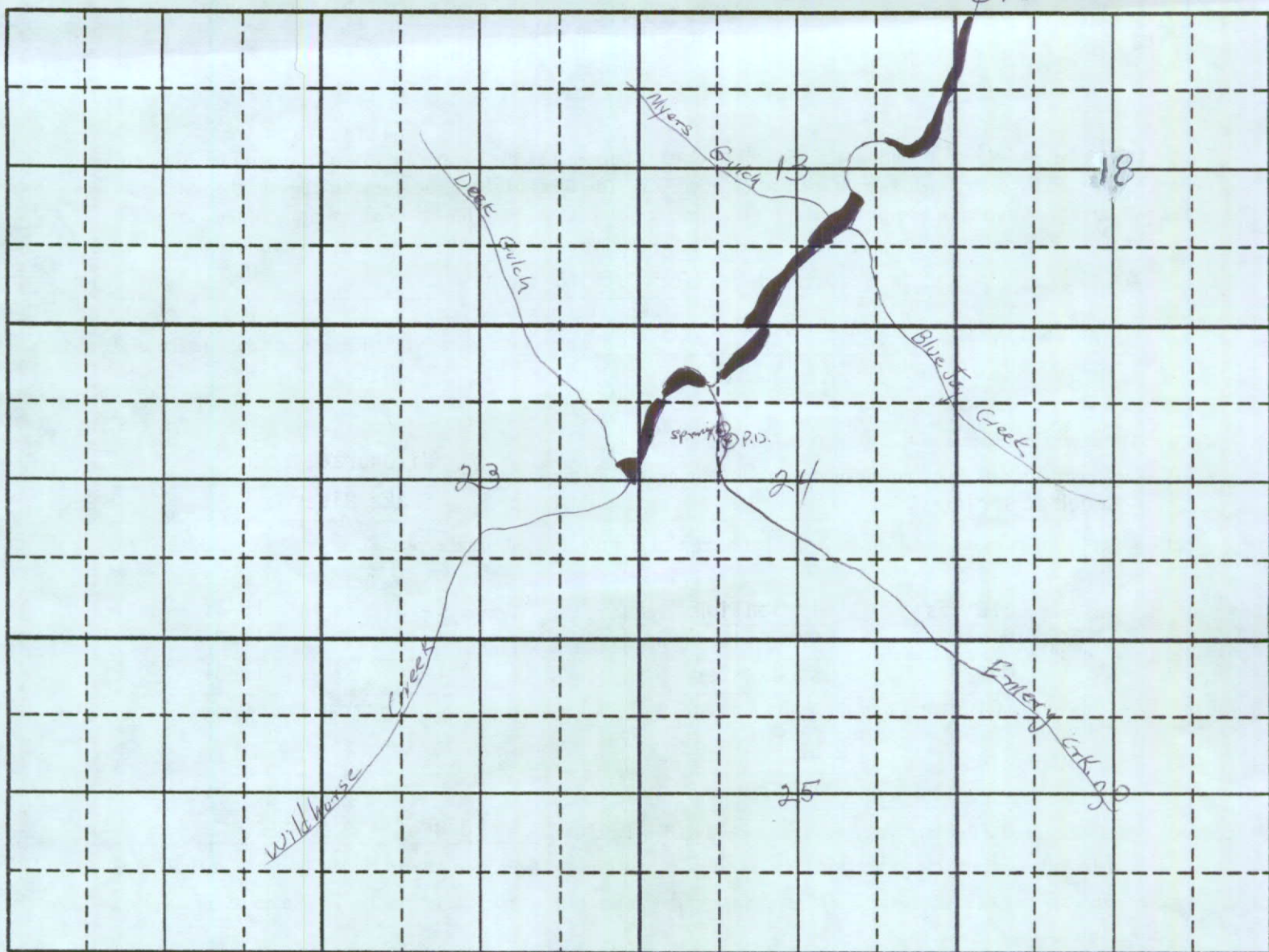


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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.

Arnold M. Emery
(Claimant)

Sworn to before me this 28 day of March, 1978.

David R. Torbell
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>3-28-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>3-28-78</u>		claimant by:	
\$10.00 fee received by <u>pub</u>	Date <u>3-28-78</u>			
Approved for publication by				
Published in <u>Adams County Leader</u>				
Dates <u>Apr 6 + 13, 1978</u>				

RECEIVED

APR 17 1978

Department of Water Resources
Western Regional Office

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 s

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 April 6, 1978

and the last in the issue dated April 13, 1978
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 uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this

day of

4-15-78

, 19

Dennis Laomy

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 69-4012

Notice is hereby given that
ARNOLD M &/or RUTH E.
EMERY, Box 454 Council, Idaho
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 2.56
cubic feet per second of water
from Wildhorse and Emery
Creeks and a spring trib. Snake
River with the point of diversion
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 T18N-
R3W and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 24
T18N-R4W B.M., Adams County.

The water is claimed to be
used from Jan 1 to Dec 31 for do-
mestic and stockwater purposes
and from Apr 15 to Oct 31 for ir-
rigation of 64.5 acres with a pri-
ority date of 1898; the place of
use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ -
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13; SE $\frac{1}{4}$ -
NE $\frac{1}{4}$ Sec 23; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ -
NW $\frac{1}{4}$ Sec 24 T18N-R4W; Gov-
ernment Lot 1 Sec 18 T18N-
R3W B.M.

Any exception to this claim of
water right may be filed with
the Director of the Idaho De-
partment of Water Resources, 92
South Cole Road, Boise, Idaho
83705.

C. STEPHEN ALLRED

Director

Published in the Adams Coun-
ty Leader, Council, Idaho on
April 6, 1978 and April 13, 1978.

OK
4-18-78
[Signature]



RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Arnold M. &/or Ruth E. Emery (name of claimant)
of Council, ID Box 454 (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Wildhorse, Emery
Creek & spring, tributary to, Snake River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

m	Amount	2.5 cfs	Use	irrigation	Period of Use: From	4-15	To	10-31
	Amount	0.04 cfs	Use	domestic	Period of Use: From	1-1	To	12-31
	Amount	0.02	Use	stockwater	Period of Use: From	1-1	To	12-31
		(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 2.56 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1898

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source) wildhorse creek
SW ¼ SW ¼, Sec. 7 Twp. 18N Rge. 3W B.M. County of Adams
Additional points of diversion: (2) SE¼ Sec 24 T18N R4W (Emery Creek & Spring)

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. gravity irrigation & gravity sprinklers

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

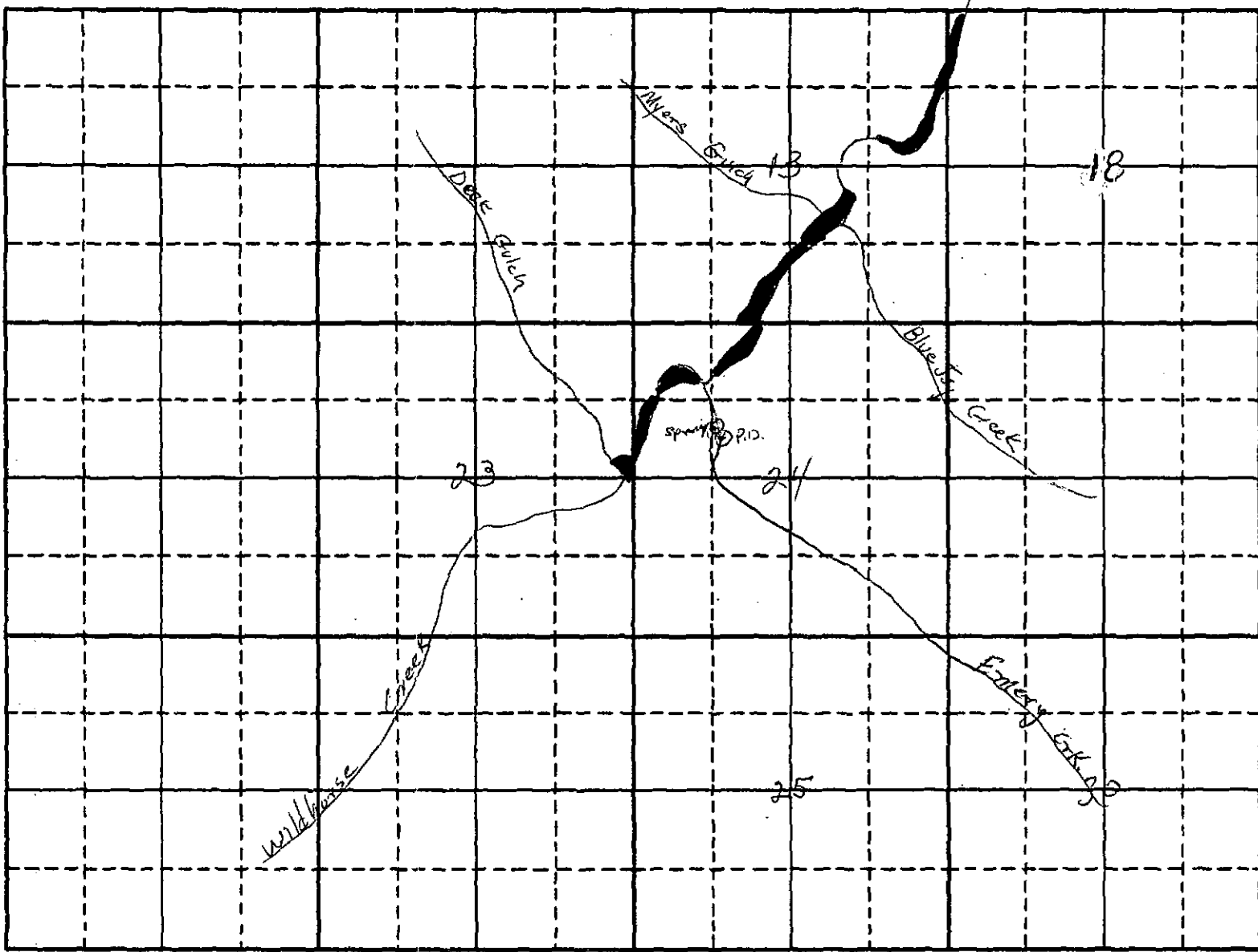
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	4W	13	4.0			10.0							10.0	12.0					36.0
		23				5.0													5.0
		24					9.0	7.0	3.5										19.5
18N	3W	18	pt. lot 1 4 acres																4.0

Total No. of acres 64.5

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: stockwater on entire ranch. Domestic from spring for 1 house

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____

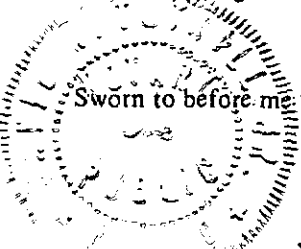


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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.



Arnold M. Emery
(Claimant)

Sworn to before me this 28 day of March, 1978.

David R. Turbilly
Notary Public
Residing at Boise Id

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>2-28-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>3-28-78</u>		claimant by:	
\$10.00 fee received by <u>AWB</u>	Date <u>3-28-78</u>			
Approved for publication by				
Published in <u>Adams County Leader</u>				
Dates <u>Apr 6 + 13, 1978</u>				

TO WHOM IT MAY CONCERN:

I know, of my own personal knowledge, that the water has been used for irrigation purposes on the places known as the Ed and Mary Emery Place and the Sig Myers Place, now owned by Arnold Emery, on Wildhorse River since The Fall of 1910.

Signed Albert Campbell Date September 18, 1967

STATE OF IDAHO
).8S
County of Adams

On this 18th day of September, 1967, before me, the undersigned, a Notary Public for Idaho, personally appeared ALBERT CAMPBELL, 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.



Notary Public for Idaho residing
at Council, Idaho.

TO WHOM IT MAY CONCERN:

I know, of my own personal knowledge, that water has been used
for irrigation purposes on the places known as the Ed and Mary
Emery Place and the Sig Myers Place, now owned by Arnold Emery
on Wildhorse River since 1898.

Signed Clara Emery Date 9-18-67

Sworn before me this
18th day of September 1967
Madge F. Overlander
Notary Public
Bloomington

My Commission expires Aug 10th 1970

APR 17 1978

Department of Water Resources
Western Regional Office

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

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 April 6, 1978

and the last in the issue dated April 13, 1978
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 sev-
enty-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this

day of 4-15-78, 1978

Denise Young

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT NO. 69-4012

Notice is hereby given that
ARNOLD M. &/or RUTH E.
EMERY, Box 454 Council, Idaho
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 2.56
cubic feet per second of water
from Wildhorse and Emery
Creeks and a spring trib. Snake
River with the point of diversion
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 T18N-
R3W and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 24
T18N-R4W B.M., Adams County.

The water is claimed to be
used from Jan 1 to Dec 31 for do-
mestic and stockwater purposes
and from Apr 15 to Oct 31 for ir-
rigation of 64.5 acres with a pri-
ority date of 1898; the place of
use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ -
SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 13; SE $\frac{1}{4}$ -
NE $\frac{1}{4}$ Sec 23; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ -
NW $\frac{1}{4}$ Sec 24 T18N-R4W; Gov-
ernment Lot 11 Sec 18 T18N-
R3W B.M.

Any exception to this claim of
water right may be filed with
the Director of the Idaho De-
partment of Water Resources, 92
South Cole Road, Boise, Idaho
83705.

C. STEPHEN ALLRED

Director

Published in the Adams Coun-
ty Leader, Council, Idaho on
April 6, 1978 and April 13, 1978.

OK
4-18-78
JY



To _____
Date _____ Time _____

WHILE YOU WERE OUT

of Dave Stout
Phone 934-5655

Telephoned	☐	Please call	☐
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message _____

Operator



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

April 26, 1978 m

Re: Claim to a Water Right No. 69-4012

Mr. & Mrs. Arnold M. Emery
Box 454
Council, ID 83612

Dear Mr. & Mrs. Emery:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 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.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:rf

Enclosure

FILED
MAY 1 1978
BOISE, IDAHO

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No.

4012
69-7024

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) 6HS 3/29/78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) 6HS 3/29/78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) JF OK

Affidavit of Publication received(date) 4-17-78

(12) _____

Final date for protests _____
Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

☒ Proposed Priority

☒ Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of
approval

☒ No special conditions for approval

(15) District 61

By [Signature] Date 4/24/78



DEPARTMENT OF WATER RESOURCES

WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 30, 1978

Re: Notice of Application for Water Permit No. 67-7379 -- Merton &/or Mary Nightingale
Notice of Claim to a Water Right No. 67-4248 & 67-4249 " "
Notice of Claim to a Water Right No. 69-4012 -- Arnold &/or Ruth Emery

Adams County Leader
Council,
Idaho 83612

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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)

Please send the affidavit of publication and publication billing to this office before April 24, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
4-18-78
J

NOTICE OF CLAIM TO A WATER RIGHT

NO. 69-4012

Notice is hereby given that ARNOLD M. &/or RUTH E. EMERY, Box 454
Council, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 2.56 cubic feet per second ~~acres feet~~ of water
from ~~Wildhorse and Emery Creeks and a spring trib.~~ Snake River
with the point of diversion in the ~~SW₁SW₄ Sec 7 T18N-R3W and SE₁NE₁ Sec 24~~
~~T18N-R4W B.M., Adams County~~.

The water is claimed to be used from Jan 1 to Dec 31
for ~~domestic and stockwater purposes~~
and ~~from Apr 15 to Oct 31 for irrigation of 64.5 acres~~
with a priority date of 1898 ;
the place of use is within the ~~E₁NE₁, SE₁SW₁, NW₁SE₁ Sec 13; SE₁NE₁ Sec 23;~~
~~N₂NE₁, SW₂NE₁ Sec 24 T18N-R4W; Government Lot 1 Sec 18 T18N-R3W B.M.~~

Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader, Council, Idaho
on April 6, 1978 and April 13, 1978.