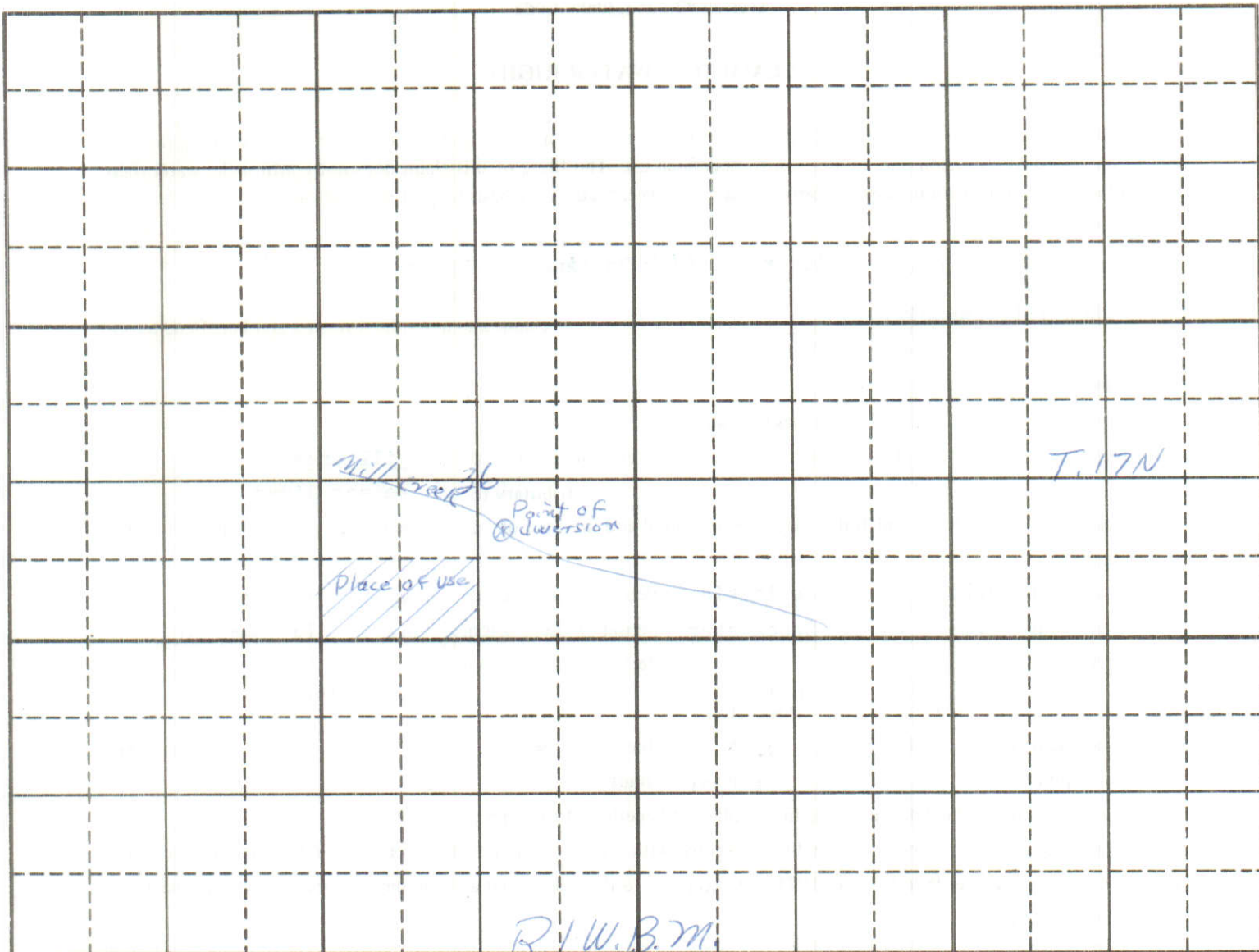


(8) Remarks _____



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.

Sworn to before me this 13th day of March

Richard D. Williams
(Claimant)

, 19 75.

V. F. Pullman
Notary Public
Residing at Boise, Idaho

My commission expires Sept. 4, 1976

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>3-13-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>3-13-75</u>		claimant by:	
\$10.00 fee received by <u>AW</u>	Date <u>3-13-75</u>	<u>#419</u>		
Approved for publication by <u>AW</u>	<u>4-8-75</u>	<u>OK</u>		
Published in <u>Adams County Leader</u>				
Dates <u>March 20 & 27</u>				

RECEIVED

Department of Water Resources

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

No. 67-4110

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 March 27, 1975

and the last in the issue dated April 3, 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 4TH

day of April, 1975

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A
WATER RIGHT
No. 67-4110

Notice is hereby given that RICHARD L. &/or DARLIN J. WILLIAMS Box 111, Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.79 cubic feet per second of water from Mill Creek tributary to Weiser River with the point of diversion in the NW 1/4 SE 1/4, Sec. 36, T. 17 N, R. 1 W, B.M. Adams County.

The water is claimed to be used from May 15 to Oct. 1 for Irrigation and from Jan. 1 to Dec. 31 for Stockwater with a priority of 1950; the place of use is within the S 1/2 SW 1/4, Sec. 36, 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 March 27, 1975 and April 3, 1975.

ok
4-8-75
cla

MICROFILMED

PR 7 1975

Affidavit of Publication

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said "Notice" as aforesaid.

Subscribed and sworn to before me this 31st

day of

March, 1975

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4110

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The water is claimed to be used from May 15 to Oct. 1 for Irrigation and from Jan. 1 to Dec. 31 for Stockwater with a priority of 1950; the place of use is within the S 1/2 SW 1/4, Sec. 38, 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 March 20, 1975 and March 27, 1975.

this legal had to be run
two more times because of
a mistake in location

Mar - 27 -
April 3, 1975

MICROFILMED

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 Richard L. &/or Darlin J. Williams
(name of claimant)
of Box 111, Council, ID, 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) Mill Creek
tributary to, Weiser 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:

Amount	<u>0.76</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>May 15</u>	To	<u>Oct. 1</u>
Amount	<u>0.03</u>	Use	<u>Stockwater</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</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: 0.79 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) 1950

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)
NW ¼ SE ¼, Sec. 36 Twp. 17N 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. gravity diversion from Mill Creek

(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	
17N	1W	36											30	8					38

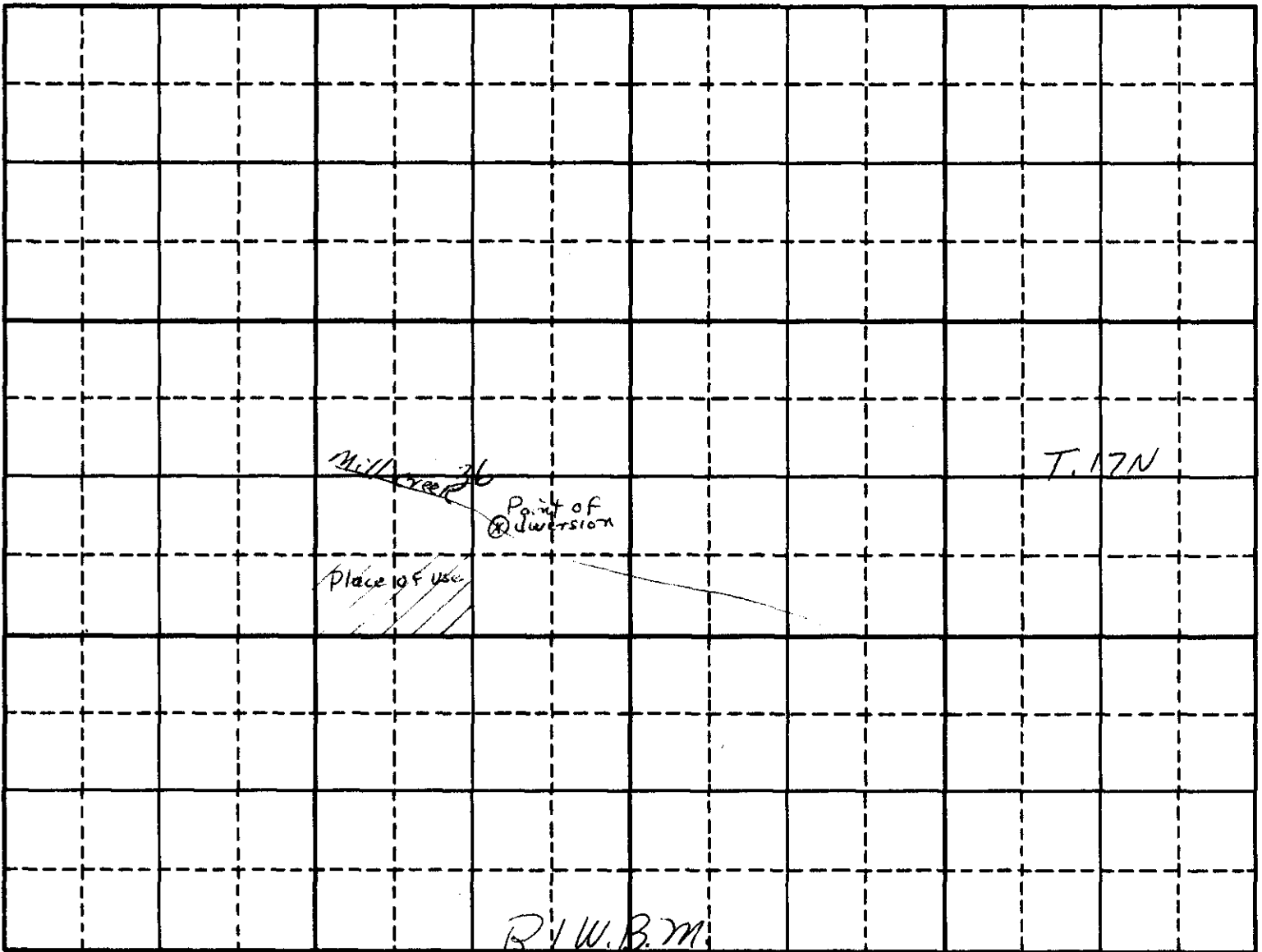
Total No. of acres 38

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 70 head

(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)
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.

Sworn to before me this 13th day of March, 19 75.

Richard P. Williams
(Claimant)

V. F. Sullivan
Notary Public

Residing at Boise, Idaho

My commission expires Sept. 4, 1976

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>3-13-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>3-13-75</u>		claimant by:	
\$10.00 fee received by <u>OK</u>	Date <u>3-13-75</u>	<u>#449</u>		
Approved for publication by <u>OK</u>	Date <u>4-8-75</u>			
Published in <u>Adams County Leader</u>				
Dates <u>March 20 & 27</u>				

RECEIVED

Deposition Resources

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

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said " Notice " as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 4TH

day of April 1975

Paul Braun

Notary Public for Idaho,
Residing at Council, Idaho

Ok
48-75
cla

MICROFILMED

1975

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said "Notice" as aforesaid.

Bert J. Rogers

Subscribed and sworn to before me this 31st

day of March, 1975

Paul J. Blau

Notary Public for Idaho,
Residing at Council, Idaho

ck

has
this legal ~~had~~ to be run
two more times because of
a mistake in location

*mar - 27 -
april 3, 1975*

RECORDED

ACT
ION

N	OWNER LAST NAME - WILLIAMS	FIRST NAME - RICHARD L.
N	OWNER LAST NAME - WILLIAMS	FIRST NAME - DARLIN J.
N	ADDRESS LINE 1 - P.O. BOX 111	
N	CITY - COUNCIL	STATE - ID
N	SOURCE - MILL CREEK	TRIBUTARY OF - WEISER RIVER
N	STAGE - STATRY CLM	PRIORITY - 06-01-1950 COUNTY - ADAMS TOTAL DIV. RATE - .7900CFS
N	DIVERSION POINT - NWSE 36 17N 01W	
N	FROM - 05-15 TO - 10-01 USE - IRRIGATION	USE DIV. RATE - .7600CFS
N	FROM - 01-01 TO - 12-31 USE - STOCKWATER	USE DIV. RATE - .0300CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 17N RNG 01W SEC 36 TRACT SWSW AC 30 TRACT SESW AC 08
N	NON IRRIG USE - S/70 HEAD.	

3000

67-4110

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. 167-4110
Old No. New No.

Record

1. Original Owner: Richard L. & Darlin J. Williams

Present Owner: _____

2. Address: P.O. Box 1113. City: Council State: Id Zip: _____4. A. Source of Water: Mill CreekB. Tributary of: Weiser 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: 6-1-1950D. County: C3E. Total Diversion Rate: .79

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>NWSE</u>	<u>36</u>	<u>17N</u>	<u>1W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 5-15 to 10-1 for A purposes. Amount .76
(cfs or AC-Ft/yr)from 1-1 to 12-31 for S purposes. Amount .03

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

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

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

S / 70 head

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):

Margit,
Please file these
in 67-4110



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

Cecil D. Andrus
Governor

R. Keith Haggins
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

December 10, 1975

Harold L. Ryan
Attorney-at-Law
P.O. Box 587
Weiser, ID 83672

Dear Mr. Ryan:

Enclosed you will find a copy of Water License #415 dated August 24, 1912, issued by A. E. Robinson, State Engineer, State of Idaho. There will be no charge for this copy.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,

CATHY L. SHAW
Senior Clerk

CLS:cs

Enclosure

DEC 10 1975

Ryan & Sweet

FRANK D. RYAN - 1956
HAROLD L. RYAN
NICK G. SPEROPULOS - 1967
MICHAEL B. SWEET

ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 587
WEISER, IDAHO 83672

TELEPHONE
549-2651
AREA CODE 208

December 8, 1975

Mr. L. Glen Saxton, P.E.
Department of Water Resources
Western Region
506 North 5th
Boise, Idaho 83702

Re: Filing of Water Claim 67-4110
by Richard L. Williams

Dear Mr. Saxton:

I thank you for your reply of December 1st in re the
above captioned party.

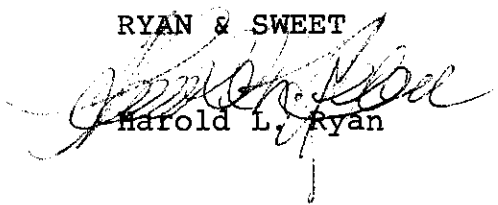
There has since come to my attention a deed on the
chain of title to the property that Mr. and Mrs. Williams own
which deed refers to all water rights derived under water
license number 6415 dated August 24, 1912, issued over the
signature of A. E. Robinson, State Engineer, State of Idaho.

I would appreciate it if you could locate and send to
me a copy of this water license. If there should be a charge,
please let me know, and we shall promptly remit.

Very truly yours,

RYAN & SWEET

67-2091


Harold L. Ryan

HLR/pb
cc: Mr. Richard L. Williams
Council, Idaho 83612

RECEIVED

NOV 23 1975

Ryan & Sweet

ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 587
WEISER, IDAHO 83672

FRANK D. RYAN - 1956
HAROLD L. RYAN - 1956
NICK G. SPEROPULOS - 1967
MICHAEL B. SWEET

Department of Water Resources
549-2651
AREA CODE 208

November 26, 1975

Mr. L. Glen Saxton, P.E.
Department of Water Resources
Western Region
506 North 5th
Boise, Idaho 83720

Re: Application for Permit No. 67-7242

Dear Mr. Saxton:

This office represents Mr. Richard L. and/or Mrs. Darlin J. Williams, husband and wife, whose post office address is Box 111, Council, Idaho. Mr. and Mrs. Williams are the owners of the south half of the Southwest Quarter in Section 36, Township 17 North, Range 1 West of Boise Meridian, in Adams County.

In the latter part of 1974, or early 1975, Mr. and Mrs. Williams were in my office concerning the matter of the water rights on their 80 acres above described.

They advised me at the time that in their deed to this 80 acres, it included all water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water rights under the East Fork Ditch Company and/or Mill Creek.

In searching somewhat in the chain of title, there are various references to water rights out of the East Fork Ditch Company and Mill Creek.

Their concern at the time was the fact that certain users of the Mill Creek Ditch were objecting to their irrigating the northwest quarter of their premises directly from the Mill Creek Ditch (sometimes called the Hoover Ditch). They had talked to neighbors, prior landowners, and others concerning the water history of this place and sought advice as to their use of waters from Mill Creek Ditch.

From my study, it appeared that their use of waters from the Mill Creek Ditch was a user right of many years past, as were their water rights in the East Fork Irrigation Ditch of many years duration, although the East Fork Irrigation District

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Mr. L. Glen Saxton, P.E.
Western District Engineer
November 26, 1975
Page -2-

apparently is a stock company which entitled them to 67 shares thereof.

My suggestion at that time was that pursuant to 42-225(a) Idaho Code, that they supplement their record by filing such a claim to water right, and I suggested that they do this on their own as it was not necessary to have an attorney there. Apparently on the 13th of March they, pursuant, 42-225(a) Idaho Code, filed their claim to a water right out of the Mill Creek Ditch, being claim number 67-4110, with your department. In addition to that, apparently someone advised them to file an application for permit pursuant to 42-202(et seq.) Idaho Code.

Following this filing, pursuant to publication, protest was entered to the Application No. 67-7242. Under the circumstances it would appear to be academic, or that an unnecessary application was being filed to an already long-established water right. I have, therefore, advised Mr. and Mrs. Williams that I would suggest that they withdraw their application No. 67-7242. They have, therefore, authorized me as attorney for them to direct you to so withdraw such application for permit No. 67-7242 and advised that they will continue to rely upon the user rights established over the years.

I have further advised Mr. and Mrs. Williams to establish a weir in the Mill Creek Ditch to make certain that all prior water rights established under previous litigation pass to the lower water users, and to each year, from time to time, keep a log on the actual amount of measured water that he is supplying to the northwest corner of his premises.

Apparently the adjudicated use out of this ditch in the old court decrees calls for approximately 146 miners' inches. In 1975 the water flowing through the Mill Ditch was in excess of 200 miners' inches and the ditch carrying capacity would be approximately 300 miners' inches. You and Mr. Adler, the protestants' attorney, may be assured that Mr. Williams, during a short water time by use of the weir and measurement will honor all prior water rights in this deed which are prior in time to his usage by himself and his predecessors.

I am sending a copy of this letter to Mr. Kenneth P. Adler, attorney for the protestants, to advise him of this

RECEIVED

Mr. L. Glen Saxton, P.E.
Western District Engineer
November 26, 1975

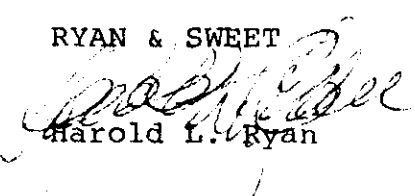
withdrawal of the application and the precise position that is being taken by Mr. Williams. Should Mr. Adler's clients have objection to this position, they may please take notice of this letter, and, of course, if they wish, could seek injunctive relief of the District Court.

At any rate, for the file, I would appreciate your filing this letter in your pertinent file.

Should you have any further advice or suggestions from time to time, we would always, of course, welcome such.

Very truly yours,

RYAN & SWEET


Harold L. Ryan

HLR/pb

cc: Mr. and Mrs. Richard Williams
Box 111
Council, Idaho 83612

Mr. Kenneth Paul Adler
Attorney at Law
Council, Idaho 83612

MD



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 14, 1975

Richard L. &/or Darlin J. Williams
Box 111
Council, ID
83612

Re: Claim to a Water Right No. 67-4110

Dear Mr. Williams

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:

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

claim
Application No. 67-4110

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

(1) VB 3-13-75

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) CL 3-13-75

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) Clu 4-8-75

Affidavit of Publication received(date) OK

(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 By

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DEPT. OF WATER RESOURCES

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

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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

March 14, 1975

Adams County Leader
Council, ~~Boise~~ 83612
OK

Re: Application for Water Permit No. 67-7242, Richard L. &/or Darlin J. Williams
Claim to a Water Right No. 67-4110, Richard L. &/or Darlin J. Williams
78-4060, Kenneth L. Johnson

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,

*called on error readvertized
again on March 27 & April 3*

*Bill submitted
4-8-75*

Ch
MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4110

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Box 111, Council, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.79 cubic feet per second ~~acre feet~~ of water
from Mill Creek tributary to Weiser River
with the point of diversion in the NE 1/4, Sec. 36, T. 17 N, R. 1 W, B.M.
Adams County

The water is claimed to be used from May 15 to Oct. 1 for Irrigation
~~for~~ and from Jan. 1 to Dec. 31 for Stockwater

with a priority of 1950;
the place of use is within the SE 1/4, Sec. 36, 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

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on March 20, 1975 and March 21, 1975
27 + April 3

Protest 14th

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