

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 Water Right " 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 November 18.1971

and the last in the issue dated November 25.1971 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 26th

day of November, 19 71

William E. Daniel

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from an unnamed spring, tributary to Little Salmon River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 26, T. 20N, R. 1E, B.M., Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes; and from May 1 to Oct. 15 for the irrigation of 40 acres with a priority of May 1, 1934; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 20N, 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. KETH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho on Nov. 18 and Nov. 25, 1971.

RECEIVED
78 4029
NOV 28 1971
Department of Water Administration

RECEIVED

DEC 17 1971

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 Amended

No. 78-4029

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 December 9, 1971

and the last in the issue dated December 16, 1971 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

16th

day of

December

19 71

William E. Daniel

Notary Public for Idaho,
Residing at Council, Idaho

**NOTICE OF AMENDED CLAIM
TO A WATER RIGHT**

No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.84 cubic feet per second of water from two unnamed springs, tributary to Little Salmon River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 26, T. 20N, R. 1E, B.M., Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes; and from May 1 to Oct. 15 for the irrigation of 40 acres with a priority of December 12, 1893; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 20N, 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 Adams County

Leader, Council, Idaho on Dec. 9 and Dec. 16, 1971.

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Identification No.

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 Marie A. Evans
post office address # 332 New Meadows, Idaho 83654
2. The point of diversion is in ⁽²⁾ NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 26 Township 20N
Range 1E B.M. located on ⁽²⁾ unnamed springs (Hot Springs)
(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: Dec 12, 1893 m.a.e. 11-15-71
~~Aug 1, 1934~~ amount: .84 cfs c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .84 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:

- .80 cfs use irrigation period of use from 5/1 to 10/15 (both dates inclusive)
.02 cfs use stockwater period of use from 1/1 to 12/31 (both dates inclusive)
.02 cfs use Domestic period of use from 1/1 to 12/31 (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 _____ ; 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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_____; if so, give dates and explain _____

type of pipe Concrete; grade of pipe per 1000 feet is level.
Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. (See remarks)

is reservoir on or off stream _____ explain _____

location of reservoir by 40-acre subdivisions.

describe _____

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[illegible]

Total number of acres to be irrigated 40

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 150 head cattle, sheep & horses

7. Where water is used for domestic or municipal purposes give number of families served 1 name of town supplied 1 family

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 N/A

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Water has been used continuously since 1893
Water received from Springs is hot water with a temperature of 138°.
In 1893 there was earth dam ^{40'} below the springs which created a small reservoir approx. 1/2 A.C. from which irrigated 30 ^(NESE Sec. 26) acres. IN 1965 A spring box was installed at the springs and now irrigates ^(NESE Sec. 26) 40 acres. Since 1893 there has been stockwater & domestic uses from this spring also. This information has been gathered from previous owners in person back to Mrs. Marvin Yeakum who was the ~~2nd~~ daughter-in-law of the second owner, and a review of a complete abstract of the deeds of ownership.

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 3

day of November, 19 71.

Marie A. Evans
Claimant

Gary L. Page
Notary Public
Residing at Boise, Idaho

My commission expires 7/29/1971

Rec'd # 8451

For Department Use Only

Received by if Date 11-3-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by FE Date 11/3/71

Fee received by if Date 11/3/71 Fee \$ 10.00

Approved for publication by SDr

Published in Adams Cty. Leader Dates 11-18+11-25-71

78 4029

AMENDED:

12-9 & 12-16-71

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 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.

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and the last in the issue dated November 25, 1971 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 26th

day of November, 19 71

William E. Daniel

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second of water from an unnamed spring, tributary to Little Salmon River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 26, T. 20N, R. 1E, B.M., Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes; and from May 1 to Oct. 15 for the irrigation of 40 acres with a priority of May 1, 1934; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 20N, 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. KENTH HIGGINSON
Director

Filed in the Adams County
Clerk's Office, Idaho, Nov. 18, 1971

78 4029

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

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No. 78-4029 as per clipping

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

same being made in the issue dated December 9, 1971

and the last in the issue dated December 16, 1971 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 16th

day of

December, 1971
William E. Daniel

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF AMENDED CLAIM TO A WATER RIGHT No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.84 cubic feet per second of water from two unnamed springs, tributary to Little Salmon River with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 26, T. 20N, R. 1E, B.M., Adams County.

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R. KEITH HIGGINSON

Director

Published in the Adams County

Leader, Council, Idaho on Dec. 9 and Dec. 16, 1971.

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ACT
ION

N OWNER LAST NAME - EVANS FIRST NAME - MARIE A.
N ADDRESS LINE 1 - P.O. BOX 332
N CITY - NEW MEADOWS STATE - ID ZIP CODE - 83654
N SOURCE - SPRINGS TRIBUTARY OF - LITTLE SALMON RIVER
N STAGE - STATRY CLM PRIORITY - 12-12-1893 COUNTY - ADAMS TOTAL DIV. RATE - .8400CFS
N DIVERSION POINT - NESE 26 20N 01E
N FROM - 05-01 TO - 10-15 USE - IRRIGATION USE DIV. RATE - .8000CFS
N FROM - 01-01 TO - 12-31 USE - STOCKWATER USE DIV. RATE - .0200CFS
N FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0200CFS
N USE - IRRIGATION PLACE OF USE - TWN 20N RNG 01E SEC 26 TRACT NESE AC 40
N REMARKS - 2 P/D IN NESE, S26, T20N, R1E.

3/79

IDENT. NO. 78-4029

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 -

Ord No.

New No.

1. Original Owner: Marie A. Evans

Present Owner: _____

2. Address: P.O. Box 332

3. City: New Meadows. State: ND Zip: 83654

4. A. Source of Water: *spring*

B. Tributary of: *Little Salmon River*

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

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

C. Priority Date: 12-12-1893

D. County: 03

E. Total Diversion Rate: .84

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	NESE	26	20N	1E		

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

from 5-1 to 10-15 for 17 purposes. Amount .8
(cfs or ~~AC-FT/yr~~)

from 1-1 to 12-31 for ✓ purposes. Amount .02

from 1-1 to 12-31 for D purposes. Amount .02

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. 2 P/D in NESE, S26, T20N, R1E.
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):

December 9, 1971

Re: Claim to a Water Right No. 78-4029

Marie A. Evans
P. O. Box 332
New Meadows, Idaho 83654

Dear Ms. Evans:

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

DWM1:dr
Enclosure: Copy of claim

78 4029

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

December 1, 1971

Re: Claim No. 78-4029 - Marie A. Evans

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 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,

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Legal Notice

Bill submitted 12-22-71 cl

78 4029

AMENDED
NOTICE OF/CLAIM TO A WATER RIGHT

No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332,
New Meadows, Idaho

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.84 cubic feet per second ~~annexed~~
of water from two unnamed springs, tributary to Little Salmon River
with point of diversion in the NE¹/SE¹ (2 points), Sec. 26, T. 20N, R. 1E,
B.M., Adams County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes; and from May 1 to Oct. 15 for the irrigation of 40 acres
with a priority of December 12, 1893;
the place of use is within the NE¹/SE¹, Sec. 26, T. 20N, 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 Adams County Leader, Council, Idaho
on Dec. 9 and Dec. 16, 1971.

November 10, 1971

Re: Claim No. 78-4029 - Marie A. Evans

Adams County Leader
Council,
Idaho 83612

Gentlemen:

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"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,

Bill submitted 12-1-71 By cr

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

78 4029

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4029

Notice is hereby given that Marie A. Evans, P.O. Box 332,

New Meadows, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.8 cubic feet per second ~~xxxxxx~~ of water from an unnamed spring, tributary to Little Salmon River with point of diversion in the NE¹SE¹ (2 points), Sec. 26, T. 20N, R. 1E, B.M., Adams County.

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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.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho
on Nov. 18 and Nov. 25, 1971.

78 4029