

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4007

Notice is hereby given that Laura A. Clark, Box 35, Lucile, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second of water from Wet Gulch Creek, tributary to Salmon River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 26N, R. 1E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from April 1 to Oct. 30 for the irrigation of 35 acres with a priority of 1890; the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 26N, 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.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Oct. 27 and Nov. 3, 1971.
O27-N3

..... 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 27th..... day of October....., 1971, and the last publication on the 3rd..... day of November..... 1971; 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 3rd..... day of November....., 1971.

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

79 4007



Identification No. _____
Claim No. 79-4007
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 LAURA A. CLARK
post office address Box 35, Lucile, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 25 Township 26N
Range 1 E. B.M. located on Wet Gulch 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:

1890 amount: 0.02 c.f.s. livestock watering ~~300~~ acre feet
1890 amount: 0.7 c.f.s. or irrigation acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.72 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: irrigation and watering livestock

use each year ~~4-15-70~~ period of use from April 1 to Oct. 30 irrigation (both dates inclusive)
use stock water period of use from Jan. 1 to Dec. 31 (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 dirt
_____ ; length is 100 feet; height is 10 feet;
width at bottom is 12 feet; width at top is 8 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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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 1000 feet; width of ditch at top is 1 $\frac{1}{2}$ feet; width of bottom of ditch is 1 $\frac{1}{2}$ feet; depth of water is 1 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is soil; maximum length of pipe line to first place of use is 100 feet; diameter of pipe line is 4 inches; type of pipe galvanized; 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:

[illegible]

Total number of acres to be irrigated_____

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 40 head of cattle
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 _____

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date)

State of Idaho

County of Idaho

ss.

On this 9th day of August 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Laura A. Clark
(Signature of Claimant)

William J. Dee
Notary Public residing at Grangeville

My commission expires 10-4-71

For Department Use Only

Received by <u>ex</u>	Date <u>8/30/71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DA</u>	Date <u>10-4-71</u>			
Fee received by <u>ex</u>	Date <u>10-4-71</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Idaho City Free Press</u>	Dates <u>10-27 & 11-3-71</u>			

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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.

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 79-4007

Notice is hereby given that Laura A. Clark, Box 35, Lucile, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second of water from Wet Gulch Creek, tributary to Salmon River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 26N, R. 1E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from April 1 to Oct. 30 for the irrigation of 35 acres with a priority of 1890; the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 26N, 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.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Oct. 27 and Nov. 3, 1971.

027-N3

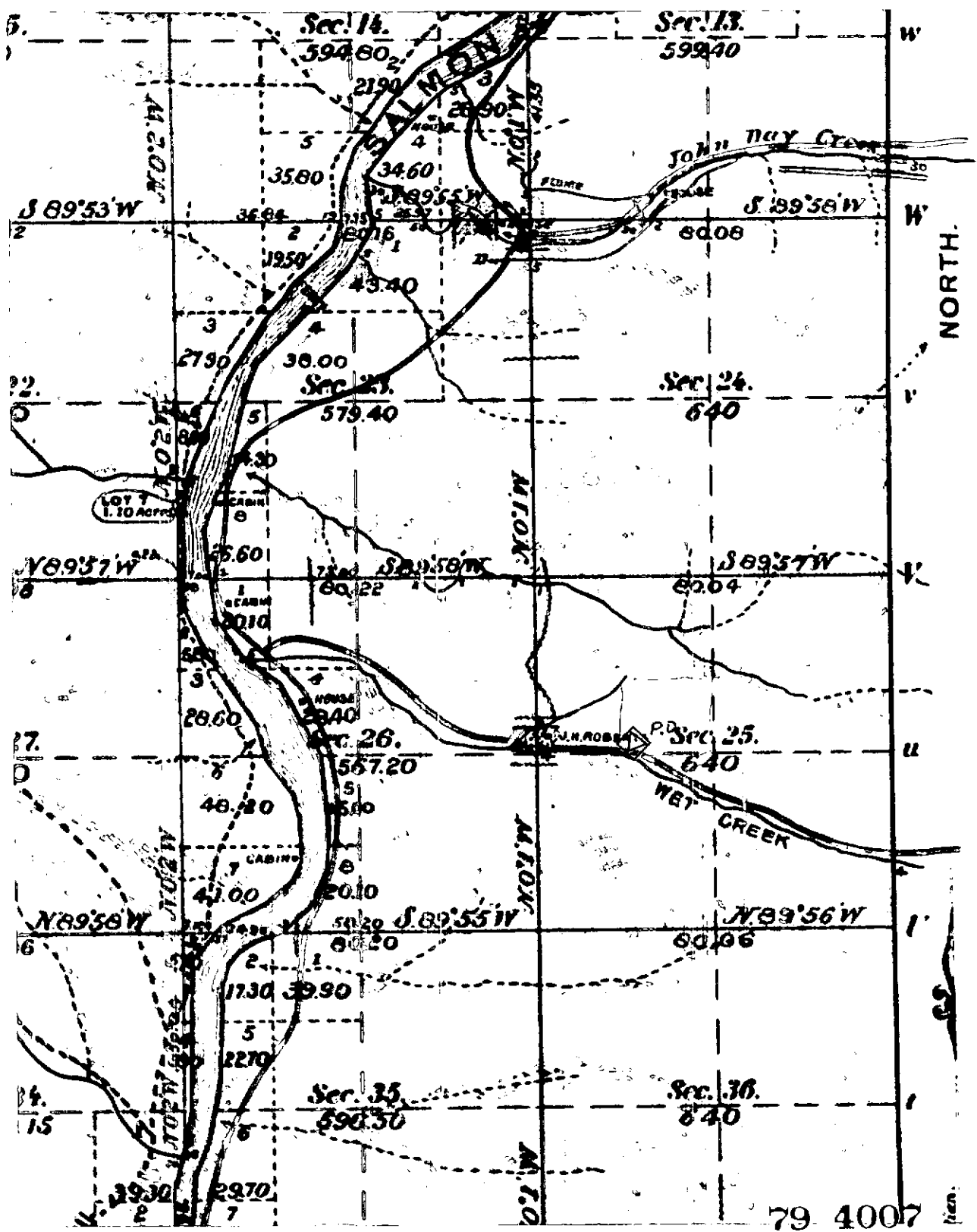
..... Gary D. Cash being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the 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 27th..... day of October....., 1971, and the last publication on the 3rd..... day of November..... 1971; 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 3rd..... day of November....., 1971...

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

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 18, 1971

Re: Claim to a Water Right No. 79-4007

Laura A. Clark
Box 35
Lucile, Idaho

Dear Ms. Clark:

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.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB
Enclosure: Copy of Claim

cc: William J. Dee
Attorney at Law

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October 19, 1971

Re: Application No. 79-7010 - Edward Mossman
Claim No. 79-4007 - Laura A. Clark
" " 78-4026 - Claud Emery

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 our 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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Bill submitted 11-11-71 By CR

Enc: Legal Notice

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**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 79-4007

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R. KEITH HIGGINSON
Director

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O27-N3

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O. K.
10-26-71
J. J.

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4007

Notice is hereby given that Laura A. Clark, Box 35,

Lucile, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second ~~acres-foot~~ of water from Wet Gulch Creek, tributary to Salmon River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 26N, R. 1E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes; and from April 1 to Oct. 30 for the irrigation of 35 acres with a priority of 1890; the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 26N, R. 1E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho on Oct. 27, and Nov. 3, 1971.

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October 6, 1971

Laura A. Clark
Box 35
Lucile, Idaho 83542

Dear Mrs. Clark:

Attached herewith is your receipt No. 8348 in the amount of \$ 10.00
for your application (claim) to water right
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

79 4007

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

RECEIVED

OCT 4 1971

September 30, 1971

Department of Water Administration
Statehouse-Annex Two
Boise, Idaho 83707

Department of Water Administration

RE: Claim of Water Right-Laura Clark
Attention: Dorian Clay, Appropriation Examiner

Dear Dorian:

I am in receipt of your letter of September 22, 1971, in reference to the enclosed application. I very much appreciate your suggestions as I get lost when it concerns amounts of water. I called our local soil conservation office and they informed me that it is approximately .02 cfs per acre and as Mrs. Clark has been irrigating thirty-five acres for years I presume I now have the correct information. If there are any other problems, do not hesitate to write me. Again I wish to thank you for your excellent advice in respect to this matter.

Yours very truly,

William J. Dee
WILLIAM J. DEE *by n.w.*

WJD:td
Enc.

79 4007

September 22, 1971

Re: Laura A. Clark

William J. Dee
Attorney at Law
Grangeville, Idaho 83530

Dear Mr. Dee:

We are returning the claim to a water right and check #92-314, in the amount of \$10.00, that you have submitted in the behalf of Laura A. Clark. In reviewing this claim, we find that there are several questions that need clarification before we could process it.

Under item #3a, you list a rate of diversion of 0.02 cubic feet per second and a volume of 175 acre feet. Under normal conditions, the rate of diversion of 0.02 cubic feet per second would be sufficient quantity for stock watering and perhaps irrigation of 1 acre. If the 175 acre feet is to be the volume of water used for irrigation only, then a rate of diversion in cubic feet per second must also be listed. Item #3b lists the period of use for irrigation and stock watering as April 1 through October 30. This could, perhaps, be a normal irrigation season. However, if the livestock are watered year-round, then the period of use for stock watering should be January 1 through December 31 of each year.

If you should have any questions in making these corrections, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cs

Enc: claim to a water right
check #92-314 (\$10.00)

79 4007

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

RECEIVED

September 15, 1971

SEP 16 1971

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Re: Claim to a Water Right for Laura A. Clark
Attention: Dorian Clay, Appropriation Examiner

Dear

Dear Mr. Clay:

Pursuant to your letter of September 1, 1971,
in respect to the above matter, I have filled in the
nature of use of the water under item 3b of the claim
and we are resubmitting the claim for processing.

Yours very truly,

William J. Dee
WILLIAM J. DEE *by nw.*

WJD:nw

Enc. Claim to a Water Right
Check in sum of \$10.00

79 4007

September 1, 1971

Re: Claim to a Water Right for Laura A. Clark

William J. Dee
Attorney at Law
109 S. Mill
Grangeville, Idaho

Dear Mr. Dee:

We are returning your personal check numbered 92-314 in the amount of \$10.00 and the claim to a water right that you have submitted for Laura A. Clark. We find in reviewing this claim that you have neglected to list the nature of use of the water under item 3b of the claim. Please correct this item and re-submit the claim so that we may continue with its processing.

If you should have any further questions, do not hesitate to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

Enc: Claim to a Water Right
Check #92-314 (\$10.00)

79 4007

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

August 26, 1971

RECEIVED

AUG 30 1971

Department of Water Administration

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Laura Clark

Dear Sir:

Enclosed you will find an application for a claim to a water right. Also enclosed is a check in the sum of \$10.00 which we understand is the filing fee. I would appreciate your processing this matter at your earliest convenience.

Yours very truly,

William J. Dee
WILLIAM J. DEE *by n.w.*

WJD:nw
Enc.

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