

RECEIVED
OFFICE OF THE
DIRECTOR OF WATER ADMINISTRATION

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM TO
A WATER RIGHT**
No. 79-4005

Notice is hereby given that Henry O. Rhett, Lucile, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.008 cubic feet per second of water from Salmon River with point of diversion in Lot 10, Sec. 12, T. 26N, R. 1E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31, for domestic purposes with a priority of Nov. 15, 1947; the place of use is within Lot 10, Sec. 12, 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 Sept. 22 and Sept. 29.

S22-29

..... 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 22nd day of September, 1971, and the last publication on the 29th day of September 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 29th day of September 1971.

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

79 4005

Identification No. _____

Claim No. 79-4005

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 HENRY O. RHETT
post office address Lucile, Idaho 83542
2. The point of diversion is in Lot 10 $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section 12 Township 26 N.
Range 1 E. 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:

Well House Nov. 15, 1947 amount: 00.008 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 Domestic 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)
 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 pumped; depth of well is 33 feet; diameter of well is 32 inches; type of pump is deep well-jet
 capacity of pump is 63 g.p.m.; name and address of well driller is hand dug well

attach well logs if available; has there been any change in pump or motor since well was first completed
No _____; 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 100 feet; diameter of pipe line is 4 inches; type of pipe aluminum; 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 13.2

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 1 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 _____

River pump 200 gal. per min. 7½ horse pump.
4 in. main, 3 in, side lines sprinklers

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 23rd day of August, 1971

Henry O. Rhett
Claimant

William B. Taylor
Notary Public
Residing at Grangeville

My commission expires December 15, 1973.

For Department Use Only

Received by <u>ej</u>	Date <u>8-25-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ej</u>	Date <u>8-30-71</u>			
Fee received by <u>ej</u>	Date <u>8/30/71</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>ej</u>				
Published in <u>Idaho City Free Press</u>	Dates <u>9-22 + 9-29-71</u>			

79 4005

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</u> c.f.s. or	_____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	_____	acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	_____	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.

RECEIVED
OCT 6 1971

Department of Water Administration

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 22nd day of September, 1971, ...,
and the last publication on the 29th day of
..... September 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 29th day
of September 1971, ...

Richard C. Hatch

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4005

Notice is hereby given that
Henry O. Rhett, Lucile, Idaho
has filed a claim to a water
right established by diversion
and application to beneficial use
of 0.008 cubic feet per second
of water from Salmon River
with point of diversion in Lot
10, Sec. 12, T. 26N, R. 1E, B.M.,
Idaho County.

The water is claimed to be
used from Jan. 1 to Dec. 31, for
domestic purposes with a prio-
rity of Nov. 15, 1947; the place
of use is within Lot 10, Sec. 12,
T. 26N, R. 1E, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Wa-
ter Administration, Statehouse,
Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Idaho County
Free Press, Grangeville, Idaho
on Sept. 22 and Sept. 29.

S22-29

79 4005

October 18, 1971

Re: Claim to a Water Right No. 79-4004 - Henry O. Rhett
79-4005 - " " "

Henry O. Rhett
Lucile, Idaho 83542

Dear Mr. Rhett:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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:dr
Enclosures: Copies of claims

cc: William B. Taylor, Jr.
Attorney at Law
P. O. Box 240
Cottonwood, Idaho 83522

79 4005

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

September 15, 1971

Re: Application No. 79-7009 - Moose Creek Ranch Company
Claim No. 79-4004 - Henry O. Rhett
" " 79-4005 " " "

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 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

DEW:CR

Enc: Legal Notices

Bill submitted 10-13-71. cl

79 4005

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 79-4005

Notice is hereby given that Henry O. Rhett, Lucile, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.008 cubic feet per second of water from Salmon River with point of diversion in Lot 10, Sec. 12, T. 26N, R. 1E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of Nov. 15, 1947; the place of use is within Lot 10, Sec. 12, 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 Sept. 22 and Sept. 29.

S22-29

O.K.
9-20-71
B.B.

79 4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 79-4005

Notice is hereby given that Henry O. Rhett, Lucile, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.008 cubic feet per second ~~acres feet~~ of water from Salmon River

with point of diversion in ~~the~~ Lot 10, Sec. 12, T. 26N, R. 1E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for

domestic purposes

with a priority of Nov. 15, 1947 ;

the place of use is within ~~the~~ Lot 10, Sec. 12, 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 Sept. 22 and Sept. 29, 1971.

79 4005

August 31, 1971

William B. Taylor, Jr.
Attorney at Law
P. O. Box 240
Cottonwood, Idaho 83522

Dear Mr. Taylor:

Attached herewith is your receipt No. 7583 in the amount of \$ 10.00
for your claim application submitted in the name of Henry O. Rhett
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

79 4005

WILLIAM B. TAYLOR, JR.

ATTORNEY AT LAW

POST OFFICE BOX 326
GRANGEVILLE, IDAHO
TELEPHONE 983-0141
134 NORTH STATE STREET

POST OFFICE BOX 240
COTTONWOOD, IDAHO
TELEPHONE YO 2-3191
SEUBERT BUILDING

August 24, 1977

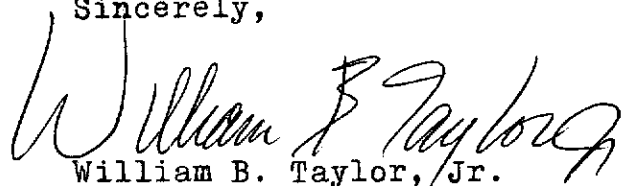
Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
State House Annex #2
Boise, Idaho 83707

Re: Henry O. Rhett Water Right Claims

Dear Mr. Clay:

Pursuant to your letter of August 5, I am enclosing completed claims to water rights and two checks for \$10.00, for them to be processed in accordance with your regulations and instructions. Please let me know if you need any additional information. Thank you.

Sincerely,


William B. Taylor, Jr.

WBT:mb
Enc.

cc: Mr. Henry O. Rhett

79 4005