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OCT 6 1975

Department of Water Resources

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4046

Notice is hereby given that BEN E. COOK & C. GARY COOK has filed a claim to a water right established by diversion and application to beneficial use of 0.16 cubic feet per second of water from Salmon River trib. to Snake River with the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 25 N, R. 1 E, B.M. Idaho County.

The water is claimed to be used from April 15 to Sept. 15 for Irrigation of 8 acres with a priority of August 15, 1960; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 25 N, R. 1 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Idaho
County Free Press,
Grangeville on Sept. 24, 1975
and Oct. 1, 1975. S 24-01

..... Karen Gray being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 24th day of September 197⁵.....,
and the last publication on the 1st day of
..... October 197⁵.....; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

.....
Subscribed and sworn to before me this 1st day
of October 197⁵.....

.....
....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

OK
dlw
10-7-75



Identification No. _____

Claim No. _____

Map No. 79 - 4046

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 Ben E. Cook and C. Gary Cook
post office address Lucile, Idaho 83542

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 2 Township 25N
Range 1 E.B.M. located on Salmon River
(name of source)
tributary to Snake River in Idaho 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:

August 15, 1960 amount: 0.16 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.16 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 period of use from 4/15/70 to 9/15 (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 10 H.P. pump at river
30' of 3" plastic pipeline to field and sprinkler
system on field; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width 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 _____

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MAY 1970

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 _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25N	1 EBM	2						8											8 acres

Total number of acres to be irrigated 8

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 _____

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

State of Idaho

County of IDAHO

33.

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.

C Gary Cook
Ben S. Cook
Claimant

Claimant

Sworn to before me this 27 day of July August, 1975

Shelley M. Heath
Notary Public

Notary Public

Residing at Big Horn Lake

My commission expires May 16, 1976

For Department Use Only

Received by SA Date 9-12-75 Exception filed by: Forwarded to Date

Prelim. check by P.W. # Date 9-12-75 # 1312

Fee received by 19 Date 9/12/75 Fee \$ 10.00

Approved for publication by dlr 10-7-75

Published in Old County Free Dates Sept 25 + Oct 2

Press (

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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Department of Water Resources

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The water is claimed to be used from April 15 to Sept. 15 for Irrigation of 8 acres with a priority of August 15, 1960; the place of use is within the NW¹/₄NW¹/₄, Sec. 2, T. 25 N, R. 1 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville on Sept. 24, 1975 and Oct. 1, 1975. S 24-01

.....Karen Gray..... being first duly sworn, says he is the Office Manager..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two..... weeks, being published two..... times, the first publication being on the 24th..... day of September....., 197⁵, and the last publication on the 1st..... day of October..... 197⁵; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

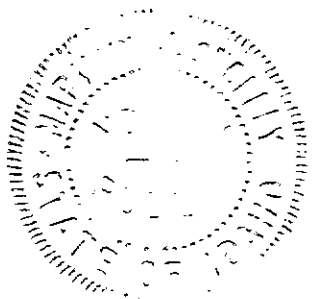
Karen Gray

Subscribed and sworn to before me this 1st..... day of October....., 197⁵.

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

ok
dlw
10-7-75

RECORDED





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 14, 1975

Ben E. Cook
Lucile, ID 83542

RE: Claim to a Water Right No. 79-4046

Dear Mr. Cook:

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 a 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 may be of further assistance, please feel free to call upon us.

Sincerely,

L. GLEN SANTON, P. E.
Western District Engineer

LGS:cls

Enclosure

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OCT 15 1975
WATER RESOURCES
DIVISION



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

Sept. 19, 1975

The Idaho County Free Press
Box 267
Grangeville, ID

Re: Application for Permit No. 78-7073, Forrest D. Barton
77-4026, Ed Davis
79-4046, Ben E. Cook & C. Gary Cook

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 in 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
10-7-75
dlr

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to beneficial use of 0.16 cubic feet per second ~~XXXXXX~~ of water
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with the point of diversion in the NW 1/4, Sec. 2, T. 25 N, R. 1 E, B.M.
Idaho County

The water is claimed to be used from April 15 to Sept. 15
for Irrigation of 8 acres

with a priority of August 15, 1960;
the place of use is within the NW 1/4, Sec. 2, T. 25 N, R. 1 E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville
on Sept. 25, 1975 and Oct. 2, 1975

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P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

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SEP 12 1975
TELEPHONE 1993-0250

Department of Water Resources

September 10, 1975

SEP 12 1975

State of Idaho
Department of Water Administration
Statehouse, Annex 2
Boise, Idaho 83720

Dear Sir:

Enclosed you will find a Claim to a Water Right
for Mr. Ben E. Cook with his check for the filing
fee in the sum of TEN DOLLARS (\$10.00). I would
appreciate your processing this at your earliest
convenience.

Yours very truly,

William J. Dee
WILLIAM J. DEE
f.v.

WJD:jv
Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

Sept 16, 1975

Ben E. Cook
Lucile, ID
83542

Re: Claim to a Water Right

Dear Mr. Cook:

Enclosed is your Receipt No. 1313 in the amount of \$ 10.00 for
1 claim to a water right which was received in this office
on Sept. 12, 1975.

Sincerely,


JANE GRIDLEY
Stenographer

JG:jg

Enclosure

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SEP 17 1975