

RECEIVED

Department of Water Administration

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT
No. 79-4013

Notice is hereby given that William C. or Ardis M. Hower-ton, Box 74, Whitebird, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from Salmon River with point of diversion in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 22, T. 28N, R. 1E, B.M., Idaho County.

The water is claimed to be used from April 1 to Oct. 31 for the irrigation of 5 acres with a priority of April 1, 1970; the place of use is within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 22, T. 28N, R. 1E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on March 29 & April 5, 1972.
M29-A5

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 29th day of March, 197 2, and the last publication on the 5th day of April, 197 2; 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 5th day of April, 197 2.

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

79 4013

Identification No. _____
Claim No. 79-4013
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 William C. or Ardis M. Howerton
post office address Box 74, Whitebird, Idaho 83554
2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 22 Township 28N
Range 1E 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:
April 1, 1970 amount: 0.10 c.f.s. or ////////// acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.10 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 April 1 to October 31 (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 Pump at river, pipeline to field and sprinkler system in 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 79 4013
_____;

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.	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	
28N	1E BM	22							5										5

Total number of acres to be irrigated 5

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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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
		Total claimed:	<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.

RECORDED

AFFIDAVIT OF PUBLICATION

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No. 79-4013

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R. KEITH HIGGINSON
Director

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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 29th day of March, 1972, and the last publication on the 5th day of April, 1972; 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 5th day of April, 1972.

Richard C. Hatch

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

79 4013

April 17, 1972

Re: Claim to a Water Right No. 79-4013

William C. or Ardis M. Howerton
Box 74
Whitebird, Idaho 83554

Dear Mr. or Ms. Howerton:

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:bb

Enclosure: Copy of Claim

79 4013

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March 17, 1972

Re: Claim No. 79-4011 - Rene Meyers
" " 79-4013 - William C. or Ardis M. Howerton

Idaho County Free Press
Box 267
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)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

Bill submitted 4-11-72. cl

79 4013

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071
"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED
PRINTERS AND PUBLISHERS

Grangeville, Idaho Apr. 5, 197 2

State of Idaho
Dept. of Water Administration
Statehouse--Annex 2
Boise, Id 83707

DATE	INVOICE NO. / ITEMS	AMOUNT
Mar. 29-Apr. 5	32 li, 2 times--Not. Claim. #79-4013	\$ 11.84

"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."

IDAHO COUNTY FREE PRESS

BY:

Gary D. Cash
Gary D. Cash, Office Mgr.

79 4013

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Box 74, Whitebird, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second ~~approximately~~ of water from Salmon River

with point of diversion in the SW¹/₄ NW¹/₄, Sec. 22, T. 28N, R. 1E, B.M.,

Idaho County

The water is claimed to be used from April 1 to Oct. 31 for the

irrigation of 5 acres

with a priority of April 1, 1970;

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Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, ~~on or before~~

R. KEITH HIGGINSON

Director

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Director

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NOTICE OF CLAIM TO A WATER RIGHT

March 13, 1972

William C. Howerton
Box 74
Whitebird,
Idaho 83554

Dear Mr. Howerton:

Attached herewith is your receipt No. 8165 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

79 4013