

RECEIVED
JUN 13 1973
Department of Water Resources

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT
No. 79-4022

Notice is hereby given that WALTER DALY, Box 33, Whitebird, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from a spring, trib. to Whitebird Creek with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1 E., B.M., Idaho County.

The water is claimed to be used from May 1 to Oct. 15 for the irrigation of 0.5 acre with a priority of Oct. 22, 1896; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 28 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 June 6, 1973 and June 13, 1973. Jn6-13

OK
mo
6-16-73

_____ Gary D. Cash _____ 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 6th day of June, 1973, and the last publication on the 13th day of June, 1973; 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.

_____ Gary D. Cash _____

Subscribed and sworn to before me this 13th day of June, 1973
of _____ Richard C. Hatch _____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



Identification No. _____

Claim No. 79-4022

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 Walter Daly
post office address Box 33, Whitebird, Idaho 83554

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 14 Township 28N
Range 1E B.M. located on A Spring
(name of source)
tributary to Whitebird Creek 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:

October 22, 1896 amount: 0.01 c.f.s. or /////// acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.01 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 May 1 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 A pump at the spring,
a $\frac{3}{4}$ inch pipe to garden and lawn, and sprinklers on the 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 _____

_____, if so, give dates and explain _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. The original system ditched the water to the garden and it was surface irrigated.

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 _____

[illegible]

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 _____

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.

Sworn to before me this

25

day of

May

Claimant:

1973

James F. Beckman
Notary Public

Notary Public

Residing at.

Notary Public
Shangrille, Idaho

My commission expires

Feb 1 1975

Rec# 10547 For Department Use Only

Received by Df Date 5/29/73

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by P.V.H. Date 5-29-73

Fee received by ef Date 5/29/23 Fee \$ 10

Approved for publication by _____

Published in A. L. Free Press Dates 6-6 & 6-13, 1973

79 4022

AFFIDAVIT OF PUBLICATION

Gary D. Cash 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 6th day of June, 1973,
and the last publication on the 13th day of
June, 1973; 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.

Gary D. Cash

Subscribed and sworn to before me this 13th day
of June, 1973

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

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R. 1 E., B.M., Idaho County.

The water is claimed to be
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the irrigation of 0.5 acre with
a priority of Oct. 22, 1896; the
place of use is within the SW $\frac{1}{4}$
SW $\frac{1}{4}$, Sec. 14, T. 28 N., R. 1
E., B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Wat-
er Administration, Statehouse,
Boise, Idaho; 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County
Free Press, Grangeville, Idaho
on June 6, 1973 and June 13,
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OK
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6-16-73

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	LEB	31 May 73	Application No. <u>79-4022</u> Name <u>Daly</u>
(2)	LEB	31 May 73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	LEB	31 May 73	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	LEB	31 May 73	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	LEB	31 May 73	In form for advertising <u>yes</u>
(6)	MMP	6-18-73	Affidavit of Publication received <u>OK</u>
(7)		N.A.	Final date for protests _____ Protests received: yes _____ no _____
(8)		NA	Date and Place of hearing _____ Decision reached at hearing _____
(9)		NA	Located within Water District No. _____
(10)	R.W.H.	7-5-73	Critical groundwater area: yes _____ no ☒
(11)	R.W.H.	7-5-73	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) <u>no test wells in area</u> ☐ Increasing (comment) _____
(12)			Comments: _____ _____ _____
(13)	R.W.H.	7-5-73	Action recommended: ☒ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval
(14)	R.W.H.	7-5-73	No conditions for approval District <u>Western</u> By <u>Robert W Hamilton</u> Date <u>7-5-73</u> Title <u>Superintendent of Water Dist.</u>

RECEIVED

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

June 25, 1973

RE: CLAIM TO A WATER RIGHT NO. 79-4022

Mr. Walter Daly
Box 33
Whitebird, Idaho 83554

Dear Mr. Daly:

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:mkp

Enclosure

79 4022

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

June 1, 1973

RE: APPLICATION FOR PERMIT NO. 79-7024 AVIAR B. HOGGINS
CLAIM TO A WATER RIGHT NOS. 79-4021 EDWARD PILANT &/or YOLA W. PILANT
79-4022 WALTER DALY

Idaho County Free Press
Box 367
Grangeville, Idaho 83530

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 6-18-73
MP

79 4022

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R. KEITH HIGGINSON

Director

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A WATER RIGHT**

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R. KEITH HIGGINSON
Director

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OK
MD
66-73

79 4022

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 29, 1973

RE: CLAIM TO A WATER RIGHT NO. 79-4022

Mr. Walter Daly
Box 33
Whitebird, Idaho 83554

Dear Mr. Daly:

Attached herewith is your Receipt No. 10547 in the amount of \$ 10.00
for Claim to a Water Right No. 79-4022

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

79 4022