

RECEIVED

SEP 9 1970

Department of Water Administration

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM TO
A WATER RIGHT**
No. 81-4000

Notice is hereby given that Edith Messinger, Star Route 1, Kooskia, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second of water from the Middle Fork of the Clearwater River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 32N, R. 5E, B.M., Idaho County.

The water is claimed to be used from April 1 to October 31 for irrigation with a priority of April 1, 1964; the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 33N, R. 5E B.M. and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, T. 32N, R. 5E, B.M.

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

R. KEITH HIGGINSON,
Director

Published in the Idaho County Free Press, Grangeville, Idaho, on August 27 and September 3, 1970.
A27-S3

_____ Gary D. Cash _____ being first duly sworn, says he is the _____ Office Manager _____ of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for _____ two _____ weeks, being published _____ two _____ times, the first publication being on the _____ 27th _____ day of _____ August _____, 19670, and the last publication on the _____ 3rd _____ day of _____ September _____, 19670 and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this _____ 3rd _____ day of _____ September _____, 19670

Richard C. Hatch, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

81-4000

Identification No. _____
Claim No. 81-4000
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 EDITH MESSINGER
post office address STAR ROUTE #1 KOOSKIA, IDAHO
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 4 Township 32 N
Range 5E B.M. located on Middle Fork Clearwater River
(name of source)
tributary to Clearwater River in IDAHO 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:
APRIL 1, 1964 amount: 0.5 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 APRIL 1 to OCT. 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 _____
_____ ; 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 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_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

- [illegible]

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? _____ 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 _____

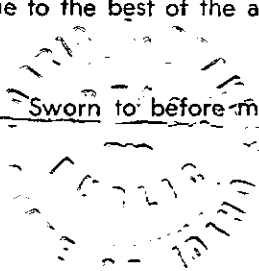
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

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

THIS WATER IS PUMPED DIRECTLY FROM THE MIDDLE
FORK OF THE CLEARWATER RIVER BY MEANS OF
A ONE H.P. ELECTRIC MOTOR

State of Idaho }
County of Idaho } 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 4th day of August, 1970.

Edith Messenger
Claimant
Louis G. Drake
Notary Public
Residing at Kassia, Idaho

My commission expires 3/15/71

For Department Use Only

Received by <u>y</u>	Date <u>8-5-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ya</u>	Date <u>8-5-70</u>			
Fee received by <u>y</u>	Date <u>8-6-70</u>	Fee \$ <u>0.00</u>		
Approved for publication by				
Published in <u>Idaho County</u>	Dates <u>8-27 & 9-3, 1970</u>			
Free Press				

81-4000

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

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Department of Water Administration

AFFIDAVIT OF PUBLICATION

..... Gary D. Cash being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 27th day of August 1970, and the last publication on the 3rd day of September 1970 and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

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for State of Idaho, residing at Grangeville, Idaho.

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Director

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IDAHO

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ACT
ION

N OWNER LAST NAME - MESSINGER

FIRST NAME - EDITH

N ADDRESS LINE 1 - STAR RT. 1

N

CITY - KOOSKIA

STATE - ID

N SOURCE - CLEARWATER RIVER, MIDDLE FORK. TRIBUTARY OF - CLEARWATER RIVER

N STAGE - STATRY CLM

PRIORITY - 04-01-1964 COUNTY - IDAHO

TOTAL DIV. RATE - .5000CFS

N DIVERSION POINT - NENE 04 32N 05E

N FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - .5000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 33N RNG 05E SEC 33 TRACT SESE

AC 01

N USE - IRRIGATION

PLACE OF USE - TWN 32N RNG 05E SEC 04 TRACT NENE

AC 02

N REMARKS - AC. IRR.=1.81.

3/79

IDENT. NO. 814000

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 -

Record

Present Owner: _____

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

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

from _____ to _____ for _____ purposes. Amount _____

91779

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	
33N	5E	33																1	1
32N	5E	4	2																2
																			3

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Acc. in. = 1.81
 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): pump & pipeline

September 16, 1970

C
Re: Claim to a Water Right No. 81-4000

O
Edith Messinger
Star Route #1
Kooskia, Idaho 83539

P
Dear Ms. Messinger:

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.

Y
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
Enclosures: Copy of claim
Receipt No. 5023

81-4000

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R. KEITH HIGGINSON,
Director

Published in the Idaho County Free Press, Grangeville, Idaho, on August 27 and September 3, 1970.

A27-S3

81-4000

August 19, 1970

Re: Claim to a Water Right No. 79-4001
Claim to a Water Right No. 81-4000

The Idaho County Free Press
Post Office Box 267
Grangeville, Idaho

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

DWM:CM

Enc: Legal notices (2)

Bill submitted 9-9-70 By ds

81-4000

NOTICE OF CLAIM TO A WATER RIGHT

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Kooskia, Idaho,

has filed a claim to a water right established by diversion and application to beneficial use of 0.5 cubic feet per second ~~acre/feet~~ of water from the Middle Fork of the Clearwater River

with point of diversion in the NE~~1~~NE~~1~~ Sec. 4, T. 32N, R. 5E, B.M.,

Idaho County

The water is claimed to be used from April 1 to October 31 for

irrigation

with a priority of April 1, 1964;

the place of use is within the SE~~1~~SE~~1~~ Sec. 33, T. 33N, R. 5E, B.M. and

NE~~1~~NE~~1~~ Sec. 4, T. 32N, R. 5E, B.M.

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R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho,

on August 27 and September 3, 1970.

81-4000

July 17, 1970

Edith Messinger
Star Route #1
Kooskia, Idaho 83539

Dear Mrs. Messinger:

We are enclosing a claim to water right form, and instructions,
pursuant to your request.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enclosure: Claim form

81-4000

July 3, 1970
Star Route #1
Kooshia, Idaho 83539

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

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JUL 6 1970

Department of Water Administration

Dear Sir

After reading your instructions for the filing of an application for a water permit I believe that I need your form "Claim to a Water Right" as I have continuously been using water from the Middle Fork of the Clearwater River from the ^{same} location of diversion that I am currently using.

This diversion has been continuous during the months of May to October starting in May of 1964.

Sincerely

Edith Messinger

81-4000