

Remarks \_\_\_\_\_

x-P.D.  
7/4  
Sec 29  
T30NR3E

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
County of Ada )

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 affiant's knowledge.

Sworn to before me this 7 day of April, 19 82.

x Allen Wagner  
(Claimant)

Nancy M. Northway  
Notary Public  
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

|                         |                            |      |                |                     |  |              |  |
|-------------------------|----------------------------|------|----------------|---------------------|--|--------------|--|
| Received by             | <u>JK</u>                  | Date | <u>4/7/82</u>  | Exception filed by: |  | Forwarded to |  |
| Prim. check by          | <u>KK</u>                  | Date | <u>4/15/82</u> |                     |  | claimant by: |  |
| \$30.00 fee received by | <u>JK</u>                  | Date | <u>4/7/82</u>  | <u>21457</u>        |  |              |  |
| Published in            | <u>W. Chas. Free Press</u> |      |                |                     |  |              |  |
| Dates                   | <u>4/21 &amp; 28/82</u>    |      |                |                     |  |              |  |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Al Wagner Jr. dba SUNSET AUTO VUE  
(Name of Claimant)  
Box 33, Grangerville, Id. 83530 Telephone No. 983-1370  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority (When was the water first applied to a beneficial use) 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)  
Groundwater tributary to \_\_\_\_\_

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, af)            | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        | (Mo., Day)      | (Mo., Day) |
|----------------------|-------------------------------------|-------------------------------|-----------------|------------|
| Quantity <u>0.10</u> | Use <u>Commercial</u>               | Period of Use From <u>1-1</u> | To <u>12-31</u> |            |
| Quantity _____       | Use _____                           | Period of Use From _____      | To _____        |            |
| Quantity _____       | Use _____                           | Period of Use From _____      | To _____        |            |
| Quantity _____       | Use _____                           | Period of Use From _____      | To _____        |            |
| Quantity _____       | Use _____                           | Period of Use From _____      | To _____        |            |

(4) 0.10 TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion. (Location of point where water is diverted from its source)  
NW 1/4 NE 1/4, Sec. 29 Twp. 30N Rge 3E B.M., County of Idaho  
Additional points of diversion \_\_\_\_\_

B) Describe means of diversion of water (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities be as specific as possible. Describe any changes in the system and give the date of the change. Well, pump & pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

| T          | R         | SEC.      | NE 1/4 |          |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|------------|-----------|-----------|--------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|            |           |           | 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 |       |
| <u>30N</u> | <u>3E</u> | <u>29</u> |        | <u>X</u> |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Commercial - 250-300 Patron Drive-in Theatre

NOTE: Include here the type and number of stock watered \_\_\_\_\_  
(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

x-PD  
7/4  
Sec 29  
T30N R-3E

RECEIVED  
 APR 14 1982  
 FOR DEPARTMENT USE ONLY  
 Received by JG Date 4/7/82 Exception filed by. \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
 Perm. check by KK Date 4/15/82 claimant by \_\_\_\_\_  
 \$0.00 fee received by ✓ Date 4/7/82 2:45  
 Published in N. City Free Press  
 Dates 4/21 & 28/82

**NOTICE OF CLAIMS  
TO WATER RIGHTS**

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

81-4038

HENDREN, JEFF &/or NINA

RT 1 BOX 70A, KOOSKIA, ID 83539

Source: SPRING tributary to SINKS

Priority Date: 01/01/1914

Amount: 0.08 CFS 1.0 AC-FT

Diversion Point: NESE Sec 27 T 32N R 05E, IDAHO Co

Use: STOCKWATER STORAGE (1.0 AC-FT) from 01/01 to 12/31 DOMESTIC (0.04 CFS) from 01/01 to 12/31 RECREATION STORAGE (1.0 AC-FT) from 01/01 to 12/31 DIVERSION TO STORAGE (0.04 CFS) from 01/01 to 12/31

Place of Use: NESE NWSE Sec 27 T 32N R 05E

81-4039

WELBORN, FLOYD L

WINCHESTER, ID 83555

Source: UNNAMED STREAM tributary to BIG CEDAR CREEK

Priority Date: 01/01/1961

Amount: 3.0 AC-FT

Diversion Point: NESW Sec 21 T 32N R 05E SWNE SENW Sec 22 T 32N R 05E SESW Sec 21 T 32N R 05E NWNW Sec 28 T 32N R 05E, IDAHO Co.

Use: STOCKWATER STORAGE (3.0 AC-FT) from 01/01 to 12/31 STOCKWATER FROM STORAGE (3.0 AC-FT) from 01/01 to 12/31

Place of Use: SESW NESW Sec 21 T 32N R 05E SWNE SENW Sec 22 T 32N R 05E NWNW Sec 28 T 32N R 05E.

81-4040

WELBORN, FLOYD L

WINCHESTER, ID 83555

Source: UNNAMED STREAMS tributary to CLEARWATER RIVER, MIDDLE FORK

Priority Date: 01/01/1961

Amount: 2.0 AC-FT

Diversion Point: SENW NESW SESW Sec 14 T 32N R 05E, IDAHO Co.

Use: STOCKWATER STORAGE (2.0 AC-FT) from 01/01 to 12/31 STOCKWATER FROM STORAGE (2.0 AC-FT) from 01/01 to 12/31

Place of Use: SENW NESW SESW Sec 14 T 32N R 05E.

82-4053

PAYTON, RICHARD

P.O. BOX 355, KOOSKIA, ID 83539

Source: GROUNDWATER

Priority Date: 11/18/1969

Amount: 0.04 CFS

Diversion Point: NENE Sec 08 T 32N R 04E, IDAHO Co.

Use: IRRIGATION (0.02 CFS) from 04/01 to 11/01 DOMESTIC (0.02 CFS) from 01/01 to 12/31

Place of Use: NENE Sec 08 T 32N R 04E FOR 1 ACRES.

85-4195

SPENGLER, NRY L.

RT 1 BOX 31,

GRANGEVILLE, ID 83530

Source: STOCKNEY CREEK tributary to COTTONWOOD CREEK, COTTONWOOD CREEK tributary to CLEARWATER RIVER, SOUTH FORK

Priority Date: 01/01/1910

Amount: 0.06 CFS

Diversion Point: NWSE SESE Sec 12 T 31N R 01E NWSW Sec 05 T 31N R 02E, IDAHO Co

Use: STOCKWATER (0.06 CFS) from 01/01 to 12/31

Place of Use: NWSE SESE Sec 12 T 31N R 01E NWSW Sec 05 T 31N R 02E.

85-4200

SCHUMACHER, JAMES A.

&/or BETTIE

RT. 1 BOX 131, COTTONWOOD, ID 83522

Source: UNNAMED STREAM tributary to RED ROCK CREEK

Priority Date: 06/01/1900

Amount: 0.02 CFS

Diversion Point: NENE NWNE Sec 35 T 32N R 02E, IDAHO Co.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: NENE NWNE Sec 35 T 32N R 02E

85-4201

TERHAAR, RALPH &/or CELINE

GREENCREEK, ID 83533

Source: LAWYER CREEK tributary to CLEARWATER RIVER, UNNAMED STREAMS tributary to LAWYER CREEK

Priority Date: 01/01/1954

Amount: 0.05 CFS

Diversion Point: NENW SENW SWSW Sec 20 T 32N R 01W NENE SENE Sec 19 T 32N R 01W SWSW SESW Sec 17 T 32N R 01W, IDAHO Co

Use: STOCKWATER (0.05 CFS) from 01/01 to 12/31

Place of Use: SWSW SESW Sec 17 T 32N R 01W NENE SENE Sec 19 T 32N R 01W NENW SENW SWSW Sec 20 T 32N R 01W

85-4202

TERHAAR, THOMAS &/or IRENE M

RT. 1 BOX 85,

GRANGEVILLE, ID 83530

Source: STOCK CREEK tributary to COTTONWOOD CREEK, UNNAMED STREAM tributary to STOCK CREEK

Priority Date: 01/01/1900

Amount: 0.03 CFS

Diversion Point: SWSE SESE Sec 05 T 31N R 01E NWNW SWNW NWSW NESW SWSW SESW Sec 04 T 31N R 02E, IDAHO Co

Use: STOCKWATER (0.03 CFS) from 01/01 to 12/31

Place of Use: SWSE SESE Sec 05 T 31N R 02E NWNW SWNW NESW NWSW SWSW SESW Sec 04 T 31N R 02E.

85-4205

WAGNER, JR., AL

D/B/A SUNSET AUTO VUE, P.O. BOX 33,

GRANGEVILLE, ID 83530

Source: GROUNDWATER

Priority Date: 01/01/1955

Amount: 0.10 CFS

Diversion Point: NWNE Sec 29 T 30N R 03E, IDAHO Co.

Use: COMMERCIAL (0.10 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 29 T 30N R 03E.

**AFFIDAVIT OF PUBLICATION**

\_\_\_\_\_ Mona Donaldson \_\_\_\_\_ 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 \_\_\_\_\_ 2 \_\_\_\_\_ weeks, being published \_\_\_\_\_ 2 \_\_\_\_\_ times, the first publication being on the \_\_\_\_\_ 21st \_\_\_\_\_ day of \_\_\_\_\_ April \_\_\_\_\_, 19 82, and the last publication on the \_\_\_\_\_ 28th \_\_\_\_\_ day of \_\_\_\_\_ April \_\_\_\_\_, 19 82, 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

Subscribed and sworn to before me this \_\_\_\_\_ 30th \_\_\_\_\_ day of \_\_\_\_\_ April \_\_\_\_\_, 19 82

\_\_\_\_\_, Notary Public for State of Idaho, residing at Grangeville, Idaho

84-4159

NIMS, LAWRENCER.

STAR RT. BOX 85A1,

KAMIAH, ID 83536

Source: LINDER CREEK tributary to TOM TAHA CREEK

Priority Date: 04/01/1971

Amount: 0.12 CFS

Diversion Point: NWNW NENW Sec 31 T 34N R 04E, IDAHO Co.

Use: IRRIGATION (0.06 CFS) from 04/01 to 11/01

STOCKWATER (0.02 CFS) from 01/01 to 12/31

DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW NWNW Sec 31 T 34N R 04E FOR 2 ACRES

84-4160

HAUNTZ, DALE W

HIGHWAY 12 RT. 2,

KAMIAH, ID 83536

Source: GROUNDWATER

Priority Date: 06/01/1956

Amount: 0.08 CFS

Diversion Point: NWNE Sec 30 T 33N R 04E, IDAHO Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 30 T 33N R 04E.

85-4193

CITY OF GRANGEVILLE

CITY HALL,

GRANGEVILLE, ID 83530

Source: SPRING tributary to SINKS, SPRINGS tributary to THREEMILE CREEK

Priority Date: 01/01/1920

Amount: 0.16 CFS

Diversion Point: NWSW Sec 06 T 29N R 03E SESE Sec 06 T 29N R 03E NWNW NWSW SWSW SESW Sec 08 T 29N R 03E, IDAHO Co.

Use: MUNICIPAL (0.16 CFS) from 01/01 to 12/31

DOMESTIC (0.16 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 31 T 29N R 03E NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 32 T 29N R 03E: Place of Use located within the city limits of Grangeville.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id. 83814.

A. KENNETH DUNN

Director

Published 4/21 & 4/28/82.

A21-28

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KK

Right Number 85-4205 Applicant Wagner

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature] Date 5/18/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5/27/82

RECEIVED

RECEIVED  
MAY 24 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH  
lot (R)

IDAHO STREAM CODE INDEX



85-4205-

WAGNER, JR., AL

D/B/A SUNSET AUTO VUE, P.O. BOX 33, GRANGEVILLE, ID 83530

Source: GROUNDWATER

Priority Date. 01/01/1955

Amount: 0.10 CFS

Diversion Point: NWNE Sec 29 T 30N R 03E, IDAHO Co.

Use. COMMERCIAL (0.10 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 29 T 30N R 03E

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Northern Region

---

JOHN V. EVANS  
Governor  
A. KENNETH DUNN  
Director

4055 Government Way  
Coeur d'Alene, ID 83814  
(208) 667-6484

MAY 10, 1982

AL WAGNER, JR.  
D/B/A SUNSET AUTO VUE  
P.O. BOX 33  
GRANGEVILLE ID 83530

RE: Claim No. 85-4205

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Lynes, P.E.  
Regional Supervisor

Enclosed

**MICROFILMED**