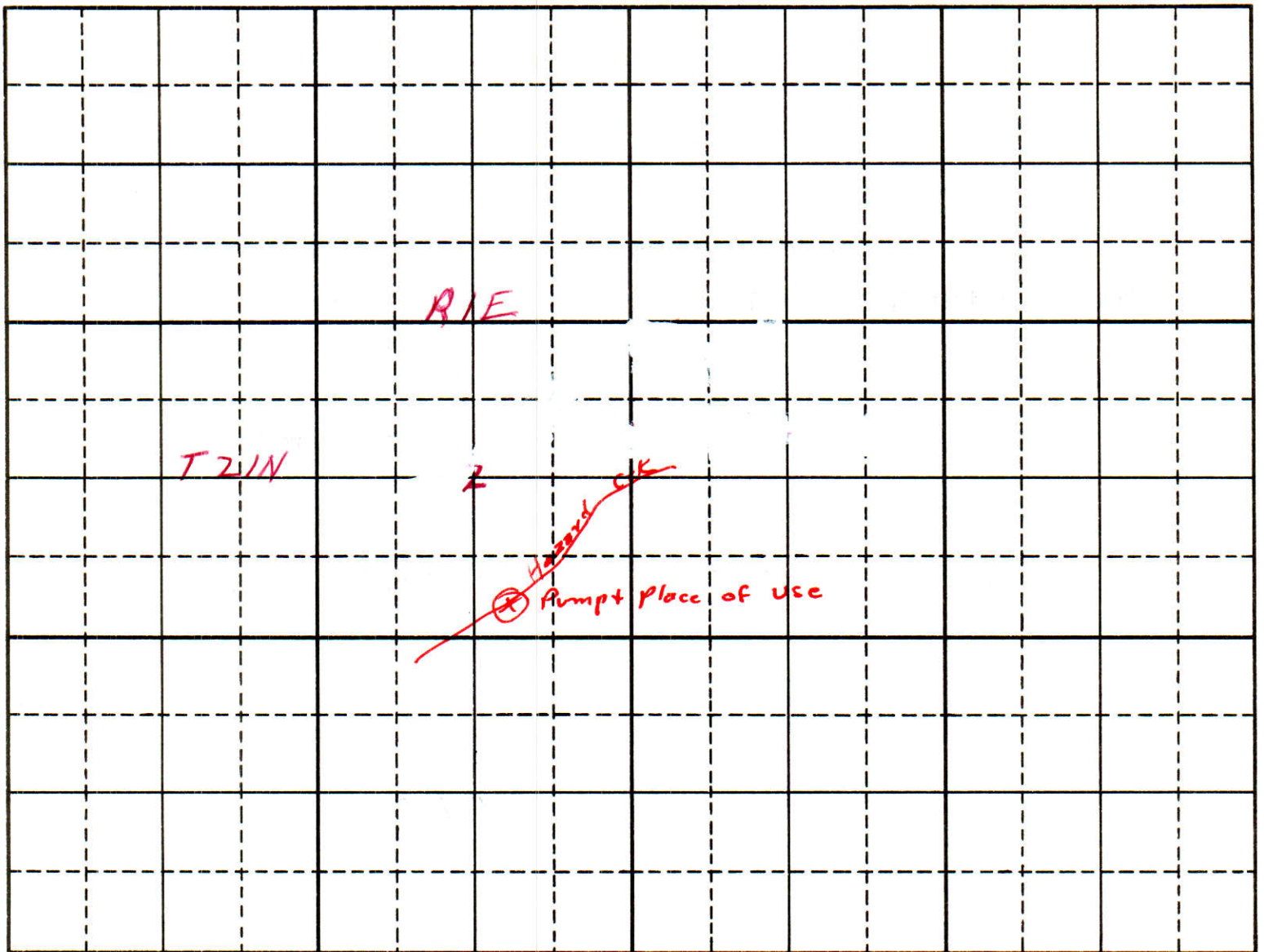


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) 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 08th day of March, 1977.

Michael F. O'Leary
(Claimant)

Henry J. Woods
Notary Public
Residing at Basin, Idaho

My commission expires 6/15/77

For Department Use Only

Received by J. L. S. Date 3/8/77
Prelim. check by J. L. S. Date 3/8/77
\$10.00 fee received by J. L. S. Date 3/8/77
Approved for publication by C.S. - 3-10-77
Published in Idaho County Free Press
Dates March 17, 1977 & March 24, 1977

Exception filed by:	Forwarded to claimant by:	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

UNRECORDED

NOTICE OF CLAIM
TO A WATER RIGHT

No. 78-4083

Notice is hereby given that
MICHAEL F. O'LEARY Box
524, Fruitland, ID has filed a
claim to a water right
established by diversion and
application to beneficial use
of 0.04 cubic feet persecond
of water from Hazard Creek
with the point of diversion in
the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 2 T21N-
R1E B.M., Idaho County.

The water is claimed to be
used from Apr 1 to Oct 31
with a priority of May 15,
1962; the place of use is
within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec
2T21N-R1E B.M.

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

R. KEITH HIGGINSON
Director

Published in the Idaho
County Free Press,
Grangeville, ID on March 16,
1977 and March 23, 1977.

M16-23

OK
3-29-77
yf

AFFIDAVIT OF PUBLICATION

..... Nona Donaldson 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 2 weeks,
being published 2 times, the first publication being
on the 16th day of March 197.....,
and the last publication on the 23rd day of
..... March 197...7...; 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.

..... *Nona Donaldson*

Subscribed and sworn to before me this 23rd day
of March 197...7...

..... *Marilyn J. Stolley*, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

MAR 23 1977

Department of Water Resources
Western Regional Office

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Michael F. O'Leary
(name of claimant)
of Box 524, Fruitland, Idaho 83619, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hazard Creek
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--------------------|-----------------------|---|
| Amount <u>0.04</u> | Use <u>Irrigation</u> | Period of Use: From <u>Apr. 1</u> To <u>Oct. 31</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 5/15/1962

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 2 Twp. 21N Rge. 1E B. M. County of Idaho
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 1½ hp pump. 1½" x 50' pipeline. Water to be used for irrigation, lawn and garden and for fire protection.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21N	1E	2															1		1

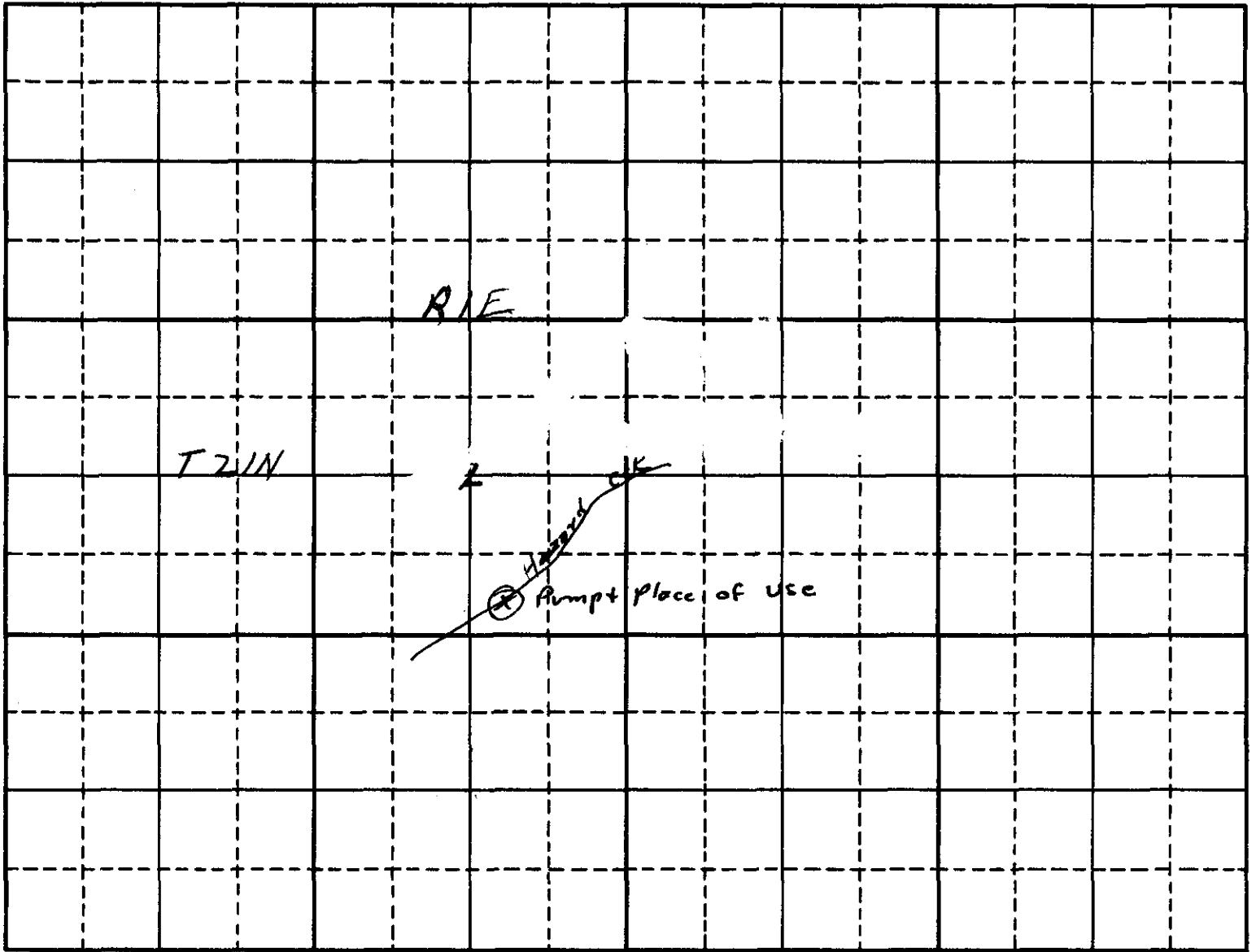
Total No. of acres 1

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Irrigation of 1 acre of lawn and garden

- (7) If you are claiming water as a member of an organization, list name of organization: _____

RECORDED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) 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 08th day of March 1977.
Michael F. O'Leary (Claimant)

James J. Wanda
Notary Public
Residing at Basco, Idaho

My commission expires 6/15/77

For Department Use Only

Received by CHS Date 3/8/77
Prelim. check by CHS Date 3/8/77
\$10.00 fee received by J #68 Date 3/8/77
Approved for publication by CS - 3-10-77
Published in Idaho County Free Press
Dates March 17, 1977 & March 24, 1977

Exception filed by: _____ Date _____
Forwarded to claimant by: _____ Date _____

RECEIVED

[illegible]

OK
3-29-77
JF

Subscribed and sworn to before me this 23rd day
of March, 1977

REPORTED

ACT

ION

N OWNER LAST NAME - O'LEARY

N ADDRESS LINE 1 - P.O. BOX 524

N SOURCE - HAZARD CREEK

N STAGE - STAIRY CREEK

N DIVERSION POINT - SWSE 02 21N 01E

N FROM - 04-01 TO - 10-31 USE - IRRIGATION

N USE - IRRIGATION

FIRST NAME - MICHAEL F.

CITY - FRUITLAND

STATE - ID ZIP CODE - 83619

PRIORITY - 05-15-1962 COUNTY - IDAHO

TOTAL DIV. RATE -

.0400CFS

USE DIV. RATE -

.0400CFS

PLACE OF USE - TWR 21N RUG 01E SEC 02 TRACT SWSE

AC 01

IDENT. NO. 78-4083

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 78-4083
Old No. New No.

Record

1. Original Owner: Michael F. O'Leary

Present Owner: _____

2. Address: P.O. Box 5243. City: Fruitland State: ID Zip: 836194. A. Source of Water: Hazard Creek

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 5-15-1962D. County: 49E. Total Diversion Rate: .04

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SWSE</u>	<u>2</u>	<u>21N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount .04
(cfs or AG-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No. 78-4088

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

☐ Pre-permit exam
☐ Adjudication Claim
☐ Dam Construction
Papers Sent

(1) RWH 3-9-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) RWH 3-9-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) M OK

Affidavit of Publication received(date) 3-29-77

(12) _____

Final date for protests N/A

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve ☐ Deny

☐ Proposed Priority

☐ Reason for Reduction _____

☐ Measuring device required

☐ See attached sheet for other conditions of
approval

☐ No special conditions for approval

(15) District W

By WJH Date 4-4-77

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 6, 1977

Re: Claim to a Water Right No. 78-4083

Mr. Michael F. O'Leary
Box 524
Fruitland, ID 83619

Dear Mr. O'Leary:

The Department of Water Resources has completed the advertising 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.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enclosure

RECEIVED
APR 10 1977
WATER RESOURCES
DIVISION



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 11, 1977

RE: Notice of Application for Water Permit No. 78-7091 - Donald E. &/or Janet E. McMahan

79-7054 - Harry Robinson

78-7092 - Michael F. O'Leary

Notice of Claim to a Water Right No. 78-7083 - Michael L. O'Leary

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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)

Please send the affidavit of publication and publication billing to this office before April 4, 1977.

Sincerely,

Bill submitted
3-29-77
y

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4083

Notice is hereby given that MICHAEL F. O'LEARY

Box 524, Fruitland, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXXX~~ of water
from Hazard Creek

with the point of diversion in the ~~SW 1/4 Sec 2 XXXXXX~~ T21N-R1E B.M.,

Idaho County

The water is claimed to be used from Apr 1 to Oct 31

with a priority of May 15, 1962

the place of use is within the ~~SW 1/4 Sec 2~~ T21N-R1E B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water ~~Administration~~ ^{Resources}, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, ID

on March 16, 1977 and March 23, 1977

REGISTERED