day of January, 19 78.

Mark Stark Brenda Stark
(Claimant)

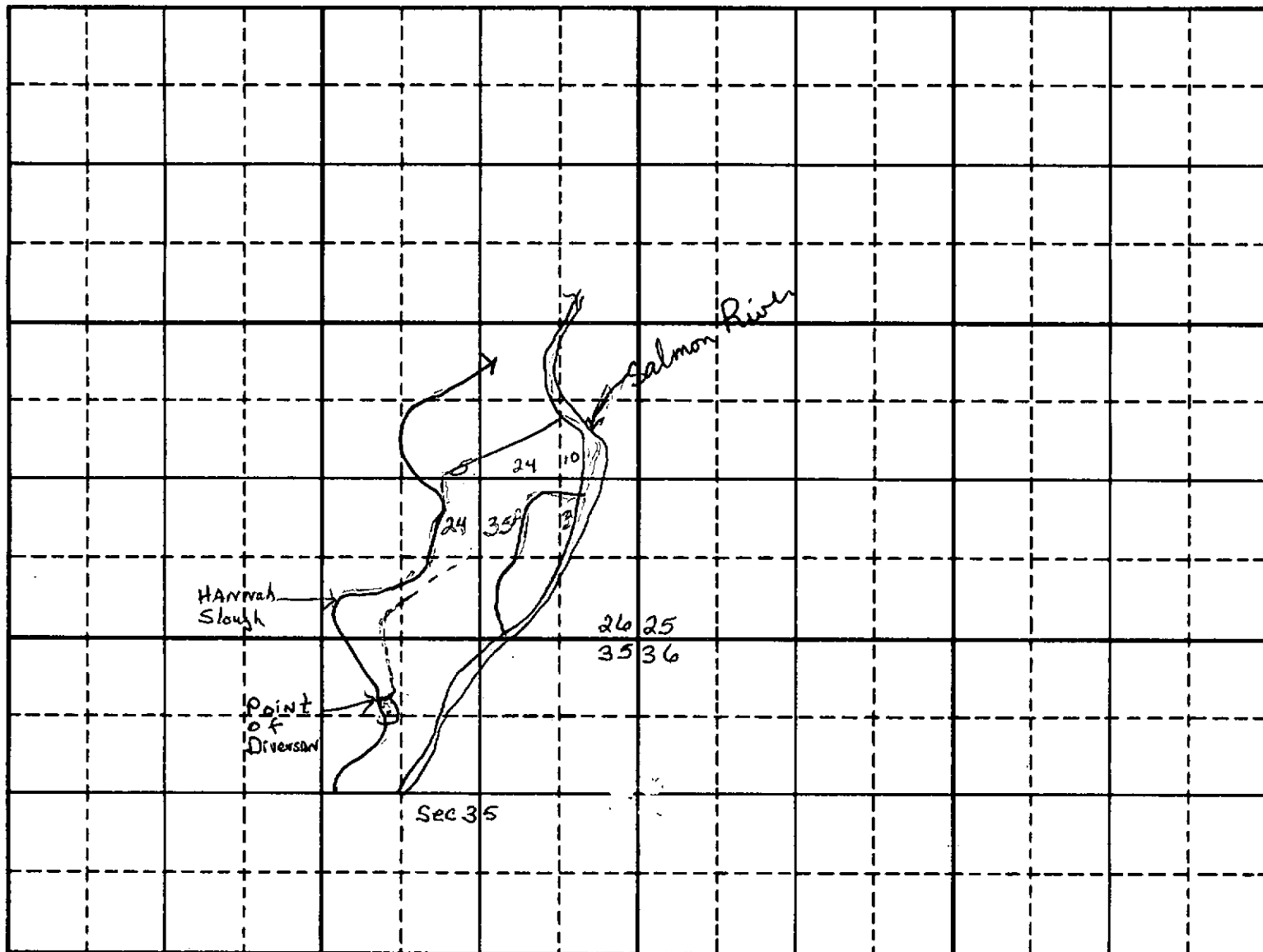
Linda J. Horsey
Notary Public
Residing at Challis, Idaho

My commission expires 3-20-78

For Department Use Only

Received by <u>JB</u>	Date <u>6-7-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>go</u>	Date <u>6-21-78</u>		claimant by:	
\$10.00 fee received by <u>sm</u>	Date <u>3/13/78</u> # <u>7564</u>			
Approved for publication by <u>CS</u>	<u>7/10/78</u>			
Published in <u>Challis Messenger</u>				
Dates <u>6/29 & 7/6/78</u>				

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Custer) 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: 12th day of January, 19 78.

Mark Stark Linda Stark
(Claimant)

Linda J. Hopsey
Notary Public
Residing at Challis, Idaho

My commission expires 3-20-78

For Department Use Only

Received by <u>JB</u>	Date <u>6-7-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JP</u>	Date <u>6-21-78</u>		claimant by:	
\$10.00 fee received by <u>SM</u>	Date <u>3/13/78</u> # <u>7564</u>			
Approved for publication by <u>CS</u>	<u>7/6/78</u>			
Published in <u>Challis Messenger</u>				
Dates <u>6/29 & 7/6/78</u>				

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated JUNE 29,
1978 and ending with the issue
dated JULY 6, 1978.

Margaret Parks
Subscribed and sworn to before
me this 7 day of July,
1978.

Charles M. James
Notary Public, residing at Challis,
Idaho. My commission expires on
April 30, 1979.

RECEIVED

JUL 10 1978

Department of Water Resources
Southern District Office

OK
CS

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 72-4044**

Notice is hereby given that Mark
&/or Brenda Stark, Challis, 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
Hannah Slough, tributary to Salmon
River with point of diversion in the
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp. 14N, Rge.
19E., B.M., Custer County.

The water is claimed to be used
from Apr. 1 to Nov. 1 for irrigation
purposes of 161 acres with a priority
of March, 1906; the place of use is
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, Twp.
14N, Rge. 29E., B.M.

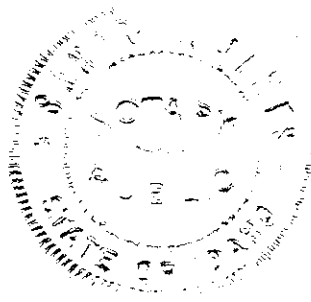
Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.,
North, Twin Falls, Idaho, 83301.

C. Stephen Allred
Director

Published in the Challis Messenger
on 6/29 and 7/6/78

□□□

RECEIVED



August 9, 1978

James R. Bennetts
Attorney at Law
P. O. Box 36
Challis, Idaho 83226

Re; Claim to a Water Right Permit # 72-4044 & Your letter of July 18, 1978

Dear Mr. Bennetts:

Please find enclosed a copy of the above referenced claim.

The claim was filed to record evidence of an existing right established by use and does not seek to make a new appropriation of water.

Your client must file an exception to the claim in accordance with Section 42-225b of the Idaho Code. The exception will be retained in the claim file as evidence against the claim.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

JAMES R. BENNETTS

ATTORNEY AT LAW

P. O. BOX 36

CHALLIS, IDAHO 83226

(208) 879-4488

July 18, 1978

RECEIVED

AUG 4 1978

Department of Water Resources
Southern District Office

C. Stephen Allred, Director
Idaho Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

Re: Permit No. 72-4044

Dear Mr. Allred:

I represent William Johnston of Challis.

The point of diversion stated in regard to the above permit number is located upon real estate owned by Mr. Johnston. William Johnston objects to the granting of the permit as published in the Challis Messenger and offers the following in support of his protest.

1. The waters at the point of diversion have been totally consumed by Mr. Johnston in the irrigation of his property for many years and are his waters.

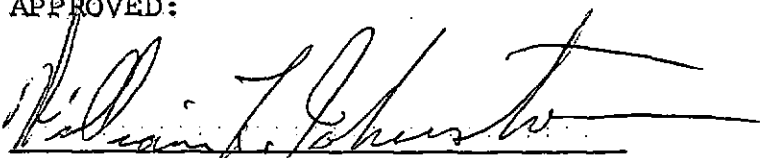
2. The request for appropriation assumes ditch right-of-way across the property of the protestant which have neither been requested nor agreed upon.

Very truly yours,


James R. Bennetts

JRB:dl

APPROVED:


William Johnston

MICROFILMED

DEPARTMENT OF WATER RESOURCES
STAFF ANALYSIS - CLAIM TO A WATER RIGHT

Item Initial Date

Claim No. 72-4044 - Mark &/or Brenda Stark

☒ Name, Address, Telephone
☒ Source
☒ Quantity, Purpose, Period of Use
☒ Priority (Year & Month) (Day Optional)
☒ Point of Diversion
☒ Description of Diverting Works
☒ Place of Use
☒ Map
☒ Signature
☒ Notarized
☒ Fee

(1) JP 6-21-78
(2) ADM 6-22-78
(3) SM 7/26/78
(4) SM 6/21/78
 S.S. 8/9/78

In Form To Receipt

In Form For Advertising

Exceptions Filed: Yes _____ No ☒

Copy To Boise

MICROFILMED

July 26, 1978

Mr. Mark Stark
Box 361,
Challis, ID 83226

Re: Claim to a Water Right No. 72-4044

Dear Mr. Stark:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the 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 a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact this office.

Sincerely,

Loren O. Holmes
Southern Region Supervisor.

LOH:cs

Enclosure.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 72-4044

Notice is hereby given that Mark &/or Brenda Stark

Challis, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second ~~xxxx feet per second~~ of water from Hannah Slough, tributary to Salmon River with point of diversion in the NW¹/₄, Sec. 35, Twp. 14N, Rge. 19E., B.M., Custer County,

The water is claimed to be used from Apr. 1 to Nov. 1 for irrigation purposes of 101 acres with a priority of March, 1906; the place of use is within the S¹/₂NE¹/₄, SE¹/₂NE¹/₄, NE¹/₂SW¹/₄, N¹/₂SE¹/₄, Sec. 26, Twp. 14N, Rge. 29E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301. ~~xxx xxx before~~

C. Stephen Allred

Director

Published in the Challis Messenger
on 6/29 and 7/6/78

100-111100-100

OK/Sm
6/29/78
**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 72-4044**

Notice is hereby given that Mark &/or Brenda Stark, Challis, 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 Hannah Slough, tributary to Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp. 14N, Rge. 19E., B.M., Custer County.

The water is claimed to be used from Apr. 1 to Nov. 1 for irrigation purposes of 101 acres with a priority of March, 1906; the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, Twp. 14N, Rge. 29E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

C. Stephen Allred
Director

Published in the Challis Messenger
on 6/29 and 7/6/78 □□□

June 21, 1978

Challis Messenger
P. O. Box 405
Challis, ID 83226

Re: Claim to a Water Right No. 72-4044 - Mark &/or Brenda Stark

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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Terry G. Blau
Acting Southern Region Supervisor

TGB:sm

Enc.

RECEIVED
JUN 22 1978
SOUTHERN REGION
SUPERVISOR