

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-publisher of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 23, 19 72, and ended March 30, 19 72.

Donald E. McMahan
Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 30 day of March, 19 72.
Donald E. Fuller, Notary Public.
My commission expires 6-2, 19 74.

NOTICE OF CLAIM TO A WATER RIGHT

No. 77-4008

Notice is hereby given that Lucky Brands, Inc., in care of Rex Lanham, Route No. 2 - Box 242, Emmett, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Government Creek, tributary to Logan Creek with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 21N, R. 9E, B.M., Valley County.

The water is claimed to be used from Jan. 1 to Dec. 1 for domestic or culinary purposes and from April 1 to Nov. 1 for the irrigation of 33.76 acres with a priority of July 2, 1928; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35, T. 21N, R. 9E, B.M.

R. KEITH HIGGINSON
Director

Published in the Star-News on
March 23 and March 30.

RECEIVED
APR 3 1972

Department of Water Administration

77
4008

Identification No. _____
Claim No. 77-4008
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 ~~Rex E. Lanham~~ Lucky Brands Inc.
post office address Rex E. Lanham Rt 2 Box 242 Emmett, Idaho 83617

X 2. The point of diversion is in SE ^{#1} $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 35 Township 21N
Range 9E B.M. located on Government Creek
Diversions # 1 + # 2 Diversion # 2 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 35 (name of source)
tributary to Logan Creek in Valley 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:

Priority Claimed property patented July 2, 1928 amount: 1.0 c.f.s. or _____ acre feet
(water license # 16247 10-5-53) 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 Culinary or domestic period of use from Jan 1 to Dec 31 (both dates inclusive)
use irrigation period of use from April 1 to Nov 1 (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:

X a. Surface water diversion dam and/or headgate: material is composed of Board & Rocks
Scrub oak, sod.; length is 15 feet; height is 5 feet;
width at bottom is 1 1/2 feet; width at top is 1 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known no increase
Original license # 16247 (77-2043)

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 _____

77 4008

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 1650 feet; width of ditch at top is 2 feet; width of bottom of ditch is 1 1/2 feet; depth of water is 1 1/2 feet; grade of ditch per 1000 feet is 15 feet; material through which ditch passes is sod - rocks & 1 flume metal maximum length of pipe line to first place of use is 1500 feet; diameter of pipe line is 1 inches; type of pipe plastic; grade of pipe per 1000 feet is 15.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible no increase / change - 1 pipe for

Culinary water to Cabin -

flume described (77-2043) water license # 16247

- 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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	9E	35					✓												3.76
21N	9E	35			~~✓~~					✓									22.00
21N	9E	35			✓														8.00

Total number of acres to be irrigated 33.76

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

Original license # 16247-

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch Government Creek. The other users and their respective interests in the ditch are (if known) Water for domestic use.
1 family has 3 horses that watered - 1 man is
reiger hunter & water horses -

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 _____

X 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 water used for domestic use on
our property for other families - 10 -
6

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation see other claim & attached sheets.

Original patents 7-2-1928 - & water lines #16242 (77-2043)

Quantity figure includes .22 CFS for ditch loss

State of Idaho }
County of Gem } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

LUCKY BRANDS, INC.
By Catherine Linton Gilligan
Secretary ~~AN~~ elect elected Official

Sworn to before me this 1st day of March, 1972.

[Signature]
Notary Public
Residing at Emmett, Idaho

My commission expires July 20, 1973

keet # 8108

For Department Use Only

Received by <u>EB</u> Date <u>1 Mar 72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>EB</u> Date <u>1 Mar 72</u>	_____	_____	_____
Fee received by <u>EB</u> Date <u>3/1/72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>EB</u>	_____	_____	_____
Published in <u>Star News, McCall</u> Dates <u>3-16 & 3-23-72</u>	_____	_____	_____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Since the quit claim deed from Mr. Edwards to Mr. Bill Lukehart in 1965, I, Catherine L. Gillihan, have irrigated the properties in question and used the water for domestic use from that date until the present time. I have engaged the help of Mr. Glen Harper and Mr. Walter Hanson in the constant rotation of the water while I have been away from the area. I reside in the Big Creek area yearly, in season.

Catherine Louise Gillihan

600—ACKNOWLEDGMENT—SINGLE

Printed and for sale by Messenger Printers, Inc. Emmett, Idaho

STATE OF IDAHO, }
County of Gem } ss
On this 1st day of March, in the year 1972, before me
the undersigned, a Notary Public
in and for said State, personally appeared Catherine L. Gillihan

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that She executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in ~~this certificate first~~ above written

Sam Jones
Notary Public for Idaho, Residing at Emmett, Idaho

I, Robert T. Gillihan, myself and brothers during 1955, 1956, and 1957, worked for Mr. Edwards establishing ditches and irrigating the properties in question.

Since that time, I have witnessed these properties being irrigated yearly and the water used for culinary and domestic purposes.

My father, Mr. John Gillihan and sons reside in this Big Creek area yearly, in season, on the adjoining properties.

Robert T. Gillihan

ACKNOWLEDGMENT—SINGLE

Printed and for sale by Messenger Printers, Inc. Emmett, Idaho

STATE OF IDAHO,
County of Gem } ss
On this 1st day of March, in the year 1972, before me
the undersigned _____, a Notary Public
in and for said State, personally appeared Robert Gillihan

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

Emmett
Notary Public for Idaho, Residing at Emmett, Idaho

I, Kathryn Thrall, can testify to the fact that the properties in question of the original Edward's estate now owned by Lucky Brankd, Inc. are being irrigated from April 1 to November 1, and the water for domestic use from January 1 to December 31.

Also, I am a witness to the fact that since 1953 Mr Edwards and associates have irrigated and used the water until Mr. Edward's death, 1965 and from that time on, Mrs. Catherine Gillihan has irrigated the property and used the water.

Kathryn Thrall

On this 1st day of March, 1972 personally appeared Kathryn Thrall before Notary Public, Neva Coburn.

Neva Coburn
Boise, Idaho

I, Jean Orr Curtis, being first duly sworn
despose and say; that being a long time property owner
in the Big Creek area and lodging routinely with the Edwards,
I, Jean Orr Curtis, can testify to the fact that
since 1929 the properties in question have
been irrigated and the water used for domestic purposes.

Jean Orr Curtis

600—ACKNOWLEDGMENT—SINGLE

Printed and for sale by Messenger Printers, Inc. Emmett, Idaho

STATE OF IDAHO,
County of Ada } ss
On this First day of March, in the year 1972, before me
~~Jean Orr Curtis~~ Darlene Frost, a Notary Public
and for said State, personally appeared Jean Orr Curtis

known to me to be the person whose name _____ subscribed to the within instrument, and acknowledged to me
that s he _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day
and year in this certificate first above written

Darlene Frost
Notary Public for Idaho, Residing at Meridian, Idaho

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-publisher of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 23, 19 72, and ended March 30, 19 72.

Donald E. McMahan
Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 30 day of March, 19 72.
Donald E. McMahan, Notary Public.
My commission expires 6-2, 19 74.



77 4008

THIS INDENTURE, Made this 28th day of November
in the year of our Lord one thousand nine hundred and Sixty-Seven (1967), between
BILLIE M. LUKEHART, a single person,
of Emmett, County of Gem, State of Idaho
the party of the first part, and

LUCKY BRANDS, INC., an Idaho corporation,
of Emmett, County of Gem, State of Idaho
the party of the second part. WITNESSETH:

That the said party of the first part, for and in consideration of the sum of
Ten and no/100 (\$10.00) and other valuable consideration - - DOLLARS,
lawful money of the United States of America, to him in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
and sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said party
of the second part, and to its heirs and assigns forever, all the following described real estate,
situated in the County of Valley, State of Idaho, to-wit:

SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY
REFERENCE.

EXHIBIT A

(Being in Valley County, Idaho)

The NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Twp. 21 N., R. 9 E.B.M.;
less U.S. Forest Service right of way 3.14 acres and to Pete Hillman
2 acres and to Joe Powell 1 acre.

Lot 5; the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$; the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2,
in Twp. 20 N., and the E $\frac{1}{2}$ SW $\frac{1}{4}$; the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 35, Twp. 21 N., all in Range 9 East of the Boise Meridian
and containing 159.74 acres.

LESS the following properties described in various warranty deeds
and instruments to the following named grantees, as follows:
Instrument #56067 to Kathryn Thrall; Instrument #39939 to Martje
Yokel Falkenberg; Instrument #49699 to Wilbur V. Wiles; Instrument
No. 33447 to Axel Falkenberg; Instrument #49720 to David R. Thrall
and Charles A. Pickens; Instrument No. 49904 to Monroe L. Vallejo;
Instrument #54326 to Norman L. Adkins and Pauline Adkins and to
Lenard Lewis and Gladys Lewis; Instrument #59414 to Robert J.
McRae and Ruth C. McRae; Instrument #57506 to John C. Coffin; Ins-
trument #57424 to Robin McRae; Instrument #57425 to Robert J.
McRae and Ruth C. McRae; Instrument #57357 to Claude Elliott
and Rhea Elliott; Instrument #57236 to Kathryn Thrall; Instru-
ment #56066 to Kathryn Thrall; Instrument #34-330 to Maurice or
Grace Hansbrough; Instrument #57955 to Robert J. McRae and Ruth C.
McRae; Instrument #56985 to Ray Larson and Gwendolyn T. Larson;
Instrument #56986 to Lenard Lewis and Gladys Lewis; Instrument No.
60005 to Wilbur V. Wiles, as corrected by Instrument #60006; Ins-
trument #60007 to Wilbur V. Wiles; Instrument #59081 to Kathryn
Thrall; Instrument #35-99 to Ray Larson and Gwendolyn T. Larson;
Instrument #58827 to James W. Ivers and Shirlee A. Ivers; Instru-
ment #58883 to Chet Moulton and/or Mabel Moulton; Instrument
#58884 to William A. Merrick or Opal N. Merrick; Instrument
#58885 to Dean Cummins; Instrument #59062 to J. W. Ivers; Instru-
ment #59061 to J. W. Ivers; Instrument #35-149 to Ray G. Nissula
and Phyllis Nissula.

END OF EXHIBIT A.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Billie M. Lukehart (Seal)
(Seal)
(Seal)
(Seal)

STATE OF IDAHO,
County of Gem.

} ss.

On this 28th day of November in the year 1967 before me,
the undersigned, a Notary Public
in and for said State personally appeared BILLIE M. LUKEHART, a single person,
known to me to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Samuel Young

Notary Public for the State of Idaho
Residing at Emmett, Idaho

No. 57774

WARRANTY DEED

Billie M. Lukehart

TO

County of Lemhi, Idaho

Dated 1967

STATE OF IDAHO,

County of Lemhi

ss.

I hereby certify that this instrument was

filed for record at request of Billie M. Lukehart

at 31 Minutes past 11

o'clock 4th M., this 1st day

of Nov., A.D., 1967

In my office, and duly recorded in Book 27

at page 276

Ex-Officio Recorder.

By D. C. Holliman Deputy.

Fees, \$ 2.00

Mall to

INDEXED
FILED
DOC. 5

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215

April 13, 1972



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

Mr. Ernest E. Ward
Box 1044
McCall, Idaho 83638

FILED

Dear Mr. Ward:

Your April 7th request for a hearing on Claims to a Water Right No. 77-4007 & 77-4008 has been received. However, these documents are statements concerning water rights that exist by diversion and beneficial use of the water and, therefore, they are unlike Application for Permit No. 77-7021 which is filed so that a new use of the water may be initiated.

The Idaho Code does not authorize the Department to hold hearings to consider the validity of the claims, but does provide you an opportunity to enter exceptions against the claim or portion of the claim that you feel are invalid. The procedure is explained in the following portion of the Idaho Code:

42-225b. Recording of claims by department-----Corrections.-----

.....
. At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

If you have any questions concerning the procedure, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

77 4008

BDF:dr

RECEIVED

ERNEST E. WARD
Box 1044
McCall, Idaho

APR 11 1972

Department of Water Administration

APRIL 7, 1972

MR. R. KEITH HIGGINSON
DEPARTMENT OF WATER ADMINISTRATION
BOISE, IDAHO

DEAR SIR:

I AM NOT A BORN OBJECTIONIST AS THIS MAY SEEM, BUT I DO FIRMLY BELIEVE THAT WATER APPLICATIONS NUMBER 77-4007 AND 77-4008 SHOULD BE BROUGHT TO A HEARING FOR THE SAME REASONS THAT I FELT APPLICATION NUMBER 77-7021 SHOULD.

ALL OF THESE APPLICATIONS ARE ASKING FOR AN UNFAIR AMOUNT AND MORE THAN THEY CAN USE.

IF YOU PLEASE, SIR, YOU WILL NOTE I AM NOT OBJECTING TO THE MOST OF INDIVIDUAL USERS IN THE AREA, I JUST DO NOT WANT TO SEE AN UNREASONABLE AMOUNT GIVEN TO ANY PARTY WHICH COULD CURTAIL USERS AND DEVELOPMENT IN THE AREA TEN TO TWENTY YEARS FROM NOW.

I WOULD APPRECIATE IT IF YOU WOULD APPLY MY OFFICIAL OBJECTIONS DIRECTED TO 77-7021 TO INCLUDE 77-4007 AND 77-4008.

THANK YOU.

VERY TRULY YOURS,

Ernest E. Ward

ERNEST E. WARD

77 4008

April 17, 1972

Re: Claim to a Water Right No. 77-4007
" " " " " " 77-4008

Lucky Brands, Inc.
C/o Rex E. Lanham
Route 2, Box 242
Emmett, Idaho 83617

Dear Mr. Lanham:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right, it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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 Claims

77 4008

March 10, 1972

Re: Claim Nos. 77-4007, 77-4008, 77-4009, 77-4010
Application No. 65-7261 - Fred A. Lang

The Star News
Box 985
McCall, Idaho 83638

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/BL
Enc: legal notice

Bill submitted 4-5-72. R
77 4008

NOTICE OF CLAIM TO A WATER RIGHT

No. 77-4008

C
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Notice is hereby given that Lucky Brands, Inc., c/o Rex Lanham, Route #2 - Box 242, Emmett, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Government Creek, tributary to Logan Creek with point of diversion in the SE¹/₄ NW¹/₄, Sec. 35; NW¹/₄ NW¹/₄, Sec. 34, T. 21N, R. 9E, B.M., Valley County.

The water is claimed to be used from Jan. 1 to Dec. 1 for domestic and culinary purposes and from April 1 to Nov. 1 for the irrigation of 33.76 acres with a priority of July 2, 1928; the place of use is within the SW¹/₄ NE¹/₄, Sec. 35, T. 21N, R. 9E, B.M..

R. KEITH HIGGINSON

Director

Published in the Star News, McCall, Idaho on March 16th and March 23rd, 1972.

77 4008