

South Little Salmon River

North

Old Highway 98

2185.7 ft

Orchard
1 acre of land
to water

Downy Creek
482.3 feet easterly

Buildings 1 1/2 in Plastic Pipe 450 feet

Seven Acres more or less

2233.5 feet South

3722.8 feet West

RECEIVED

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 25th day of August 1971, ...,
and the last publication on the 1st day of
..... September 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 1st day
of September 1971

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4023

Notice is hereby given that Ray J. and/or Ruth T. McCracken, Box 203, Pollock, 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 Denny Creek, 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 stockwatering, and domestic purposes; and from April 1 to Nov. 1 for the irrigation of one acre with a priority of April 1, 1959; 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 August 25 and Sept. 1, 1971.

A25-S1

78 4023

Identification No.

Claim No.

Map No.

78.4023

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)

- Name of claimant Ray & Ruth J. McCracken
post office address Box 303 Pullman Idaho 83547
- The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 29 Township 23 North
Range 1 East B.M. located on Baise Meridian Idaho County Idaho
(name of source)
Denny Creek
tributary to Little Salmon River in Idaho County.

- 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.

- Date of priority claimed:

April 1 1959 amount: 402 in c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 402 in c.f.s. or _____ acre feet.

- Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Nov 1 (both dates inclusive)
use Stock period of use from Jan 1 to Jan 1 (both dates inclusive)
use Domestic period of use from Jan 1 to Jan 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

- Description of diverting works:

- Surface water diversion dam and/or headgate: material is composed of _____

1 1/2 in Plastic pipe; length is 450 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 Was built in April 1959 and been in continuous use since

- 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 _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____ ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____ ; year completed _____ ; date first used _____
period of storage is from _____ to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ 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_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

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 one,

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 34 Cows
1 Horse 50 Chickens 2 sheep
7. Where water is used for domestic or municipal purposes give number of families served One
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

A tract of land located in the SW 1/4 of the NE 1/4 of Sec. 29 Township 23N Range 1E, Boise Meridian Ida County Idaho, More particularly described as follows: Beginning at a point from which the section corner Comm. to Sections 20, 21 28 & 29 bears N 38° 20' East a distance of 233.5 ft and running thence South 51° 58' West 228.4 ft South 6° 59' West 121.1 ft South 61° 28' East 247.4 ft and South 22° 56' West 400 to the real point of beginning; thence South 22° 56' West 159.5 ft thence South 7° 14' West 312.8' to a point on the 1/4 Sec. line running through the center of Sec 29 thence West along said line 485.7 ft more or less to Easterly boundary of the right of way of Old Highway 95 thence North 37° 26' West along said right of way 226.2 ft thence N 60° West 482.3 ft to Denny Creek thence Easterly along Denny Creek to real point of beginning

State of Idaho } ss.
County of Ada

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.

Ruth J. Mc Cracken
Ruth J. Mc Cracken
Claimant

Sworn to before me this 9 day of 8, 1971

Dorothy M. Eldon
Notary Public
Residing at Boise

My commission expires 2-18-1974

For Department Use Only

Received by <u>D</u> Date <u>8-9-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>D</u> Date <u>8-9-71</u>	_____	_____	_____
Fee received by <u>ej</u> Date <u>8-9-71</u> Fee \$ <u>10⁰⁰</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Ada Cty. Free Press</u> Dates <u>8-25 + 9-1-71</u>	_____	_____	_____

78 4623

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.

North

Highway 100

Old Highway 98

4823

Ordnance
Magazine
Co. 100

Creek
4823
15
20 feet

20 feet

8022

Received by_____ Date_____ Time _____
Preliminary check by_____ Fee \$ _____
Receipted by_____ Date_____ _____
Publication prepared by_____ Date_____ _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19_____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19_____.

Director

1971-61

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 25th day of August 1971, and the last publication on the 1st day of September 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 1st day of September 1971.

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

State of Idaho
County of _____

_____ being first duly sworn,

deposes and says: I Wilfred Swift got a
guard right from Floyd Hanson
to use water from Perry creek
through a pipe line 1/4 in from
first of January to first of January
for domestic use and irrigation
I bought the place from
Floyd Hanson in 1959 and
instaled the pipe line in 1959.

I sold the place to Ray
McCracken and Ruth McCracken
in 1965.

Wilfred Swift
(Signature)

Subscribed and sworn to before me this 10 day of July, 1971.

W. H. Overlander
(Notary Public)

Residing at Pallock Idaho.
My Commission Expires Aug 6 1972.

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)
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)
)
—)
)

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5)

I, Harry E. Dano

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Harry E. Damon
(Signature)

Subscribed and sworn to before me this 9 day of July, 1976.

Madge F. Overlander
(Notary Public)

Residing at Pollock Idaho
My Commission Expires Aug 6 1982

)))))))

;

)

;

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1

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Blaine

I, Joyce Owen, being first duly sworn,
deposes and says:

I have lived on adjoining property now owned by Mr. & Mrs. Ray McCracken for nine years (1962-1971) and can positively affirm that water for domestic use has been taken from Lenny Creek (a tributary of the Little Salmon River) during those years. Water from Lenny Creek has also been used on that property for watering stock continuously during that time, and for irrigation purposes.

Joyce Owen
(Signature)

Subscribed and sworn to before me this 9 day of July, 1971.

Wadde H. Overlander
(Notary Public)

Residing at Pallock Idaho
My Commission Expires Aug 6 1972

78 4023

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho)

County of Idaho)

I Bruce D Owen being first duly sworn,

deposes and says: I have lived on Denny Creek
adjoining The Property Currently owned by
Mr & Mrs Ray McCracken for 9 years
(Since 1962) & can affirm that water has
been used for domestic & irrigation purposes
from Denny Creek by Mr & Mrs. McCracken
during this time.

Bruce D. Owen
(Signature)

Subscribed and sworn to before me this 9 day of July, 1976

Wladimir H. Overlander
(Notary Public)

Residing at Pallock Idaho
My Commission Expires Aug. 6, 1977

78 4023

ACT
ION

N OWNER LAST NAME - MC CRACKEN
N OWNER LAST NAME - MC CRACKEN
N ADDRESS LINE 1 - P.O. BOX 203

FIRST NAME - RAY J.
FIRST NAME - RUTH T.

CITY - POLLOCK
TRIBUTARY OF - LITTLE SALMON RIVER

STATE - ID ZIP CODE - 83547

N SOURCE - DENNY CREEK
N STAGE - STATRY CLM

PRIORITY - 04-01-1959 COUNTY - IDAHO

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SWNE 29 23N 01E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .0200CFS

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

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

N USE - IRRIGATION

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

AC 01.

N NON IRRIG USE - S/5 RANGE, 50 CHICKENS, 2 SHEEP D/1 HOME.

3/79

IDENT. NO. 78-4023

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 78-4023
Old No. New No.

Record

1. Original Owner: Ray J. & Ruth J. McCracken

Present Owner: _____

2. Address: P.O. Box 2033. City: Pollock State: ID Zip: 835474. A. Source of Water: Denny CreekB. Tributary of: Little Salmon River5. A. Stage (A,P,L,D,S,J): J

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

C. Priority Date: 4-1-1959D. County: 49E. Total Diversion Rate: .02

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SW NE</u>	<u>29</u>	<u>23 N</u>	<u>1 E</u>		

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

from 4-1 to 11-1 for A purposes. Amount .02
(cfs or AC-FT/yr)from 1-1 to 12-31 for J purposes. Amount _____from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

810279

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

8/5 range, 50 chickens, 2 sheep D/I home

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):

September 15, 1971

Re: Claim to a Water Right No. 78-4023

Ray J. &/or Ruth T. McCracken
Box 203
Pollock, Idaho 83547

Dear Mr. & Mrs. McCracken:

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 of the 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:DR
Enc: Copy of claim

78 4023

August 18, 1971

Re: Application No. 78-7023 - C. A. Hartwell
" " 78-7024 - " " "
" " 81-7013 - Walter T. Shriner
Claim No. 78-4023 - Ray J. and/or Ruth T. McCracken

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 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

DWM:cr

Enc: Legal Notices

Bill submitted 9-15-71 By ds
78-4023

**NOTICE OF
A WATER RIGHT**

No. 78 - 4023

Notice is hereby given that Ray J. and/or Ruth T. McCracker, Box 203, Pollock, 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 Denny Creek, 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 stockwatering and domestic purposes; and from April 1 to Nov. 1 for the irrigation of one acre with a priority of April 1, 1959; 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 August 25 and Sept. 1, 1971.

A25-S1

O.K.
8-22-71
8-22-71

78 4023

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4023

Notice is hereby given that Ray J. and/or Ruth T. McCracken,

Box 203, Pollock, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0102 cubic feet per second ~~and one foot~~ of water from Denny Creek, tributary to Little Salmon River with point of diversion in the SW1/4, Sec. 29, T. 23N, R. 1E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock=
watering and domestic purposes; and from Apr. 1 to Nov. 1 for the irrigation
of one acre
with a priority of April 1, 1959;
the place of use is within the SW1/4, 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 Aug. 25 and Sept. 1, 1971.

78 4023

August 11, 1971

Ray J. McCracken
Box 203
Pollock, Idaho 83547

Dear Mr. McCracken:

Attached herewith is your receipt No. 7455 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 4023

July 14, 1971

Mr. Ray McCracken
Post Office Box #203
Pollock, Idaho 83547

Dear Mr. McCracken:

We are returning your claim to a water right and personal check #92-285 in the amount of \$10.00. We find in reviewing this claim that there are several questions that need clarification before we can continue with its processing.

Please note that the July 10, 1971 priority date that you have claimed under item #3a is after the May 20, 1971 date on which the Department of Water Administration came under the mandatory permit system for surface water sources. Therefore, that portion of the claim that would be covered under the July 10, 1971 priority should be included on a new application for permit form. We also wish to advise you that item #5a should be completed, listing the number of acres to be irrigated in each 40 acre subdivision, section, township and range. The claim must also be signed in the presence of a notary.

We are enclosing a new application for permit form with instructions and a claim to a water right form for your consideration in this matter. As soon as you have made the necessary corrections, please re-submit the claim and application and we shall begin their processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #92-285 (\$10.00)
claim to a water right

78 4023