

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 Water Right
84-4003

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 19th day of February, 1970, and ending on the 26th day of February, 1970

Nancy Noble

Subscribed and sworn to before me this 27th day of February, 1970.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 84-4003

Notice is hereby given that the City of Orofino, P. O. Box 364, Orofino, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.1 cubic feet per second of water from the Clearwater River, tributary to the Snake River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 36N, R. 2E, B.M., Clearwater County; the water is claimed to be used from January 1 to December 31 for municipal purposes with a priority of 1910 (.04 cfs), 1949 (.36 cfs) and 1954 (1.7 cfs); the place of use is within the City of Orofino.

Any exception to this claim of water right may be filed with the Department of Reclamation.
R. KETH HIGGINSON
State Reclamation Engineer
2-19, 26 c

RECEIVED

MAR 9 1970

Department of Reclamation

Identification No. _____
Claim No. 84-4003
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 City of Orofino
post office address P.O. Box 364

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 7 Township 36 North
Range 2 East B.M. located on Clearwater River
(name of source)
tributary to Snake 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:

<u>1910</u>	amount: <u>.04</u>	c.f.s. or	acre feet
<u>1949</u>	amount: <u>.36</u>	c.f.s. or	acre feet
<u>1954</u>	amount: <u>1.7</u>	c.f.s. or	acre feet
Total claimed		<u>2.1</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 Municipal 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)
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 Pumped intake
in concrete structure; length is NA feet; height is NA feet;
width at bottom is NA feet; with at top is NA feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Built 1910
with reciprocating pumps, capacity increased in 1930 with installation of
centrifugal pumps and 1949 with vertical turbine pump of unknown capability.
In 1954 pumps increased to present capacity of 2.7 cfs.

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

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

[illegible]

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 NA

7. Where water is used for domestic or municipal purposes give number of families served approximately 900
name of town supplied Orofino

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 NA

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Intake structure located on shore of Clearwater River and houses two vertical
turbine pumps in parallel whose total capacity is 1200 gpm. Water is transmitted
to the filtration plant through first a 12" inch pipe 1135 feet long, then reduced
to an 8" inch diameter pipe for 100 feet before reaching the filtration plant.

Early records on water use and construction of system are unavailable.
Consequently, dates and quantities shown for this period were obtained from
the city water superintendent who has retained his present position for
twenty-one years.

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.

City of Orofino, Idaho

A. B. CURTIS Claimant
Mayor

Sworn to before me this 27 day of January, 1970.

Wanna [Signature]
Notary Public

Residing at Orofino, Idaho

My commission expires 11-15-72

For Department Use Only

Received by <u>D</u>	Date <u>1-30-70</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>D</u>	Date <u>1-30-70</u>		claimant by:	
Fee received by <u>ef</u>	Date <u>1-3-70</u> Fee \$ <u>10⁰⁰</u>			
Approved for publication by <u>D</u>				
Published in <u>Clearwater</u>	Dates <u>2-19+26-70</u>			
<u>Luburne</u>				

84-4003

INSTRUCTIONS

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

Paragraph No.

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

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

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

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

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

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

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

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

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State Reclamation Engineer
2-19, 26 c

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Department of Reclamation

84-4003

ACT
ION

N OWNER LAST NAME - CITY OF OROFINO
N ADDRESS LINE 1 - P.O. BOX 364
N CITY - OROFINO STATE - ID
N SOURCE - CLEARWATER RIVER TRIBUTARY OF - SNAKE RIVER
N STAGE - STAIRY CLM PRIORITY - 06-01-1910 COUNTY - CLEARWATER TOTAL DIV. RATE - 2.1000CFS
N TOTAL DIV. VOLUME - 1.55 AFA
N DIVERSION POINT - SWSE 07 36N 02E
N FROM - 01-01 TO - 12-31 USE - MUNICIPAL USE DIV. RATE - 2.1000CFS
N FROM - 01-01 TO - 12-31 USE - MUNICIPAL STORAGE USE DIV. VOLUME - 1.55 AFA
N FROM - 01-01 TO - 12-31 USE - MUNICIPAL FROM STORAGE USE DIV. VOLUME - 1.55 AFA
N REMARKS - PRIORITY DATES 1949 OF .36 CFS & 1954 OF 1.7 CFS.
N P/U LOCATED IN CITY LIMITS OF OROFINO.

IDENT. NO.

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 84-400.3
Old No. New No.

Record

1. Original Owner: City of Orofino

Present Owner: _____

2. Address: P.O. Box 3643. City: Orofino State: ID Zip: _____4. A. Source of Water: Cleawater RiverB. Tributary of: Snake River5. 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: 6-1-1910D. County: 35E. Total Diversion Rate: 2.1F. Total Diversion Volume: 1.55

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>SWSE</u>	<u>7</u>	<u>36N</u>	<u>2E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 1-1 to 12-31 for M purposes. Amount 2.1
(cfs or AC-FT/yr)from 1-1 to 12-31 for MR purposes. Amount 1.55 gfofrom 1-1 to 12-31 for MR purposes. Amount 1.55

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

USA 9-26-79

8. Use Code: 

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ~~P/U~~ Priority dates of 1949 of .36 & 1954 of 1.7
B. P/U located in city limits of Orofino.
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):

September 29, 1970

Re: Permit No. 84-7009

A. B. Curtis, Mayor
City of Orofino, Idaho
Post Office Box # 364 83544

Dear Mayor:

We have again been talking with the Idaho Resource Board, namely Mr. Ralph Mellin, concerning your recent appropriation on the Clearwater River. As you will recall, the City of Orofino filed a Claim No. 84-4003, to record a constitutional appropriation of 2.10cfs. Your claim projected needs are in the vicinity of 3.35cfs. For some unknown reason, the application was submitted for an appropriation of 1.15cfs, for municipal purposes, whereas the application should have been submitted for 1.25cfs. On March 9, 1970, the discrepancy was discussed in correspondence between Richard O. Day, of Stevens, Thompson & Runyan, Inc. Also, the letter requested changing the application. We were not able to comply with this request, as, in order to amend the original application, an additional \$10.00 filing fee, a new application signed by the City of Orofino, as well as re-advertisement of the amended proposal would have been required. Due to an apparent pressing need to clear part of the permit, it was decided that the application would be approved, as submitted, and at a later date, the additional 0.10cfs could be filed. The processing of an application for an additional 0.10cfs will follow the same procedure as the original. This procedure will require 4 to 6 weeks. We are enclosing a partly completed supplemental application. If the needs of your municipality are for a total of 3.35cfs, we would suggest that you complete the application that we are enclosing, and return it with a \$10.00 filing fee. If you do not desire the additional 0.10cfs, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

84 4003

September 28, 1970

Re: Claim No. 84-4003 - City of Orofino

Mr. Ralph Mellin
Water Resource Board
1365 N. Orchard
Boise, Idaho

Dear Mr. Mellin:

Pursuant to your request of September 28, 1970, please find enclosed a copy of claim no. 84-4003.

If we can be of any further, please feel free to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copy of claim

84 4003

March 10, 1970

Re: Claim to a Water Right No. 84-4003

Mr. A. B. Curtis, Mayor
City of Orofino
P. O. Box 364
Orofino, Idaho 83544

Dear Mr. Curtis:

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. 4123

84-4003

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TO A WATER RIGHT
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R. KEITH HIGGINSON
State Reclamation Engineer

2-19, 26 c

84-4003

February 10, 1970

Re: Claim to a Water Right No. 84-4003 - City of Orofino

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 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 notice

*Bill submitted
3-9-70
DW*

84-4003

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R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Clearwater Tribune, Orofino, Idaho,
on February 19 and February 26, 1970.

84-4003