

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO, }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for Two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning
with September 24, 1970
and ending with the issue of
October 1, 1970

Fees \$..... T. R. Adams

Subscribed and sworn to before
me this 12 day of May
1970

Richard M. Dugan
Clerk District Court

Deputy

— o — o — o —
NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4072

Notice is hereby given that
Ethel L. Wood, Star Route, Ida-
ho City, Stage, Boise, Idaho,
has filed a claim to a water
right established by diversion
and application to beneficial
use of 0.40 cubic feet per second
of water from unnamed spring
with point of diversion in the
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 5N., R.
5E., B.M., Boise County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic, irrigation and mining
purposes with a priority of 1932;
the place of use is within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8,
T. 5N., R. 5E., B.M.

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

R. KEITH HIGGINSON
Director

Published in the Idaho World,
Idaho City, Idaho, on Septemb-
er 24 and October 1, 1970.

63 4072

Identification No. _____

Claim No. 63-4072

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 Ethel L. Wood
post office address Star Route, Idaho City, via Boise, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 7 Township 5N
Range 5E B.M. located on unnamed spring
(name of source)
tributary to sinks on my land in Boise 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>X 1932</u>	amount: <u>.02</u> c.f.s. or _____ acre feet
<u>X 1932</u>	amount: <u>.40</u> c.f.s. or _____ acre feet
<u>X 1932</u>	amount: <u>.02</u> c.f.s. or _____ acre feet
Total claimed <u>.40</u> 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>domestic</u>	period of use from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive)
use <u>irrigation</u>	period of use from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive)
use <u>mining</u>	period of use from <u>Jan 1</u> to <u>Dec 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; with 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 _____
_____ ;

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 _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; 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 since first use of water, water was carried
from spring to cabin by bucket. I am now in the process of having a
holding tank installed for a gravity system to my new home.

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:

[illegible]

Total number of acres to be irrigated 23

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 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 The irrigation is for the watering of small pine trees that I am planting on my 20 acres.

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

State of Idaho }
County of Laurel } 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 9th day of September, 1970

Edith L. Wood
Claimant

Pauline M. Dugan
Notary Public

Residing at For Basin County, State of Idaho

My commission expires _____

For Department Use Only

Received by <u>[Signature]</u>	Date <u>Sept 10 - 70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>[Signature]</u>	Date <u>Sept 10</u>	<u>5132</u>		
Fee received by <u>V.H.</u>	Date <u>9-10-70</u>	Fee \$ <u>10</u>		
Approved for publication by <u>[Signature]</u>				
Published in <u>Idaho World</u>	Dates <u>9-24 & 10-1, 1970</u>			

63 4072

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. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
	Total claimed:		<u>1.2 c.f.s. or</u>	<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.

IN THE MATTER OF:)

ETHEL WOOD)

Idaho City, Idaho)

63-4072)

State of Idaho)

County of Boise)

AFFIDAVIT

Miles M. Young

being first duly sworn,

deposes and says: I have been aware of and have witnessed the use of
the water from springs located on and above the applicants property, the
Patty Merrill, Patent Placer Mining Claim, Survey No. 3401. This Claim
is located about four (4) Miles S.W. of Idaho City, Boise County, Idaho
near Highway #21. This water has been used for mining and domestic use
on the above property for the last thirty (30) years continuously.

Miles M. Young
(Signature)

Subscribed and sworn to before me this 19 day of May, 1971.

Robert J. Tuffield
(Notary Public) Clerk District Court
Boise County, Idaho City, State of Idaho

Residing at Idaho City, Idaho
My Commission Expires _____

63 4072

IN THE MATTER OF:)

Claim to A Water Right)
No. 63-4072)
Ethel L. Wood)

State of Idaho)
County of Boise)

AFFIDAVIT

RECORDED

INDEXED

George H. Emerson, being first duly sworn,

deposes and says: I have owned land in Boise County since 1929, and have
been a resident of the County for 21 years. From my own knowledge,
Mrs. Edna Pressler resided on the Patty Merrill No. 1 Placer Claim for
30 or more years continuously. This property is identified by Survey
No. 3401, and Patent No. 1128600 issued in September of 1948. She used
water from springs on or near the property for mining and domestic use
until she sold the property in 1969.

George H. Emerson
(Signature)

Subscribed and sworn to before me this 1st day of September, 1971

Robert J. Tuffield
(Notary Public)
Clerk of District Court

Residing at Idaho City Idaho:
My Commission Expires _____:

63 4072

IN THE MATTER OF:)

Ethel L. Wood)
Claim to a Water)
Right No. 63-4072)

State of Idaho)
County of Boise)

AFFIDAVIT

RECEIVED

Department of Water Administration

Fred A. Proffer, being first duly sworn,

deposes and says: I knew Mrs. Edna Pressler for some years before she
moved to the Patty Merrill Placer Claim in 1939. I can affirm from
my knowledge and observation that she used the water from springs on
and above the Claim for domestic use, mining, and irrigation for 30
years continuously until she sold the land in 1969. The Claim was
patented in 1948 under Patent No. 1128600.

I have been a resident of Boise County, in or near the Idaho City
area, since 1904.

Fred Proffer
(Signature)

Subscribed and sworn to before me this 8th day of September, 1971.

Robert J. Tuffield
(Notary Public)
Clerk of District Court
Boise County, State of Idaho.

Residing at _____
My Commission Expires _____.

63 4072

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO, } S.S.
COUNTY OF BOISE

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for Two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning

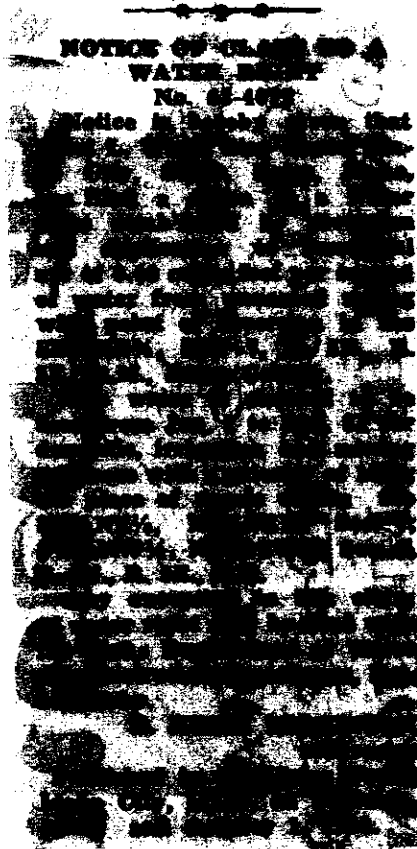
with September 24, 1970
and ending with the issue of
October 1, 1970

Fees \$..... T. R. Adams

Subscribed and sworn to before
me this 12 day of Nov,

1970
Richard M. Hargrave
Clerk District Court

Deputy



63 4072

ACT
ION

N OWNER LAST NAME - WOOD FIRST NAME - ETHEL L.
N ADDRESS LINE 1 - STAR RT. ADDRESS LINE 2 - IDAHO CITY VIA
N CITY - BOISE STATE - ID ZIP CODE - 83631
N SOURCE - SPRING TRIBUTARY OF - SINKS
N STAGE - STATRY CLM PRIORITY - 06-01-1932 COUNTY - BOISE TOTAL DIV. RATE - .4000CFS
N DIVERSION POINT - SENE 07 05N 05E
N FROM - 01-01 TO - 12-31 USE - IRRIGATION USE DIV. RATE - .0400CFS
N FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0200CFS
N FROM - 01-01 TO - 12-31 USE - MINING USE DIV. RATE - .0200CFS
N USE - IRRIGATION PLACE OF USE - TWN 05N RNG 05E SEC 07 TRACT SENE AC 04 TRACT NESE AC 06
N USE - IRRIGATION PLACE OF USE - TWN 05N RNG 05E SEC 08 TRACT SNNW AC 10 TRACT NWSW AC 03

3/79

IDENT. NO. 63-4072

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 63-4072
OTd No. New No.

Record

1. Original Owner: Elhel L. Wood

Present Owner: _____

2. Address: Star Rt., Idaho City via3. City: Boise State: ID Zip: 836314. A. Source of Water: SpringB. Tributary of: sinks5. 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: 6-1-1932D. County: 15E. Total Diversion Rate: .4

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SENE</u>	<u>1</u>	<u>SN</u>	<u>SE</u>		

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

from 1-1 to 12-31 for A purposes. Amount .04
(cfs or AC-FT/yr)from 1-1 to 12-31 for D purposes. Amount .02from 1-1 to 12-31 for X 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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	SE	7				4									6				10
		8							10				3						13

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):

November 19, 1970

Re: Claim to a Water Right No. 63-4072

Ms. Ethel L. Wood
Star Route
Idaho City, via Boise, Idaho

Dear Ms. Wood:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. 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 Supervisor

DWM:dr
Enclosure: Copy of claim

63 4072

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 5, 1970

Idaho World
Box 144
Idaho City, Idaho 83631

Gentlemen:

In checking our files, we find that we need affidavits of publication and certified bills as follows:

	<u>PUBLISHED</u>
Claim No. 63-4068 - Izora Jane Lightfoot Anderson Atkins	9-24 & 10-01
" " 63-4071 - Herbert B. Steele	9-24 & 10-01
" " 63-4072 - Ethel L. Wood	9-24 & 10-01
" " 63-4073 - City of Idaho City	10-01 & 10-08
Application No. 65-7158 - George &/or Gladys Stuchbery	9-24 & 10-01
" " 65-7159 - Bogus Basin Recreational Assn.	10-01 & 10-08
" " 65-7160 - Robert &/or Albert Helmick	10-01 & 10-08

As the Department cannot take final action on these claims and applications until we are in receipt of the affidavits, it is very important that we receive them as soon as possible.

May we ask for your prompt attention to this matter?

Very truly yours,

63 4072

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 14, 1970

Re: Claim No. 63-4068 - Izora Jane Lightfoot Anderson Atkins
63-4071 - Herbert B. Steele
63-4072 - Ethel L. Wood
App. No. 65-7158 - George &/or Gladys Stuchbery

Idaho World
Box 144
Idaho City, Idaho 83631

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on September 24 and October 1st, 1970.

Your cooperation in this matter would be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

63 4072

DWM:DR

September 16, 1970

Re: Claim No. 63-4068 - Izora Jane Lightfoot Anderson Atkins
63-4071 - Herbert B. Steele
63-4072 - Ethel L. Wood
App. No. 65-7158 - George &/or Gladys Stuchbery

Idaho World
Box 144
Idaho City, Idaho 83631

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 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,

Donald W. McEldowney
Appropriation Supervisor

63 4072

DWM:DR
Enc: Legal notices (4)

Bill submitted 11-17-70 By ds

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4072

Notice is hereby given that Ethel L. Wood, Star Route,
Idaho City, via Boise, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.40 cubic feet per second ~~1000/1000~~
of water from an unnamed spring
with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T. 5N, R. 5E, B.M.,
Boise County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic,
irrigation and mining purposes
with a priority of 1932;
the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 8; T. 5N, R. 5E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho World, § Idaho City, Idaho,
on September 24 and October 1, 1970.

63 4072