

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claim to a Water
Right

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 5th day of August, 19 71, and ending on the 12th day of August, 19 71

Nancy Noble
Subscribed and sworn to before me this 13th day of August, 19 71

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIM TO A WATER RIGHT

No. 83-4001

NOTICE IS HEREBY GIVEN that Francis E. Hughes, P.O. Box 1940, Orofino, Idaho has filed a claim to a water right established by diversion and application to

beneficial use of 0.20 cubic feet per second of water from Lewis Creek, tributary to No. Fk. Clearwater River, with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 39N., R. 4E., B.M., Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from April 1 to Oct. 31 for the irrigation of 10 acres with a priority of 1948; the place of use is within the NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 29, T. 39N., R. 4E., B.M.

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

R. KETH HIGGINSON
Director

Published in the Clearwater Tribune, Orofino, Idaho on Aug. 5 and Aug. 12, 1971.

8-5, 12c.

RECEIVED

AUG 24 1971

Water Administration

83 4001

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TO A WATER RIGHT**

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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 Clearwater Tribune, Orofino, Idaho on Aug. 5 and Aug. 12, 1971.

8-5, 12c.

8-4-71

Identification No. 83-4001P

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant FRANCIS E. HUMES NO PHONE SERVICE
post office address P.O. Box 1940 ORDFINO, IDAHO 83544
2. The point of diversion is in SW $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Section 29 Township 39N
Range 4E B.M. located on LEWIS CREEK
(name of source)

tributary to NO. FR. CLEARWATER RIVER in CLEARWATER 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:

ITEM 1. SINCE 1948 amount: .15 c.f.s. or _____ acre feet
ITEM 2. SINCE 1948 amount: .05 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .20 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:

ITEM 1 use IRRIGATING period of use from APR. 1 to OCT. 31 (both dates inclusive)
ITEM 2 use DOMESTIC period of use from JAN. 1 to DEC. 31 (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 CEDAR PLANKING
HEAD GATE; length is 10 feet; height is 4 feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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

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ing date and dimensions if possible.

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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 _____
50 HEAD BEEF STOCK 6 HORSES.

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

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
THIS WATER WAS USED BY PRESENT DIVERSION
SYSTEM BY FORMER OWNER AS PER ATTACHED AFFIDAVIT
SINCE 1948 - ITEM 1 Q. 3 PAGE 1 USED FOR
IRRIGATING PURPOSES, WATER BEING DIVERTED FROM LEWIS
CREEK AT A POINT ON THE APPLICANTS PROPERTY -
ITEM 2 Q. 3 PAGE 1 PIPED FROM UN-NAMED
SPRING ORIGINATING ON PROPERTY AT VIRTUALLY SAME
LOCATION AS DITCH DIVERSION (ITEM 1)
WATER HAS BEEN USED CONTINUOUSLY FOR SAME
PURPOSE SINCE ORIGINAL DIVERSION IN 1948

State of Idaho }
County of CLEARWATER } 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 2nd day of July, 1971.

James E. Hughes
Claimant

Harry Sanders
Notary Public

Residing at Progreso

My commission expires 2-2-72

For Department Use Only

Received by <u>if</u>	Date <u>7-13-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>if</u>	Date <u>7-13-71</u>			
Fee received by <u>if</u>	Date <u>7/13/71</u>	Fee <u>\$10.00</u>		
Approved for publication by				
Published in <u>Clearwater Tribune</u>	Dates <u>8-5-71-12-71</u>	<u>83</u>	<u>4001</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. 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.

Affidavit as witness to claim to a water right submitted
by Francis M. Hughes:

I, H. Howard White, former owner and user of water
in question hereby certify that priority dates of water
usage as stated in Claim to Water Rights Usage was
established in 1942 and used continuously since that
date for the purposes stated in Mr. Hughes claim for
water usage.

H. Howard White
H. Howard White

Subscribed and sworn to before me this 2nd day of July, 1971.

Harry Sanders
Notary Public in and
for the State of Idaho
County Of Blaine

STATE OF IDAHO, }
County of Clearwater } ss.

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 5th day of August, 19 71, and ending on the 12th day of August, 19 71

Subscribed and sworn to before me this 13th
day of August, 1971

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

[illegible]

83 4001

ACT
ION

N OWNER LAST NAME - HUGHES
N ADDRESS LINE 1 - P.O. BOX 1940
N
N SOURCE - LEWIS CREEK
N STAGE - STATRY CLM
N DIVERSION POINT - SWNW 29 39W 04E
N FROM - 04-01 TO - 10-31 USE - IRRIGATION
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - IRRIGATION

FIRST NAME - FRANCIS E.

CITY - OROFINO STATE - ID ZIP CODE - 83544
TRIBUTARY OF - CLEARWATER RIVER, NORTH FORK
PRIORITY - 06-01-1948 COUNTY - CLEARWATER TOTAL DIV. RATE - .2000CFS
USE DIV. RATE - .1500CFS
USE DIV. RATE - .0500CFS
PLACE OF USE - Twn 39N Rng 04E Sec 29 Tract NWSW AC 10

3/79

IDENT. NO. 83-4001

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]

- DATA ENTRY -

Old No.

New No. _____

1. Original Owner: Francis E. Hughes

Present Owner: _____

2. Address: P.O. Box 1940

3. City: Orofino State: Id Zip: 83544

4. A. Source of Water: *Lewis Creek*

B. Tributary of: Clearwater River, North Fork

5. A. Stage (A,P,L,D,S,J): $\frac{1}{2} S$

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1948

D. County: 35

E. Total Diversion Rate: .2

F. Total Diversion Volume:

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

H. Water District:

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

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

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWNW</u>	<u>29</u>	<u>39N</u>	<u>4E</u>		

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

from 4-1 to 10-31 for A purposes. Amount .15
(cfs or AC-FT/yr)

from 1-1 to 12-31 for 0 purposes. Amount .05

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount _____

from to for purposes. Amount _____

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

from		to		for		purposes.	Amount
------	--	----	--	-----	--	-----------	--------

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

cedar plankings $\frac{9}{2}$ headgate

August 25, 1971

Re: Claim to a Water Right No. 83-4001

Francis E. Hughes
P. O. Box 1940
Orofino, Idaho 83544

Dear Mr. Hughes:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

July 23, 1971

Re: Claim to a Water Right No. 83-4001 - Francis E. Hughes

Clearwater Tribune
Box 71
Orofino, Idaho 83544

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 our 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

Bill submitted 8-25-71 By de

DWM/cr
Enc: legal notice

83 4001

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 83-4001

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from April 1 to Oct. 31 for the irrigation of 10 acres with a priority of 1948; the place of use is within the NW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 29, T. 39N., R. 4E., 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 Clearwater Tribune, Orofino, Idaho on Aug. 5 and Aug. 12, 1971.

8-5; 12c.

8-4-71

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No. 83-4001

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Orofino, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.20 cubic feet per second ~~and one foot~~ of water from Lewis Creek, tributary to No. fk. Clearwater River with point of diversion in the SW1SW4, Sec. 29, T. 39N, R. 4E, B.M., Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes; and from April 1 to Oct. 31 for the irrigation of 10 acres with a priority of 1948; the place of use is within the NW1SW4, Sec. 29, T. 39N, R. 4E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Clearwater Tribune, Orofino, Idaho on Aug. 5 and Aug. 12, 1971.

83 4001

July 13, 1971

Mr. Francis Hughes
Post Office Box #1940
Orofino, Idaho 83544

Dear Mr. Hughes:

We are in receipt of your application for permit and your claim to a water right. We find in reviewing these two forms that the claim would appear to be in order and we have recorded the same.

However, the application must be returned for clarification. We are also returning your personal check #92-33, in the amount of \$10.00. In reviewing the application, we note that you are proposing stock watering as well as irrigation and domestic use. If this is the case, then stock watering should also be included under item #4 of the application.

Please correct this item and re-submit the application for permit so that we may begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check #92-13 (\$10.00)
application for permit

83 4001

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

Francis E. Hughes
July 13, 1971

copy

Francis E. Hughes
P. O. Box 1940
Orofino, Idaho 83544

Dear Mr. Hughes:

Returned herewith is your receipt No. 6911 in the amount of \$10.00
for your claim application
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

83 4001

June 21, 1971

F. E. Hughes
P.O. Box 1940
Drofino, Idaho 83544

Dear Mr. Hughes:

In reference to your letters of June 18, 1971; the only way you may establish a water right in the state is by filing an application for permit with the forms we are enclosing, and securing the approval of the Department.

If you have any questions in this matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:er

Enc: Application for Permit
w/ instructions

Crawfords, Idaho
June 18, 1971

Water Rights Board
Boise, Idaho -
Gentlemen:

I wish to obtain necessary
information as to Procedure to obtain
a water right on a spring adjoining
my Property in Clearwater County.
Said spring I believe to be on State
owned land.

Sincerely

D. E. Hughes

Mr. R. Keith Heggum.
Boise, Idaho.
Dear Sir:

Boise, Idaho.
JAN 18 1971

Department of the Interior

I wish to obtain information as to necessary steps to obtain a water right on a spring adjoining my Property in Clearwater Co., said spring I believe is located on State owned land.

Sincerely

J. E. Hughes.

83 4001