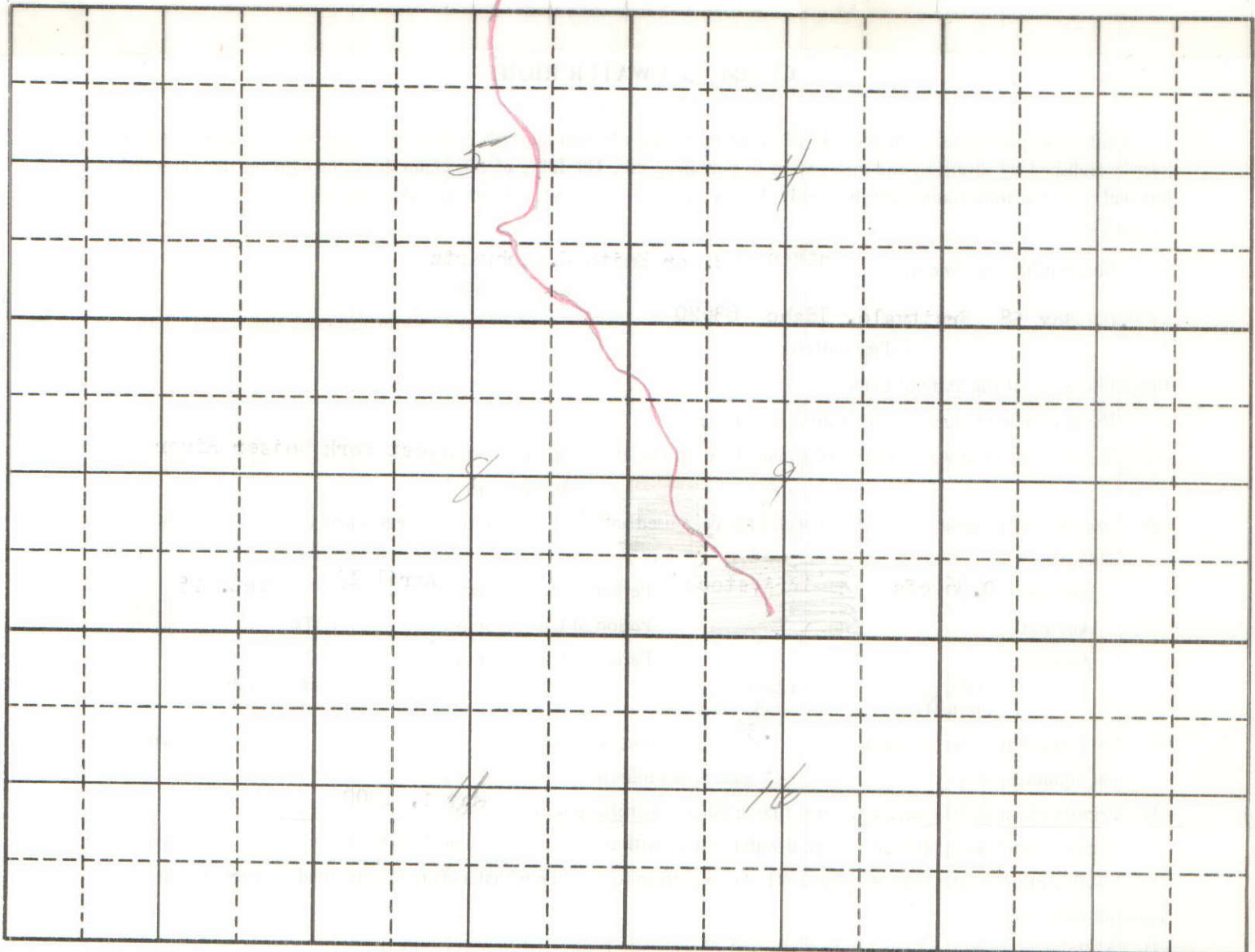


32

Point of Diversion



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)
) ss.
County of Adams)

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.

Edith J. Schwartz

G. B. Schwartz
(Claimant)

Sworn to before me this 15th day of April, 19 75.

Darwin D. Kisher
Notary Public
Residing at Council, Idaho

My commission expires Life

For Department Use Only

Received by <u>ef</u>	Date <u>4-17-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ef</u>	Date <u>4/17/75</u>		claimant by:	
\$10.00 fee received by <u>ef</u>	Date <u>4/17/75 #499</u>			
Approved for publication by <u>ef</u>	Date <u>5-12-75</u>			
Published in <u>Adams County Leader</u>				
Dates <u>May 1 & May 18 4/24/75</u>				

MAY 12 1975

NOTICE OF CLAIM TO A
WATER RIGHT
No. 67-4124

Notice is hereby given that ANTHONY B. OR EDITH J. SCHWARTZ P. O. Box 58, Fruitvale, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.36 cubic feet per second of water from W. Fork Weiser River, trib. to Weiser River with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 18 N, R. 1 W, B.M. Adams County.

The water is claimed to be used from April 15 to Oct. 15 for stock use and irrigation of 12 acres with a priority of May 1, 1900; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 17 N, R. 1 W, 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 Adams County Leader, Council, ID on May 1, 1975 and May 8, 1975.

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

No. 67-4124 Anthony B or Edith J Schwartz 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 May 1, 1975

and the last in the issue dated May 8, 1975 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 9TH

day of May, 1975

Notary Public for Idaho,
Residing at Council, Idaho

Ok
Clerk
5-12-75

MICROFILMED

RECEIVED
MAY 7 1975

Department of Water Resources
May 9, 1975

Idaho Department of Water
Statehouse, Boise, Idaho.

Dear Sir:

I am writing a ~~ly~~ception to the
Claim to Water Right No. 67-4124
Anthony B. or Edith J. Schwartz for
0.36 Cubic Feet Per Second. The
diversion showing that this water
has to flow down our ditch,
which they have no other
water right, they have never
maintained or used this ditch
at any time.

If you need anymore information
please let me know.

Everett Harrington
Hornet Creek Route
Council, Idaho.

AFTER 5 DAYS RETURN TO

Quentin Harrington
Council, Idaho

ZIP CODE

83619



Idaho Department of Water
Statehouse.

Boise, Idaho.

83720

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 Anthony B. or Edith J. Schwartz
(name of claimant)
of P.O. Box 58 Fruitvale, Idaho 83620, 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) West Fork Weiser River
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|---------------------------|---------------------|-----------------|----|------------------------|
| Amount | <u>0.36 cfs</u> | Use | <u>irri, stock</u> | Period of Use: From | <u>April 15</u> | To | <u>Oct. 15</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| 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: 0.36 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) May 1, 1900

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)
SW ¼ SE ¼, Sec. 32 Twp. 18N Rge. 1W B. M. County of Adams
Additional points of diversion: _____

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. The diversion dam is rock and there is a concrete headgate, with a screw down closing.

- (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	
<u>17N</u>	<u>1W</u>	<u>9</u>																	<u>12</u>

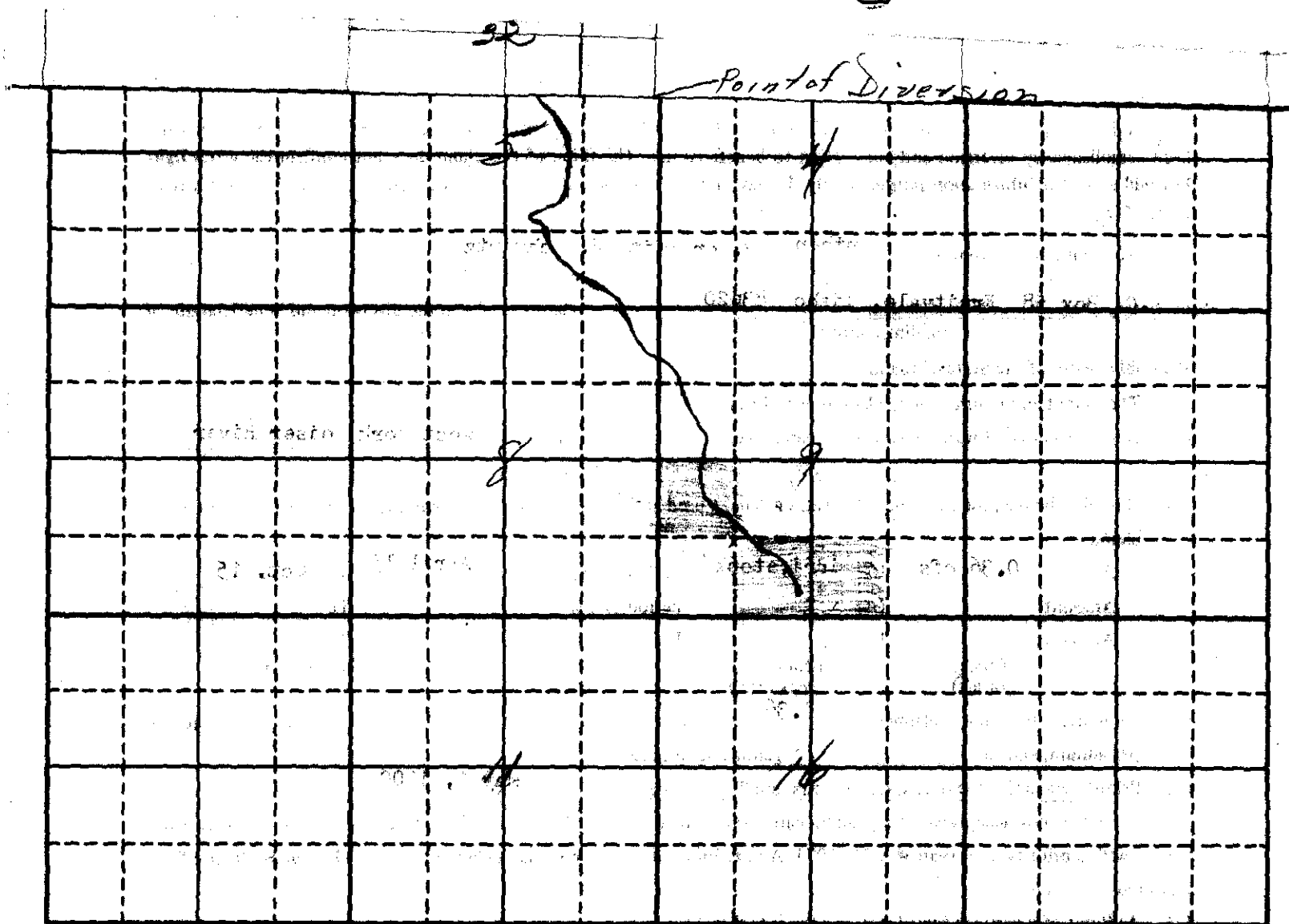
Total No. of acres 12

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

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

MICROFILMED

(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)

) ss.

County of Adams)

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 affiant's knowledge.

Edith J. Schwartz

A. B. Schwartz
(Claimant)

Sworn to before me this 15th day of April

19 75

Samuel A. Lusk
Notary Public

Residing at Council, Idaho

My commission expires Life

For Department Use Only

Received by <u>JA</u>	Date <u>4-17-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JA</u>	Date <u>4/17/75</u>		claimant by:	
\$10.00 fee received by <u>JA</u>	Date <u>4/17/75</u>	<u>#499</u>		
Approved for publication by <u>Ch. Ok</u>	<u>5/2-75</u>			
Published in <u>Adams County Leader</u>				
Dates <u>May 1 & May 8</u>	<u>4/24/75</u>			

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

No. 4124 Anthony B. or Edith J. Schwartz as the 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 May 1, 1975

and the last in the issue dated May 8, 1975 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 9TH

day of May, 1975

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 4124

Notice is hereby given that ANTHONY B. or EDITH J. SCHWARTZ P. O. Box 50, Fruitvale, ID has filed a claim to a water right established by diversion and application to beneficial use of 120 cubic feet per second of water from W. Fork Weiser River, trib. to Weiser River with the point of diversion in the SW 1/4, Sec. 22, T. 18 N, R. 1 W, 33 E, Adams County, ID.

The water is claimed to be used from April 15 to Oct. 15 for stock use and irrigation of 12 acres with a priority of May 1, 1960; the place of use is within the NW 1/4, Sec. 22, T. 18 N, R. 1 W, 33 E, Adams County, ID.

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

R. KEITH HIGGINS

Director

Published in the Adams County Leader, Council, ID on May 1, 1975 and May 8, 1975.

Ok
Clerk
5-12-75

ACTION

N	OWNER LAST NAME - SCHWARTZ	FIRST NAME - ANTHONY B.
N	OWNER LAST NAME - SCHWARTZ	FIRST NAME - EDITH J.
N	ADDRESS LINE 1 - P.O. BOX 58	
N	CITY - FRUITVALE	STATE - ID ZIP CODE - 83620
N	SOURCE - WEISER RIVER, WEST FORK	TRIBUTARY OF - WEISER RIVER
N	STAGE - STATRY CLM	PRIORITY - 05-01-1900 COUNTY - ADAMS TOTAL DIV. RATE - .3600CFS
N	DIVERSION POINT - SWSE 32 18N 01W	
N	FROM - 04-15 TO - 10-15 USE - IRRIGATION	USE DIV. RATE - .3600CFS
N	USE - STOCKWATER	
N	USE - IRRIGATION	PLACE OF USE - TWN 17N RNG 01W SEC 09 TRACT NWSW AC 05 TRACT SESW AC 06
N		TRACT SWSE AC 01

1000

62-4124

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4124
 OTd No. _____ New No. _____

Record

1. Original Owner: Anthony B. + Edithy. Schwartz

Present Owner: _____

2. Address: P.O. Box 58

3. City: Fruitvale State: Id Zip: 83620

4. A. Source of Water: Weiser River, West Fork

B. Tributary of: Weiser 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: 5-1-1900

D. County: 03

E. Total Diversion Rate: .36

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>SWSE</u>	<u>32</u>	<u>18N</u>	<u>1W</u>		

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

from 4-15 to 10-15 for A purposes. Amount .36
 (cfs or AC-FT/yr)

from _____ to _____ for S 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 _____

ch 11-8-79

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
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):

file in 67-4124

MAY 23 1955
- received by
cls

Fruitvale Ida
May 21 - 1955

I do not want water

Boris Ida

Dear Sir:

We are writing in regards to a water claim for flood water for Anthony + Edith Schwartz claim # 67-4124

We have lived on our present place since August 8/1957. We have a water right in the Osborn Groom ditch which is the ditch in question. The Schwartz property has used water from this ditch since we have been here. The ditch runs through their property to end. They use extra water coming down the ditch.

The former owner helped purchase a flume needed to carry the water through a canyon.

Ladell has used some of Schwartz machinery to clean the ditch.

There are headgates and lateral ditches from the Osborn Groom ditch to the Schwartz property showing water has been used.

Ladell H. Mark
Margaret Mark

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No. 67-4124

☒ 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) R.W.H. 4-22-75

In form to receipt

(2) NA

Send Copies to:

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

(3) NA

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) R.W.H. 4-22-75

In form for advertising

(5) NA

Platted on Map No. NA

(6) R.W.H. 4-22-75

Located within Water District No. 67

(7) NA

Critical groundwater area: yes NA no NA

(8) NA

Groundwater levels:

NA Declining, NA Stable, NA Increasing

(comment) NA

(9) NA

Other rights on the same place of use

(10) NA

Comments: NA

(11) OK 5-12-75

Affidavit of Publication received(date) OK

(12) NA

Final date for protests NA

Protests received: yes NA no NA

(13) OK 5-19-75

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

(14) OK 5-19-75

Action recommended:

☒ Approve ☐ Deny

NA Proposed Priority

NA Reason for Reduction

NA Measuring device required

NA See attached sheet for other conditions of approval

NA No special conditions for approval

(15) District Western

By W. Clayton Brown Date 5-19-75

RECEIVED

1975

Department of Water Resources

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

May 19, 1975

Anthony B. Schwartz
P.O. Box 58
Fruitvale, ID 83620

Re: Claim to a Water Right No. 67-4124

Dear Mr. Schwartz:

In reference to the above claim, the enclosed is a copy of an exception filed by Everett Harrington in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime 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 on 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."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

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

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

May 19, 1975

Everett Harrington
Hornet Creek Route
Council, ID 83612

Re: Claim to a Water Right No. 67-4124 - Anthony B. or Edith J. Schwartz

Dear Mr. Harrington:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime 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 on 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."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we can be of further assistance, please contact me.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

May 19, 1975

Anthony B. Schwartz
P.O. Box 58
Fruitvale, ID 83620

Re: Claim to a Water Right No. 67-4124

Dear Mr. Schwartz:

The Department of Water Resources has completed the processing 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.

As you are aware, the filing of a 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 may be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF: cla

RECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 25, 1975

Adams County Leader
Council, ID 83612

Re: Claim to a Water Right No. 67-4121 - Ladell &/or Margaret Merk
67-4122 - T. J. Glenn Ditch
67-4123 - Elvin Craig
67-4124 - Anthony B. or Edith J. Swartz

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 in 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)

Sincerely,

Bill Submitted

5-12-75

cla

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4124

Notice is hereby given that ANTHONY B. OR EDITH J. SWARTZ
P.O. Box 58, Fruitvale, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.36 cubic feet per second ~~acre feet~~ of water
from W. Fork Weiser River, trib. to Weiser River
with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 18 N, R. 1 W, B.M.
Adams County

The water is claimed to be used from April 15 to Oct. 15
for stock use and irrigation of 12 acres

with a priority of May 1, 1900;
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 17 N,
R. 1 W, 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 Adams County Leader, Council, ID
on May 1, 1975 and May 8, 1975

ED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 21, 1975

Edith J. Schwartz
P.O. Box 58
Fruitvale, ID 83620

Edith Mrs. Schwartz:

Enclosed is your Receipt No. 499 in the amount of \$ 10.00 for
1 Claim to a Water Right No. 67-4124 which was received in this office
on April 17, 1975.

Sincerely,

JANE GRIDLEY
Stenographer

JG:jg

Enclosure