

RECEIVED

NOV 25 1969

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM, ss.

Anita Bales, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document;
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for June
consecutive weekly issues thereof, be-

ginning with the issue of Oct 30

1969, and ending with the issue of

Nov. 6, 1969

Anita Bales
Subscribed and sworn to before me this

24th day of

November, 1969
Sanio Pueno

Notary Public,
Residing at Emmett, Idaho.

NOTICE OF CLAIM
TO WATER RIGHT
No. 65-4028

Notice is hereby given that Donald
R. Craig, Box 126, Letha, Idaho, has
filed a claim to a water right
established by diversion and appli-
cation to beneficial use of 4.0 cubic
feet per second of water from a
slough tributary to the Payette River
with point of diversion to Gov't Lot
10, Sec. 36, T. 7N. R. 3W, B.M., Gem
County; the water is claimed to be
used from April 1 to October 31 for

irrigation and from Jan. 1 to Dec. 31
for stock water with a priority of
1914; the place of use is within the
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7N. R. 3W;
S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31 T. 7N. R. 2W;
N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6N,
R. 2W; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1 T. 6N. R. 3W,
B.M.

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 Emmett
Messenger-Index, Emmett, Idaho, on
October 30 and November 6, 1969.

Bill submitted
12-1-69
ds

65-4028

Identification No. _____
Claim No. 65-4028
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 Donald R. Craig
post office address Box 126 Letha, Idaho
600 ft lot 10
2. The point of diversion is in 1/4 of 1/4 Section 36 Township 7N
Range 3W B.M. located on Slough (name of source)
tributary to Payette in Gem 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:

1914 amount: 4 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 4.0 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 Irrigation Subperiod of use from 4/1 to 10/31 (both dates inclusive)
use Live Stock period of use from 1/1 to 12/31 (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 10 feet; height is 3 feet;
width at bottom is 15 feet; with 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 _____
_____ ;

65-4028

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_____

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 270

b. Do you get water through a ditch owned by several users? _____ 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 50

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
Water is used as supplemental & is Applied by backing up slough and sub irrigating

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.

October 14, 1969
(Date)

Donald B. Craig
(Signature of Claimant)

State of Idaho }
County of Gem } ss.

On this 14th day of October 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

M. B. Kyte
Notary Public residing at Emmett, Idaho

My commission expires 9-26-73

For Department Use Only

Received by <u>if</u>	Date <u>10-13-69</u>	Exception filed by.	Forwarded to claimant by:	Date
Prelim. check by <u>SP</u>	Date <u>10/13</u>			
Fee received by <u>if</u>	Date <u>10-13-69</u>	Fee \$ <u>10.00</u>		
Approved for publication by _____				
Published in <u>Emmett</u>	Dates <u>10-30 and 11-6-1969</u>			
<u>Messinger - Judge</u>		<u>Cell #3721 given</u>	<u>65-4028</u>	

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

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STATE OF IDAHO,
COUNTY OF GEM,

Wm. R. E. being first
duly sworn, on his oath deposes and
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and that the document notice, process,
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consecutive weekly issues thereof, be-

ginning with the issue of Oct 30

1969 and ending with the issue of

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Wm. R. E.
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24th day of

November, 1969

Wm. R. E.

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Residing at Emmett, Idaho.

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B.M.

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Department of Reclamation.

R. Keith Higginson
State Reclamation Engineer
Published in the Emmett
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October 30 and November 6, 1969.

Bill submitted

12-1-69

dr

65-4028

December 2, 1969

Re: Claim to a Water Right No. 65-4028

Donald R. Craig
Box 126
Letha, Idaho 83636

Dear Mr. Craig:

The Department of Reclamation 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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:mjl

Enclosure: Copy of Claim

65-4028

November 17, 1969

Re: Claim to a Water Right No. 65-4028 - Donald R. Craig

Emmett Messenger-Index
120 N. Washington Ave.
Emmett, Idaho 83617

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on October 30 and November 6, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

65-4028

October 22, 1969

Re: Claim to a Water Right No. 65-4028 - Donald R. Craig

Emmett Messenger-Index
120 N. Washington Ave.
Emmett, Idaho 83617

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 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 the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice

65-4028

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; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 36, T. 7N, R. 3W; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 31, T. 7N, R. 2W; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 6, T. 6N, R. 2W; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 3W, B.M.

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 Emmett Messenger-Index, Emmett, Idaho,
on October 30 and November 6, 1969.

44

65-4028