

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 27th..... day of October....., 197..1.....,
and the last publication on the 3rd..... day of
.....November..... 197..1.....; 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 3rd..... day
of November....., 197..1.....

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4026

Notice is hereby given that
Claud Emery, Pollock, Idaho
has filed a claim to a water
right established by diversion
and application to beneficial
use of 0.01 cubic feet per second
of water from a Spring, tribu-
tary to Little Salmon River with
point of diversion in the SW $\frac{1}{4}$ -
NE $\frac{1}{4}$, Sec. 29, T. 23N, 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 May, 1961 the place of
use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 29, T. 23N, 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 Oct. 27 and Nov. 3, 1971.

O27-N3

78 4026

Identification No. _____
Claim No. 78-4026P
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 Claud Emery
post office address Pollock, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 23 N
Range 1 E B.M. located on Spring
(name of source)
tributary to Little Salmon 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:
May, 1961 amount: 0.01 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 plastic hose
_____ ; length is 2,000 feet; height is 50 feet;
width at bottom is 2" feet; with at top is 2" feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known three diversions -
two belonging to Claud Emery. One belonging to William Owens, all three coming
in on the same right.
 - b. Underground water diverting works: is well flowing or pumped flowing ; depth of well is 4 feet; diameter of well is 8' inches; type of pump is gravity
capacity of pump is 3 g.p.m.; name and address of well driller is NONE

78 4026

_____ ; 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_____

[illegible]

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? _____ 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 three houses 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 is a spring and is sometimes supplemented by Denny Creek

This spring was opened in 1961 and has been in use ever since on these places
places described

State of Idaho }
County of GEM } 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 28th day of Sept., 19 71
Claude Emery Claimant

Nancy A. Wallace Notary Public
Residing at Emmett, Idaho 83617

My commission expires _____

10 - 6 - 71 For Department Use Only

Received by <u>ej</u>	Date <u>9-30-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>je</u>	Date <u>10-6-71</u>	<u>No fee</u>		
Fee received by <u>ej</u>	Date <u>10-6-71</u>	Fee \$ <u>10.00</u>		
Approved for publication by _____				
Published in <u>Idaho City Free Press</u>	Dates <u>10-27 & 11-3-71</u>			

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.

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 27th day of October, 1971, and the last publication on the 3rd day of November 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 3rd..... day of November....., 1971..

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

ACT
ION

N OWNER LAST NAME - EMERY

FIRST NAME - CLAUD

N

CITY - POLLOCK

STATE - ID

N SOURCE - SPRING

TRIBUTARY OF - LITTLE SALMON RIVER

N STAGE - STATRY CLM

PRIORITY - 05-01-1961 COUNTY - IDAHO

TOTAL DIV. RATE - .0100CFS

N DIVERSION POINT - SWNE 29 23N 01E

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

USE DIV. RATE - .0100CFS

N USE - DOMESTIC

PLACE OF USE - TWN 23N RNG 01E SEC 29 TRACT SWNE

N NON IRRIG USE - D/3 HOMES.

N OTHER RIGHTS FOR SAME USE - DENNY CK.

3/79

IDENT. NO. 78-4026

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Ord No.

New No.

1. Original Owner:

3. City: Galrock

State: 112

Zip:

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: 5-1-1961

D. County: 49

E. Total Diversion Rate: 0%

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):

6. A. Point of Diversion

				Gov't	
<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Lot</u>	<u>Rediv.</u>

JUNE 29 23N 1E

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

from 1-1 to 12-31 for Q purposes. Amount .01
(cfs or AC-FT/yr)

from	to	for	purposes.	Amount

from	to	for	purposes. Amount

from to for purposes. Amount

[illegible]

from	to	for	purposes. Amount
1960	1961	1962	1963
1964	1965	1966	1967
1968	1969	1970	1971
1972	1973	1974	1975
1976	1977	1978	1979
1980	1981	1982	1983
1984	1985	1986	1987
1988	1989	1990	1991
1992	1993	1994	1995
1996	1997	1998	1999
2000	2001	2002	2003
2004	2005	2006	2007
2008	2009	2010	2011
2012	2013	2014	2015
2016	2017	2018	2019
2020	2021	2022	2023
2024	2025	2026	2027
2028	2029	2030	2031
2032	2033	2034	2035
2036	2037	2038	2039
2040	2041	2042	2043
2044	2045	2046	2047
2048	2049	2050	2051
2052	2053	2054	2055
2056	2057	2058	2059
2060	2061	2062	2063
2064	2065	2066	2067
2068	2069	2070	2071
2072	2073	2074	2075
2076	2077	2078	2079
2080	2081	2082	2083
2084	2085	2086	2087
2088	2089	2090	2091
2092	2093	2094	2095
2096	2097	2098	2099
2100	2101	2102	2103
2104	2105	2106	2107
2108	2109	2110	2111
2112	2113	2114	2115
2116	2117	2118	2119
2120	2121	2122	2123
2124	2125	2126	2127
2128	2129	2130	2131
2132	2133	2134	2135
2136	2137	2138	2139
2140	2141	2142	2143
2144	2145	2146	2147
2148	2149	2150	2151
2152	2153	2154	2155
2156	2157	2158	2159
2160	2161	2162	2163
2164	2165	2166	2167
2168	2169	2170	2171
2172	2173	2174	2175
2176	2177	2178	2179
2180	2181	2182	2183
2184	2185	2186	2187
2188	2189	2190	2191
2192	2193	2194	2195
2196	2197	2198	2199
2200	2201	2202	2203
2204	2205	2206	2207
2208	2209	2210	2211
2212	2213	2214	2215
2216	2217	2218	2219
2220	2221	2222	2223
2224	2225	2226	2227
2228	2229	2230	2231
2232	2233	2234	2235
2236	2237	2238	2239
2240	2241	2242	2243
2244	2245	2246	2247
2248	2249	2250	2251
2252	2253	2254	2255
2256	2257	2258	2259
2260	2261	2262	2263
2264	2265	2266	2267
2268	2269	2270	2271
2272	2273	2274	2275
2276	2277	2278	2279
2280	2281	2282	2283
2284	2285	2286	2287
2288	2289	2290	2291
2292	2293	2294	2295
2296	2297	2298	2299
2300	2301	2302	2303

from to for purposes. Amount

8. Use Code: 10 10279

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

D/3homes

12. Other Rights for Same Use:

Henry ~~Chick~~

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):

November 18, 1971

Re: Claim to a Water Right No. 78-4026

Claud Emery
Pollock,
Idaho 83547

Dear Mr. Emery:

The Department of Water Administration has completed the processing 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.

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 4026

October 19, 1971

Re: Application No. 79-7010 - Edward Mossman
Claim No. 79-4007 - Laura A. Clark
" " 78-4026 - Claud Emery

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 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 10/21/71 By CE

DWM:cr

Enc: Legal Notice

78 4026

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 78-4026

Notice is hereby given that Claud Emery, Pollock, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from a Spring, tributary to Little Salmon River with point of diversion in the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 29, T. 23N, 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 May, 1961 the place of use is within the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 29, T. 23N, 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 Oct. 27 and Nov. 3, 1971.

O27-N3

78 4026

0. K.
16-26-71
10-26-01
JH
JH

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4026

Notice is hereby given that Claud Emery, Paddock, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second ~~some feet~~ of water from a Spring, tributary to Little Salmon River with point of diversion in the SW¹/₄NE¹/₄, Sec. 29, T. 23N, 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 May, 1961;

the place of use is within the SW¹/₄NE¹/₄, Sec. 29, T. 23N, 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 Oct. 27 and Nov. 3, 1971.

78 4026

October 6, 1971

Claud Emery
Polluck,
Idaho 83547

Dear Mr. Emery:

Attached herewith is your receipt No. 8362 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

78 4028

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

October 1, 1971

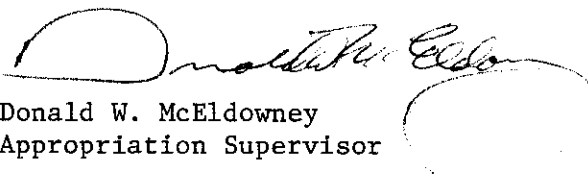
Claud Emery
Pollock,
Idaho 83547

Dear Mr. Emery:

We have received your claim, and we will need a \$10 filing fee before we can process your claim.

If we can be of further assistance, please contact us.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Claim

RECEIVED
OCT 5 1971
DEPARTMENT OF WATER ADMINISTRATION

78 4026

October 1, 1971

Claud Emery
Pollock,
Idaho 83547

Dear Mr. Emery:

We have received your claim, and we will need a \$10 filing fee before we can process your claim.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Claim

78 4026

Handwritten initials: JC

September 22, 1971

Mr. Claud Emery
Pollock,
Idaho 83547

Dear Mr. Emery:

In reviewing your claim to a water right, we note that it does not contain sufficient information to process. We have, therefore, taken the liberty of re-typing the claim form for your convenience.

Please complete item #3a, listing the first date of use of the water and return the claim properly signed with a \$10.00 filing fee and we shall begin its processing.

If you should have any questions in reference to this matter, please feel free to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cs

Enclosures