

RECEIVED  
Department of Water Administration

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM TO  
A WATER RIGHT**  
No. 79-4012

Notice is hereby given that William L. Smurthwaite White Bird, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.15 cubic feet per second of water from White Bird Creek, tributary to Salmon River with point of diversion in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 14, T. 28N, R. 1E, B.M., Idaho County.

The water is claimed to be used from May 1 to Oct. 31 for the irrigation of .34 acres with a priority of 1948; the place of use is within the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 14, T. 28N, R. 1E, 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 March 15th and March 22nd, 1972. M15-22

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 15th day of March, 1972, and the last publication on the 22nd day of March, 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 22nd day of March, 1972.

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

79 4012

Identification No. \_\_\_\_\_

Claim No. 79-40123

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 L. SMURTHWAITE  
post office address WHITE BIRD, IDAHO
2. The point of diversion is in SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 14 Township 28 N.R. 1 E. 34 M.  
Range 1 E B.M. located on WHITE BIRD 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:  
1948 amount: 15 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ 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 OCT 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 \_\_\_\_\_  
\_\_\_\_\_ ; 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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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\_\_\_\_\_

[illegible][illegible]

\_\_\_\_\_

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  
LOTS 1, 2, 3 IN BLOCK D IN THE ORIGINAL TOWN  
OF WHITE BIRD, IDAHO, IRRIGATED  
SIZE OF LOTS EACH 50' X 100'  
WATER PUMPED FROM WHITE BIRD, CREEK.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Idaho

County of \_\_\_\_\_

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.

William L. Samurthwaite  
Claimant

Sworn to before me this 21st day of February, 1972.

Neva Shuck  
Notary Public

Residing at White Bird, Idaho

My commission expires January 23, 1976

For Department Use Only

Received by ef Date 2-23-72 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
claimant by: \_\_\_\_\_  
Prelim. check by ef Date Feb 23, 72 \_\_\_\_\_  
Fee received by ef Date 2/24/72 Fee \$ 10.00 \_\_\_\_\_  
Approved for publication by \_\_\_\_\_  
Published in Idaho County Free Dates 3-15 & 3-22-72 \_\_\_\_\_  
Press, Grangeville \_\_\_\_\_

79 4012

## 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Identification No. \_\_\_\_\_  
Claim No. 79-4012  
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 L. SMURTHWAITE  
post office address WHITE BIRD, IDAHO
2. The point of diversion is in SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 14 Township 28 N. R. 15 E. T. 36 N.  
Range 1 E B.M. located on WHITE BIRD 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:

1948 amount: 15 c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
\_\_\_\_\_ amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ 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 OCT 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 \_\_\_\_\_  
\_\_\_\_\_; length is \_\_\_\_\_ feet; height is \_\_\_\_\_ feet;  
width at bottom is \_\_\_\_\_ feet; with 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 \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

\_\_\_\_\_

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

LOTS 1, 2, 3 IN BLOCK D IN THE ORIGINAL TOWN  
OF WHITE BIRD, IDAHO. IRRIGATED  
SIZE OF LOTS EACH 50' X 100'  
WATER PUMPED FROM WHITE BIRD CREEK.

State of Idaho

County of \_\_\_\_\_

} 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.

William L. Smurthwaite  
Claimant

Sworn to before me this 21st day of February, 1972.

Neva Shuck  
Notary Public

Residing at White Bird, Idaho

My commission expires January 23, 1976

For Department Use Only

|                                   |                                         |                           |                                    |            |
|-----------------------------------|-----------------------------------------|---------------------------|------------------------------------|------------|
| Received by _____                 | Date <u>2-23-72</u>                     | Exception filed by: _____ | Forwarded to<br>claimant by: _____ | Date _____ |
| Prelim. check by <u>ESB</u>       | Date <u>Feb 23, 72</u>                  | _____                     | _____                              | _____      |
| Fee received by <u>2/</u>         | Date <u>2/24/72</u> Fee \$ <u>10.00</u> | _____                     | _____                              | _____      |
| Approved for publication by _____ | _____                                   | _____                     | _____                              | _____      |
| Published in _____                | Dates _____                             | _____                     | _____                              | _____      |

79 4012

## 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 15th day of March, 1972, and the last publication on the 22nd day of March, 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 22nd day of March, 1972.

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

79 4012

**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

April 6, 1972

Re: Claim to a Water Right No. 79-4012

William L. Smurthwaite  
White Bird,  
Idaho 83554

Dear Mr. Smurthwaite:

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 files, 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/BL  
Enc: Copy of Claim

SCANNED  
FEB 13 2004

79 4012

March 10, 1972

Re: Claim to a Water Right No. 79-4012 William L. Smurthwaite  
Application for Permit No. 77-7024 - James D. &/or Marion R. Sears  
" " " " 81-7016 - Donald Denton

Idaho County Free Press  
Box 267  
Cottonwood, Idaho 83522

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/BL  
Enc: legal notice

*Bill submitted 3-29-72 79 4012*

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4012

Notice is hereby given that William L. Smurthwaite

White Bird, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.15 cubic feet per second ~~acre-foot~~

of water from White Bird Creek, tributary to Salmon River

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, T. 28N, R. 1E, B.M.

Idaho County

The water is claimed to be used from May 1 to Oct. 31, for the  
irrigation of .34 acres

with a priority of 1948;

the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, T. 28N, R. 1E, B.M.

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

Published in the Idaho County Free Press, Grangeville, Idaho  
on March 15th and March 22nd, 1972.

79 4012

**NOTICE OF CLAIM TO  
A WATER RIGHT  
No. 79-4012**

Notice is hereby given that William L. Smurthwaite White Bird, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.15 cubic feet per second of water from White Bird Creek, tributary to Salmon River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, T. 28N, R. 1E, B.M., Idaho County.

The water is claimed to be used from May 1 to Oct. 31 for the irrigation of .34 acres with a priority of 1948; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 14, T. 28N, R. 1E, 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 March 15th and March 22nd, 1972. M15-22

O.K.  
3-15-72  
RKH

79-4012

February 25, 1972

Re: Claim No. 79-4012

Mr. William L. Smurthwaite  
White Bird,  
Idaho 83554

Dear Mr. Smurthwaite:

We are returning your claim, in order that you can supply us with some additional information.

Under item #5a, please indicate the number of acres in each 40 acre tract where the irrigation takes place.

If you have any questions in reference to this matter, please feel free to contact this Department.

Very truly yours,

James Booker  
Appropriation Examiner

JB:cs

Enc: referenced claim

79 4012

February 24, 1972

William Smurthwaite  
Whitebird,  
Idaho 83554

Dear Mr. Smurthwaite:

Attached herewith is your receipt No. 8084 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 4012