

RECEIVED

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 Claim

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4024

Notice is hereby given that Andrew and/or Ruby Porter, Box 202, Riggins, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Unnamed Spring with point of diversion in the NW 1/4 NE 1/4, Sec. 32, T. 23N, 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 1960; the place of use is within the NW 1/4 NE 1/4, Sec. 32, 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 Adams County Leader, Council, Idaho, on October 21st and October 28th, 1971.

No. 78-4024 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 October 21, 1971

and the last in the issue dated October 28, 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 1st

day of November, 1971

William E. Lamm

Notary Public for Idaho,
Residing at Council, Idaho

78 4024

RECEIVED
JAN 3 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 Amended

No. 78-4024 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 23, 1971

and the last in the issue dated December 30, 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 30th

day of December, 1971

William E. Conant

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 78-4024

Notice is hereby given that Andrew Porter &/or Ruby Porter, Box 202, Riggins, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 16, 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 1960; the place of use is within the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 16, T. 22 N, 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, on or before January 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on Dec. 23 and Dec. 30, 1971.

78 4024

10/1/99
not claimed
in SRBA
kw

Identification No. 78-4024

Claim No. 78-4024

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
AMENDED
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 Andrew Porter and/or Ruby Porter
post office address Box 202, Riggins, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 16 Township 22 N
Range 1 E B.M. located on ADAMS Unnamed Spring
(name of source)

tributary to _____ 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:

1960 amount: 0.02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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: Collection box and pipe

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with 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 _____
_____ ;

_____, 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_____

(continued)

[illegible]

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

78 4024

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 _____ 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 _____

Water has been used in house and lawn and garden since house was built.

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.

Sworn to before me this 10th day of December, 1971.

X Andrew H. Porter
Claimant

C. M. Vaughan
Notary Public

Residing at Riggins, Idaho

My commission expires 6/15/75

For Department Use Only

Received by _____	Date <u>12-12-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>SE</u>	Date <u>12-14-71</u>	_____	_____	_____
Fee received by <u>SN</u>	Date <u>12-14-71</u>	Fee \$ _____	_____	_____
Approved for publication by <u>BDF</u>	_____	_____	<u>78</u>	<u>4024</u>
Published in <u>Idaho City Leader</u>	Dates <u>12-23 & 12-30-71</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</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.

Identification No. _____
Claim No. 78-4024
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 Andrew Porter and/or Ruby Porter
post office address Box 202, Riggins, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 32 Township 23N
Range 1E B.M. located on Unnamed spring

(name of source)

tributary to _____ 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:

<u>1960</u>	amount: <u>0.02</u> c.f.s. or _____ acre feet	
	amount: _____ c.f.s. or _____ acre feet	
	amount: _____ c.f.s. or _____ acre feet	
	Total claimed <u>0.02</u> 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: Collection box and pipe
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with 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 _____ ;

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 _____ 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
Water has been used in house and lawn and garden since house was built.

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.

Ruby Porter
Claimant

Sworn to before me this 23 day of Sept, 1971.

Donald R. Elden
Notary Public
Residing at Boise Idaho

My commission expires 2-18-1974

rec'd #8301

For Department Use Only

Received by D Date 9-23-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by D Date 9-23-71

Fee received by re Date 9/23/71 Fee \$ 10.00

Approved for publication by _____

Published in Adams Cty. Leader Dates 10-21 & 10-28-71

78 4024

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.

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

No. 78-4024 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 October 21, 1971

and the last in the issue dated October 28, 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 1st

day of November, 1971

William E. Lamm

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4024

Notice is hereby given that Andrew and/or Ruby Porter, Box 202, Riggins, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Unnamed Spring with point of diversion in the NW 1/4 NE 1/4, Sec. 32, T. 23N, 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 1960; the place of use is within the NW 1/4 NE 1/4, Sec. 32, 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 Adams County Leader, Council, Idaho, on October 21st and October 28th, 1971.

78 4024

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 Amend

No. 78-4024..... 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 23, 1971

and the last in the issue dated December 30, 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 30th

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. 78-4024

Notice is hereby given that Andrew Porter &/or Ruby Porter, Box 202, Riggins, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 16, 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 1960; the place of use is within the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 16, T. 22 N, 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, on or before January 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Adams County
Leader, Council, Idaho on Dec.
23 and Dec 30, 1971.

78 4024

January 13, 1972

Re: Claim to a Water Right No. 78-4024

Andrew &/or Ruby Porter
Box 202
Riggins, Idaho 83549

Dear Mr. & Mrs. Porter:

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 4024

December 17, 1971

Re: Amended Application No. 78-7028 - Andrew Porter &/or Ruby Porter
Amended Claim No. 78-4024 - " " " " " "

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 Notices

78 4024

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4024

Notice is hereby given that Andrew Porter &/or Ruby Porter,
Box 202, Riggins, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second ~~maximum~~
of water from an Unnamed Spring
with point of diversion in the NE~~SE~~ 1/4, Sec. 16, 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 1960;
the place of use is within the NE~~SE~~ 1/4, Sec. 16, 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,
on or before January 10, 1972.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho
on Dec. 23 and Dec. 30, 1971.

78 4024

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 3, 1971

Re: Application for Permit No. 78-7028
Claim No. 78-4024 Andrew &/or Ruby Porter

Andrew Porter
Box 202
Riggins, Idaho 83549

Dear Mr. Porter:

In reviewing the above referenced application and claim, we find that our letter of November 10, 1971 was in error. We believe the best way to correct this situation is to refile the two above reference documents. We have taken the liberty of typing both the claim and the application for your convenience. We have left the legal description for your point of diversion and place of use to be filled in by you, for this is where the error on the originals occurred.

There will be no charge for the claim, but it will be necessary to have you submit a \$10 fee for the re-advertising of the application for permit.

Enclosed please find a map of the area in question. This may be of some assistance in locating your point of diversion and place of use. After completing the legal descriptions on both the application and claim, please return both documents to our Department with the necessary \$10 fee for the application. The claim will need to be signed before a Notary Public once again.

We regret the inconvenience in this matter. If we may be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Application for Permit
Claim to a Water Right
Map

78 4024

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 28, 1971

Re: Application No. 78-7028)
Claim No. 78-4024) Andrew Porter and/or Ruby Porter

C. M. Vogelsong, Administrator
Nannette Beals Estate
Post Office Box #347
Riggins, Idaho 83549

Dear Mr. Vogelsong:

To simplify the answers to your questions concerning the claim and application for permit from Andrew and Ruby Porter, enclosed are copies of the Claim No. 78-4024, and Application No. 78-7028. The fee for these copies will be \$1.75.

Any person, firm, association or corporation concerned with the approval of an application for permit may protest for the following reasons:

- (1) Will the new appropriation reduce the quantity of water under existing water rights?
- (2) Water supply itself is insufficient for the purpose for which it is sought to be appropriated.
- (3) Such application is not made in good faith, and is made for delay or speculative purposes.
- (4) Applicant has not sufficient financial resources with which to complete the work involved.

Protests may be filed with our Department within the period of ten (10) days after the last day of publication on applications.

At any time after the filing of a claim, any person who disagrees with the claim may file an exception in duplicate and in affidavit form. The exception shall be made a part of the file of the claim and considered the same as other evidence. A copy of an exception will be forwarded to the claimant by this Department.

78 4024

October 28, 1971

A claim may be amended by the claimant only by filing an amended claim in the same form as the original. You stated that the claim should be re-worded so as not to exceed one-fourth of the volume of the spring. This change will have to be amended by the claimant.

A claim to a water right is evidence submitted to help support an existing water right and not in itself a true water right.

If we can be of any other assistance, please feel free to contact this office.

Sincerely,

Fred Eisenbarth
Appropriation Examiner

FE:bb
Enclosures

78 4024

RIGGINS OFFICE

BANK OF CENTRAL IDAHO

Riggins, Idaho 83549

October 26, 1971

Mr. David H. Jackson, Director
Idaho Water Administration
Boise, Idaho - 83725

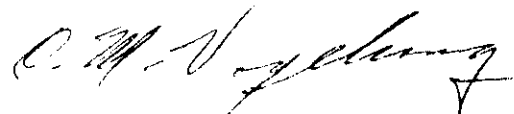
Re: Claims of Andrew and Ruby
Parker to water rights.

Dear Director H. Jackson:

I am Administrator for the Harriette Beale Estate, owners of record of the land upon which Mr. Andrew Parker, and Mrs. Ruby Parker reside in Adams County; I want herewith file a TEMPORARY protest to the granting of either of their two claims. These protests will be withdrawn upon a clear change in one filing; and upon payments and confirmation by the Court having been completed. At this time, the Parkers have an approved home loan pending final disbursement through Farm Home Administration for the home and land upon which these filings are appertaining. When the balance has been paid in full, protest and then withdrawal of the water claims. I cannot say which until I have received more detailed information regarding the exact location of the springs upon which the claims are being made. One claim will have to be restricted so as not to exceed $\frac{1}{2}$ of the total volume of the well spring. Will you please send me the information needed on these claims so I can take the necessary action shortly; and hold up these claims no longer than necessary?

Thanking you in advance for your help and consideration,
I remain,

Sincerely,



C. M. V. Nelson - Administrator
Harriette Beale Estate
P.O. Box 247
Riggins, Idaho - 83549

78 4024

October 13, 1971

Re: Application No. 78-7028 - Andrew &/or Ruby Porter
" " 78-7029 - Circle C. Ranch, Inc. & Vic Durden
Claim No. 78-4024 - Andrew &/or Ruby Porter
" " 78-4025 - Circle C. Ranch, Inc. & Vic Durden

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 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,

Bill submitted 11-3-71 By CR

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

78 4024

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4024

Notice is hereby given that Andrew and/or Ruby Porter,

Box 202, Riggins, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second ~~about~~ of water from Unnamed Spring

with point of diversion in the NW¹/₄NE¹/₄, Sec. 32, T. 23N, 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 1960;

the place of use is within the NW¹/₄NE¹/₄, Sec. 32, 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 Adams County Leader, Council, Idaho
on Oct. 21 and Oct. 28, 1971.

78 4024