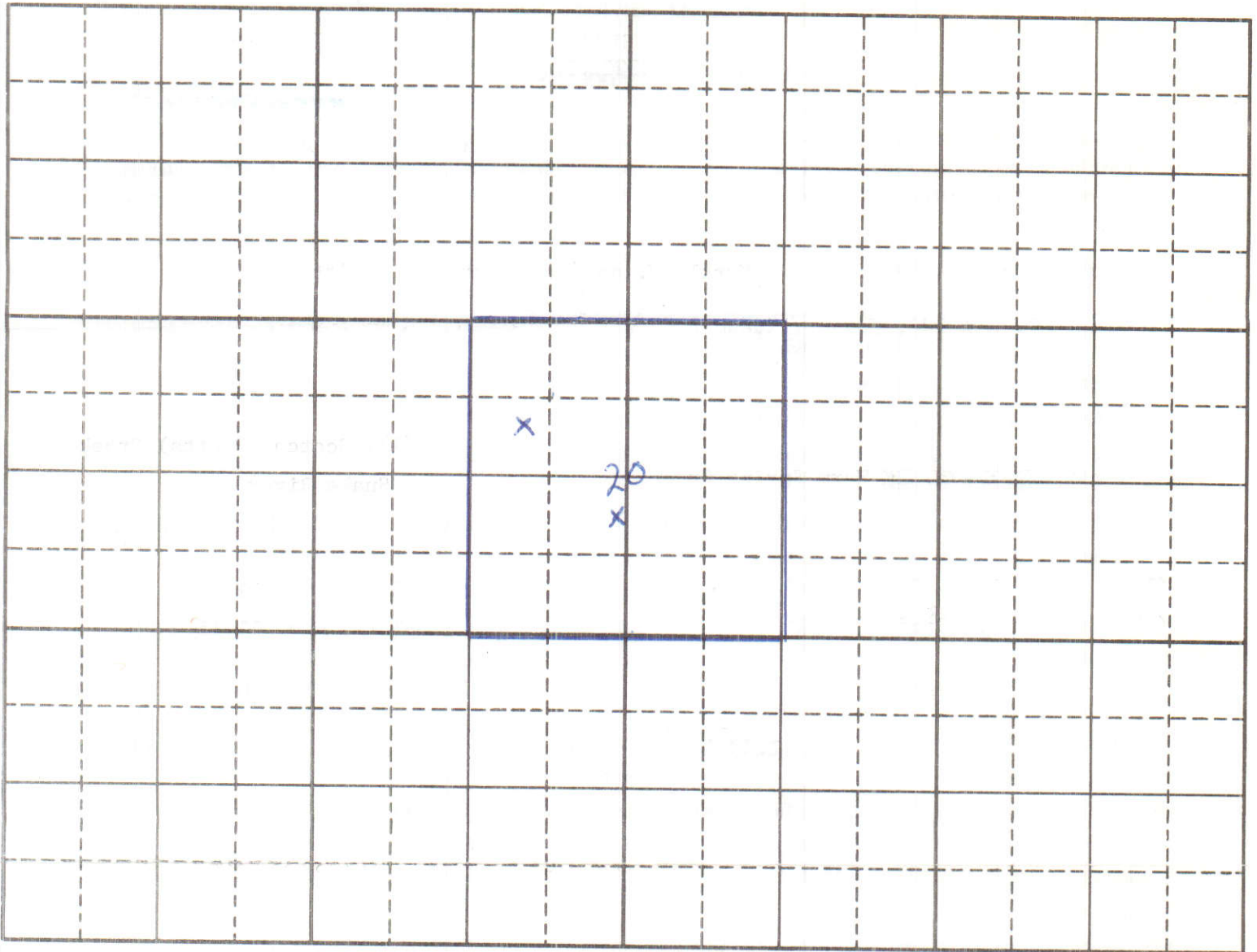


(8) Remarks _____



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 Washington) 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.

Helenie J. Witte
M-yell Witte
(Claimant)

Sworn to before me this 8th day of February, 1977.

Elizabeth Coulter
Notary Public
Residing at Keiser Idaho

My commission expires 3/1/77

For Department Use Only

Received by ref Date 2-24-77
Prelim. check by EEB Date 2-24-77
\$10.00 fee received by CS6719 Date 2-24-77
Approved for publication by ES 2-24-77
Published in The Signal American
Dates March 3, 1977 - March 10, 1977

Exception filed by:	Forwarded to claimant by:	Date

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington

Deeathy A. Bath, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
March 3, 1977 and ending
with the issue of March 10, 1977
Deeathy A. Bath
Fees, \$ 13.60

Subscribed and sworn to before me this 10
day of March, 1977

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1979

No. 11
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4173

Notice is hereby given that
MYRTLE M. &/or
GENEVIEVE L. WITTE Rt.
1, Weiser, ID has filed a
claim to a water right es-
tablished by diversion and
application to beneficial use
of 1.28 cubic feet per second
of water from Scotts Creek
and 0.83 c.f.s. of water from
Warm Spring Creek with the
point of diversion in the
NE¼SW¼ and Lot 3 Sec 20,
T11N-R6W B.M., Washing-
ton County.

The water is claimed to be
used from March 15 to Nov
15 for the irrigation of 107
acres with a priority of 1910;
the place of use is within the
NE¼NE¼ Sec. 19,
NW¼NW¼ SE¼NW¼
N½SW¼ Sec 20, T11N-R6W
B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Resources, State-
house, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Signal
American, Weiser, ID on
March 3, 1977 and March 10,
1977.

102-2s

OK 4-11-77

RECEIVED

Department of Water Resources
Western Regional Office

REPRODUCED

No. 11
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4173

Notice is hereby given that
MYRTLE M. &/or
GENEVIEVE L. WITTE Rt.
1, Weiser, ID has filed a
claim to a water right es-
tablished by diversion and
application to beneficial use
of 1.28 cubic feet per second
of water from Scotts Creek
and 0.83 c.f.s. of water from
Warm Spring Creek with the
point of diversion in the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 3 Sec 20,
T11N-R6W B.M., Washing-
ton County.

The water is claimed to be
used from March 15 to Nov
15 for the irrigation of 107
acres with a priority of 1910;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19,
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 20, T11N-R6W
B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Resources, State-
house, Boise, Idaho, 83720.

R. KEITH HIGGINSON
Director

Published in the Signal
American, Weiser, ID on
March 3, 1977 and March 10,
1977.

MINNELL MFD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

USERS

CLAIM TO A ~~WATER~~ RIGHT

Department of Water Resources

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 Myrtle M. and/or Genevieve L. Witte
(name of claimant)

of Route 1, Box 104, Weiser, Idaho 83672w, claims a right to the diversion and beneficial use of
(mailing address)

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) (1). Scotch (Scotts) Creek
and (2). ~~Spring Creek~~ Warm Spring Creek, 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:

- | | | | | | | | | | |
|-----|--------|----------------------|-----|-------------------------------|----------------|------|-------------|----|------------------------|
| (1) | Amount | <u>1.28</u> cf | Use | <u>64"</u> | Period of Use: | From | <u>3-15</u> | To | <u>11-15</u> |
| (2) | Amount | <u>0.83</u> cf | Use | <u>42"</u> | Period of Use: | From | <u>3-15</u> | To | <u>11-15</u> |
| | Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: _____ 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) 1910

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)
1. NE ¼ SW ¼, Sec. 20 Twp. 11N Rge. 6W B. M. County of Washington

Additional points of diversion:

2. Lot 3, Sec. 20, Twp 11NRge 6^W B.M. Washington County

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. 1. Dam in Scotts Creek ~~XXXXXXXXXX~~

- (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.

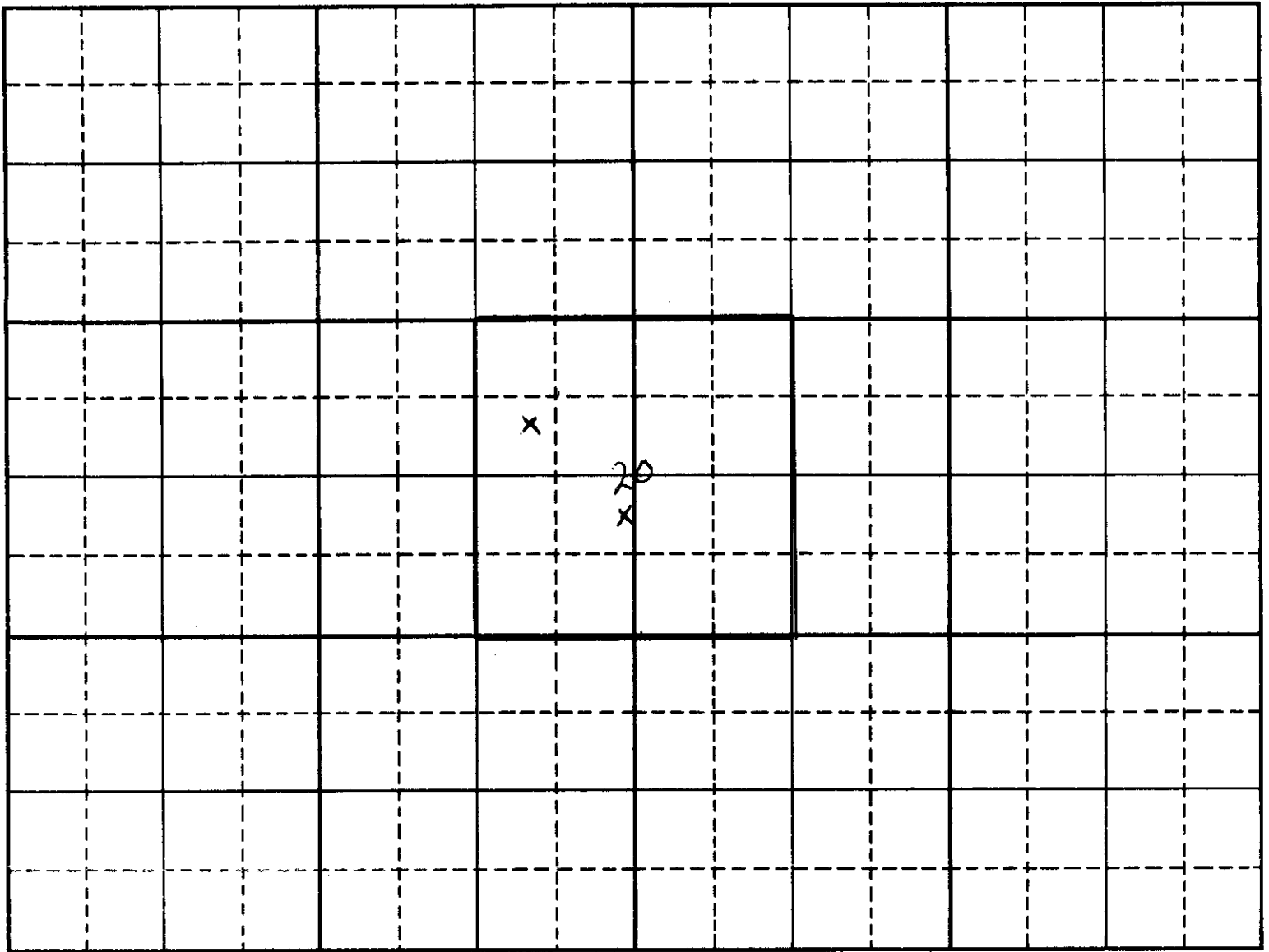
[illegible]

Total No. of acres ~~105.3~~ 107.3

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: All irrigation

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

(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 Washington) 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.

Genevieve F. Witte
Myrtle M. Witte

(Claimant)

Sworn to before me this 8th day of February, 1977.

Eugene A. Coulter
Notary Public

Residing at Heiser Idaho

My commission expires 3/1/77

For Department Use Only

Received by EFB Date 2-24-77
Prelim. check by EFB Date 2-24-77
\$10.00 fee received by CS6719 Date 2-24-77
Approved for publication by ES 2-24-77
Published in The Signal American
Dates March 3, 1977 & March 10, 1977

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

TO: FEDERAL LAND BANK, Ontario, Oregon, 97914

A F F I D A V I T

This will certify that I have been familiar with the Witte farm,
described as that part of Section 19 and 20, Township 11 North,
Range 6 W.B.M., for 27 years and to my knowledge, that farm
has been irrigated out of Scotch Creek and Spring Creek continually
since 1940.

James Fleetwood (1931)

Mrs. James Fleetwood 1931

Roy McMullen (1940)

Helen McMullen
Witness

Witness

RECEIVED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dea. Th. A. Both, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
March 3, 1977, and ending
with the issue of March 10, 1977

Dea. Th. A. Both
Fees, \$ 13.60

Subscribed and sworn to before me this 10
day of March, 1977

Notary Public
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-2, 1979

No. 11
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4173

Notice is hereby given that
MYRTLE M. &/or
GENEVIEVE L. WITTE Rt.
P. Weiser, ID has filed a
claim to a water right es-
tablished by diversion and
application to beneficial use
of 1.28 cubic feet per second
of water from Scotts Creek
and 0.83 c.f.s. of water from
Warm Spring Creek with the
point of diversion at the
NE 1/4 SW 1/4 Lot 3 Sec 20,
T11N R6E B.M., Washing-
ton County.

The water is claimed to be
used from March 15 to May
15 for the irrigation of 187
acres with a priority of 1910;
the place of use is within the
NE 1/4 NE 1/4 Sec 19,
NW 1/4 NW 1/4 Sec 19,
NW 1/4 SW 1/4 Sec 20, T11N R6E
B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Resources, State
House, Boise, Idaho, 83720.

KEITH HIGGINSON
Director
Published in the Signal
American, Weiser, ID on
March 3, 1977 and March 10,
1977

102-2s

OK
4-11-77
rf

ACTION

N OWNER LAST NAME - WITTE FIRST NAME - MYRTLE M.
N OWNER LAST NAME - WITTE FIRST NAME - GENEVIEVE L.
N ADDRESS LINE 1 - RT. 1 BOX 104
N CITY - WEISER STATE - ID ZIP CODE - 83672
N SOURCE - SCOTTS CREEK TRIBUTARY OF - SNAKER RIVER
N SOURCE - WARM SPRINGS CREEK TRIBUTARY OF - SNAKE RIVER
N STAGE - STATRY CLM PRIORITY - 06-01-1910 COUNTY - WASHINGTON TOTAL DIV. RATE - 2.1100CFS
N DIVERSION POINT - NESW 20 11N 06W 20 11N 06W LOT 03
N FROM - 03-15 TO - 11-15 USE - IRRIGATION USE DIV. RATE - 2.1100CFS
N USE - IRRIGATION PLACE OF USE - TWN 11N RNG 06W SEC 20 TRACT NWNW AC 26 TRACT SENW AC 29
N TRACT NESW AC 25 TRACT NWSW AC 26
N USE - IRRIGATION PLACE OF USE - TWN 11N RNG 06W SEC 19 TRACT NENE AC 02
N REMARKS - AC. IRR.=107.3.
N SOURCES ARE SCOTTS CK. & WARM SPRINGS CK., TRIB. SNAKE RIVER.

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 67-4173
OTd No. New No.

Record

1. Original Owner: Myrtle M. + Genevieve L. Witte

Present Owner: _____

2. Address: Rt. 1 Box 1043. City: Weiser State: ID Zip: 836724. A. Source of Water: Scotts Creek + Warm Springs CreekB. Tributary of: Snake River5. 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: 6-1-1910D. County: 87E. Total Diversion Rate: 2.11

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>NESW</u>	<u>20</u>	<u>11N</u>	<u>6W</u>		
		<u>20</u>	<u>11N</u>	<u>6W</u>	<u>3</u>	

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

from 3-15 to 11-15 for A purposes. Amount 2.11
(cfs or AC-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 _____

8. Use Code: A

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	
11N	6W	20						26		29	25	26							
		19	2																

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Az. In. = 107.3.
 B. source area
 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):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

<u>Item</u>	<u>Initial</u>	<u>Date</u>
-------------	----------------	-------------

Application No. 67-4173

✓ 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 - 6651.6 acres in SW 1/4, NE 1/4
✓ Signature
✓ Fee

(1) CCB 24 Jul 77

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

(4) ESP 24 Feb 77

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) M OK

Affidavit of Publication received(date) 4-11-77

(12) _____

Final date for protests N/A

Protests received: yes no ✓

(13) _____

All requested information received from agencies or applicant: yes_____no_____

(14) _____

Action recommended:

 Approve Deny

1	Proposed Priority
---	-------------------

Reason for Reduction

Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District W

By PH Date 7-11-77

(14)

Processing
This claim this far
was extremely difficult to do.
Granted the claim could
be in a little better form,
but it will have to do.
H.S.

THE LIVE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

April 12, 1977

Re: Claim to a Water Right No. 67-4173

Myrtle M. &/or Genevieve L. Witte
Route 1, Box 104
Weiser, ID 83672

Dear Mrs. Witte:

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.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS: rf

Enclosure

MICROFILMED

March 2, 1977

Myrtle H. Witte
Route 1, Box 104
Weiser, ID 83672

Dear Mrs. Witte:

Enclosed is your receipt #6719 in the amount of \$10.00 for Claim to a Water Right No. 67-4173 which was received in this office on February 24, 1977.

Sincerely,

RITA FLECK
Secretary

RF

Enc.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 25, 1977

Re: Notice of Claim to a Water Right No. 67-4173 - Myrtle &/or Genevieve
Witte

The Signal American
P. O. Box 709
Weiser, ID 83672

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 March 21, 1977.

Sincerely,

Bill submitted
4-11-77
ry

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4173

Notice is hereby given that MYRTLE M. &/or GENEVIEVE L. WITTE

Rt. 1, Weiser, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 1.28 cubic feet per second ~~XXXXXX~~ of water
from Scotts Creek and 0.83 c.f.s. of water from Warm Spring Creek
with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 3 Sec 20, T11NXXR6
T11N-R6W B.M., Washington County.

The water is claimed to be used from March 15 to Nov 15
for the irrigation of 107 acres

with a priority of 1910;
the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ T12S $\frac{1}{4}$ Sec 20,
T11N-R6W B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the The Signal American, Weiser, ID
on March 3, 1977 and March 10, 1977.

NOTICE OF WATER RIGHT CLAIM
TO A WATER RIGHT
No. 67-4172

Notice is hereby given that
MYRTLE M. [redacted] or
GENEVIEVE L. [redacted] R.
1, Weiser, ID has filed a
claim to a water right es-
tablished by [redacted] and
application to [redacted] of
1.28 cubic feet per second
of water from [redacted] and
0.83 c.f.s. [redacted] from
Warm Spring Creek at the
point of diversion in the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot [redacted] 20,
T11N-R6W B.M., [redacted]
ton County.

The water is claimed to be
used from March 3 to Nov
15 for the irrigation of 107
acres with a priority of 1910;
the place of use is within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19,
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19,
N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 20, T11N-R6W
B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Resources, State-
house, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Signal
American, Weiser, ID on
March 3, 1977 and March 10,
1977.

APPROPRIATION

February 10, 1977

RE: Claim to a Water Right

Myrtle M. Witte
Rt. #1, Box 104
Weiser, ID 83672

Dear Mrs. Witte:

We are returning your claim to a water right and affidavit for additional information.

In describing the amount of water claimed, the amount on line 2 is given as .083 cfs and amount of 42 inches shown. I feel you intended to list it as 0.83 cfs which would be 41½ inches of water. The use to which the water is applied should also be shown, such as irrigation, stockwater, etc., Line 3 would reflect the total amount of water claimed.

Under 6-A you have listed two 40 acre tracts, yet have a total of 105.3 acres of irrigated land. The affidavit indicates some land in section 19 is irrigated.

Please supply this additional information and return the claim and affidavit to us along with a \$10.00 filing fee for processing.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cs

Enc:

MICROFILMED