

RECEIVED

FEB 15 1974

Department of Water Administration

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM TO
A WATER RIGHT**
No. 79-4028

Notice is hereby given that ALICE R. MAHURIN, White Bird, ID has filed a claim to a water right established by diversion and application to beneficial use of .070 cubic feet per second of water from Slate Creek, trib. to Salmon River with the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 36, T. 27 N., R. 1 E., B.M., Idaho County.

The water is claimed to be used from May 15 to Oct. 15 for irrigation of 3.5 acres with a priority of May 10, 1951 for .035 c.f.s. & May 23, 1959 for .035 c.f.s.; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 36, T. 27 N., R. 1 E., 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 Idaho County Free Press, Grangeville, Idaho on Jan. 30, 1974 and Feb. 6, 1974. J30-F6

OK'd
2-15-74

I, Marilyn J. Stolley 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 30th.... day of January....., 1974....., and the last publication on the 6th..... day of February..... 1974...; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this 6th..... day of February....., 1974....

Richard C. Water, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



79-4028

Identification No. _____

Claim No. 79-4028

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 Alice R. Mahurin
post office address Whitebird, Idaho 83554

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 36 Township 27N
Range 1E B.M. located on Slate Creek
(name of source)
tributary to Salmon 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:

<u>May 10, 1951</u>	amount: <u>0.035</u>	c.f.s./ <u>or</u> <u>//////////</u> <u>acre/feet</u>
<u>May 23, 1959</u>	amount: <u>0.035</u>	c.f.s./ <u>or</u> <u>//////////</u> <u>acre/feet</u>
	amount: <u>0.70</u>	c.f.s. or <u> </u> <u>acre feet</u>
Total claimed <u>0.77</u>		c.f.s./ <u>or</u> <u>//////////</u> <u>acre/feet</u>

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 May 15 to October 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
 ; 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 Two pumps at creek,
20 feet of 2½" Galv. pipe to garden, pasture, and lawn and a sprinkler system
on the pasture, garden, and lawn.

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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Original pump was not supplying adequate water so a second pump was added to the system on May 23, 1959. The acreage irrigated was not increased.

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 } 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 14th day of January, 1974.

Alice R. Meherin
Claimant

Leif Hales
Notary Public

Residing at Brangerville, Idaho

My commission expires 10-20-77

Rec'd
13587 For Department Use Only

Received by CP Date 1-17-74

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by P.W.H. Date 1-18-74

Fee received by CP Date 1-18-74 Fee \$ 10.00

Approved for publication by _____

Published in Idaho City Free Press Dates 1-30 & 2-6-74

79-4028

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 <u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or <u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s.</u> 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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

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1974

Department of Administration

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4028

Notice is hereby given that ALICE R. MAHURIN, White Bird, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.070 cubic feet per second of water from Slate Creek, trib. to Salmon River with the point of diversion in the NE 1/4 NW 1/4, S. 36, T. 27 N., R. 1 E., B.M., Idaho County.

The water is claimed to be used from May 15 to Oct. 15 for irrigation of 3.5 acres with a priority of May 10, 1951 for .035 c.f.s. & May 23, 1959 for .035 c.f.s.; the place of use is within the NE 1/4 NW 1/4, S. 36, T. 27 N., R. 1 E., B.M.

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R. KEITH HIGGINSON
Director

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off'df
2-15-74

I, Marilyn J. Stolley 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 30th day of January, 1974, and the last publication on the 6th day of February, 1974; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this 6th day of February, 1974.

Richard C. Water, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

79-4028

February 19, 1974

Alice R. Mahurin
Whitebird, ID 83554

RE: Claim to a Water Right No. 79-4028

Dear Ms. Mahurin:

The Department of Water Administration 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:def

Enclosure

79-4028

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

January 24, 1974

Idaho County Free Press
Box 267
Grangeville, ID 83530

Re: Claim to a Water Right No. 78-4052 - Jay H. Morrell
79-4028 - Alice K. Mahurin

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 2-15-74 by df

79-4028

NOTICE OF CLAIM TO A WATER RIGHT

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~~ALICE R. MAHURIN, White Bird, ID~~

has filed a claim to a water right established by diversion and application
to beneficial use of ~~.0470~~ cubic feet per second ~~acre feet of water~~
~~XXXXXXXXXX~~

from ~~Slate Creek, trib. to Salmon River~~

with the point of diversion in the ~~NE 1/4, S. 36, T. 27 N., R. 1 E., B.M.~~

~~Idaho County~~

The water is claimed to be used from ~~May 15 to Oct. 15 for irrigation~~

~~of 3.5 acres~~

with a priority of ~~May 10, 1951 for .035 c.f.s. & May 23, 1959 for .035 c.f.s.;~~

the place of use is within the ~~NE 1/4, S. 36, T. 27 N., R. 1 E., 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 ~~Idaho County Free Press, Grangeville, Idaho~~
on ~~Jan. 30, 1974~~ and ~~Feb. 6, 1974~~

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Director

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U30-F6

*OK of
1-29-74*

79-4028

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

January 21, 1974

Alice R. Mahurin
Whitebird, ID 83554

Re: Claim to a Water Right No. 79-4028

Dear Ms. Mahurin:

Enclosed is your Receipt No. 13581 in the amount of \$ 10.00 for

~~Claim to a Water Right No. 79-4028~~ which was received in this office

on ~~Jan. 18, 1974~~.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosure

79-4028