

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 73-4005**

Notice is hereby given that Jack M. Whitworth, May, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 32.8 cubic feet per second of water from Morgan Creek, tributary of the Pahsimeroi River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15N, R. 21E, B.M., Lemhi County; the water is claimed to be used from April 1 to September 30 for irrigation with a priority of 1883; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N, R. 21E, B.M. and in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in The Recorder-Herald, Salmon, Idaho, on February 19 and February 26, 1970.
2-19-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

Department of Reclamation

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the NOTICE OF CLAIM TO A WATER RIGHT

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing with the issue dated 2-19, 19 70 and ending with the issue dated 2-26, 19 70.

Jerry G. Rosin
Subscribed and sworn to before me, this 26th day of February, 19 70.

Carl Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 8.16

73-4005

**AFFIDAVIT
OF PUBLICATION**

State of Idaho, }
County of Custer, } ss:

I, Louis Kristan, publisher
of The Challis Messenger, a
weekly newspaper, publish-
ed at Challis, Idaho, do sol-
emnly swear that the notice
hereto attached and made a
part hereof, was published
in the regular and entire
issue of The Challis Messen-

ger for Two
consecutive weeks, com-
mencing with the issue
dated Feb. 19, 1970,
and ending with the issue
dated Feb. 26, 1970.

Louis Kristan

Subscribed and sworn to
before me this 2nd

day of March, 1970.

Janette Linn
Notary Public, Residing at
Challis, Idaho.

My Commission expires

10-10-73

RECEIVED

MAR 3 1970

Department of Reclamation

PUBLIC NOTICE

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 73-4005

Notice is hereby given that
Jack M. Whitworth, May, Idaho,
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32.8 cubic feet per second of
water from Morgan Creek, tribu-
tary of the Pahsimeroi River
with point of diversion in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15N, R.
21E, B.M., Lemhi County; the
water is claimed to be used from
April 1 to September 30 for ir-
rigation with a priority of 1883;
the place of use is within the
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N,
R. 21E, B.M. and in the N $\frac{1}{2}$
NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E,
B.M.

Any exception to this claim
of water right may be filed with
the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Challis Mes-
senger, Challis, Idaho, on Feb-
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Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho, on February 19 and February 26, 1970.

73-4005

Identification No. _____
Claim No. 73-4005
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Jack M. Whitworth
post office address May, Idaho 83253
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 11 Township 15 N
Range 21 E B.M. located on Morgan Creek
tributary to Pahsimeroi River in Custer Lemhi County.
(name of source)
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:
1883 amount: 32.8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 irrigation period of use from 4/1 to 9/30 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (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 wooden headgate
_____ ; 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 _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

73-4005

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 1 feet; width of ditch at top is 8 feet; width of bottom of ditch is 5 feet; depth of water is 2 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is rock and gravel; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. There are 2 ditches, both have been in
since the point of diversion was established and been used
continuously with average annual maintenance. Each ditch
carries 1000 inches of water.

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

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

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	
15N	21E	12															X	X	80
		13	X	X	X	X										X	X		240
		24															X	X	80
		25	X	X															80
15 N	22E	18					X	X											80
		19						X	X			X							120

Total number of acres to be irrigated 680

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? no 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 _____

7. Where water is used for domestic or municipal purposes give number of families served _____
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
Affidavits to substantiate this claim are being gathered
and will be forwarded as soon as they are completed.

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.

Jack M. Whitworth
Claimant

Sworn to before me this 21st day of January, 1970.

Laura J. Henderson
Notary Public

Residing at Boise, Idaho

My commission expires 8/12/70

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ij</u>	<u>1-23-70</u>			
Prelim. check by <u>D</u>	Date <u>2-2-70</u>	<u>Guth Chinen</u>	<u>do</u>	<u>2-26-70</u>
Fee received by <u>ij</u>	Date <u>2-2-70</u> Fee \$ <u>10.00</u>	<u>Garnett B. Cantler</u>	"	"
Approved for publication by <u>D</u>		<u>Russell W. Bowler</u>	"	"
Published in <u>Recorder-Herald</u>	Dates <u>2-19+26-70</u>	<u>Carl L. Peterson</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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or <u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or <u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or <u> </u> 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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

AFFIDAVIT

STATE OF IDAHO,)
) ss.
COUNTY OF Lemhi,)

Julia B. Fury, being duly sworn,
deposes and says:

1. That he is now and for more than 70 years immediately last past has been, acquainted with the lands situate in the County of Custer & Lemhi, State of Idaho, particularly described as follows, to-wit:

See attached deed.

This information is to the best of my knowledge from having been familiar with the area for over 70 years

2. That such lands are irrigated by water diverted
from Morgan Creek

3. That such lands have been irrigated by water from such source for more than 70 years immediately last past.

4. That the quantity of such water diverted for the irrigation of such lands is a flow of 1640 miners inches.

5. That the point of diversion of such water is

NE $\frac{1}{4}$ NE $\frac{1}{4}$ = Sec. 11, T15N, R21E, BM.

Subscribed and sworn to before me this 11 day of February, 1968.

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 6th day of February in the year of our Lord one thousand nine hundred and fifty-seven, between P.P. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C. GILBERT and HELEN A. GILBERT, husband and wife, all of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and JACK M. WHITWORTH, a married man of the County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable considerations DOLLARS; lawful money of the United States of America,

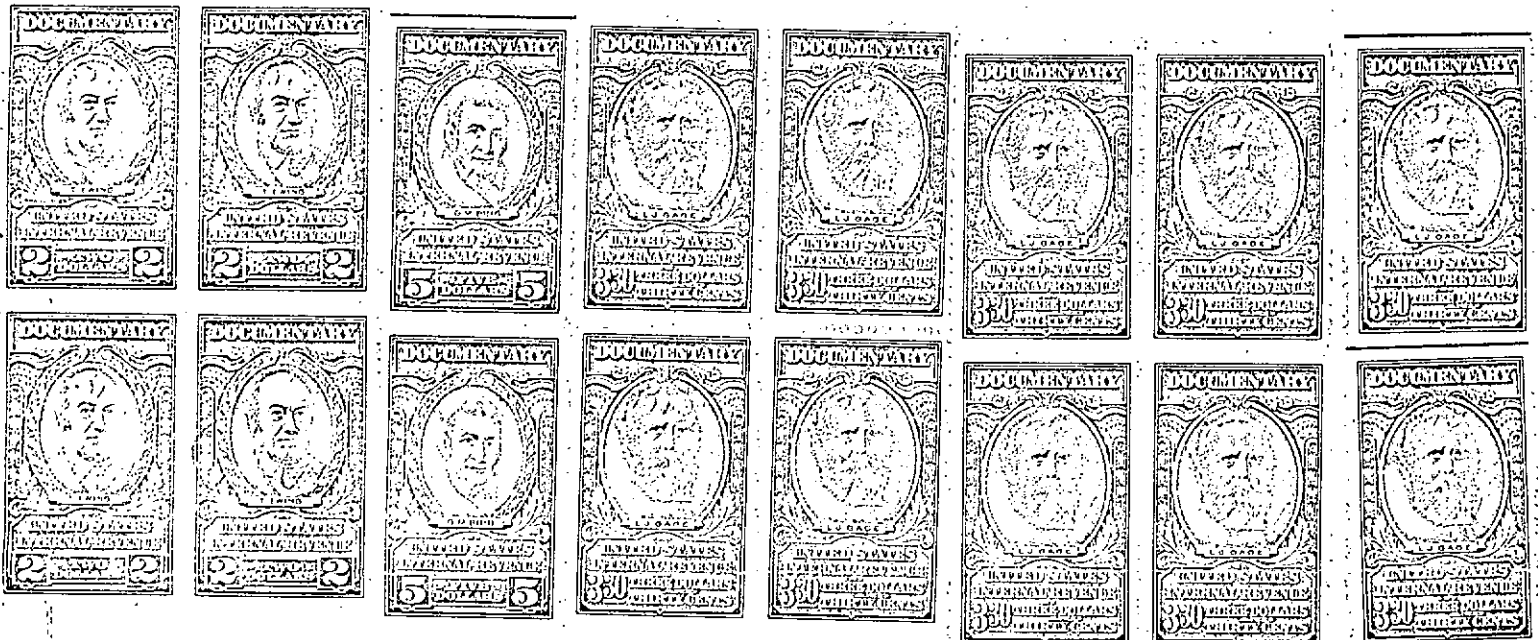
to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North Range 21, E.B.M;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25, Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these present forever DEFEND.

AFFIDAVIT

STATE OF IDAHO,)
COUNTY OF Lemhi,) ss.

Walter Bauman, being duly sworn,
deposes and says:

1. That he is now and for more than Forty years immediately last past has been, acquainted with the lands situate in the County of ~~Custer~~ Lemhi, State of Idaho, particularly described as follows, to-wit:

See attached deed.

2. That such lands are irrigated by water diverted from Morgan Creek.

3. That such lands have been irrigated by water from such source for more than Forty years immediately last past.

4. That the quantity of such water diverted for the irrigation of such lands is a flow of 1640 miners inches.

5. That the point of diversion of such water is

NE&NE&, Sec. 11, T15N, R21E, B.M.

Walter Bauman

Subscribed and sworn to before me this 9th day of February, 1970.

Walter Bauman
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 6th day of February
 in the year of our Lord one thousand nine hundred and fifty-seven, between
 P.P. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C.
 GILBERT and HELEN A. GILBERT, husband and wife, all
 of Salmon, County of Lemhi, State of Idaho,
 the parties of the first part, and
 JACK M. WHITWORTH, a married man
 of the County of Lemhi, State of Idaho,
 the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
 of TEN DOLLARS and other valuable considerations DOLLARS;
 lawful money of the United States of America,

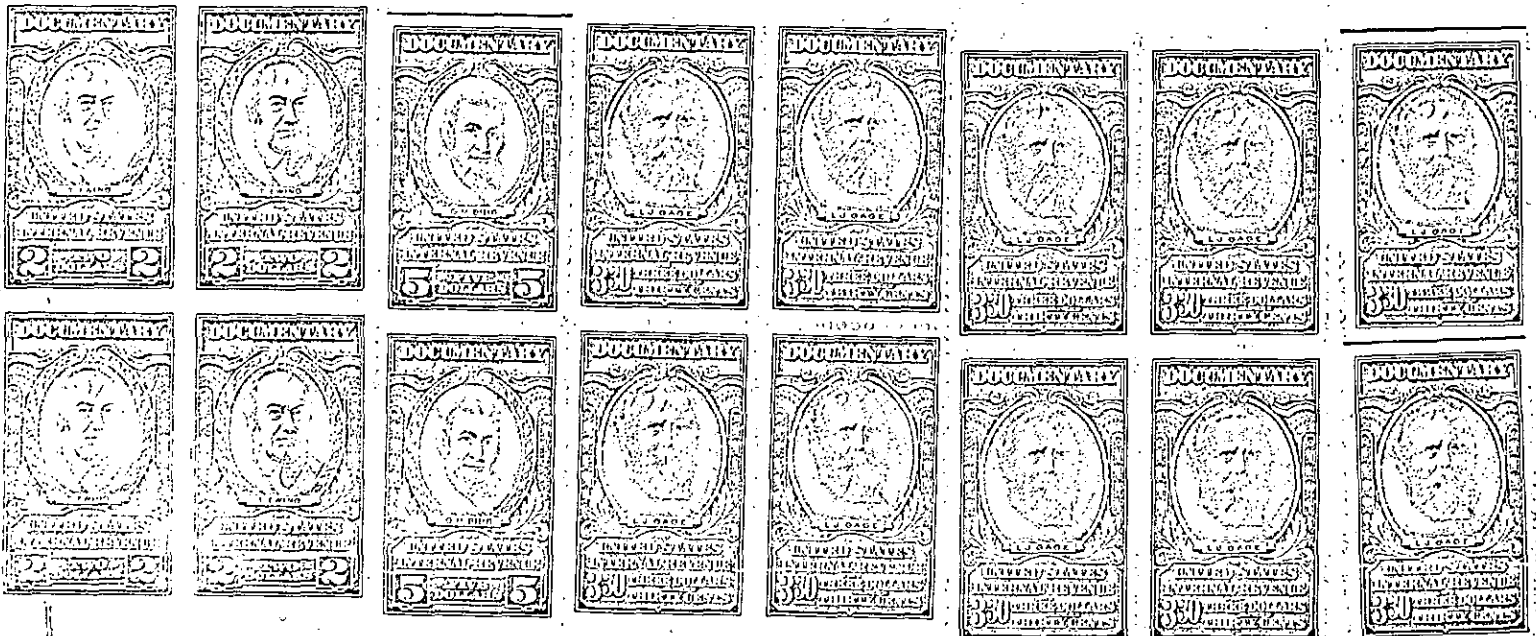
to them in hand paid by the said
 party of the second part, the receipt whereof is hereby acknowledged, have granted, bar-
 gained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the
 said party of the second part, and to his heirs and assigns forever, all of the following
 described real estate, situated in the County of Lemhi, State
 of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and
 the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North
 Range 21, E.B.M.;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township
 15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25,
 Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders,
 rents issues and profits thereof; and all estate, right, title and interest in and to the said proper-
 ty, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises,
 together with the appurtenances, unto the party of the second part, and to his heirs
 and assigns forever and the said parties of the first part, and their heirs, the said prem-
 ises in the quiet and peaceable possession of the said party of the second part his heirs
 and assigns, against the said parties of the first part, and their heirs, and against all and
 every person and persons whomsoever, lawfully claiming or to claim the same shall and will
 WARRANT and by these present forever DEFEND.

AFFIDAVIT

STATE OF IDAHO,)
) ss.
COUNTY OF Lemhi)

Margaret A. Barsalou, being duly sworn,
deposes and says:

1. That he is now and for more than Forty years immediately last past has been, acquainted with the lands situate in the County of Lemhi, State of Idaho, particularly described as follows, to-wit:

(See attached deed)

2. That such lands are irrigated by water diverted
from Morgan Creek

3. That such lands have been irrigated by water from such source for more than Forty years immediately last past.

4. That the quantity of such water diverted for the irrigation of such lands is a flow of 1,640 miners inches.

5. That the point of diversion of such water is NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 15 North Range 21 E.B.M.

Margaret A Barsalou

Subscribed and sworn to before me this 9th day of February, 1968.

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 6th day of February

in the year of our Lord one thousand nine hundred and fifty-seven, between
P.P. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C.
GILBERT and HELEN A. GILBERT, husband and wife, all
of Salmon, County of Lemhi, State of Idaho,

the parties of the first part, and

JACK M. WHITWORTH, a married man

of the, County of Lemhi, State of Idaho,

the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
of TEN DOLLARS and other valuable considerations DOLLARS;
lawful money of the United States of America,

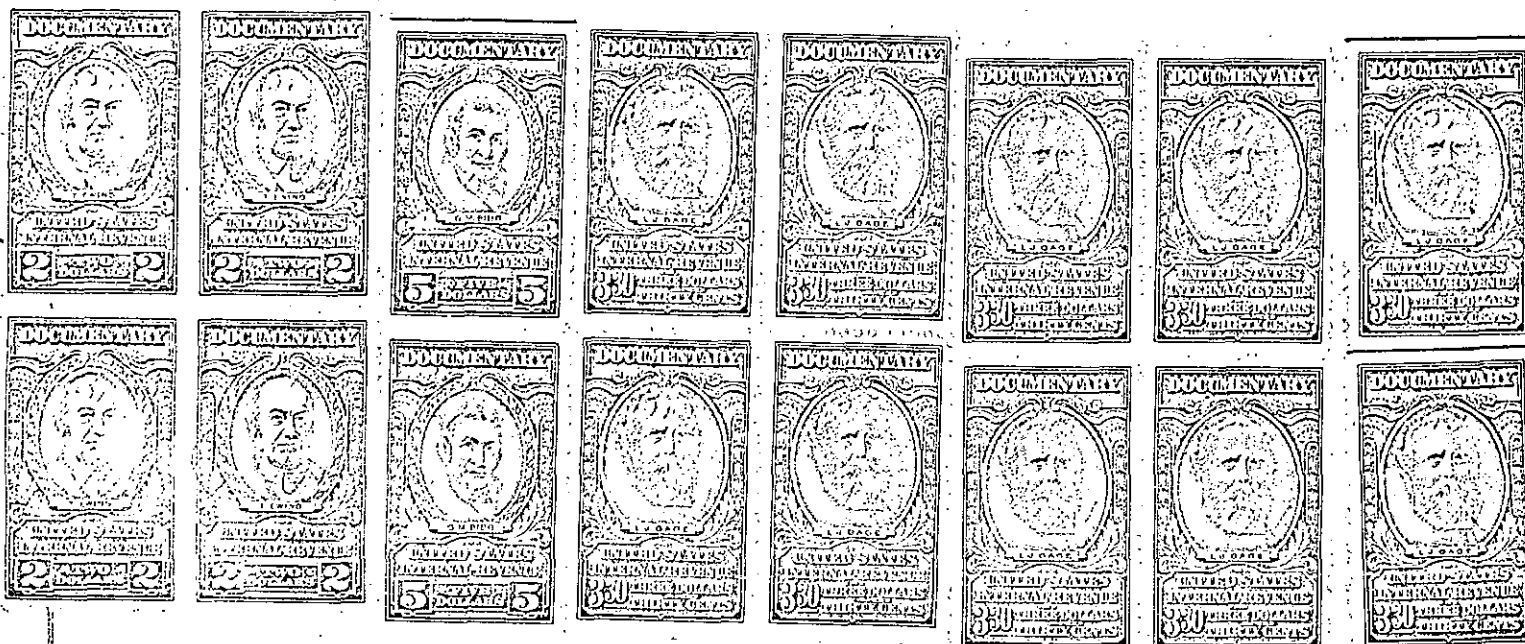
to them in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, have granted, bar-
gained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the
said party of the second part, and to his heirs and assigns forever, all of the following
described real estate, situated in the County of Lemhi, State
of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and
the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North
Range 21, E.B.M.;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township
15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25,
Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders,
rents issues and profits thereof; and all estate, right, title and interest in and to the said proper-
ty, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises,
together with the appurtenances, unto the party of the second part, and to his heirs
and assigns forever and the said parties of the first part, and their heirs, the said prem-
ises in the quiet and peaceable possession of the said party of the second part his heirs
and assigns, against the said parties of the first part, and their heirs, and against all and
every person and persons whomsoever, lawfully claiming or to claim the same shall and will
WARRANT and by these present forever DEFEND.

AFFIDAVIT

STATE OF IDAHO,)
) ss.
COUNTY OF Lemhi,)

Sherman F Furey Furey, being duly sworn,
deposes and says:

1. That he is now and for more than 50 years
immediately last past has been, acquainted with the lands
situate in the County of Custer & Lemhi, State of Idaho,
particularly described as follows, to-wit:

See attached deed.

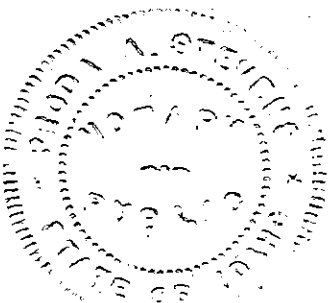
This information is to the best of my knowledge
from having been familiar with the area for over
50 years.

2. That such lands are irrigated by water diverted
from Morgan Creek.
3. That such lands have been irrigated by water from such
source for more than 50 years immediately last past.
4. That the quantity of such water diverted for the
irrigation of such lands is a flow of 1640 miners inches.
5. That the point of diversion of such water is

NE 1/4 NE 1/4, Sec. 11 T15N, R21E, B.M.

Subscribed and sworn to before me this 12 day of Feb, 1978.

Frederic A. Stevens
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.



WARRANTY DEED

THIS INDENTURE, Made this 6th day of February

in the year of our Lord one thousand nine hundred and fifty-seven, between P.F. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C. GILBERT and HELEN A. GILBERT, husband and wife, all of Salmon, County of Lemhi, State of Idaho,

the parties of the first part, and

JACK M. WHITWORTH, a married man

of the, County of Lemhi, State of Idaho,

the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable considerations DOLLARS; lawful money of the United States of America,

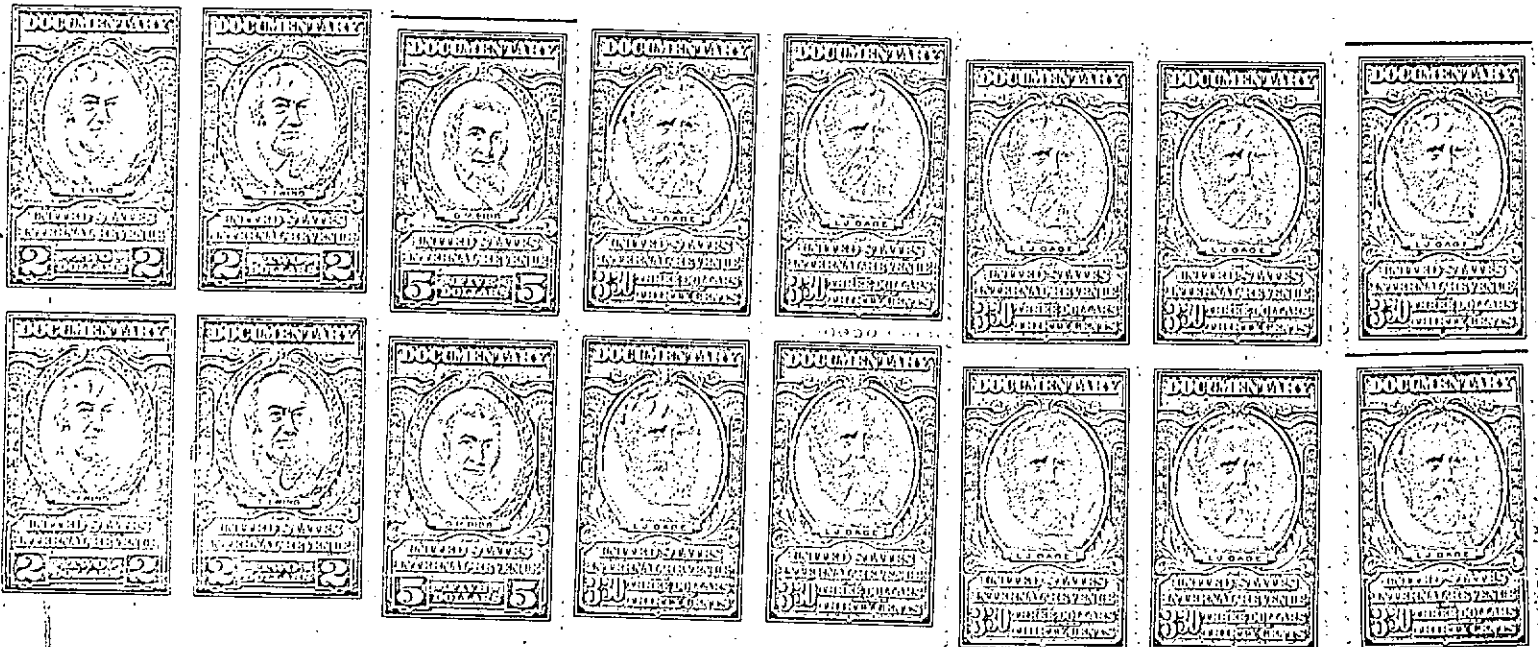
to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North Range 21, E.B.M;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25, Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these present forever DEFEND.

AFFIDAVIT

STATE OF IDAHO,)
COUNTY OF Lemhi,) ss.

Lawrence O'Neil, being duly sworn,
deposes and says:

1. That he is now and for more than 50 years
immediately last past has been, acquainted with the lands
situate in the County of Lemhi, State of Idaho,
particular described as follows, to-wit:

See attached deed

2. That such lands are irrigated by water diverted
from Morgan Creek.

3. That such lands have been irrigated by water from such
source for more than 50 years immediately last past.

4. That the quantity of such water diverted for the
irrigation of such lands is a flow of 1640 miners inches.

5. That the point of diversion of such water is

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T15N, R21E, B.M.

Lawrence O'Neil

Subscribed and sworn to before me this 15th day of February, 1968.

Jack B. Luce
Notary Public for the State of Idaho,
Residing at Challis, Idaho.

WARRANTY DEED

THIS INDENTURE, Made this 6th day of February

in the year of our Lord one thousand nine hundred and fifty-seven, between P.F. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C. GILBERT and HELEN A. GILBERT, husband and wife, all of Salmon, County of Lemhi, State of Idaho,

the parties of the first part, and

JACK M. WHITWORTH, a married man

of the , County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS and other valuable considerations DOLLARS; lawful money of the United States of America,

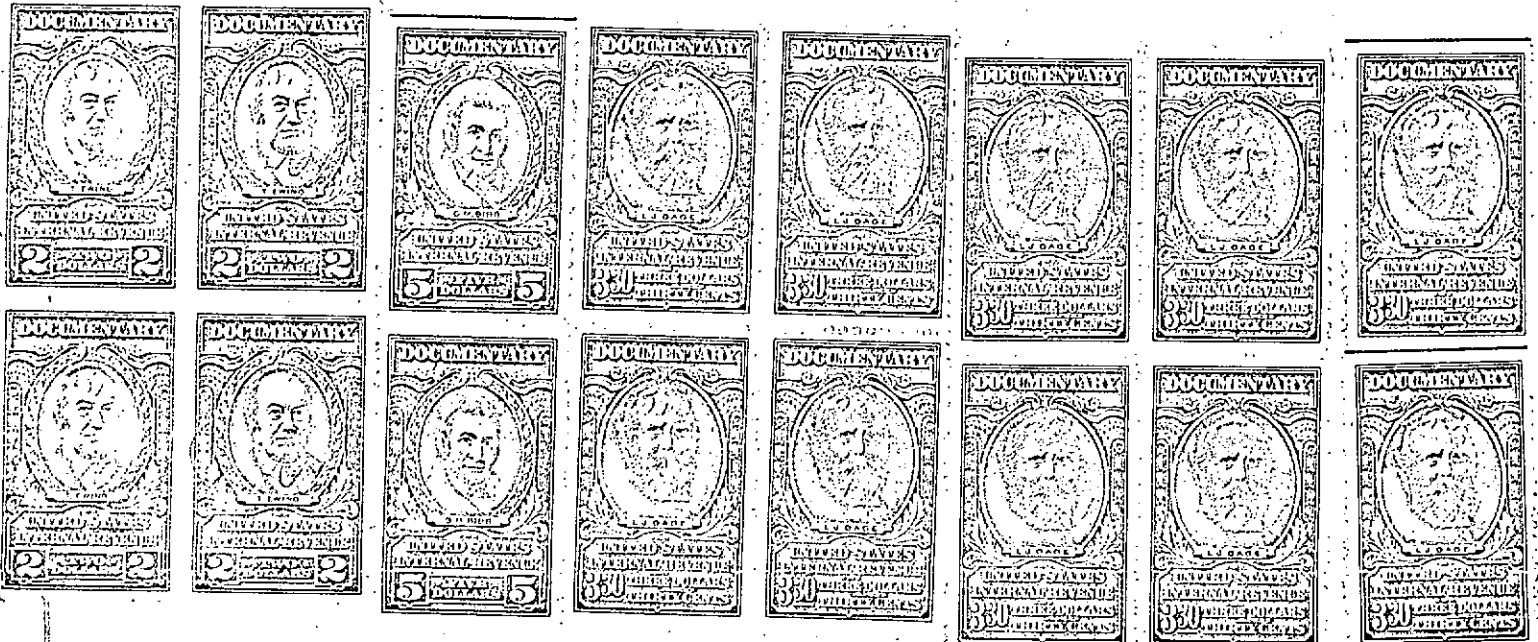
to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North Range 21, E.B.M;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25, Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these present forever DEFEND.

AFFIDAVIT

STATE OF ~~IDAHO~~, Montana)
) ss.
COUNTY OF Beaverhead,)

Virginia Madsen, being duly sworn,
deposes and says:

1. That he is now and for more than 20 years
immediately last past has been, acquainted with the lands
situate in the County of Lemhi, State of Idaho,
particularly described as follows, to-wit:

2. That such lands are irrigated by water diverted
from Morgan Creek.

3. That such lands have been irrigated by water from such
source for more than 20 years immediately last past.

4. That the quantity of such water diverted for the
irrigation of such lands is a flow of 1640 miners inches.

5. That the point of diversion of such water is
NE 1/4 NE 1/4 Sec. 11, T15N, R21E, B.M.

Virginia Madsen

Subscribed and sworn to before me this 16 day of February, 1968

Dorothy L. Freeman
Notary Public for the State of ~~Idaho~~, Monty
Residing at Dillon, Idaho, Monty

NOTARY PUBLIC for the State of Montana
residing at Dillon, Montana.
My Commission Expires 9/16/70

WARRANTY DEED

THIS INDENTURE, Made this 6th day of February
 in the year of our Lord one thousand nine hundred and fifty-seven, between
 P.P. ROUTH and ETHEL STODDARD ROUTH, husband and wife, and EDGAR C.
 GILBERT and HELEN A. GILBERT, husband and wife, all
 of Salmon, County of Lemhi, State of Idaho,
 the parties of the first part, and
 JACK M. WHITWORTH, a married man
 of the County of Lemhi, State of Idaho,
 the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum
 of TEN DOLLARS and other valuable considerations DOLLARS;
 lawful money of the United States of America,

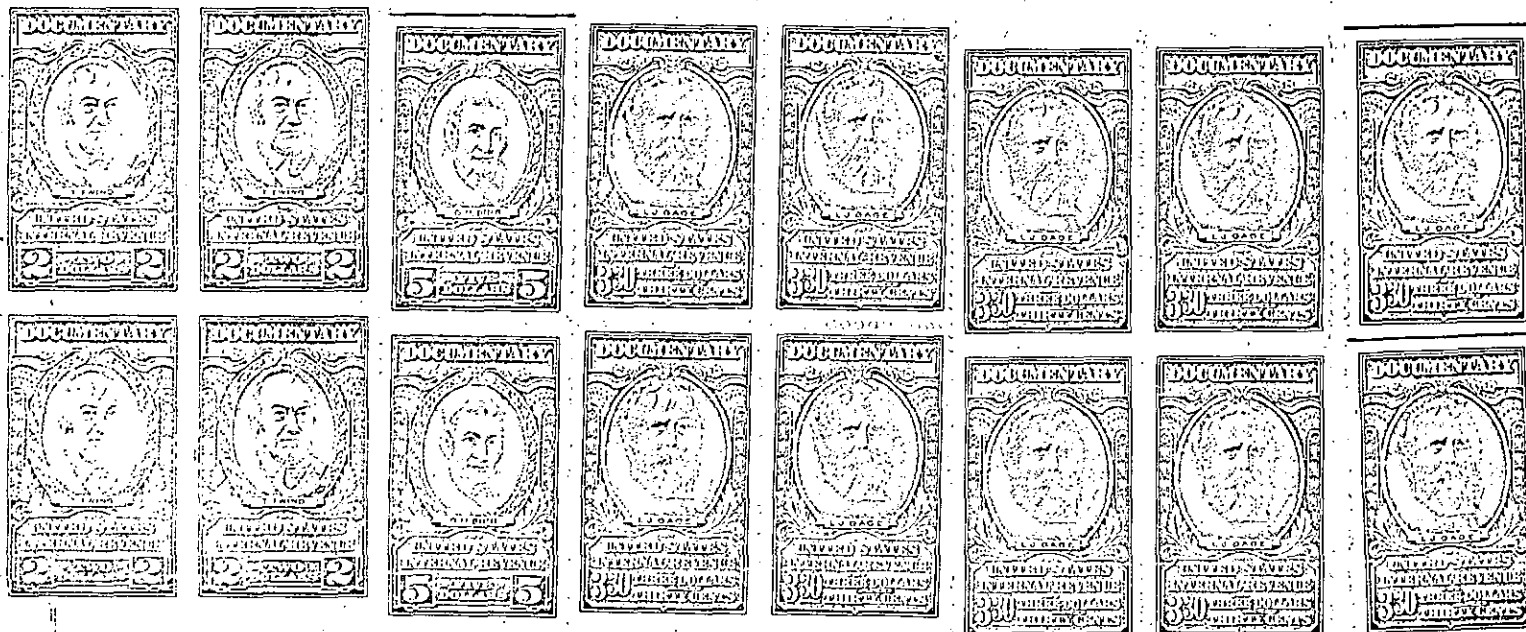
to them in hand paid by the said
 party of the second part, the receipt whereof is hereby acknowledged, have granted, bar-
 gained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the
 said party of the second part, and to his heirs and assigns forever, all of the following
 described real estate, situated in the County of Lemhi, State
 of Idaho, to-wit:

The NE $\frac{1}{4}$ of Section 13; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13; and
 the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 12; all in Township 15 North
 Range 21, E.B.M.;

Lot 1 of Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township
 15 North Range 22, E.B.M.;

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 25,
 Township 15 North Range 21, E.B.M.;

Lots 1, 2 and 3 in Section 19, Township 15 North Range 22, E.B.M.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders,
 rents issues and profits thereof; and all estate, right, title and interest in and to the said proper-
 ty, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises,
 together with the appurtenances, unto the party of the second part, and to his heirs
 and assigns forever and the said parties of the first part, and their heirs, the said prem-
 ises in the quiet and peaceable possession of the said party of the second part his heirs
 and assigns, against the said parties of the first part, and their heirs, and against all and
 every person and persons whomsoever, lawfully claiming or to claim the same shall and will
 WARRANT and by these present forever DEFEND.

EXCEPTION TO CLAIM OF WATER RIGHT

NO. 73-4005

Comes now R. D. Bowles of May, Idaho, being the owner of lands in Lemhi County, Idaho, to which there are appurtenant water rights in the waters of Morgan Creek, a tributary of Paksimerol River, and pursuant to Section 42-225(b), Idaho Code, hereby excepts to the claim of water right in said stream made by Jack M. Whitworth of May, Idaho, as filed at the office of the Department of Reclamation of the State of Idaho under the above number, notice of which was published in The Challis Messenger, a newspaper published at Challis, Idaho, on February 19 and 26, 1970, on the following grounds:

(1) The said notice of claim failed to state specifically the exact date or dates of priority claimed for specific amounts of water by said claimant.

(2) Exception is made to all claims of water rights of the said Jack M. Whitworth to the waters of Morgan Creek, except the following:

160 miners inches, with priority of 1883;

160 miners inches, with priority of May, 1891;

80 miners inches, with priority of June 1895

totaling 400 miners inches

(3) Exception is further made to the description of lands designated as the place of use of the water rights claimed by the said Jack M. Whitworth.

Dated this 18th day of April, 1970.

Russell J. Baird

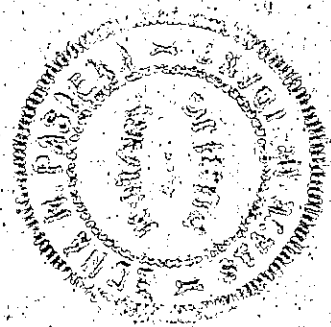
Subscribed and sworn to before me this 18th day of April, 1970.

Edna M. Pasieka

Notary Public for State of Idaho

Residing at Challis, Idaho

My Comm. exp. 7/5/72



73-4005

EXCEPTION TO CLAIM OF WATER RIGHT

NO. 73-4005

Comes now R. O. Bowles of May, Idaho, being the owner of lands in Lemhi County, Idaho, to which there are appurtenant water rights in the waters of Morgan Creek, a tributary of Paksimerol River, and pursuant to Section 42-225(b), Idaho Code, hereby excepts to the claim of water right in said stream made by Jack M. Whitworth of May, Idaho, as filed at the office of the Department of Reclamation of the State of Idaho under the above number, notice of which was published in The Challis Messenger, a newspaper published at Challis, Idaho, on February 19 and 26, 1970, on the following grounds:

(1) The said notice of claim failed to state specifically the exact date or dates of priority claimed for specific amounts of water by said claimant.

(2) Exception is made to all claims of water rights of the said Jack M. Whitworth to the waters of Morgan Creek, except the following:

- 160 miners inches, with priority of 1883;
- 160 miners inches, with priority of May, 1891;
- 80 miners inches, with priority of June 1895

totaling 400 miners inches

(3) Exception is further made to the description of lands designated as the place of use of the water rights claimed by the said Jack M. Whitworth.

Dated this 18th day of April, 1970.

Russell J. Banker

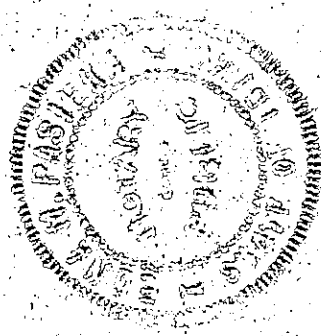
Subscribed and sworn to before me this 18th day of April, 1970.

Edna M. Pasicka

Notary Public for State of Idaho

Residing at Challis, Idaho

My Comm. exp. 7/5/72



73-4005

EXCEPTION TO CLAIM OF WATER RIGHT

NO. 73-4005

Comes now Ernest E. Cantlin & Ellis, Idaho, being the owner of lands in Terrebonne County, Idaho, to which there are appurtenant water rights in the waters of Morgan Creek, a tributary of Pahsimeroi River, and pursuant to Section 42-225(b), Idaho Code, hereby excepts to the claim of water right in said stream made by Jack M. Whitworth of May, Idaho, as filed at the office of the Department of Reclamation of the State of Idaho under the above number, notice of which was published in The Challis Messenger, a newspaper published at Challis, Idaho, on February 19 and 26, 1970, on the following grounds:

(1) The said notice of claim failed to state specifically the exact date or dates of priority claimed for specific amounts of water by said claimant,

(2) Exception is made to all claims of water rights of the said Jack M. Whitworth to the waters of Morgan Creek, except the following:

- 160 miners inches, with priority of 1883;
- 160 miners inches, with priority of May, 1891;
- 80 miners inches, with priority of June 1895

totaling 400 miners inches

(3) Exception is further made to the description of lands designated as the place of use of the water rights claimed by the said Jack M. Whitworth,

Dated this 21st day of April, 1970.

Ernest E. Cantlin

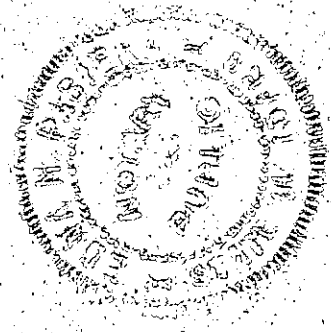
Subscribed and sworn to before me this 21st day of April, 1970.

Edna M. Pasieka

Notary Public for State of Idaho

Residing at Ellis, Idaho

My Comm. exp. 7/5/72



73-4005

EXCEPTION TO CLAIM OF WATER RIGHT

NO. 73-4005

Comes now Everett E. Cantlin of Ellis, Idaho, being the owner of lands in Lemhi County, Idaho, to which there are appurtenant water rights in the waters of Morgan Creek, a tributary of Pahsimeroi River, and pursuant to Section 42-225(b), Idaho Code, hereby excepts to the claim of water right in said stream made by Jack M. Whitworth of May, Idaho, as filed at the office of the Department of Reclamation of the State of Idaho under the above number, notice of which was published in The Challis Messenger, a newspaper published at Challis, Idaho, on February 19 and 26, 1970, on the following grounds:

(1) The said notice of claim failed to state specifically the exact date or dates of priority claimed for specific amounts of water by said claimant.

(2) Exception is made to all claims of water rights of the said Jack M. Whitworth to the waters of Morgan Creek, except the following:

160 miners inches, with priority of 1883;

160 miners inches, with priority of May, 1891;

80 miners inches, with priority of June 1895

totaling 400 miners inches

(3) Exception is further made to the description of lands designated as the place of use of the water rights claimed by the said Jack M. Whitworth.

Dated this 21st day of April, 1970.

Everett E. Cantlin

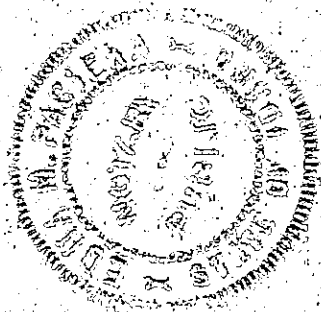
Subscribed and sworn to before me this 21st day of April, 1970.

Edna M. Pasicka

Notary Public for State of Idaho

Residing at Ellis, Idaho

my Comm. exp. 7/5/72



73-4005

RECEIVED

Ellis Idaho
Feb. 24, 1970.

FEB 27 1970

R. Keith Higginson
State Reclamation Engineer
Boise, Idaho.

Department of Reclamation

Dear Sir:

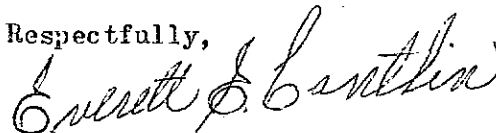
Reference: Claim to a Water Right, No. 73-4005, Jack M. Whitworth.

This claim is grossly exaggerated; Morgan Creek does not have 32.8 cubic feet per second of water except during high water which usually occurs the latter part of May and usually continues until the fore part of July.

In the second place; Many of the acres mentioned in this claim are not being irrigated and have never been irrigated.

The purpose of this letter is a protest to this claim.

Respectfully,



Everett E. Cantlin
Ellis Idaho. 83235.

73-4005

RECEIVED

Challis, Idaho

FEB 25 1970

February 24, 1970

Department of Reclamation

R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
614 State
State House
Boise, Idaho 83843

Dear Mr. Higginson:

I am protesting the claim to a water right No 73-4005 and claim No. 73-4006 - Jack M. Whitworth, May, Idaho, on the basis that there isn't sufficient water and these claim will jeopardize the existing rights.

My water rights are in the Y-Bar Estate.

Yours truly,

Garth Chivers

Garth Chivers

Challis, Idaho 83226

73-4005

B. Keith Megginson

RECEIVED
Feb. 26 1970
FEB 27 1970

State Reclamation Engineer, Department of Reclamation
Dear Sir.

In reading the Recorder Herald, Paper
of Salmon Ida. dated Feb. 19, 1970

A notice of claim to G. water Right
No. 73-4005. It states, ^{this} Amount of
water used from April 1 to Sept. 30.

We have 580 inches of decreed water rights
in Morgan Creek, approximately the same
diversion Point, and have used this water
plus our percentage right of high water
on the ranch for 22 yrs.

In exception to claims No. 73-4005.
this water above decrees does not exist
before approx. June 1 and expires about Aug. 1

M. J. Idaho.

Sincerely,
Russell J. Bauman Buyer
Carl L. Peterson, Seller of Ranch.
Limbic, Ida.

Affidavit of Publication

RECEIVED

1970 5 10

STATE OF IDAHO }
County of Lemhi } ss.

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT No. 73-4005

Notice is hereby given that Jack M. Whitworth, May, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 32.8 cubic feet per second of water from Morgan Creek, tributary of the Pahsimeroi River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15N, R. 21E, B.M., Lemhi County; the water is claimed to be used from April 1 to September 30 for irrigation with a priority of 1883; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N, R. 21E, B.M. and in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in The Recorder-Herald, Salmon, Idaho, on February 19 and February 26, 1970.
2-19-2tc

JERRY G. ROSIN

_____, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the NOTICE OF CLAIM TO A WATER RIGHT

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing with the issue dated 2-19, 19 70 and ending with the issue dated 2-26, 19 70.

Jerry G. Rosin

Subscribed and sworn to before me, this 26th

day of February, 19 70.

Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 8.16

73-4005

**AFFIDAVIT
OF PUBLICATION**

State of Idaho, } ss:
County of Custer, }

I, Louis Kristan, publisher
of The Challis Messenger, a
weekly newspaper, publish-
ed at Challis, Idaho, do sol-
emnly swear that the notice
hereto attached and made a
part hereof, was published
in the regular and entire
issue of The Challis Messen-

ger for Two
consecutive weeks, com-
mencing with the issue
dated Feb. 19, 1970,
and ending with the issue
dated Feb. 26, 1970
dated , 19 .

Louis Kristan

Subscribed and sworn to
before me this 2nd

day of March, 1970

Janette Davis
Notary Public, Residing at
Challis, Idaho.

My Commission expires

10-10-73

RECEIVED

MAR 3 1970

Department of Reclamation

PUBLIC NOTICE

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 73-4005

Notice is hereby given that
Jack M. Whitworth, May, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of
32.8 cubic feet per second of
water from Morgan Creek, trib-
utary of the Pahsimeroi River
with point of diversion in the
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15N, R.
21E, B.M., Lemhi County; the
water is claimed to be used from
April 1 to September 30 for ir-
rigation with a priority of 1883;
the place of use is within the
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N,
R. 21E, B.M. and in the N $\frac{1}{2}$
NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E,
B.M.

Any exception to this claim
of water right may be filed with
the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Challis Mes-
senger, Challis, Idaho, on Feb-
ruary 19 and February 26, 1970.

73-4005

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

May 14, 1970

Re: Claim to a Water Right No. 73-4005 and 73-4006

Mr. Jack M. Whitworth
May
Idaho 83253

Dear Mr. Whitworth:

Enclosed please find copies of exceptions filed (in affidavit form), in connection with the above referenced claims, by Russell D. Bowles, Everett E. Cantlin, Thomas A. Wring, Joe A. Ziegler, M. L. Wring, Elsiemae Cunningham and Maude L. Wring.

The original exceptions have been made a part of our files and will remain of public record.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures (7)

cc: Idaho Land & Appraisal Service

73-4005

May 14, 1970

Re: Claim to a Water Right No. 73-4005 - Jack M. Whitworth

Mr. Russell D. Bowles
Box 147
May, Idaho 83253

Dear Mr. Bowles:

This is to acknowledge receipt of your exception filed in affidavit form in connection with the above referenced claim to a water right.

Your exception has been made a part of our files and will remain of public record.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

73-4005

May 14, 1970

Re: Claim to a Water Right No. 73-4005 - Jack M. Whitworth

Mr. Everett E. Cantlin
Ellis
Idaho 83235.

Dear Mr. Cantlin:

This is to acknowledge receipt of your exception filed in affidavit form in connection with the above referenced claim to a water right.

Your exception has been made a part of our files and will remain of public record.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

73-4005

March 10, 1970

Re: Claim to a Water Right No. 73-4005

Mr. Jack M. Whitworth
May, Idaho 83253

Dear Mr. Whitworth:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dr

Enclosures: Copy of claim
Receipt No. 4143

73-4005

March 6, 1970

Re: Claim to a Water Right No. 73-4005 & 73-4006
Jack M. Whitworth

Mr. Harley M. McDowell
IDAHO LAND & APPRAISAL SERVICE
P.O. Box 1603
Boise, Idaho 83701

Dear Mr. McDowell:

Pursuant to your request of March 3, 1970, we are herewith enclosing a copy of all the exceptions filed in connection with the above referenced claims to a water right.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:DR

Enclosures

73-4005

IDAHO LAND & APPRAISAL SERVICE

633 N. 4TH

BOISE, IDAHO 83701

P. O. Box 1603

PHONE 344-2547

March 3, 1970

ALL PROPERTY APPRAISALS

CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

GRAZING MANAGEMENT

FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

RECEIVED

MAR 4 1970

Department of Reclamation

CANADA

WASHINGTON
BOUNDARY
BONNER
BENEWAH
SHOSHONE
LATAH
PERMITS
OREGON

Mr. R. Keith Higginson
State Reclamation Engineer
Statehouse - Annex 2
Boise, Idaho 83707

RE: Claim to a Water Right, Jack M. Whitworth

Dear Sir:

On January 22, 1970 we filed the above designated claims, it is our understanding that these claims have been protested. As an interested party in this matter we would very much appreciate receiving copies of all protests you now have on file and any further protests you might receive concerning this matter.

Thank you for your cooperation.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Harley M. McDowell

WASHINGTON
OREGON

WASHINGTON
PAYETTE
GEM
CANYON

IDAHO

ADA

ELMORE

CAMAS

BLAINE

BUTTE

JEFFERSON

MADISON

TETON

BONNEVILLE

BINGHAM

CARIBOU

BEAR LAKE

FRANKLIN

ONEIDA

CASSIA

TWIN FALLS

JEROME

LINCOLN

GOODING

OWYHEE

NEVADA

UTAH

WYOMING

73-4005

ALSO SENT TO:

Garth Chivers
Challis,
Idaho 83226

Everett E. Cantlin
Ellis, Idaho 83235

February 25, 1970

Re: Claim to a Water Right No. 73-4005 - Jack M. Whitworth

Russell D. Bowles & Carl L. Peterson
Box 147
May, Idaho 83253

Gentlemen:

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 the above referenced claim has been filed (Idaho Code, Section 42-225b):

"At anytime 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 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 reclamation. 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 conformation or final censorship of the described rights.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dr

73-4005

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 73-4005

Notice is hereby given that Jack M. Whitworth, May, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 32.8 cubic feet per second of water from Morgan Creek, tributary of the Pahsimeroi River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15N, R. 21E, B.M., Lemhi County; the water is claimed to be used from April 1 to September 30 for irrigation with a priority of 1883; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N, R. 21E, B.M. and in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho, on February 19 and February 26, 1970.

73-4005

February 10, 1970

Re: Claim to a Water Right No. 73-4005 - Jack M. Whitworth
" " " " " " 73-4006

Recorder-Herald
Box 310
Salmon, Idaho 83467

AND

Challis Messenger
Challis,
Idaho 83226

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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices (2)

*Bills submitted
3-9-70
DW*

73-4005

No. 73-4005

_____ has filed a claim to a water right
established by diversion and application to beneficial use of 32.8
cubic feet per second ~~acre/feet~~ of water from Morgan Creek, tributary of
the Pahsimeroi River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 11, T. 15N, R. 21E, B.M., Lemhi County; the water is
claimed to be used from April 1 to September 30 for irrigation
with a priority of 1883
; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
12; NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 15N, R. 21E,
B.M. and in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18; W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 15N, R. 22E, B.M.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Recorder-Herald, Salmon, Idaho, and Challis Messenger,
on February 19 and February 26, 1970, Challis, Idaho

73-4005