

JUN 30 1969

Department of Reclamation

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 19th day of June, 1969,
and the last publication on the 26th day of
June, 1969; 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 26th day
of June, 1969.

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

**NOTICE OF CLAIM TO
A WATER RIGHT**
No. 78-4005
Notice is hereby given that Joe S. Miller, Star Route, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .05 cubic feet per second of water from Little Elk Creek tributary to Little Salmon River with point of diversion in SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 23, T. 22 N., R. 1 E., B.M., Idaho County; the water is claimed to be used from April 1 to October 31 for irrigation with a priority of April 1, 1933; the place of use is NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 22 N., R. 1 E., B.M. Any exception to this claim of water right may be filed with the Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho County Free Press, Grangeville, Idaho on June 19, and June 26, 1969. Jn19-26

72-4005

June 12, 1969

Re: Application for Permit No. 78-7011-Paul S. Boyer
Application for Permit No. 78-7010-Paul S. Boyer
Claim to a Water Right No. 78-4005-Joe S. Miller

Idaho County Free Press
Grangeville, Idaho

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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:tg
Enc: Legal Notices (3)

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 78-4005

Notice is hereby given that Joe S. Miller, Star Route, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .05 cubic feet per second of water from Little Elk Creek tributary to Little Salmon River with point of diversion in SE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 23, T. 22 N., R. 1 E., B.M., Idaho County; the water is claimed to be used from April 1 to October 31 for irrigation with a priority of April 1, 1933; the place of use is NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 22 N., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho on June 19, and June 26, 1969. Jn19-26

78-4005

STATE OF IDAHO

Department of Reclamation

Nº 3144

Boise, Idaho, 6-10, 1969

RECEIVED
FROM

Joe D. Miller of New Meadows 10⁰⁰
Ten & no/100 DOLLARS

FOR

<u>Claim app</u>	<u>10</u>	<u>00</u>
	\$	
	\$	
	\$	
	\$	
TOTAL	\$	<u>1000</u>

78-4005

E. J. Woods
STATE RECLAMATION DEPARTMENT

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Joe S. Miller
post office address Star Route, New Meadows, Idaho 83654

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 23 Township 22 N
Range 1 E B.M. located on Little Elk Creek
(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:

April 1, 1933 amount: .05 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 April 1 to October 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 rock dam and fill and headgate, ditch; length is 1360 feet; height is 1 feet;
width at bottom is 1 feet; width at top is 1½ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known .24

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 _____

78-4005

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_____

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 2.5

72-4005

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.</u> or <u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or <u> </u> acre feet
	Total claimed: <u>1.2 c.f.s.</u> 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.

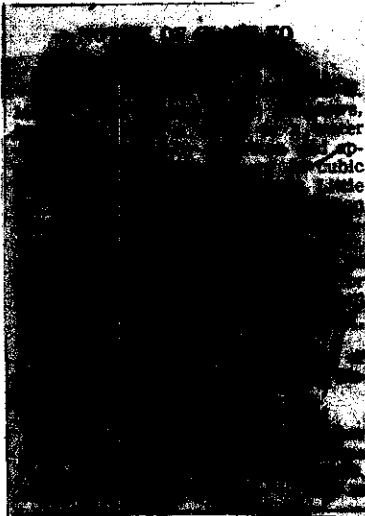
AFFIDAVIT OF PUBLICATION

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 19th day of June, 1969, and the last publication on the 26th day of June, 1969; 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 26th day of June, 1969.

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



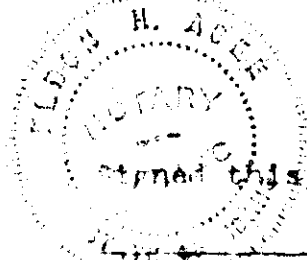
AFFIDAVIT

Idaho, Idaho County, Idaho.

October 20, 1965.

TO WHOM IT MAY CONCERN;

I, Ida M. Clark, have
been a resident of this community for the past 20 years and
am acquainted with the property now owned by Joe S. Miller in
the N 1/2 of the N 1/4 of Section 26, Township 22, North Range
4 East Boise Meridian Idaho County, Idaho and know that
water from Little Elk Creek has been used for irrigation purposes
on this property during this entire time.



Ida M Clark
Signed this 20 day of October 1965 before me Edson Ayer
_____, a Notary Public in and for the State
of Idaho.

Edson Ayer
Notary Public
Residing at Blackfoot, Idaho
Comm., Expires June 20, 1969

AFFIDAVIT

Idaho, Idaho County, Idaho.

October 20, 1965.

TO WHOM IT MAY CONCERN;

I, John Bretland, have been a resident of this community for the past 46 years and am acquainted with the property now owned by L. E. Miller in the N¹/₂ of the 4W¹/₄ of Section 26, Township 22, North Range 1 East Boise Meridian Idaho County, Idaho and know that water from ^{Little} ~~Elk~~ Creek has been used for irrigation purposes on this property during this entire time.

John Bretland

Subscribed and sworn to before me Ernest J. Hagen, a Notary Public in and for the State of Idaho.

Ernest J. Hagen
Notary Public
Residing at Palloco

Comm., Expires June 20 1969

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS
"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071
"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED
PRINTERS AND PUBLISHERS

Grangeville, Idaho June 26, 1969

State of Idaho
Department of Reclamation
Statehouse--Annex 2
Boise, Idaho 83707

DATE	INVOICE NO. / ITEMS	AMOUNT
------	---------------------	--------

June 19-26	25 lines, 2 times--Not. Claim to Water Right, #78-4005	\$ 6.25
------------	--	---------

"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 same has been paid."

IDAHO COUNTY FREE PRESS

BY Gary D. Cash
Gary D. Cash, Office Mgr.

submitted 7-2-69

78-4005

ACT

ION
N OWNER LAST NAME - RIDDER
N ADDRESS LINE 1 - STAR RT.
N
N SOURCE - LITTLE ELK CREEK
N STAGE - STARY CLM
N DIVERSION POINT - SESW 23 22N 01E
N FROM - 04-01 TO - 10-31 USE - IRRIGATION
N USE - IRRIGATION
N REMARKS - AC. IRR.=2.5.

FIRST NAME - JOE S.

CITY - NEW MEADOWS

STATE - ID ZIP CODE - 83654

TRIBUTARY OF - LITTLE SALMON RIVER

PRIORITY - 04-01-1933 COUNTY - IDAHO TOTAL DIV. RATE - .0500CFS

USE DIV. RATE - .0500CFS

PLACE OF USE - TWR 22N REG 01E SEC 26 TRACT NEW AC 02

3/79

IDENT. NO. 78-4005

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 78-4005
 Old No. New No.

Record

1. Original Owner: Joe S. Miller

Present Owner: _____

2. Address: Star Rt.

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

4. A. Source of Water: Little Elk Creek
 B. Tributary of: Little Salmon River

5. A. Stage (A,P,L,D,S,J): S
 B. Status (D,L,R,C,A,I,F - leave blank if valid):
 C. Priority Date: 4-1-1933
 D. County: BL 49
 E. Total Diversion Rate: .05
 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>SESW</u>	<u>23</u>	<u>22N</u>	<u>1E</u>		

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

from 4-1 to 10-31 for A purposes. Amount .05
 (cfs or AC=FI/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 _____

CIA 9-25-79

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. in. = 2.5.*
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

July 3, 1969

Re: Claim to A Water Right No. 78-4005

Mr. Joe S. Miller
Star Route
New Meadows, Idaho 83654

Dear Mr. Miller:

Your claim to a water right has been recieved and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 78-4005. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. 3144 in the amount of \$10.00 which covers the filing fee for the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as youror the court needs the information.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TC

Enc: Receipt no. 3144 for \$10

78-4005

June 12, 1969

Re: Application for Permit No. 78-7011-Paul S. Boyer
Application for Permit No. 78-7010-Paul S. Boyer
Claim to a Water Right No. 78-4005-Joe S. Miller

Idaho County Free Press
Grangeville, Idaho

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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McKelowney
Appropriation Examiner

DWM:DRR:tg
Enc: Legal Notices (3)

**NOTICE OF CLAIM TO
A WATER RIGHT**
JUNE 12, 1969

Notice is hereby given that Joe S. Miller, Star Route, New Meadows, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .05 cubic feet per second of water from Little Elk Creek tributary to Little Salmon River with point of diversion in SW 1/4, Sec. 26, T. 22 N. R. 1 E. B.M., Idaho County; the water is claimed to be used from April 1 to October 31 for irrigation with a priority of April 1, 1983; the place of use is NE 1/4, Sec. 26, T. 22 N. R. 1 E. B.M.

Any exception to this claim or water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho on June 19, and June 26, 1969. Jn19-26

78-4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4005

Notice is hereby given that Joe S. Miller, Star Route, New Meadows, Idaho
_____ has filed a claim to a water right
established by diversion and application to beneficial use of .05
cubic feet per second ~~per foot~~ of water from Little Elk Creek tributary to
Little Salmon River with point of diversion in _____
SE 1/4, Sec. 23, T. 22 N., R. 1 E., B. M., Idaho County; the water is
claimed to be used from April 1 to October 31 for irrigation
_____ with a priority of _____
April 1, 1933; the place of use is _____
NE 1/4, Sec. 26, T. 22 N., R. 1 E., B. M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho
on June 19 and June 26, 1969.

fr
78-4005