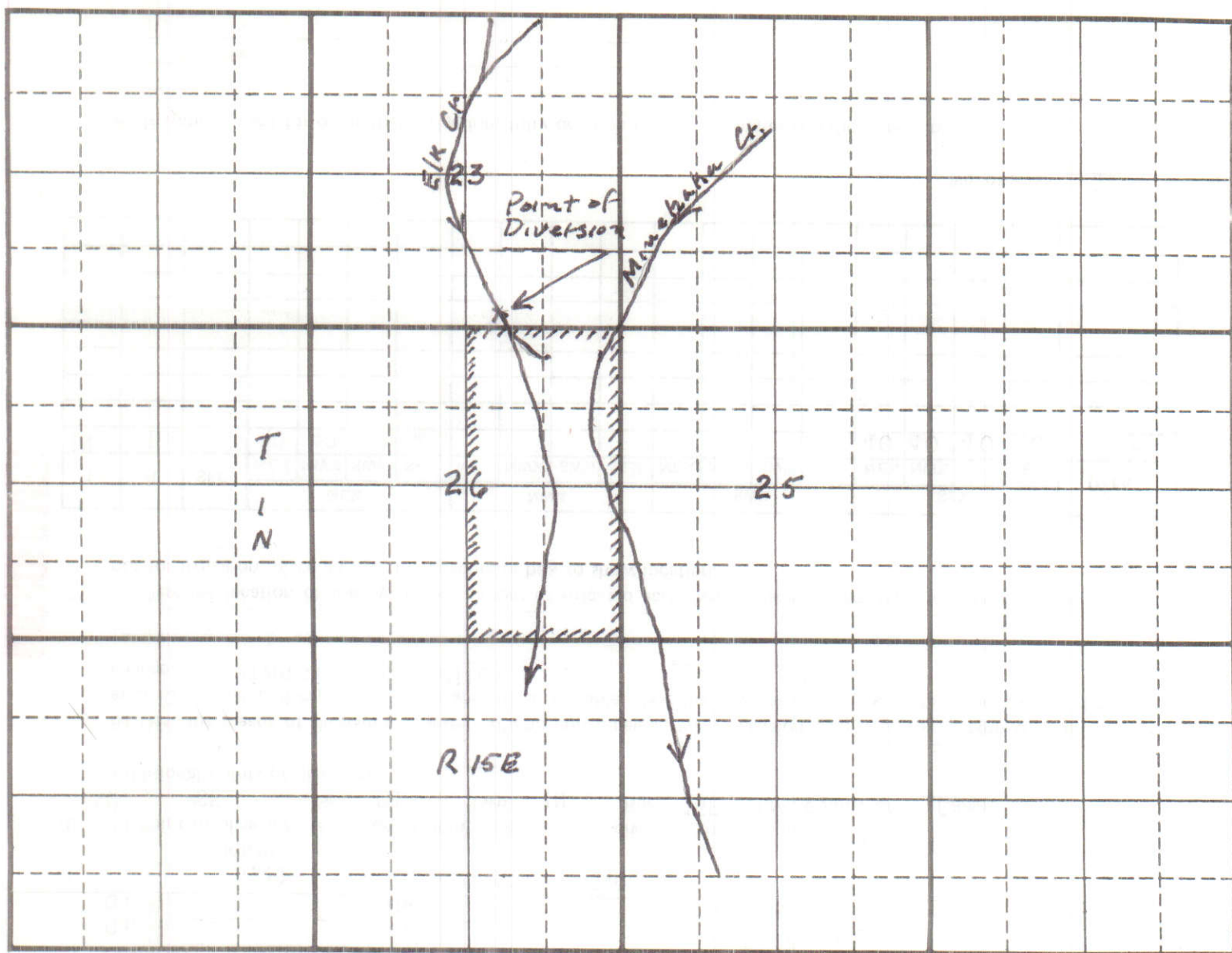


(8) Remarks This claim is based on a decree; Smith vs Ferris, July 12, 1887 Vol 1 of Judgements Page 24, Blaine Country Records



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 _____) 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 affiant's knowledge.

Edna Whitney
(Claimant)

Sworn to before me this 29 day of May, 1981.

Notary Public
Residing at Moses Lake

My commission expires 5/22/82

FOR DEPARTMENT USE ONLY

Received by <u>margo</u>	Date <u>6/2/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>168</u>	Date <u>6/4/81</u>		claimant by:	
\$0.00 fee received by <u>margo</u>	Date <u>6/4/81 #18638</u>			
Published in <u>Gooding Co. leader</u>				
Dates <u>6/10 & 6/17</u>				

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Gary Grosh, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10 day of June 1981, and the date of the last publication was on the 17 day of June, 1981.

Subscribed and sworn to before me this 17

day of June, 1981.
(SEAL)

Cindy Davis
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 40
Number of Insertions
Lines tabular at 38
Lines straight at 40 29 11.60
Subsequent lines at 40 19 7.60
TOTAL COST 19.20

COPY OF NOTICE

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

37-4175

WHITNEY, VIOLA
RT. 2 BOX 341, MOSES
LAKE, WA 98837

Source: ELK CREEK tributary to CAMAS CREEK

Priority Date: 07/12/1887

Amount: 6.40 CFS

Diversion Point: SWSE Sec 23 T 01N R 15E, CAMAS Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NWSE NWSE

SWSE SESE Sec 26 T 01N R 15E FOR 320 ACRES

Diversion Means: DAM & DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN
Director

Pub: 6-10, 17-81

JUN 18 1981

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

Nº 2808
57191

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

JUNE 29, 1981

VIOLA WHITNEY
RT. 2 BOX 341
MOSES LAKE WA 98837

RE: Claim No. 37-4175

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

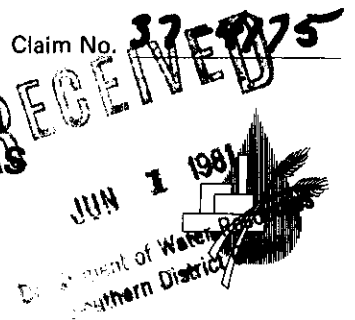
Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Viola Whitney

(Name of Claimant)

Route 2, Box 341

(Mailing Address)

MOSES LAKE, WASH. 98837

(Zip Code)

Telephone No. (509) 765-7659

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 12, 1887

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Elk Creek tributary to Camas Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	6.40	Use irrigation	Period of Use From Apr 1	To Nov 1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 6.40 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 1/4, Sec. 23 Twp. 1N Rge. 15E B.M., County of Camas

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. Describe any changes in the system and give the date of the change. Diversion dam & ditch

- (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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
1N	15E	26	40	40	40	40									40	40	40	40	320

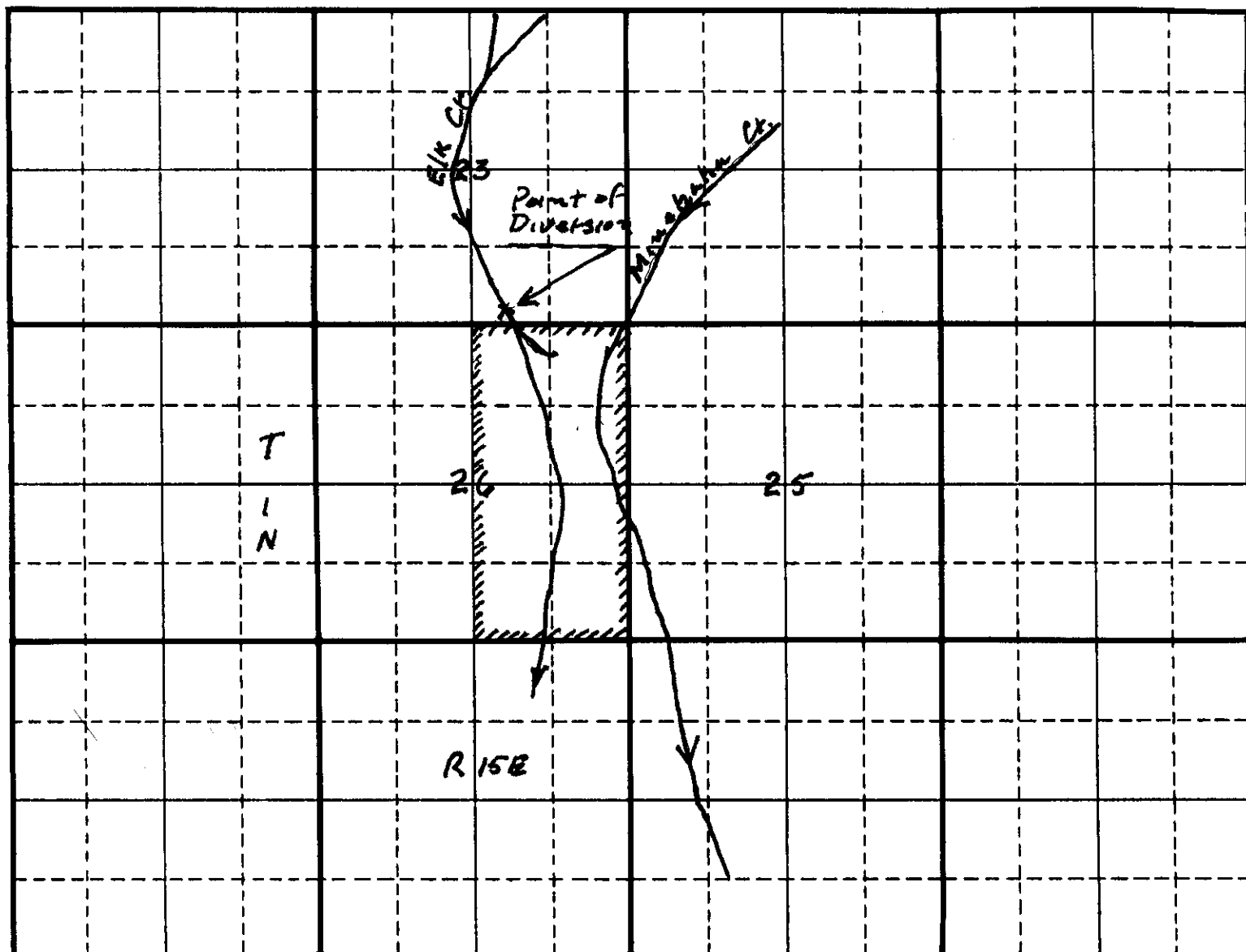
No. of acres 320

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks This claim is based on a decree; Smith vs Ferris, July 12, 1887 Vol 1 of Judgements Page 24, Blaine Country Records



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 _____)

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 affiant's knowledge.

Edgar Whitney
(Claimant)

Sworn to before me this 29 day of May, 1981.

Notary Public
Residing at Mazen Lake

My commission expires 5/22/82

FOR DEPARTMENT USE ONLY

Received by Mazen Date 6/2/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by T. G. S. Date 6/9/81 claimant by: _____
\$10.00 fee received by Mazen Date 6/9/81 #18638
Published in Gooding Co. Leader
Dates 6/10/81 6/17

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Gary Grosh, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10 day of June 1981, and the date of the last publication was on the 17 day of June, 1981.

Subscribed and sworn to before me this 17 day of June, 1981.
(SEAL)

Cindy Davis
NOTARY PUBLIC

MICROFILMED

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

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COPY OF NOTICE

JUN 13 1981

Department of Water Resources
Southern District Office

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

Nº 2808
37191

37- 4175

I, Charles Gaskill, of Fairfield, Idaho, started farming the property inherited by Viola Whitney in 1957, after the death of her father, William Peck, until the present time. I have, together with the tenants farming the other half of the former William and Laura Peck property and the present owners Kenneth and Roselyn Peck, used and shared all the waters from Elk Creek and Minnehaha Creek for irrigation during the irrigating season since that time. No one else ever used any of these waters, until Dennis Craig Baldwins application for water in 1978.

Charles Gaskill

State of Idaho

County of Camer

Sworn to before me this 8 day of March, 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
residing at

My commission expires 9-20-83

We, Newell Brooks and Lola Brooks, of Fairfield, Idaho,
farmed the land in 1937 and 1938 now owned by Dennis
Craig Baldwin on Elk Creek. William Peck used all the
water of Elk Creek and Minnehaha Creek for irrigation
on his ranch above ours and no other ranches were
allowed use of these waters.

Newell Brooks

Lola Brooks

State of Idaho

County of Camas

Sworn to before me this 26 day of Feb., 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My Commission expires 9-20-83

I Dean Shaffer of Gooding, Idaho farmed the property held in the Laura Peck Trust after the death of William (Bill) Peck in 1956 until the property was purchased by Kenneth and Roselyn Peck in 1976. I, together with Charles Gaskill used and shared all the water of Elk Creek and Minnehaha Creek during the irrigating season. During the time I farmed the property no one else ever used any of these waters.

Dean Shaffer

State of Idaho

County of Gooding

Sworn to before me this 23 day of February, 1984

Pauline M. Jackson
Notary Public

Gooding, Idaho
residing at

My commission expires 11-13-85

UNRECORDED

I, Fred Walton, of 509 13 Ave. W., Gooding, Idaho, moved with my family to the ranch in 1909, which is now owned by Dennis Craig Baldwin on Elk Creek in Camas County. We lived there for many years and my father plowed up all the ditches that were on the place because all the water was used on the William Peck and Herman Mehle ranches above ours, and no water was allowed to reach ours during the irrigating seasons.

Fred Walton

State of Idaho

County of Gooding

Sworn to before me this 1st day of March, 19 82

Mary Schmitt
Notary Public for Idaho

Gooding, Idaho
Residing at

My Commission expires Feb. 10, 1985

We, Robert Gaskill and Darlene Gaskill, of 304 N. Apple, Shoshone, Idaho, farmed the William and Laura Peck property from 1951 through 1955 and we used all of the waters of Elk Creek and Minnehaha Creek for irrigation during the irrigating season on their 640 acres situated on Elk Creek in Camas County. No one else used any of these waters for irrigation during that time.

Darlene Gaskill

Robert Gaskill

State of Idaho

County of Lincoln

Sworn to before me this 12th day of March, 1952

Julie L. Pagnone
Notary Public

Shoshone, Idaho
Residing at

My Commission expires November 1953

MICROFILMED

WATER RIGHT NUMBER 37-4175

OWNER LAST NAME - WHITNEY

FIRST NAME - VIOLA

ORIG OWNER -

ADDRESS LINE 1 - RT. 2 BOX 341

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MOSES LAKE

STATE - WA ZIP CODE - 98837

SOURCE - ELK CREEK

TRIBUTARY OF - CAMAS CREEK

STAGE - STAIRY CLM

STATUS -

PRIORITY - 07-12-1887 COUNTY - CAMAS

TOTAL DIV. RATE - 6.4000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 37

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSE 23 01N 15E LOT

REDIV -

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

6.4000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - T4N 01N R4G 15E SEC 26

TRACT NENE LOT

AC 40 TRACT

NWNE LOT

AC 40

TRACT SWNE LOT

AC 40 TRACT

SENE LOT

AC 40

TRACT NWSE LOT

AC 40 TRACT

NWSE LOT

AC 40

TRACT SWSE LOT

AC 40 TRACT

SESE LOT

AC 40

DECREE NAME -

DATE -

TOTAL ACRES

320

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS - DAM & DITCH

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

37-4175-

WHITNEY, VIOLA

RT. 2 BOX 341, MOSES LAKE, WA 98837

Source: ELK CREEK tributary to CAMAS CREEK

Priority Date: 07/12/1887

Amount: 6.40 CFS

Diversion Point: SWSE Sec 23 T 01N R 15E, CAMAS Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NENE NWNE SWNE SENE NWSE NWSE SWSE SESE Sec 26 T 01N R 15E
FOR 320 ACRES

Diversion Means: DAM & DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 6/10 & 6/17/81.

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

37-4175

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RT. 2 BOX 341, MOSES
LAKE, WA 98837

Source: ELK CREEK tribu-
tary to CAMAS CREEK

Priority Date: 07/12/1887

Amount: 6.40 CFS

Diversion Point: SWSE Sec
23 T 01N R 15E, CAMAS Co.

Use: IRRIGATION (6.40
CFS) from 04/01 to 11/01

Place of Use: NENE NWNE

SWNE SENE NWSE NWSE

SWSE SESE Sec 26 T 01N R
15E FOR 320 ACRES

Diversion Means: DAM &
DITCH

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Idaho Department of Water
Resources, 1041 Blue Lakes
Blvd. North, Twin Falls,
Idaho 83301.

/s/ A. KENNETH DUNN
Director

Pub: 6-10, 17-81

*ok
meyer
6/10/81*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JUNE 5, 1981

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 29, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

IDENT. NO. 37-4175

WATER RIGHT
DATA ENTRY LOG

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

Keypunched by State Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: T.G. Blau

Right Number 37-4175 Applicant WHITNEY, Viola

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADM Date 7/1/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 7/7/81