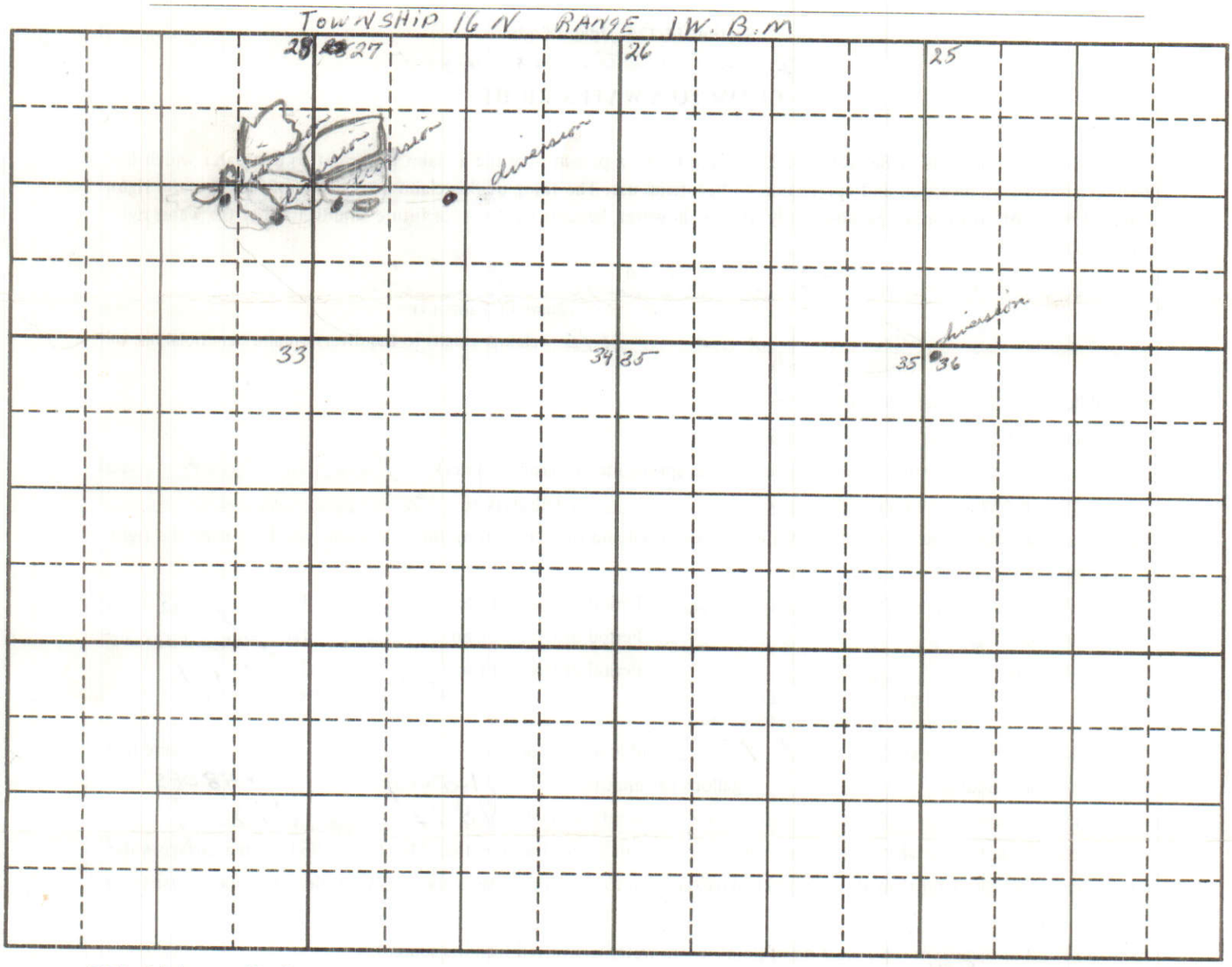
(8) Remarks Several people divert water from Cottonwood Creek at NW¼ NW¼ SEC. 36 through a channel to Lester Creek for ample flood water rotation and decreed rights.

TOWNSHIP 16 N RANGE 1 W. B.M



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.

June Derie
(Claimant)

Sworn to before me this 6 day of January, 1975.

Edwin D. Lester
Notary Public
Residing at Council, Idaho

My commission expires life

For Department Use Only

Received by CJ	Date 1/15/75	Exception filed by:	Forwarded to claimant by:	Date	
Prelim. check by CS	Date 1/16/75				
$10.00 fee received by CK	Date 1/15/75 #15387				
Approved for publication by 1-16-75 JG	OK 2-3-75				
Published in Adams County Leader					
Dates Jan 23 & Jan 30					

4th + minimum fee to add ft 154

RECEIVED
Department of Water Resources
FEB 5 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 a No. 67-4103 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 January 23.1975 and the last in the issue dated January 30.1975 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.

Bert J. Rogers

Subscribed and sworn to before me this 3RD day of FEBRUARY, 1975.

Anne I. Braun

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT
No. 67-4103

Notice is hereby given that LARRY OR JUNE DERIE Star Rt., Council, ID has filed a claim to a water right established by diversion and application to beneficial use of 1.93 cubic feet per second of water from Lester Creek and Cottonwood Creek trib. to Weiser River with the point of diversion in the NE¼-SW¼, NW¼SW¼, Sec. 27, NE¼-SE¼, NW¼SE¼, Sec. 28, NW¼-NW¼, Sec. 36, T. 16 N, R. 1 W, B.M. Adams County.

The flood water claimed is to be used from April 1 to July 30 for irrigation of 89 acres and for the waste water claimed is to be used from July 15 to Oct. 1 for irrigation of 89 acres with a priority of 1.5 cfs 1896 and .48 cfs 1952; the place of use is within the SW¼NW¼, NW¼SW¼, Sec. 27, S½NE¼, N½SE¼, Sec. 28, T. 16 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 Jan. 23, 1975 and Jan. 30, 1975.

O.K. JJ 2-3-75

MICROFILMED

Claim No. 67-4103

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Flood water use right

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 Larry or June Derie (name of claimant)

of Star Rt. Council Idaho 83612 (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) Lester Creek and Cottonwood 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 1.5 CFS Use irrigation Period of Use: From April 1 To July 15-30

Amount .48 CFS Use irrigation Period of Use: From April 1 To July 15-30

Amount waste water Use irrigation Period of Use: From July 15 To Oct 1

(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: 1.98 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) (1.5 CFS) 1896 and (.48 CFS) 1952

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)

NE [redacted] ¼ SW ¼, Sec. 27 Twp. 16N Rge. 1W B. M. County of Adams

Additional points of diversion: NW¼ SW¼ SEC. 27 and NE¼ SE¼ SEC 28 T16N R1W and NW¼ NW¼ SEC. 36 T 16N R1W and NW¼ SE¼ SEC 28 T16N R1W

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. 2 and 3 CFS headgates and diversion, ditches and sometimes sprinkler system to conserve water.

(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	
16N	1W	27							37			7							44
16N	1W	28			5	18									18	4			45

Total No. of acres 89

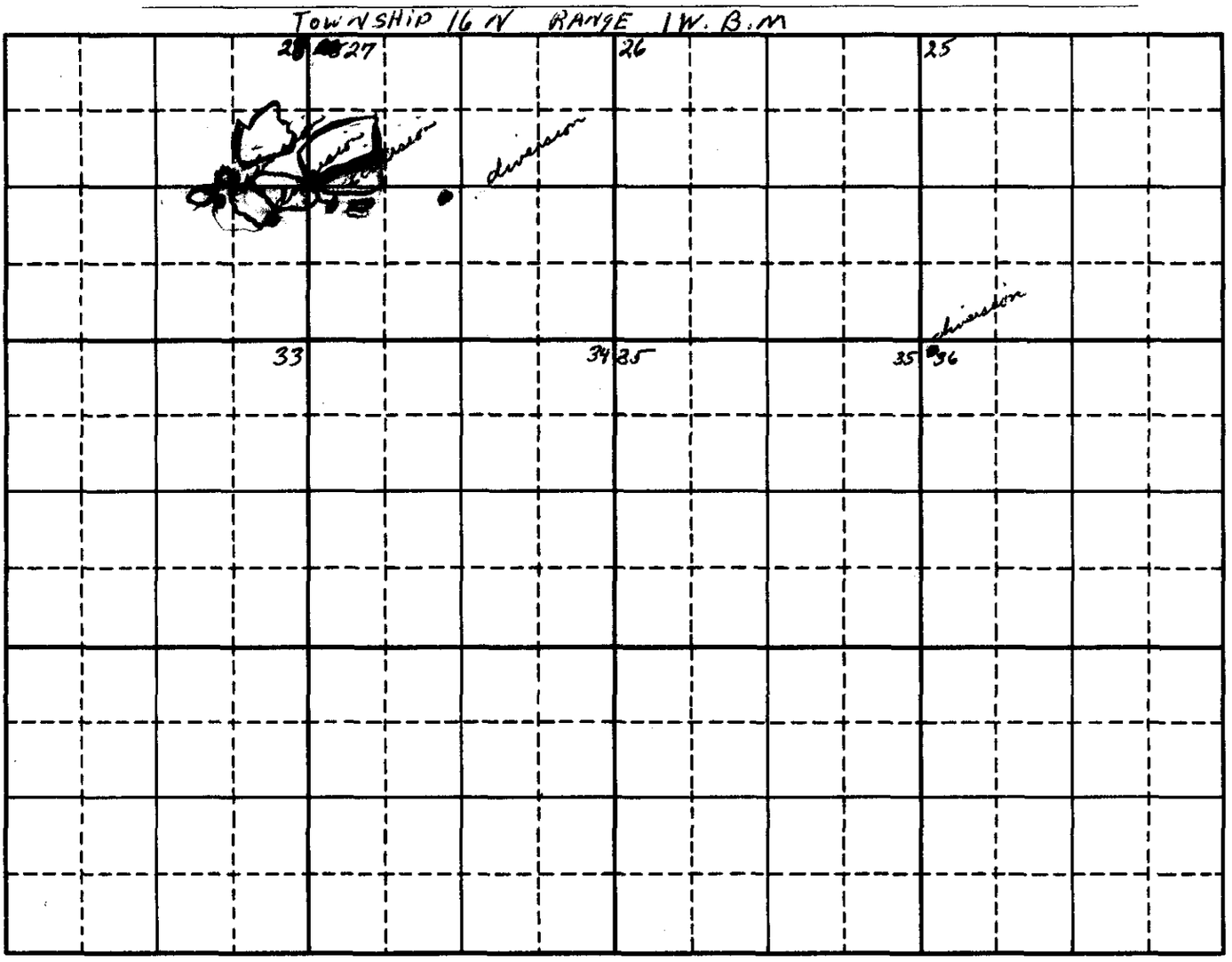
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water

(7) If you are claiming water as a member of an organization, list name of organization: Dist 67

MICROFILMED

(8) Remarks Several people divert water from Cottonwood Creek at NW¼ NW¼ SEC 36 through a channel to Lester Creek for ample flood water rotation and decreed rights.

TOWNSHIP 16 N RANGE 1 W. B.M



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.

June Derie
(Claimant)

Sworn to before me this 6 day of January, 1975.

Edwin D. Lester
Notary Public
Residing at Council, Idaho

My commission expires Life

For Department Use Only

Received by	Date 1/15/75	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by	Date 1/15/75			
$10.00 fee received by	Date 1/15/75 #15387			
Approved for publication by 1-6-75	OR 2-3-75			
Published in Adams County Leader				
Dates Jan 23 & Jan 30				

4th + motion to strike #1 54

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

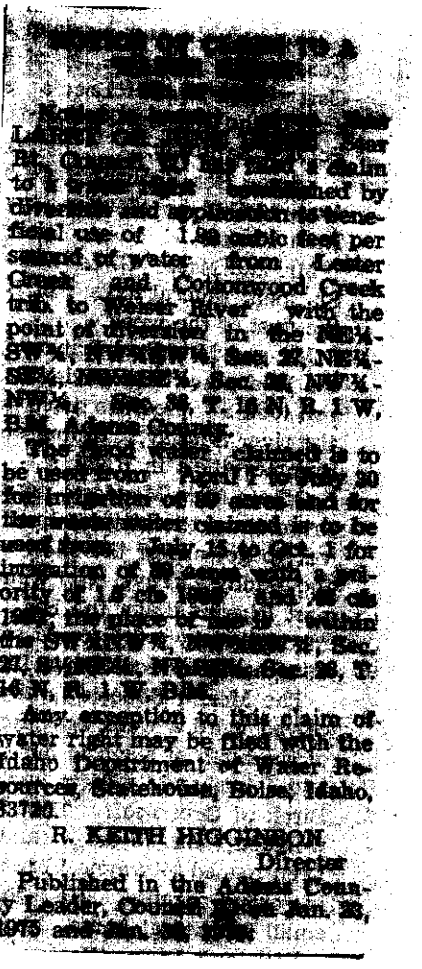
No. 07-4103 as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two (2) consecutive weeks, the first publication of the same being made in the issue dated January 23,1975

and the last in the issue dated January 30,1975 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.

Bert J. Rogers

Subscribed and sworn to before me this 3RD day of FEBRUARY, 1975

Notary Public for Idaho,
Residing at Council, Idaho



Published in the Adams County Leader, Council, Idaho, Jan. 23, 1975 and Jan. 30, 1975

MICROFILMED

Affidavit of Publication 19[illegible]

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 Water Right " No. 67-4103 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 January 23.1975

and the last in the issue dated January 30.1975 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.

Bert J. Rogers

Subscribed and sworn to before me this 3RD day of FEBRUARY , 1975

Paul J. Braun

Notary Public for Idaho,
Residing at Council, Idaho

2-3-75

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ACTION							
N	OWNER LAST NAME - DERIE			FIRST NAME - LARRY			
N	OWNER LAST NAME - DERIE			FIRST NAME - JUNE			
N	ADDRESS LINE 1 - STAR RT.						
N			CITY - COUNCIL		STATE - ID	ZIP CODE - 83612	
N	SOURCE - LESTER CREEK	TRIBUTARY OF - WEISER RIVER					
N	SOURCE - COTTONWOOD CREEK	TRIBUTARY OF - WEISER RIVER					
N	STAGE - STATRY CLM		PRIORITY - 06-01-1896	COUNTY - ADAMS		TOTAL DIV. RATE -	1.9800CFS
N	DIVERSION POINT - NESW 27 16N 01W			NWSW 27 16N 01W			
N	DIVERSION POINT - NESE 28 16N 01W			NWNW 36 16N 01W			
N	DIVERSION POINT - NWSE 28 16N 01W						
N	FROM - 04-01 TO - 07-30 USE - IRRIGATION			USE DIV. RATE -	1.9800CFS		
N	USE - IRRIGATION	PLACE OF USE - TWN 16N RNG 01W SEC 27	TRACT SWNW	AC 37	TRACT NWSW	AC 07	
N	USE - **A1**	PLACE OF USE - TWN 16N RNG 01W SEC 28	TRACT SWNE	AC 05	TRACT SENE	AC 18	
N			TRACT NESE	AC 18	TRACT NWSE	AC 04	

** R ** WATER USE CODE INVALID
** R ** NO INPUT DATA FROM PRECEEDING RECORD

N REMARKS - PRIORITY DATES AR 6-1-1896 OF 1.5 CFS & 6-1-1952 OF .48 CFS.
N SOURCES ARE LESTER CK. & COTTONWOOD CK. TRIB. WEISER R.

Moore Business Forms, Inc. sy

3/79

IDENT. NO. 1N-4103

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
[illegible]	[illegible]	Keypunched by State Office

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____ / 67-4103
OTd No. New No.

Record

1. Original Owner: Larry & June Davis

   Present Owner: _____

2. Address: Star Rt.
3. City: Council State: Id Zip: 83612
4. A. Source of Water: Lester Creek & Cottonwood Creek
   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: 6-1-1896
   D. County: 03
   E. Total Diversion Rate: 1.98
   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	NESW	27	16N	1W		
		NWSW	27	16N	1W		
		NESE	28	16N	1W		
		NWNW	36	16N	1W		
		NWSE	28	16N	1W		

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

from 4-1 to 7-30 for A purposes. Amount 1.98 (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 _____

ck 11-8-79

8. Use Code: A

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16N	1W	27							37			7							
		28			5	18									18	4			

9. A. Decree Name:

   B. Decree Date:

10. Remarks: A. priority dates; 6-1-1896 of 1.5 cfs. + 6-1-1952 of
    B.
    C. Sources are Lester Ck. + Cottonwood Ck., Trib. 48 cfs.
    D. Weiser River.
    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):

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

February 10, 1975

Larry or June Derie
Star Rt.
Council, ID 83612

Re: Claim to a Water Right No. 67-4103

Dear Mr. and Mrs. Derie

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:jg

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 17, 1975

Adams County Leader
Council, ID 83612

Re: Claim to a Water Right No. 67-4103, Larry of June Derie
No. 67-4102, James A. Renwick

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)

Bill submitted
ok JG 2-3-75

Sincerely,

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4103

Notice is hereby given that LARRY OR JUNE DERIE

Star Rt., Council, ID

has filed a claim to a water right established by diversion and application to beneficial use of 1.98 cubic feet per second acre feet of water from Lester Creek and Cottonwood Creek trib. to Weiser River with the point of diversion in the NE¼SW¼, NW¼SW¼, Sec. 27, NE¼SE¼, NW¼SE¼, Sec. 28, NW¼NW¼, Sec. 36, T. 16 N, R. 1 W, B.M. Adams County.

The flood water claimed is to be used from April 1 to July 30 for irrigation of 89 acres and for the waste water claimed is to be used from July 15 to Oct. 1 for irrigation of 89 acres. with a priority of 1.5cfs 1896 and .48 cfs 1952; the place of use is within the SW¼NW¼, NW¼SW¼, Sec. 27, S½NE¼, N½SE¼, Sec. 28, T. 16 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 Jan. 23, 1975 and Jan. 30, 1975.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 15, 1975

Larry Derie
Star Rt.
Council, ID 83612

Re: Claim to a water right No. 67-4103

Dear Mr. Derie

Enclosed is your Receipt No. ~~15387~~ in the amount of $ ~~10.00~~ for ~~claim to a water right No. 67-4103~~ which was received in this office on ~~January 15, 1975~~.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

MICROFILMED

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

January 8, 1975

Larry Derie
Star Rt.
Council, ID 83612

Dear Mr. Derie:

We are returning your claim to a water right form and check for the amount of $10.00. The information you listed is complete, but it appears that you are draining two separate water rights. Each right that was developed should be listed on a separate form. Your 1896 right should therefore, be claimed separately from your 1952 right.

Enclosed are two new claim forms. Please transfer the information from this present form onto the new forms. Indicate on the maps not only points of diversion, but also lands irrigated. Be sure that the maps correspond with items 5a and 6 a of the respective forms.

Return the new forms, signed before a notary, to this department with a fee of $20.00 ($10.00/claim) nad we can process your claims.

Than you for your cooperation.

Sincerely,

M. CLAYNE BARRON
W. R. Technician II

MCB:cla

Enclosures

MICROFILMED

Larry Derie
Star Rt
Caswell

Dept. of Water Resources
Statehouse, Boise, Idaho 83720

RECEIVED
JAN 15
Department of Water Resources

Dear Sir,

The Deputy Water Master, Clell Williamson, advised us to file for a flood water use right. This is what I am filing for (a flood water use right). I am not draining from two separate rights. I refer you to the remarks on item (8). During flood water time, water naturally runs and is diverted from Cottonwood Creek to Lester Creek. In 1896, 1.5 CFS of flood water was used and through the same points of diversion more water was used in 1952 (.48 CFS). This shows more flood water was used in 1952 through the same diversions because of land development.

Sincerely,
Larry Derie

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 67-4103
			✓ 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)	KB	1-15-75	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)	KB	1-15-75	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)	jg	ok	Affidavit of Publication received(date) 2-3-75
(12)	EGB	10 Feb	Final date for protests_____ Protests received: yes_____ no ✓
(13)	N/A		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 Western		By [signature] Date 10 Feb 75

MICROFILMED