

RECEIVED

AUG 18 1971

Department of Water Administration

# Affidavit of Publication

STATE OF IDAHO, }  
County of Idaho, } ss.

Lloyd D. Rose

I, ~~C. F. WIMER~~, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, 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 newspaper for 2 weeks, being published 2 times, the first publication being on the 5th day of August, 19671, and the last publication on the 12th day of August, 19671; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

*[Signature]*

Subscribed and sworn to before me this 12<sup>th</sup> day

of August, 19671.

*[Signature]*, Notary Public,  
for the State of Idaho, residing at Cottonwood, Idaho.

## A WATER RIGHT

No. 79-4003

Notice is hereby given that Elmer Taylor, Route No. 4, Cottonwood, 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 Rice Creek, tributary to Salmon River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 26, T. 30N, R. 1W, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for the irrigation of two acres with a priority of 1941; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 26, T. 30N, R. 1W, 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 Cottonwood Chronicle, Cottonwood, Idaho on Aug. 5 and Aug. 12, 1971.

79 4003

Identification No.

Claim No.

Map No.

79-4003P

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)

- Name of claimant Elmer Taylor  
post office address RT 4- Cottonwood, Ida
- The point of diversion is in NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  Section 26 Township 30 N  
Range 1 W B.M. located on Rice Creek  
(name of source)  
tributary to Salmon River in Idaho County.

- 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:

1941 amount: .10 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.

- 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 1-1 to 12-31 (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).

- Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Concrete  
\_\_\_\_; length is 30 feet; height is 3 1/2 feet;  
width at bottom is 6" feet; with at top is 6" feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Water drawn from Creek prior to 1970 without a diversion dam. Dam was installed when road improvements made along Creek. Dam did not affect amount of water used.

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 \_\_\_\_\_

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 2400 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 Steel + 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 \* Conveying system consists of 200' of 12"

ing date and dimensions if possible. \* Conveying system Consists of 200' of 12" Corrugated Culvert, 190' of open ditch, 280' of 12" Culvert, 1440' of open ditch, 120' of 1 x 6 Flume, 60' of 8" Culvert, 90' of 4" Iron pipe, 220' of 1 x 6 Flume in that order. No change in amount of appropriation - No increase in size. Only change was substituting Culvert for open ditch.

- 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 2

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

None

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 N/A

7. Where water is used for domestic or municipal purposes give number of families served N/A Except  
name of town supplied See below.

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  
Spring used for the one-family dwelling for domestic use  
is fed from irrigation ditch indirectly, through penetration of soil.

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.

Elmer Taylor

Claimant

Sworn to before me this 14th

day of

July

1971

Geo H. Sonnemann

Notary Public

Residing at

Cottonwood, Idaho

My commission expires 11-15-72

For Department Use Only

Received by ij Date 7-15-71

Exception filed by: \_\_\_\_\_

Forwarded to  
claimant by: \_\_\_\_\_

Date \_\_\_\_\_

Prelim. check by ij Date 7-15-71

Fee received by ij Date 7/15/71 Fee \$ 10.00

Approved for publication by \_\_\_\_\_

Published in Cottonwood Chronicle Dates 8-5-71-12-71

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

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AUG 16 1971

Department of Water Administration

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STATE OF IDAHO, }  
County of Idaho, } ss.

Lloyd D. Rose

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Lloyd D. Rose  
Subscribed and sworn to before me this 12th day

of August, 1971  
[Signature], Notary Public,  
for the State of Idaho, residing at Cottonwood, Idaho.

**WATER RIGHT**  
No. 79-4003

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The water is claimed to be used from Jan. 1 to Dec. 31 for the irrigation of two acres with a priority of 1941; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 26, T. 30N, R. 1W, B.M.

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R. KEITH HIGGINSON  
Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on Aug. 5 and Aug. 12, 1971.

79 4003

August 26, 1971

Re: Claim to a Water Right No. 79-4003

Elmer Taylor  
Route #4  
Cottonwood, Idaho 83522

Dear Mr. Taylor:

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:dr  
Enclosure: Copy of claim

79 4003

July 28, 1971

Re: Claim No. 79-4003 - Elmer Taylor  
" " 84-4006 - Fonney E. Smith

Cottonwood Chronicle  
Box 157  
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 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

Bill submitted 8-18-71 By ds

DWM:cr

Enclosures

79 4003

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A WATER RIGHT**

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**R. KEITH HIGGENSON**  
Director

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*dmw*  
*8-3-71*

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with point of diversion in the NE 1/4, Sec. 26, T. 30N, R. 1W, B.M.,  
Idaho County

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R. KEITH HIGGINSON

Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho  
on Aug. 5 and Aug. 12, 1971.

**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

July 16, 1971

Elmer Taylor  
Route #4  
Cottonwood,  
Idaho 83522

Dear Mr. Taylor:

Returned herewith is your receipt No. 6926 in the amount of \$10.00  
for your claim application,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

Enclosure

79 4003