

Nº 675

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Barth, being duly sworn,
deposes and says:

That he is the Clark 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
Aug. 17, 1972, and ending
with the issue of Aug. 24, 1972.

Fees, \$ 12.60

Subscribed and sworn to before me this 31
day of Aug., 1972

Ann H. Lay
Notary Public, Residing at Weiser, Idaho. 67 4026

My Commission Expires 4-1-74, 1974

RECEIVED

SEP 5 1972

Department of Water Administration

OK. D. 9-5-72

No. 675
NOTICE OF CLAIM
TO A WATER RIGHT

No. 67-4026

Notice is hereby given that
HARRY LEE and/or GRACE
HILT, Route #2, Box 63,
Weiser, Idaho has filed a claim
to a water right established
by diversion and application to
beneficial use of 0.06 cubic
feet per second of water from
three (3) springs with point of
diversion in the NE 1/4 SE 1/4,
Sec. 31, T. 11 N., R. 4 W.,
B. M., Washington County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic and stockwater
purposes and from April 1 to
Oct. 31 for the irrigation of
one acre with a priority of 1938;
the place of use is within the
NE 1/4 SE 1/4, Sec. 31, T. 11
N., R. 4 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 Aug.
17, 1972 and Aug. 24, 1972.

44-2s

Identification No. _____

Claim No. 67-4026

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Harry Lee &/or Grace Hilt
post office address Route #2, Box 63, Weiser, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 31 Township 11N
Range 4W B.M. located on 3 Springs

(name of source)

tributary to _____ in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

<u>1938</u>	amount: <u>.02</u>	c.f.s. or _____	acre feet
<u>1938</u>	amount: <u>.02</u>	c.f.s. or _____	acre feet
<u>1938</u>	amount: <u>.02</u>	c.f.s. or _____	acre feet

Total claimed .06 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>4/1</u>	to <u>10/31</u>	(both dates inclusive)
use <u>Domestic</u>	period of use from <u>1/1</u>	to <u>12/31</u>	(both dates inclusive)
use <u>Stockwater</u>	period of use from <u>1/1</u>	to <u>12/31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

67 4026

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 50 head

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

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 7

day of August

1972

Harry L. Hill
Claimant

Paul J. Page
Notary Public
Residing at Baize, Idaho

My commission expires 7/29/1975

For Department Use Only

Received by <u>821</u>	Date <u>8/7/1972</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>821</u>	Date <u>8/7/1972</u>			
Fee received by <u>821</u>	Date <u>8/7/72</u>	Fee \$ <u>40.00</u>		
Approved for publication by <u>KHS</u>	Date <u>8/9/72</u>			
Published in <u>Windsor Signal</u>	Dates <u>8-17-24-72</u>		<u>67 4028</u>	

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

No 675

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Both, being duly sworn,
deposes and says:

That he is the Clark 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
Aug 17, 1972, and ending
with the issue of Aug 24, 1972

Fees, \$ 12.60 ✓

Subscribed and sworn to before me this 31
day of Aug, 1972

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1974

RECEIVED

SEP 5 1972

Department of Water Administration

C.H.D. 9-5-72

No. 675
NOTICE OF CLAIM
TO A WATER RIGHT

No. 67-4026

Notice is hereby given that
HARRY LEE and/or GRACE
HILT, Route #2, Box 63,
Weiser, Idaho has filed a claim
to a water right established
by diversion and application to
beneficial use of 0.06 cubic
feet per second of water from
three (3) springs with point of
diversion in the NE 1/4 SE 1/4,
Sec. 31, T. 11 N., R. 4 W.,
B. M., Washington County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic and stockwater
purposes and from April 1 to
Oct. 31 for the irrigation of
one acre with a priority of 1938;
the place of use is within the
NE 1/4 SE 1/4, Sec. 31, T. 11
N., R. 4 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 Aug.
17, 1972 and Aug. 24, 1972.
44-2s

67 4026

ACTION

N	OWNER LAST NAME - HILT	FIRST NAME - HARRY LEE
N	OWNER LAST NAME - HILT	FIRST NAME - GRACE
N	ADDRESS LINE 1 - RT. 2 BOX 63	
N		CITY - WEISER STATE - ID
N	SOURCE - SPRINGS	
N	STAGE - STATRY CLM	PRIORITY - 06-01-1938 COUNTY - WASHINGTON TOTAL DIV. RATE - .0600CFS
N	DIVERSION POINT - NESE 31 11N 04W	
N	FROM - 04-01 TO - 10-31 USE - IRRIGATION	USE DIV. RATE - .0200CFS
N	FROM - 01-01 TO - 12-31 USE - STOCKWATER	USE DIV. RATE - .0200CFS
N	FROM - 01-01 TO - 12-31 USE - DOMESTIC	USE DIV. RATE - .0200CFS
N	USE - IRRIGATION	PLACE OF USE - TWN 11N RNG 04W SEC 31 TRACT NESE AC 01

IDENT. NO. 67-4026

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Ord No.

New No.

1. Original Owner: Harry Lee & Grace Hilt

Present Owner: _____

2. Address: Rt. 2 Box 63

3. City: Wiser State: Id Zip: _____

4. A. Source of Water: *Spring*

B. Tributary of:

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: 6-1-1938

D. County: 87

E. Total Diversion Rate: .06

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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>NE SE</u>	<u>31</u>	<u>11^N</u>	<u>4^W</u>		

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

from 4-1 to 10-31 for A purposes. Amount .02
(cfs or AC-FT/yr)

from 1-1 to 12-31 for S purposes. Amount .02

from 1-1 to 12-31 for D purposes. Amount .02

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):

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):

Western District Office-

September 7, 1972

RE: CLAIM TO A WATER RIGHT NO. 67-4026

Mr. Harry Lee Hilt
Route #2, Box #63
Weiser, Idaho

Dear Mr. Hilt:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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:mkp

Enclosure

67 4026

RE: CLAIM TO A WATER RIGHT NO. (67-4026) Harry Lee and/or Grace Hilt

The Weiser Signal
P. O. Box 709
Weiser, Idaho 83672

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)

Very truly yours,

Bill submitted _____ by _____

67 4026

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4026

Notice is hereby given that HARRY LEE and/or GRACE HILT.
Route #2, Box 63, Weiser, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.06 cubic feet per second ~~XXXXXXXX~~
of water from three (3) springs
with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 11 N., R. 4 W., B.M., Wash-
ington County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic and stockwater purposes and from April 1 to Oct. 31 for the irrigation of
one acre
with a priority of 1938;
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 11 N., R. 4 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,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

R. KEITH HIGGINSON

Director

Published in the Weiser Signal, Weiser, Idaho
on Aug. 17, 1972 and Aug. 24, 1972.

67 4026

No. 675
NOTICE OF CLAIM
TO A WATER RIGHT

No. 67-4026

Notice is hereby given that HARRY LEE and/or GRACE HILT, Route #2, Box 63, Weiser, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from three (3) springs with point of diversion in the NE 1/4 SE 1/4, Sec. 31, T. 11 N., R. 4 W., B. M., Washington County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwater purposes and from April 1 to Oct. 31 for the irrigation of one acre with a priority of 1938; the place of use is within the NE 1/4 SE 1/4, Sec. 31, T. 11 N., R. 4 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 Aug. 17, 1972 and Aug. 24, 1972.

44-25

OK
MM
8-14-72
67 4026