

RECEIVED

AUG 18 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 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 August 5, 1971

and the last in the issue dated August 12, 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.

Bert J. Rogers

Subscribed and sworn to before me this 12th

day of August, 1971

William E. Daniels

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 78-4022

Notice is hereby given that Benjamin F. and/or Crystal I. Houchin, Route No. 1, New Meadows, 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 stream, tributary to Little Salmon River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 22N, R. 1E, B.M., Adams County.

The water is claimed to be used from May 1 to Oct. 31 for the irrigation of $\frac{1}{4}$ acre with a priority of July, 1959; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on Aug. 5 and Aug. 12, 1971.

78 4022

Identification No. _____
Claim No. 78-4022P
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 Benjamine F. and/or Crystal I. Houchin
post office address Route #1, New Meadows, Idaho 83654
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 16 Township 22 N
Range 1 E B.M. located on Unnamed Stream
(name of source)
tributary to Little Salmon River 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:

July, 1959 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 _____ 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 Irrigation period of use from May 1 to Oct. 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~~ _____
sump; 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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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 50 feet; diameter of pipe line is 1½ inches; type of pipe plastic; ~~grade of pipe per 1000 feet is~~ 8 ft. higher in elevation
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible None

- 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:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22N	1E	16				¼													¼

Total number of acres to be irrigated ¼

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? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
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

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 26 day of July, 1971.

Benjamin F. Henchman
Claimant

William E. Lawton
Notary Public

Residing at Boise, Idaho

My commission expires Oct. 8, 1974

For Department Use Only

Received by <u>g</u> Date <u>7-26-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>DDF</u> Date <u>7/26/71</u>	_____	_____	_____
Fee received by <u>g</u> Date <u>7/26/71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Adams City Leader</u> Dates <u>8-5 + 8-12-71</u>	_____	_____	_____

Rec'd #6978

78 4022

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

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

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and the last in the issue dated August 12, 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 12th

day of August, 1967

William E. Daniel

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

NS 78-4022

Notice is hereby given that Benjamin P. and/or Crystal I. Houchin, Route No. 1, New Meadows, 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 stream, tributary to Little Salmon River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 22N, R. 1E, B.M., Adams County.

The water is claimed to be used from May 1 to Oct. 31 for the irrigation of $\frac{1}{4}$ acre with a priority of July, 1959; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T. 22N, R. 1E, B.M.

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R. KEITH HIGGINSON
Director

78 4022

ACT
ION

N OWNER LAST NAME - HOUCHIN
N OWNER LAST NAME - HOUCHIN
N ADDRESS LINE 1 - RT. 1

FIRST NAME - BENJAMIN F.
FIRST NAME - CRYSTAL I.

N
N SOURCE - UNNAMED STREAM
N STAGE - STATRY CLM

CITY - NEW MEADOWS
TRIBUTARY OF - LITTLE SALMON RIVER

STATE - ID ZIP CODE - 83654

N DIVERSION POINT - SENE 16 22N 01E

PRIORITY - 07-01-1959 COUNTY - ADAMS

TOTAL DIV. RATE - .0200CFS

N FROM - 05-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 22N RNG 01E SEC 16 TRACT SENE AC 01

N REMARKS - AC. IRR.=.25.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 78-4022
Old No. New No.

Record

1. Original Owner: Benjamin J. & Crystal L. Houchin

Present Owner: _____

2. Address: Rt. 13. City: New Meadows State: ID Zip: 836544. A. Source of Water: unnamed streamB. 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: 7-1-1959D. County: 03E. 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>SE NE</u>	<u>16</u>	<u>22N</u>	<u>1E</u>		

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

from 5-1 to 10-31 for A purposes. Amount .02
(cfs or AG-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

April 5, 1973

William J. Smith
440 Grant Street
Elko, Nevada 89801

Dear Mr. Smith:

In response to your letter of March 17, 1973, we have searched our records and with the description you have supplied, we have found and copied the following documents.

No. 78-4022: Claim to a Water Right located within the 40 acre tract you have identified. You should bear in mind that this claim does not confirm a right or in any way guarantee that it exists, it is simply a claim.

No. 78-2068: A Water License which is also identified in the same 40 acre tract. This right has been confirmed by State action and should be considered valid.

One problem that hinders us in our assisting you with the search is that all of our records are only broken down to a 40 acre subdivision and we cannot identify smaller tracts. We may or may not have found the right to which you have referred. However, in connection with specific water appropriation, in addition to the right and license system, Idaho has a constitutional use right providing wherein a right could be established where a Beneficial Use is established to a prior water right.

All of these rights must be varified by court action. As to deeds and reference made concerning water rights, the deed in itself does not establish the water right. There has been much confusion in Idaho because of statements found on deeds concerning water and such statements should be clarified at the time of the sale.

The only private water in the state are springs that rise and remain wholly on private property without flowing off the land, and ponds under five acres in size that are contained wholly on private property. It is very difficult to identify

William J. Smith
April 5, 1973

page 2

a private spring as springs may be flowing off under the property as well as on the property. In case of a private spring, a water right to that private spring could be established by means of a deed.

If we have not clarified the situation, please contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: Claim to a Water Right No. 78-4022
Water Right License No. 78-2068

78 4022

Elko Nevada 89801
March 27-1972

Idaho State Water Administration Dept.
614 N. State
Boise, Idaho

Department of Water Administration

Dear Sirs:

In July of 1968 we purchased a parcel of land
situated in the SE 1/4, NE 1/4 Section 16 Township 27
North, Range 1 East B.M. off Highway 75 in
Blaine County Idaho.

We have recently dug ditches in Box 27 Page 530
in the office of County Recorder of Blaine County.
This deed states we are guaranteed perpetual right
to the use of surface water for all domestic use from springs
located in above described location.

Please advise if we do have legal right to the use
of this water. We have been told we must file
on this water. Our attorney advises it is not necessary.
We would like to settle this question one way or the other.

If we do have to file please advise the procedure
to take to accomplish same.

Enclosed find affidavits made for your info.

Thank you for your consideration in this matter.

Very truly yours

William J. Smith

William J. Smith
444 Grand St #62
Elko, Nevada 89801

August 26, 1971

Re: Claim to a Water Right No. 78-4022

Benjamin F. &/or Crystal I. Houchin
Route #1
New Meadows, Idaho 83654

Dear Mr. & Mrs. Houchin:

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:dr
Enclosure: Copy of claim

July 28, 1971

Re: Claim No. 78-4022 - Benjamane F. and/or Crystal I. Houchin

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,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 8-18-71 By AW

DWM:cr

Enclosure

78 4022

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4022

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Route #1, New Meadows, Idaho
has filed a claim to a water right established by diversion and appli-
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Adams County.

The water is claimed to be used from May 1 to Oct. 31 for the
irrigation of $\frac{1}{2}$ acre
with a priority of July, 1959 ;
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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

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