

RECEIVED
JAN 17 1972
Department of Water Administration

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to a

No. 78-4032 as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated January 6, 1972

and the last in the issue dated January 13, 1972 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and 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" as aforesaid.

Subscribed and sworn to before me this 13

day of January, 1972

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4032

Notice is hereby given that Preston Seely and James F. Watson, Parma, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 1,200 gallons per minute of water from a spring, tributary to Little Salmon River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 22N, R. 1E, B.M., Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1953; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 22N, 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 Adams County Leader, Council, Idaho on Jan. 6 and Jan. 13, 1972.

78 4032

Identification No. 77-40327
Claim No. _____
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 Preston Seely & James F. Watson
post office address Parma, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 22 Township 22 N 12B
Range 1 East B.M. located on Spring
(name of source)
tributary to Little Salmon in Adams 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:
Spring of 1953 amount: 1200 GPM ~~c.f.s.~~ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1200 GPM ~~c.f.s.~~ 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 _____
Wooden & Concrete; length is 4 feet; height is 3 feet;
width at bottom is 4 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 Flowing; depth of well is spring 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 so, give dates and 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_____

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 _____

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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 two 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 This spring is located on land owned by the Bureau of Land Management and we have secured permission from them to continue our right-of-way for delivery of water to our property, which is described as follows:

All that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 22, Township 22 North, Range 1 East of the Boise Meridian, lying West of Idaho State Highway # 95, in Adams County, State of Idaho.
Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto;
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

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.

Justin Decker, James F. Watson
Claimant

Sworn to before me this 10 day of Nov, 1971.

W. S. Brown
Notary Public
Residing at Pampa

My commission expires 6-15-75

Rec'd # 8576

For Department Use Only

Received by _____	Date <u>12-13-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>JB</u>	Date <u>13 Dec 71</u>	_____	_____	_____
Fee received by <u>cey</u>	Date <u>12/13/71</u>	Fee \$ <u>10.00</u>	_____	_____
Approved for publication by <u>52</u>	_____	_____	_____	_____
Published in <u>Adams Cty. Leader</u>	Dates <u>1-6-71-1-13-72</u>	_____	_____	_____

78 4632

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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WATER RIGHT
No. 78-4032**

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R. KEITH HIGGINSON

Director

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6 and Jan. 13, 1972.

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State of Idaho, County of Adams, ss:

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hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

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same being made in the issue dated January 6, 1972.

and the last in the issue dated January 13, 1972
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Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 13

day of January, 1972.

Erwin D. Lester

Notary Public for Idaho,
Residing at Council, Idaho

78 4032

ACT
IONN OWNER LAST NAME - WATSON
N OWNER LAST NAME - WATSON

FIRST NAME - PRESTON SEELY

FIRST NAME - JAMES F.

N SOURCE - SPRING

CITY - PARMA

STATE - ID

N STAGE - STAIRY CLM

TRIBUTARY OF - LITTLE SALMON

PRIORITY - 06-01-1953 COUNTY - ADAMS

TOTAL DIV. RATE - 2.6700CFS

N DIVERSION POINT - NWSW 22 22N 01E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - 2.6700CFS

N USE - DOMESTIC

PLACE OF USE - 1WN 22N R4G 01E SEC 22 TRACT NWSW

3/79

IDENT. NO. 78-4032

I D 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]

- DATA ENTRY -

Record

Present Owner: _____

5. A. Stage (A,P,L,D,S,J): 2
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: 6-1-1953
D. County: 03
E. Total Diversion Rate: 2,67
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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>NW SW</u>	<u>22</u>	<u>22N</u>	<u>1E</u>		

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

[illegible]

8. Use Code **R**

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	1E	22									R								

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):

January 26, 1972

Re: Claim to a Water Right No. 78-4032 - Preston Seely & James F. Watson

Preston Seely & James F. Watson
Parma, Idaho 83660

Gentlemen:

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:bb
Enclosure: Copy of claim

78 4032

December 30, 1971

Re: Claim No. 78-4032 - Preston Seely and James F. Watson

Adams County Leader
Council,
Idaho 83612

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:cr

Enc: Legal Notice

Bill submitted 1-19-72. cl

78 4032

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4032

Notice is hereby given that Preston Seely and James F. Watson,

Parma, Idaho
have
~~xxx~~ filed a claim to a water right established by diversion and appli-
cations to beneficial use of 1,200 ~~xxxxx feet per second xxxxx feet~~ gallons per minute
of water from a spring, tributary to Little Salmon River
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 22N, R. 1E, B.M.,
Adams County

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic purposes
with a priority of 1953;
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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

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