



RECEIVED

NOV 12 1974 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 to

No. 67-4089 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 October 24, 1974

and the last in the issue dated October 31, 1974 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 774

day of November, 1974

*Rue Braun*

Notary Public for Idaho,  
Residing at Council, Idaho

MICROFILMED

**NOTICE OF CLAIM TO A  
WATER RIGHT  
No. 67-4089**

Notice is hereby given that WILLIAM H. &/OR ZELLA M. SMITH Star Rt., Council, ID has filed a claim to a water right established by diversion and application to beneficial use of .82 cubic feet per second of water from Mill Creek, trib. to Weiser River with the point of diversion in the 3 pts NW 1/4 NE 1/4, Sec. 35, T. 17 N, R. 1 W, B.M. Adams County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater use and from March 15 to Nov. 15 for irrigation of 40 acres with a priority of 1960; the place of use is within the NW 1/4-NE 1/4, Sec. 35, 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 Oct. 24, 1974 and Oct. 31, 1974.

*Ok  
11-12-74  
Ca*

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 William H. &/or Zella M. Smith (name of claimant)  
of Star Rt., Council, ID (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) 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 | .80 c.f.s         | Use | Irrigation                 | Period of Use: | From | March 15 | To | Nov. 15                |
| Amount | .20 c.f.s         | Use | Stockwater                 | Period of Use: | From | Jan. 1   | To | Dec. 31                |
| 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: .82 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) 1960

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)  
3 pts NW ¼ NE ¼, Sec. 35 Twp. 17 N Rge. 1 W 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. Small diversion dam in stream into  
earth ditches for gravity irrigation

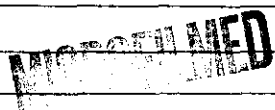
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| 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 | 35   |     | 40  |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 40    |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

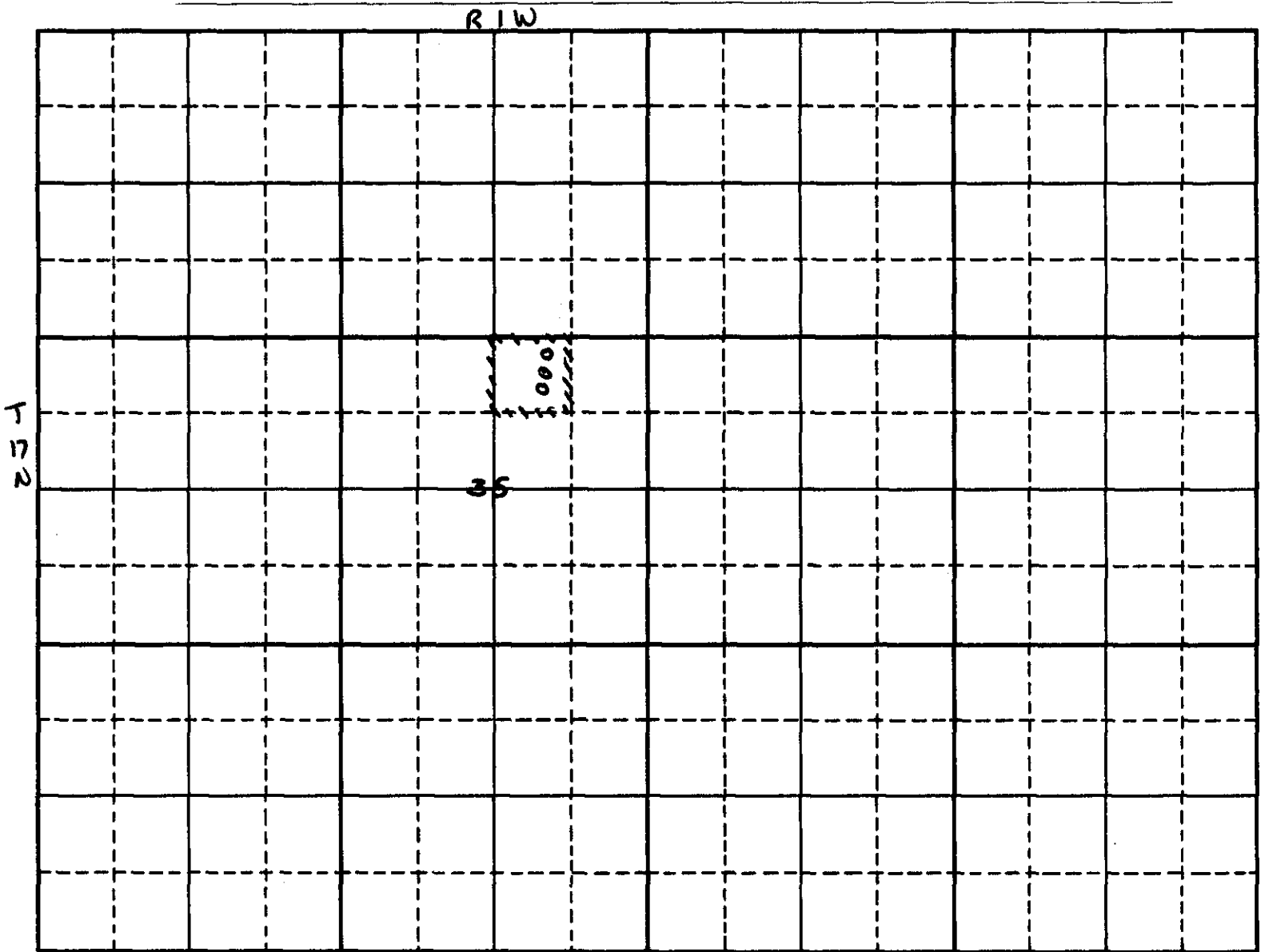
Total No. of acres 40

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:  
Stockwater for 25 head of cattle & horses

- (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.

Sworn to before me this 16<sup>th</sup> day of October, 19 74.

John R. Smith (Claimant)  
Fella M. Smith

Notary Public

Residing at

Susan R. Whaley  
Boise, Idaho

My commission expires 8-6-78

For Department Use Only

|                                         |                      |                     |              |      |
|-----------------------------------------|----------------------|---------------------|--------------|------|
| Received by <u>SEP</u>                  | Date <u>10/16/74</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>SEP</u>             | Date <u>10/16/74</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>SEP</u>      | Date <u>10-16-74</u> | <u>15280</u>        |              |      |
| Approved for publication by <u>OK</u>   | <u>11-12-74</u>      |                     |              |      |
| Published in <u>Adams County Leader</u> | <u>10-18-74</u>      |                     |              |      |
| Dates <u>Oct. 24 &amp; Oct. 31</u>      |                      |                     |              |      |

NOV 12 1974

### 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

Id. 67-4039 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 October 24, 1974

and the last in the issue dated October 31, 1974  
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.

*Bert J. Rogers*

Subscribed and sworn to before me this 7/7/74

day of

November, 1974

*Rue Braun*

Notary Public for Idaho,  
Residing at Council, Idaho

### NOTICE OF CLAIM TO A WATER RIGHT No. 67-4039

Notice is hereby given that  
WILLIAM H. & OR ZELLA M.  
SMITH Star Rt. Council, ID has  
filed a claim to a water right es-  
tablished by diversion and appli-  
cation to beneficial use of .82 cu-  
bic feet per second of water from  
Mill Creek, trib. to Weiser River  
with the point of diversion in the  
3 pts NW 1/4 NE 1/4, Sec. 35, T. 17 N,  
R. 1 W, B.M. Adams County.

The water is claimed to be  
used from Jan. 1 to Dec. 31 for  
stockwater use and from March  
15 to Nov. 15 for irrigation of 40  
acres with a priority of 1900; the  
place of use is within the NW 1/4-  
NE 1/4, Sec. 35, 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 Re-  
sources, Statehouse, Boise, Idaho,  
83720.

R. KENT HIGGINS

Director

Published in the Adams County  
Leader, Council, ID on Oct. 24,  
1974 and Oct. 31, 1974.

*Ok*  
*11-12-74*  
*Ca*

ACTION

N OWNER LAST NAME - SMITH  
N OWNER LAST NAME - SMITH  
N ADDRESS LINE 1 - STAR RT.

FIRST NAME - WILLIAM H.  
FIRST NAME - ZELLA M.

CITY - COUNCIL

STATE - ID

N SOURCE - MILL CREEK  
N STAGE - STATRY CLM

TRIBUTARY OF - WEISER RIVER

PRIORITY - 06-01-1960

COUNTY - ADAMS

TOTAL DIV. RATE -

.8200CFS

N DIVERSION POINT - NWNE 35 17N 01W

N FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - .8000CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .2000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 17N RNG 01W SEC 35 TRACT NWNE

AC 40

N REMARKS - 3 P/D IN NWNE, S35, T17N, R1W.

N NON IRRIG USE - S/25 RANGE.

IDENT. NO. 67-4089

WATER RIGHT  
DATA ENTRY LOG

[illegible]

## WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

OTd No.

167-4089

New No.

## Record

1. Original Owner: William H. + Zella M. Smith

Present Owner: \_\_\_\_\_

2. Address: Star St.3. City: CouncilState: Id

Zip: \_\_\_\_\_

4. A. Source of Water: Mill CreekB. Tributary of: Weiser River5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1960D. County: 03E. Total Diversion Rate: .82

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<br>Lot | Rediv. |
|--------------------------|-------------|-----------|------------|-----------|--------------|--------|
| 6. A. Point of Diversion | <u>NWNE</u> | <u>35</u> | <u>17N</u> | <u>1W</u> | _____        | _____  |
|                          | _____       | _____     | _____      | _____     | _____        | _____  |
|                          | _____       | _____     | _____      | _____     | _____        | _____  |
|                          | _____       | _____     | _____      | _____     | _____        | _____  |
|                          | _____       | _____     | _____      | _____     | _____        | _____  |

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

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_  
(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 \_\_\_\_\_

da 11-9

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. 3 S/W in NWNE, I 35, T 17N, R 1W.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information): *1/25 range.*

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 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

**November 13, 1974**

**Mr. William H. Smith**  
**Star Rt.**  
**Council, ID 83612**

**Re: Claim to a Water Right No. 67-4089**

**Dear Mr. Smith:**

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 your 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 can be of further assistance, please feel free to call upon us.

Sincerely,

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

KHF: **cla**

Enclosure

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 Development  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection

October 18, 1974

Adams County Leader  
Council, ID 83612

Re: Claim to a Water Right No. 67-4086 - Boise Cascade Corporation  
67-4087 - Boise Cascade Corporation  
67-4088 - Evergreen Forest Products, Inc.  
67-4089 - William H. &/or Zella M. Smith  
67-4090 - Ervie H. Shaw

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)

Sincerely,

*M. Clayton Brown*

*Bill submitted*  
*11-12-74*  
*Ca*

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4089

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has filed a claim to a water right established by diversion and application  
to beneficial use of .82 cubic feet per second ~~zero feet of water~~  
from Mill Creek, trib. to Weiser River  
with the point of diversion in the 3 pts NW1/4, Sec. 35, T. 17 N, R. 1 W,  
B.M. Adams County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater  
~~for use and from March 15 to Nov. 15 for irrigation of 40 acres~~

with a priority of 1960;  
the place of use is within the NW1/4, Sec. 35, T. 17 N, R. 1 W, B7M.

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Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

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