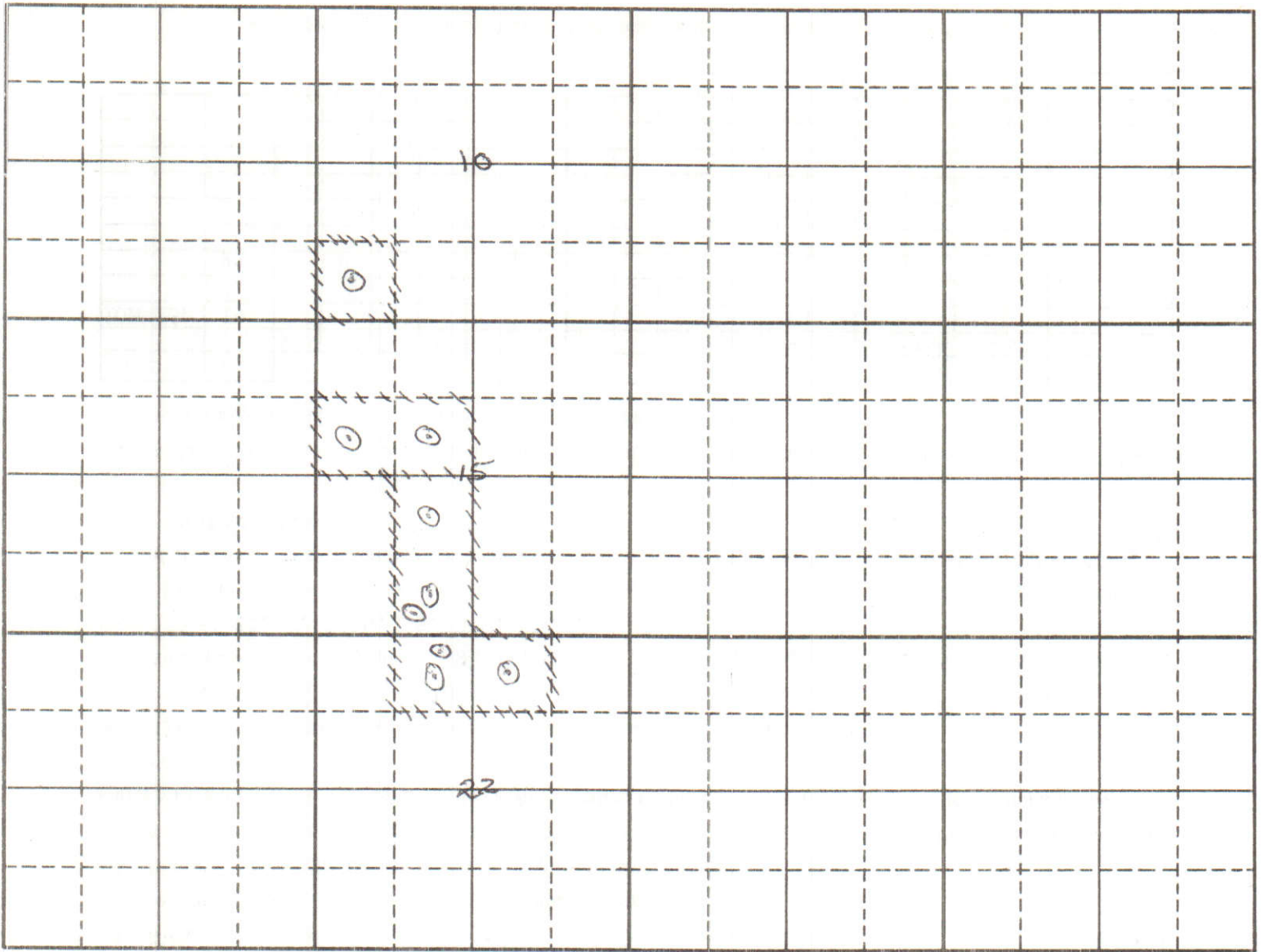


67-4045

(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 Ada

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 27th day of November, 19 73

J. H. Daniels
(Claimant)

Deanna Eldt
Notary Public

Residing at Bow, Idaho

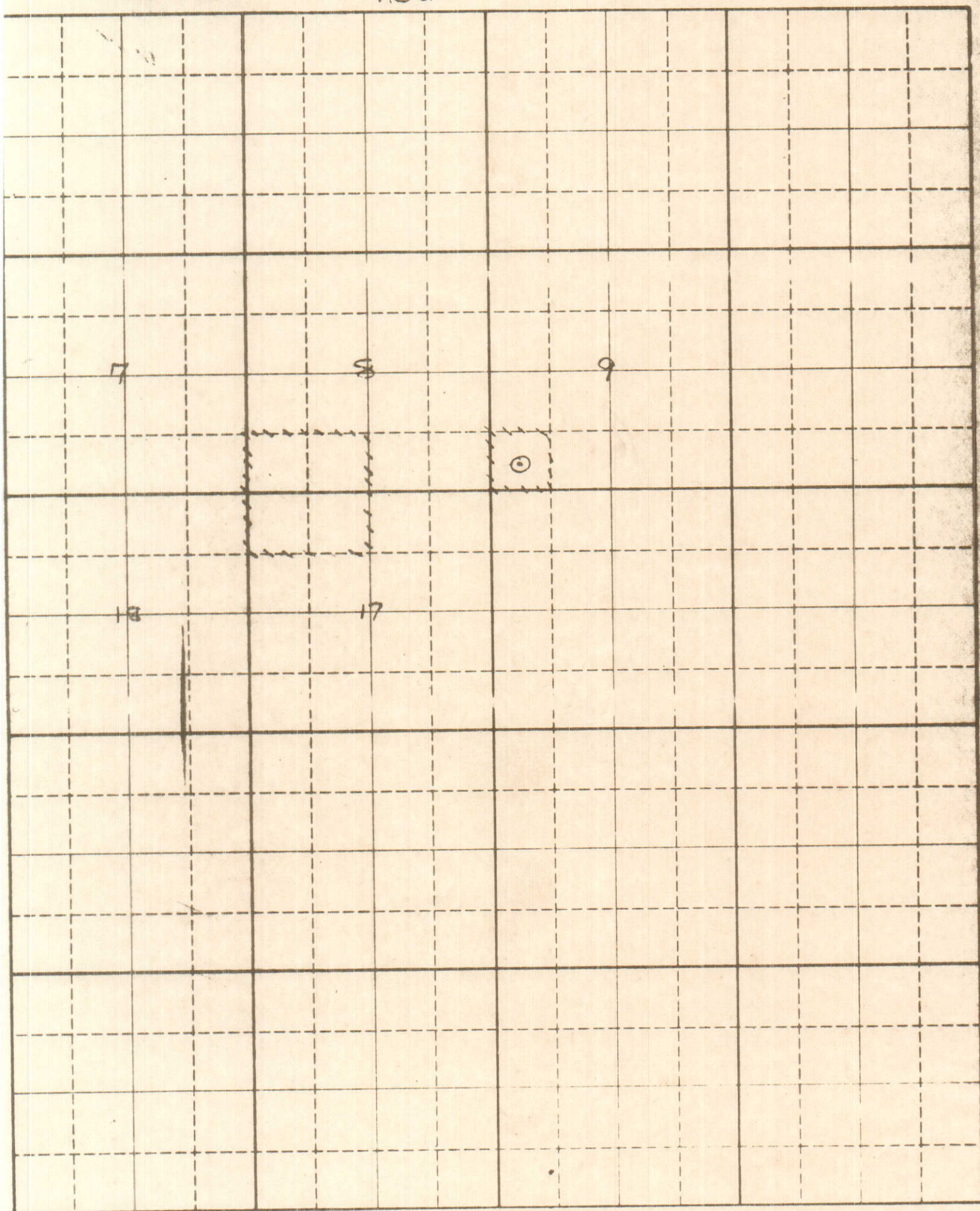
My commission expires June 15, 1977

For Department Use Only

Received by <u>SEB</u>	Date <u>28 Nov 73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SEB</u>	Date <u>27 Nov 73</u>	<u>28 Jan 74</u>	claimant by:	
\$10.00 fee received by <u>ju</u>	Date <u>21 Jan 74</u>			
Approved for publication by		<u>Morgan & Anna Skow</u>	<u>df</u>	<u>2-19-74</u>
Published in <u>Neiser Signal</u>				
Dates <u>1-31 & 2-7-74</u>				

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R36



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

MICROFILMED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Fitch, 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
Jan. 31, 1974, and ending
with the issue of Feb. 7, 1974

Fees, \$ 13.94

Subscribed and sworn to before me this 1
day of March, 1974.

John A. Kell
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-74, 1974.

No. 839
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4046

Notice is hereby given that
J. H. DANIELS, Rt. 1,
Weiser, ID has filed a claim
to a water right established
by diversion and application
to beneficial use of .05 cubic
feet per second of water
from unnamed springs &
Cove Creek, trib to Weiser
River with the point of di-
version in the SW1/4SW1/4,
Sec. 10, SW1/4NW1/4, SE1/4
NW1/4, NE1/4SW1/4, SE1/4
SW1/4, S. 15, NE1/4NW1/4,
NW1/4NE1/4, S. 22, T. 10
N., R. 3 W., B. M.,
Washington County.

The water is claimed to
be used from Jan. 1 to Dec.
31 for stockwater with a
priority of 1935; the place of
use is within the SW1/4
SW1/4, S. 10, SW1/4NW1/4,
SE1/4NW1/4, NE1/4SW1/4,
SE1/4SW1/4, S. 15, NW1/4
NE1/4, NE1/4NW1/4, S. 22,
T. 10 N., R. 3 W., B. M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho, 83707.
R. KEITH HIGGINSON
Director

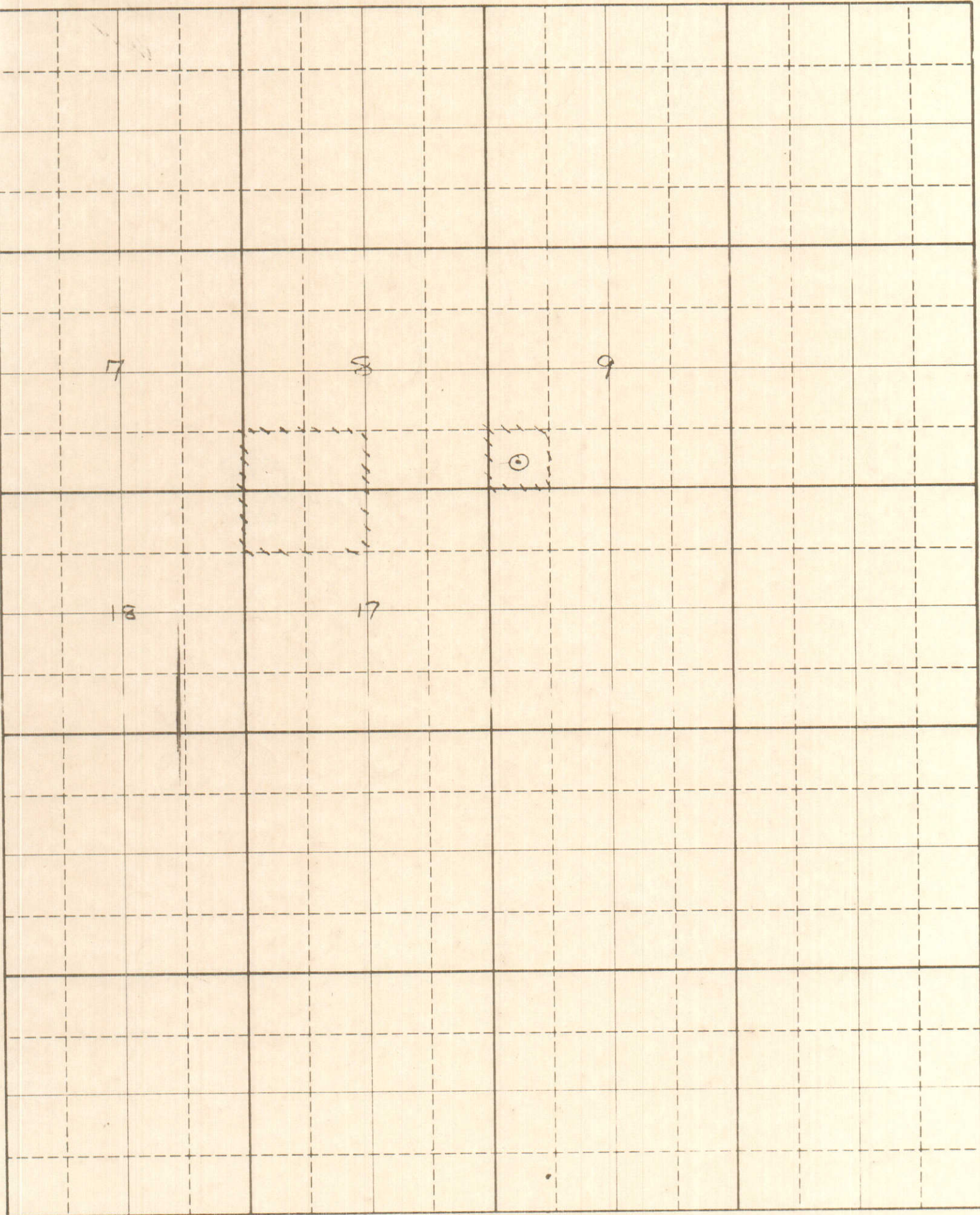
Published in the Weiser
Signal, Weiser, Idaho on Jan.
31, 1974 and Feb. 7, 1974.
92-2s

OK'd
3-4-74

67 4046

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R36



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Emma Skow
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
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 J. H. DANIELS (name of claimant)
of Rt. #1, Weiser, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Weiser River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed springs and Cove Creek
- (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>.05</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 _____ |
| 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: .05 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) 1935

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 SW ¼, Sec. 10 Twp. 10 N Rge. 3 W B. M. County of Washington
Additional points of diversion: SW¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, Sec. 15, NE¼NW¼, NW¼NE¼, Sec/ 22. T. 10 N., R. 3 W., B.M.
- 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. Developed springs with small ponds or water tank.

- (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.

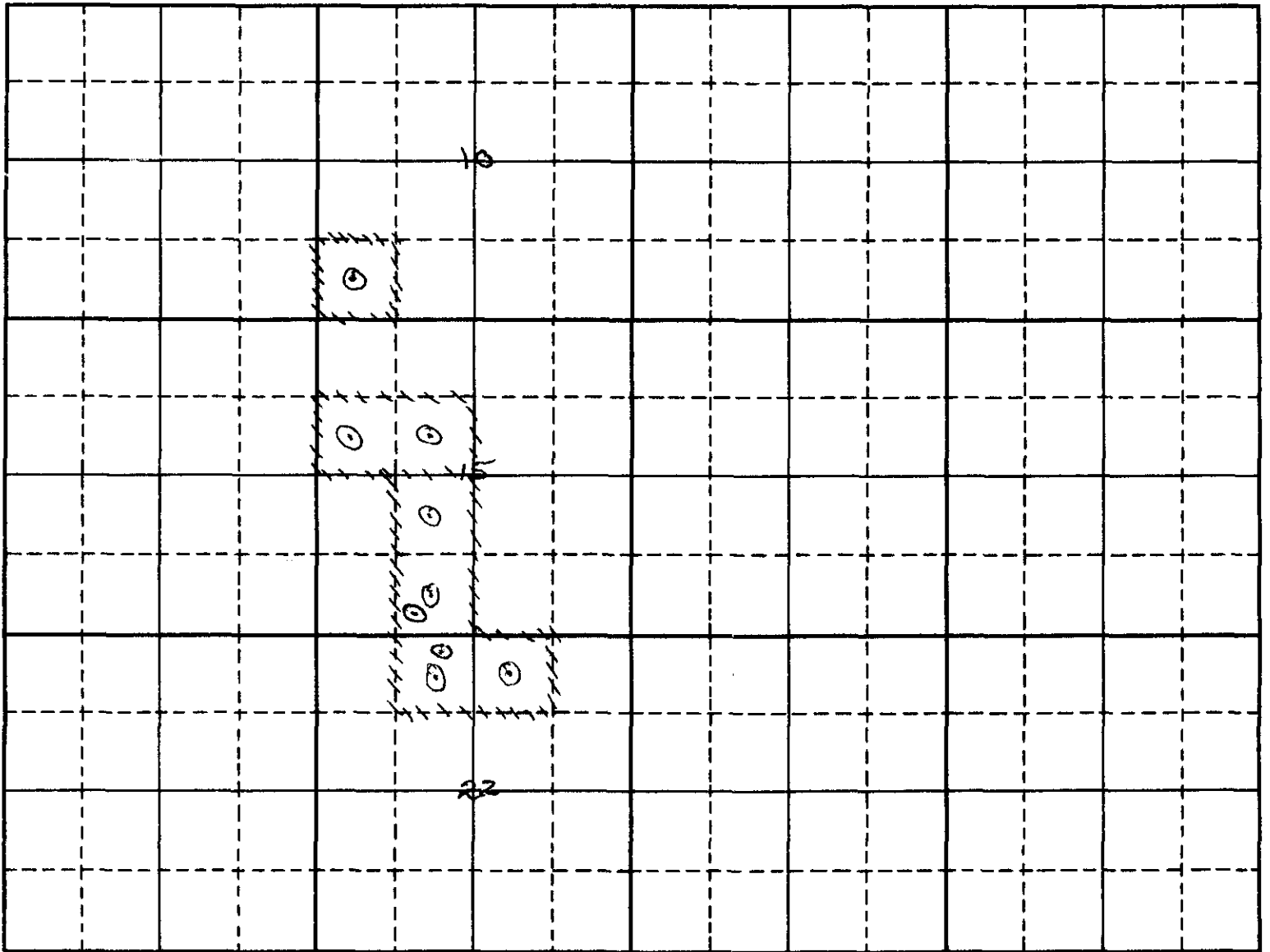
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	3W	10											X						
		15							X	X	X			X					
		22		X			X												

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for approx. 200 head cattle.

- (7) If you are claiming water as a member of an organization, list name of organization: 67 4046

(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 27th day of November, 19 73
J. H. Daniels
(Claimant)

Deanne Hilt
Notary Public
Residing at Bow, Idaho

My commission expires June 15, 1977

For Department Use Only			
Received by <u>FER</u>	Date <u>28 Nov 73</u>	Exception filed by:	Forwarded to
Prelim. check by <u>FER</u>	Date <u>27 Nov 73</u>	claimant by:	Date
\$10.00 fee received by <u>jr</u>	Date <u>21 Jan 74</u>		
Approved for publication by		Morgan & Anna Skow	df 2-19-74
Published in <u>Newer Signal</u>			
Dates <u>1-31 & 2-7-74</u>			

A F F I D A V I T

1 STATE OF IDAHO) EXCEPTION TO CLAIM TO WATER RIGHT
2 County of Payette) ss OF J. H. DANIELS
3) 67-4046

4 Anna Skow, being first duly sworn deposes and says: That
5 she and her husband Morgan Skow are residents of the County of
6 Washington, State of Idaho.

7 That J. H. Daniels has filed a claim to water right with
8 the Idaho Department of Water Administration for use of water on
9 Cove Creek in Washington County;

10 That the Skows object to the issuance of a permit for such
11 claim on the following grounds:

12 1. That the application of J. H. Daniels as advertised in
13 the newspaper would interfere with the permit of the Skows hereto-
14 fore approved by your department under permit No. 67-7150, a copy
15 of which is appended hereto.

16 2. That the application of J. H. Daniels to this water out
17 of Cove Creek would necessitate his diverting water out of Cove
18 Creek above the diversion and use by the Skows as shown in their
19 permit attached hereto which diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9,
20 Township 10 North, Range 3 West B.M., Washington County.

21 3. That the land described in the notice of claimant
22 where the point diversion is claimed to be located is not within
23 a quarter mile of Cove Creek; that the property listed in claimant's
24 notice is all to the East of where Cove Creek flows, said Creek
25 flowing to the West and away from the property of the claimant;
26 that aerial maps show that the claimant's land does not border or
27 is not adjacent to any portion of Cove Creek and this is shown by
28 aerial map submitted herewith as an exhibit.

29 4. That by reason of the fact that the Skows diversion
30 and use of water out of Cove Creek is down the Creek and from all
31 the property of the claimant's it would necessarily mean that if
32 the claimant diverted any water it would interfere with and reduce

1 the flow and use under Skow's permit heretofore issued by your
2 department so that if any permit is issued to the claimant, J. H.
3 Daniels, it should be subserviant to the permit of said Skows so
4 as not to interfere in any way with their permit.

5 These affiants further request an appointment to be heard
6 or a hearing on this particular matter prior to any issuance of a
7 permit to the claimant.

8 Respectfully submitted.

9
10 Dated this 21st day of February, 1974.

11
12 Anna Skow

13
14 Subscribed and sworn to before me this 21st day of
15 February, 1974.

16
17 Dennis L. Heibel
18 Notary Public for Idaho
19 Residing at Payette, Idaho
20
21
22
23
24
25
26
27
28
29
30
31
32

Identification No. _____

Application No. 67-7150

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Morgan Skow &/or Anna Skow
post office address Route #2, Box 41, Weiser, Idaho
2. Source of water supply Unnamed spring at mouth of Cove Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 10 N.
Range 3 W. B.M. Washington County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .07 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .40 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .47 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, pipe, earth ditches

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 2000.00
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 10 N.
Range 3 W. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 300 head cattle.

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
10 N.	3 W.	8											5	15					20
		17					40	20											60

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

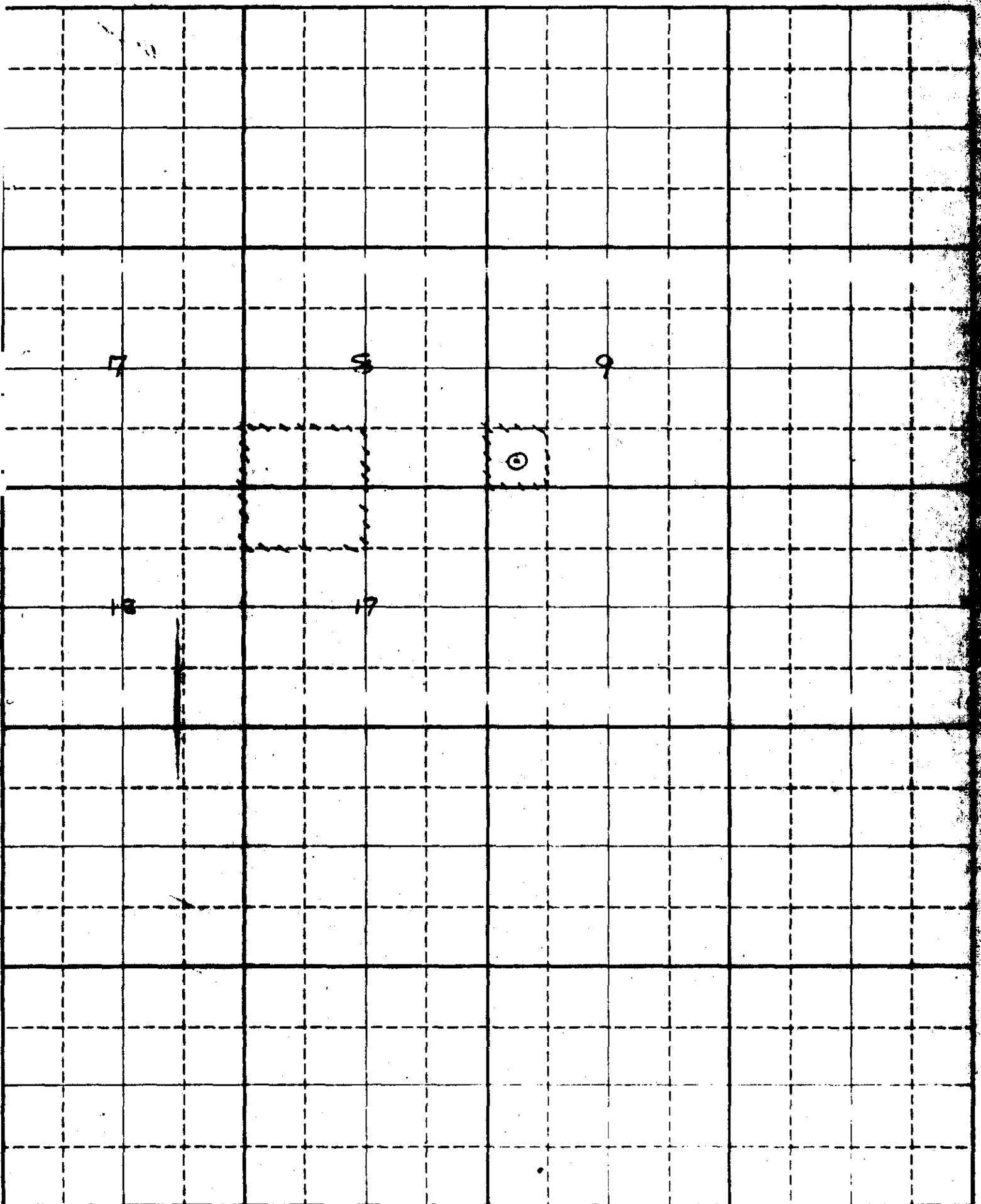
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This is a hot spring and flows year around.

RECEIVED
FEB 10 1968
BUREAU OF RECLAMATION
WASHINGTON, D.C.

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.

R3W



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Proposed Priority 7-09-1973

Received by LS Date 7-9-73 Time 11:27
Preliminary check by LS Fee \$ 25.00
Receipted by LS Date 7-9-73 # 11273
Publication prepared by LS Date 7-12-73
Published in Idaho Falls
Publication dates 7-19-73 7-26-73
Publication approved LS Date 8-3-73
Priority ~~XXXXXX~~ 7-9-73 Reason XXXXXX

Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by KAR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 67-7150, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 73.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. Use of water under this permit is subject to control by the watermaster of State Water District No. 67, Weiser River.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20th day of August, 19 73.

P. Keith Higgins
Director

WELCH & UNDERWOOD

ATTORNEYS AT LAW

26 SOUTH 9TH STREET

PAYETTE, IDAHO 83661

DWAIN L. WELCH
JAMES S. UNDERWOOD, JR.

RECEIVED
FEB 16 1974
TELEPHONE 642-4458
Department of Water Administration

February 14, 1974

Idaho Department of Water Administration
State House
Boise, Idaho 83707

Re: Notice of Claim to Water Right
of J. H. Daniels No. 67-4046

Gentlemen:

Please treat this letter as an objection and exception to the above mentioned claim of J. H. Daniels that was published in the Weiser Signal newspaper in Weiser, Idaho on January 31, 1974 and January 7, 1974.

This exception is on behalf of Morgan Skow and Anna Skow, husband and wife, and grounds for such exception are as follows:

1. That the application of the hereinabove mentioned would interfere with the permit of the Skows heretofore approved by your department under No. 67-7150
2. That the application of J. H. Daniels would necessarily have to take water out of Cove Creek above the point of diversion of the Skows which is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 10 N. Range 3 W.B.M., Washington County.
3. That the land described in said notice of claimant where the point of diversion is located does not connect with or is not adjacent to Cove Creek so that such diversion could be made and if such diversion would be on a tributary of Cove Creek, diversion thereof by the claimant would interfere with Skow's prior right as being part of the total flow of Cove Creek as heretofore filed.

Respectfully submitted.

MORGAN SKOW AND ANNA SKOW

Dwaine L. Welch
By Dwaine L. Welch
Attorney and Agent

DLW/ml

67 4046

Nº 839

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Felt, 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
Jan. 31, 1974, and ending
with the issue of Feb. 7, 1974
Dorothy A. Felt
Fees, \$ 13.94

Subscribed and sworn to before me this 1
day of March, 1974
John R. Kozell
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 4-1-, 1974.

No. 839
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4046

Notice is hereby given that
J. H. DANIELS, Rt. 1,
Weiser, ID, has filed a claim
to a water right established
by diversion and application
to beneficial use of .05 cubic
feet per acre of water
from unnamed springs &
Coye Creek, trib to Weiser
River with the point of di-
version in the SW1/4SW1/4,
Sec. 10, SW1/4NW1/4, SE1/4
NW1/4, NE1/4SW1/4, SE1/4
SW1/4, S. 15, NE1/4NW1/4,
NW1/4NE1/4, S. 22, T. 10
N., R. 3 W., B. M.,
Washington County.

The water is claimed to
be used from Jan. 1 to Dec.
31 for stockwater with a
priority of 1935; the place of
use is within the SW1/4
SW1/4, S. 10, NW1/4,
SE1/4NW1/4, NE1/4SW1/4,
SE1/4SW1/4, NW1/4,
NE1/4, NE1/4SW1/4, S. 22,
T. 10 N., R. 3 W., B. M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State
house, Boise, Idaho, 83707.
R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Jan.
31, 1974 and Feb. 7, 1974.
92-2s

OK'd
3-4-74

67 4046

CONVERSATION MEMORANDUM

DATE 2 April 81

FILE 67-4046

NAME OF PARTY Mr + Mrs Leonard Chitwood

EMPLOYEE Emo. Ballou

RE: Mr. & Mrs. Chitwood came in today to
check on water rights for property acquired ^{from} Mr. Cady
located NE SW Sec. 10, T10N, R2E 3W.

They are now owners of lands listed under this claim (67-4046) and Permit 67-7427

Information or actions relating to this claim should be sent to

2eland Chituroo

Rt 2 Box 166A

Weiser, Idaho 83672

Please put in

- Please put in
- S.O. file -
- 67-4046

A F F I D A V I T

1 STATE OF IDAHO) EXCEPTION TO CLAIM TO WATER RIGHT
2 County of Payette) ss OF J. H. DANIELS
3) 67-4046

4 Anna Skow, being first duly sworn deposes and says: That
5 she and her husband Morgan Skow are residents of the County of
6 Washington, State of Idaho.

7 That J. H. Daniels has filed a claim to water right with
8 the Idaho Department of Water Administration for use of water on
9 Cove Creek in Washington County;

10 That the Skows object to the issuance of a permit for such
11 claim on the following grounds:

12 1. That the application of J. H. Daniels as advertised in
13 the newspaper would interfere with the permit of the Skows hereto-
14 fore approved by your department under permit No. 67-7150, a copy
15 of which is appended hereto.

16 2. That the application of J. H. Daniels to this water out
17 of Cove Creek would necessitate his diverting water out of Cove
18 Creek above the diversion and use by the Skows as shown in their
19 permit attached hereto which diversion is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9,
20 Township 10 North, Range 3 West B.M., Washington County.

21 3. That the land described in the notice of claimant
22 where the point diversion is claimed to be located is not within
23 a quarter mile of Cove Creek; that the property listed in claimant's
24 notice is all to the East of where Cove Creek flows, said Creek
25 flowing to the West and away from the property of the claimant;
26 that aerial maps show that the claimant's land does not border or
27 is not adjacent to any portion of Cove Creek and this is shown by
28 aerial map submitted herewith as an exhibit.

29 4. That by reason of the fact that the Skows diversion
30 and use of water out of Cove Creek is down the Creek and from all
31 the property of the claimant's it would necessarily mean that if
32 the claimant diverted any water it would interfere with and reduce

1 the flow and use under Skow's permit heretofore issued by your
2 department so that if any permit is issued to the claimant, J. H.
3 Daniels, it should be subserviant to the permit of said Skows so
4 as not to interfere in any way with their permit.

5 These affiants further request an appointment to be heard
6 or a hearing on this particular matter prior to any issuance of a
7 permit to the claimant.

8 Respectfully submitted.

9
10 Dated this 21st day of February, 1974.

11
12 Anna Skow

13
14 Subscribed and sworn to before me this 21st day of
15 February, 1974.

16
17 Barbara L. Helld
18 Notary Public for Idaho
19 Residing at Payette, Idaho
20
21
22
23
24
25
26
27
28
29
30
31
32

Identification No. _____

Application No. 67-7150

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Morgan Skow &/or Anna Skow
post office address Route #2, Box 41, Weiser, Idaho
- 2 Source of water supply Unnamed spring which is a tributary of Cove Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 10 N.
Range 3 W. B.M. Washington County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .07 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .40 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .47 cubic feet per second and/or
b. _____ acre feet per annum.
- 6 Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, pipe, earth ditches

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 2000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9 Township 10 N.
Range 3 W. B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 300 head cattle.

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10 N.	3 W.	8											5	15					20
		17					40	20											60

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

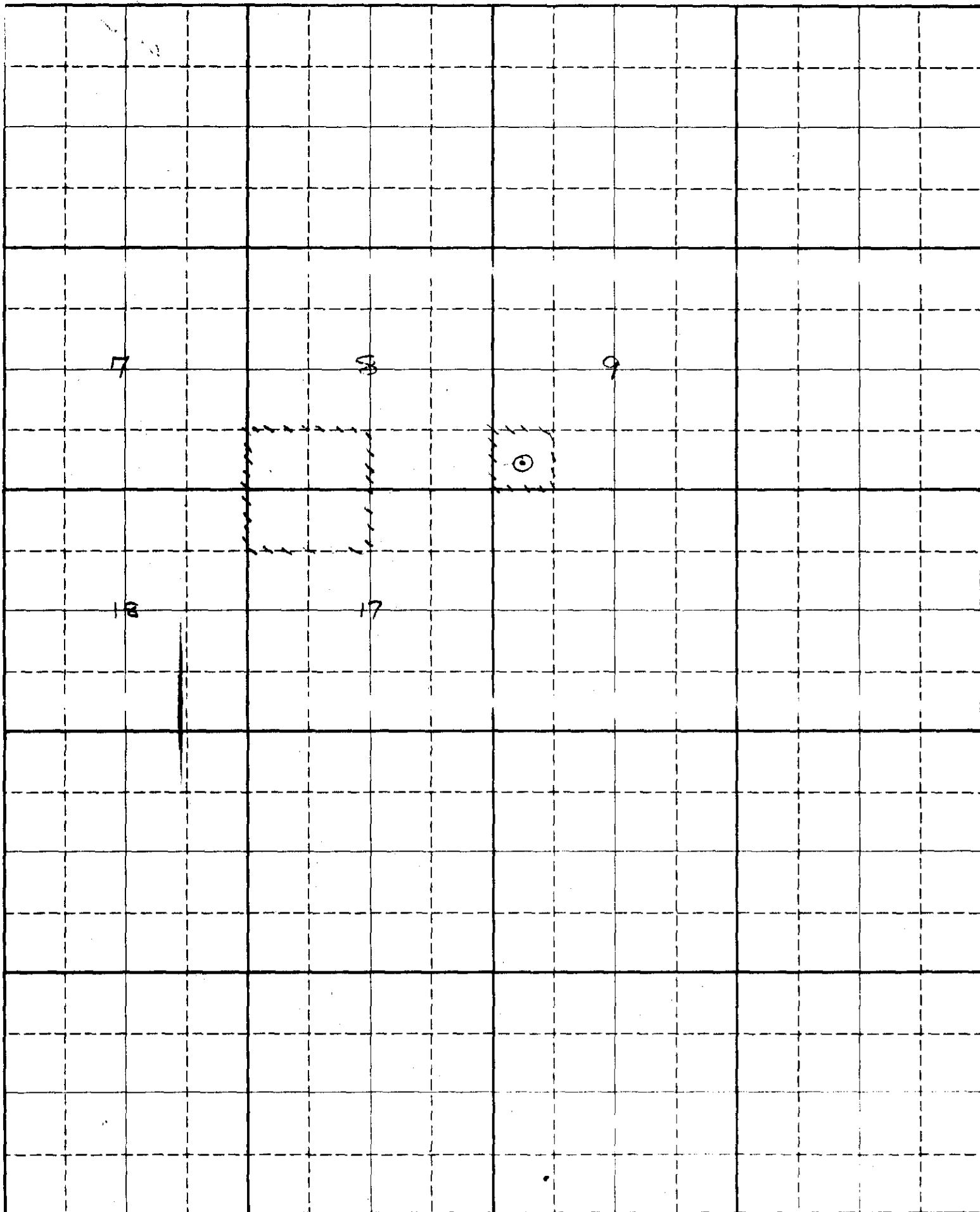
b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This is a hot spring and flows year around.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R36



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x Linda Snow
(Applicant)

Proposed Priority 7-09-1973

Received by 423 Date 7-11-73 Time 11:00
Preliminary check by 423 Fee \$ 25.00
Receipted by 423 Date 7-11-73 # 11223
Publication prepared by 423 Date 7-12-73
Published in Idaho Journal
Publication dates 7-19-73 7-26-73
Publication approved 423 Date 8-3-73
Priority 7-9-73 Reason 7-9-73

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by KRR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 67-7150, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. Use of water under this permit is subject to control by the watermaster of State Water District No. 67, Weiser River.

2. Denial of said application is for the following reasons: _____

Witness my hand this 20th day of August 19 73.

D. Karl Hing
Director

March 4, 1974

J. H. Daniels
Route #1
Weiser, ID 83672

Re: Claim to a Water Right Nos. 67-4047 & 67-4046

Dear Mr. Daniels:

The Department of Water Administration 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 for use by you or the court.

As you are aware, the filing of 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:def

Enclosure

67 4046

February 20, 1974

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

Re: Claim to a Water Right No. 67-j4046 - J. H. Daniels
67-4047 - J. H. Daniels

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced items. The legal notices were to have been published in your paper on January 31 and February 7, 1974.

Your cooperation in this matter is greatly appreciated.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

67 4046

February 19, 1974

J. H. Daniels
Route #1
Weiser, ID 83672

Re: Claim No. 67-4046

Dear Mr. Daniels:

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

42-225b. Recording of claims by department--Corrections--

"At any time 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, 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 you have any questions concerning this matter, please contact us.

Sincerely,

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

67 4046

KHF:def

Enclosure

February 19, 1974

Dwaine L. Welch
Welch & Underwood
Attorneys at Law
26 South 9th St.
Payette, ID 83661

RE: Claim No. 67-4046 - J. H. Daniels

Dear Mr. Welch:

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 (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--

.....
"At any time 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, 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 you have any questions concerning this matter, please contact us.

Sincerely,

67 4046

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

KHF:def

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 24, 1974

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

Re: Claim to a Water Right No. 67-4046 - J. H. Daniels
67-4047 - J. H. Daniels

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)

67 4046

Sincerely,

Bill submitted 3-4-74 by df

No. 839
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4046

Notice is hereby given that
J. H. DANIELS, Rt. 1,
Weiser, ID has filed a claim
to a water right established
by diversion and application
to beneficial use of .05 cubic
feet per second of water
from unnamed springs &
Cove Creek, trib to Weiser
~~River with the point of div-~~
River with the point of di-
version in the SW1/4SW1/4,
Sec. 10, SW1/4NW1/4, SE1/4
NW1/4, NE1/4SW1/4, SE1/4
SW1/4, S. 15, NE1/4NW1/4,
NW1/4NE1/4, S. 22, T. 10
N., R. 3 W., B. M.,
Washington County.

The water is claimed to
be used from Jan. 1 to Dec.
31 for stockwater with a
priority of 1935; the place of
use is within the SE1/4
SW1/4, S. 10, SW1/4NW1/4,
SE1/4NW1/4, NE1/4SW1/4,
SE1/4SW1/4, S. 15, NW1/4
NE1/4, NE1/4NW1/4, S. 22,
T. 10 N., R. 3 W., B. M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Jan.
31, 1974 and Feb. 7, 1974.

92-2s

67 4046

Called 1-29-74
af

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4046

Notice is hereby given that J. H. DANIELS, Rt. 1, Weiser, ID

has filed a claim to a water right established by diversion and application to beneficial use of .06 cubic feet per second ~~some amount~~ of water from Unnamed springs & Cove Creek, trib to Weiser River.

with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 22, T. 10 N., R. 3 W., B.M., Washington County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater

with a priority of 1935 ;

the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, S. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 22, T. 10 N., R. 3 W., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Weiser Signal, Weiser, Idaho
on Jan. 31, 1974 and Feb. 7, 1974 .

67 4046