



Q = 1 cfs  
Area = 50 acres

65 4048

# PUBLISHER'S AFFIDAVIT

STATE OF IDAHO )

County of Valley )

Donald E. McMahan

) ss.

, being first duly sworn, deposes and

says: That he is the Publisher of the Star-News, a Weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said news-

paper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

February 4, 1971, and ended February 11, 1971

Donald E. McMahan  
Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 12th

day of February, 1971

Donald L. Lyle, Notary Public.

My commission expires 6-2, 1974

RECEIVED

FEB 16 1971

Department of Water Administration

## NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4048

Notice is hereby given that Duane and/or Joseph Pancheri, Route 1, Melba, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.62 cubic feet per second of water from Cow Clesher Creek, tributary to Smith Creek with point of diversion in the NW quarter SE quarter, Sec. 23, T. 17N, R. 2E, B.M., Valley County.

The water is claimed to be used from May 15, to Oct. 15 for irrigation and from Jan. 1 to Dec. 31 for stock water with a priority of June 5, 1922; the place of use is within the S $\frac{1}{2}$  NE quarter, Sec. 23, T. 17N, R. 2E, 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 Star News,  
on Feb. 4 & 11, 1971

65 4048

Identification No. \_\_\_\_\_  
Claim No. 65-4048  
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 Duane &/or Joseph Pancheri  
post office address Route #1 Melba, Idaho
2. The point of diversion is in NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 23 Township 17 N  
Range 2 E B.M. located on CowClesher Creek  
(name of source)  
tributary to Smith Creek in Valley 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>6-5-22</u>                                       | amount: <u>.60</u> c.f.s. or _____ acre feet |
| <u>6-5-22</u>                                       | amount: <u>.02</u> c.f.s. or _____ acre feet |
| _____                                               | amount: _____ c.f.s. or _____ acre feet      |
| Total claimed <u>.62</u> 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 <u>irrigation</u> | period of use from <u>May 15</u> to <u>Oct. 15</u> (both dates inclusive) |
| use <u>stock</u>      | period of use from <u>Jan. 1</u> to <u>Dec. 31</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 \_\_\_\_\_  
\_\_\_\_\_; 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 \_\_\_\_\_  
\_\_\_\_\_;

65 4048

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 250 feet; width of ditch at top is 1 feet; width of bottom of ditch is 30" ~~feet~~; depth of water is 16" ~~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.

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 17N  | 2E    | 23   |        |        | 5      | 25     |        |        |        |        |        |        |        |        |        |        |        |        | 30     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 30

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 250 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

This claim is filed in connection with License No. G-52301

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 21<sup>st</sup> day of January, 1971.

Duane Sanchez  
Claimant

Kenneth H. Felt  
Notary Public

Residing at Boise, Idaho

My commission expires May 26, 1974

For Department Use Only

|                                      |                                 |                     |                           |      |
|--------------------------------------|---------------------------------|---------------------|---------------------------|------|
| Received by <u>ij</u>                | Date <u>1-31-71</u>             | Exception filed by: | Forwarded to claimant by: | Date |
| Prelim. check by <u>ij</u>           | Date <u>1-21-71</u>             |                     |                           |      |
| Fee received by <u>ij</u>            | Date <u>1-22-71</u>             | Fee <u>\$10.00</u>  |                           |      |
| Approved for publication by <u>D</u> |                                 |                     | <u>65 4048</u>            |      |
| Published in <u>Star News</u>        | Dates <u>2-4 &amp; 2-11, 71</u> | dr                  |                           |      |

## 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 |
|                           | <u>Total claimed:</u> |         | <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.

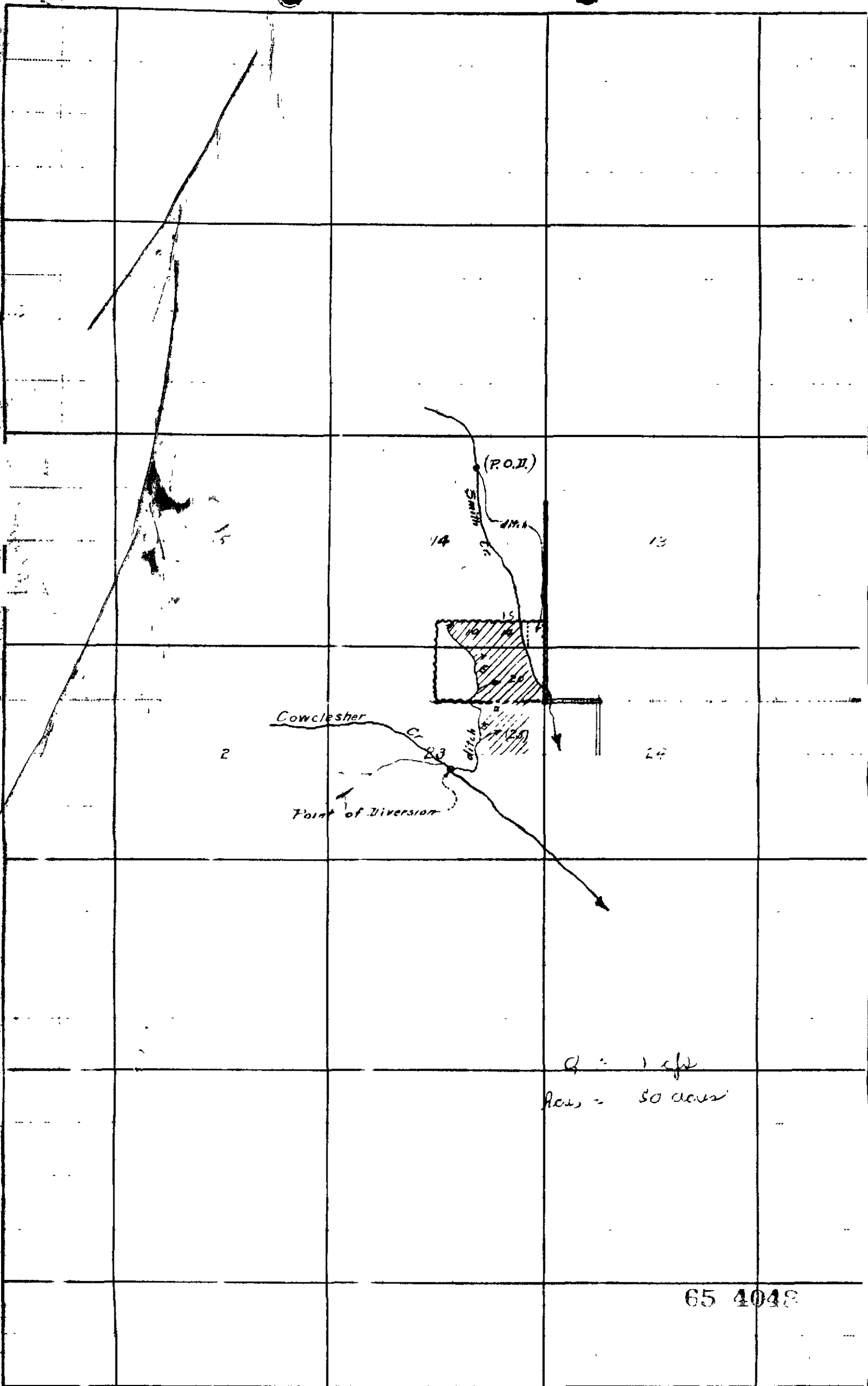
STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. \_\_\_\_\_

REPORT ON PROOF OF \_\_\_\_\_

65 4042



Q = 1 cfs  
Res. = 50 acres

65 4048

SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

15532

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 15532This report is for BEN. USE

In Water District No. ....

1. Name of applicant P.L. Schubert, Guardian of Alfred H. Schubert.2. Source of water supply Cowlesher Creek3. Location of point of diversion: Is in the NW 1/4 of Section 23T. 17 N R. 2 E.B.M. County of Valley4. Describe works as they exist, giving dimensions and capacities of same: Small rock dam

direct into fast gate 3' wide x 4' long x 1' deep.  
Fast gate 3' long x 2' wide x 1' deep. Litch 2' wide x  
1' deep fast grade. capacity 3 Sec. Ft.

5. Water is used for Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation.)

N 1/4, Sec. 23, S 1/4, Sec. 14, Twp. 17 N., R. 2 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Coyette River

Remarks: .....

65 4048

This examination was made on the 19<sup>th</sup> day of June 1928(Signed) Alfred H. Schubert Examiner.

15532

Permit No. 15538

Examination for BEN. USE

County VALLEY

---

### INSTRUCTIONS TO EXAMINERS

---

1. Always carefully note the location of the point of diversion, and accurately plat same.
  2. When proof is for beneficial use, carefully count up the number of acres actually irrigated on each fort. and accurately plat same.
  3. Make a map showing the correct location of streams and ditches, and the irrigated lands and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
  4. If any unusual conditions are discovered, make a plain statement of them under remarks.
  5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
- 

65 600

# PUBLISHER'S AFFIDAVIT

STATE OF IDAHO )

County of Valley )

Donald E. McMahan

) ss.

..., being first duly sworn, deposes and

says: That he is the Publisher of the Star-News, a Weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper, that the advertisement, a copy of which is hereto attached, was published in said news-

paper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began

February 4, 1971, and ended February 11, 1971.

Donald E. McMahan  
Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 12th day of February, 1971.

Donald E. McMahan Notary Public.  
My commission expires 6-2, 1974.

## WATER RIGHT

No. 65-4048

Notice is hereby given that Duane and/or Joseph Pancheri, Route 1, Melba, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.62 cubic feet per second of water from Cow Clesher Creek, tributary to Smith Creek with point of diversion in the NW quarter SE quarter, Sec. 23, T. 17N, R. 2E, B.M., Valley County.

The water is claimed to be used from May 15, to Oct. 15 for irrigation and from Jan. 1 to Dec. 31 for stock water with a priority of June 5, 1922; the place of use is within the S $\frac{1}{2}$  NE quarter, Sec. 23, T. 17N, R. 2E, 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 Star News,  
February 11, 1971

65-4048

February 24, 1971

Re: Claim to a Water Right No. 65-4048

Duane &/or Joseph Pancheri  
Route #1  
Melba, Idaho 83641

Gentlemen:

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

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:dr  
Enclosure: Copy of claim

65 4048

January 26, 1971

Re: Claim No. 65-4048 - Duane &/or Joseph Pancheri  
" " 78-4015 - Circle C Ranch

Star News  
Box 985  
McCall, Idaho 83638

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

Bill submitted 2-17-71 By ds

DWM:DR

Enc: Legal notices (2)

65 4048

NOTICE OF CLAIM TO A WATER RIGHT

No. 65-4048

Notice is hereby given that Duane and/or Joseph Pancheri, Route 1,  
Malba, Idaho, have  
~~was~~ filed a claim to a water right established by diversion and appli-  
cation to beneficial use of 0.62 cubic feet per second ~~at the~~  
of water from Cow Clesher Creek, tributary to Smith Creek  
with point of diversion in the NW~~1~~SE~~1~~, Sec. 23, T. 17N, R. 2E, B.M.,  
Valley County.

The water is claimed to be used from May 15 to Oct. 15 for  
irrigation and from Jan. 1 to Dec. 31 for stock water  
with a priority of June 5, 1922;  
the place of use is within the S~~1~~NE~~1~~, Sec. 23, T. 17N, R. 2E, 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 Star News, McCall, Idaho,  
on February 4 and February 11, 1971.

X.H.

65 4048

January 22, 1971

Duane Pancheri  
Route #1  
Melba, Idaho 83641

Dear Mr. Pancheri:

Returned herewith is Departmental Receipt No. 5533 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

G5 4048