

RECEIVED

MAY 23 1972

Department of Water Administration

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4026

Notice is hereby given that D. Elroy and Shirley A. Lauer, Route 2, Box 81, Grangeville, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an underground spring with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 30N, R. 3E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1966; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 30N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on May 10 and May 17, 1972.

M10-17

_____ 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 10th day of May, 1972, and the last publication on the 17th day of May, 1972; 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 17th day of May, 1972

Richard C. Hatch

_____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

85 4026

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WATER RIGHT**

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Published in the Idaho County Free Press, Grangeville, Idaho on May 10 and May 17, 1972.

M10-17

Identification No. _____
Claim No. 85-4026
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 D. Elroy Lauer & Shirley A. Lauer
post office address Rt. 2 Box 81 Grangeville, Idaho, 83530
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 32 Township 30N
Range 3 E B.M. located on A Underground Spring
(name of source)
tributary to _____ 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:

May 1, 1966 amount: 0.02 c.f.s. or *** acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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 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)
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~~ ^{spring} flowing or pumped _____ ; depth of ~~well~~ ^{spring} is _____
6 feet; diameter of ~~well~~ ^{Spring} is 36 inches; type of pump is centrifical
capacity of pump is 9 g.p.m.; name and address of well driller is Hand dug spring

85 4026

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 170 feet; diameter of pipe line is 1 inches; type of pipe Galv.; grade of pipe per 1000 feet is Pumped. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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 _____

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 9 Pigs
1 - 6 months a year

7. Where water is used for domestic or municipal purposes give number of families served One
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 _____

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 17 day of April, 1972

D. Elroy Lauer Shirley A. Lauer
Claimant

Edith M. Lauer
Notary Public

Residing at Brangwin, Idaho 83530

My commission expires October 11, 1974

For Department Use Only

Received by ej Date 4-18-72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by ej Date 4-18-72

Fee received by ej Date 4-18-72 Fee \$ 1.00

Approved for publication by _____

Published in IDA. CTY. FREE PRESS Dates 5-10 & 5-17-72

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.

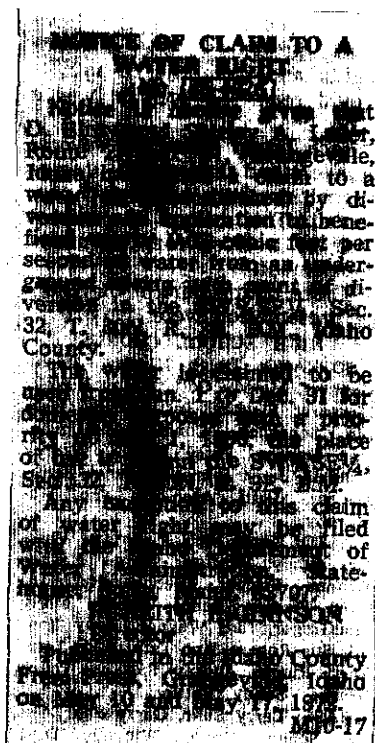
4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks 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



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 10th day of May, 1972, and the last publication on the 17th day of May, 1972; 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

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

WATER RIGHT NUMBER 85-4026

WATER RIGHTS EDIT REPORT

01/17/80

PAGE 68

ACT
ION

N OWNER LAST NAME - LAUER
N OWNER LAST NAME - LAUER
N ADDRESS LINE 1 - RT. 2 BOX 81

FIRST NAME - D. ELROY
FIRST NAME - SHIRLEY A.

CITY - GRANGEVILLE STATE - ID ZIP CODE - 83530

N SOURCE - SPRING
N STAGE - STAIRY CLM
N DIVERSION POINT - SWSE 32 30N 03E

PRIORITY - 05-01-1966 COUNTY - IDAHO TOTAL DIV. RATE - .0200CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - DOMESTIC

USE DIV. RATE - .0200CFS

N NON IRRIG USE - S/9 PIGS.

PLACE OF USE - TWN 30N RNG 03E SEC 32 TRACT SWSE

IDENT. NO. _____

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 35-4026
Old No. New No.

Record

1. Original Owner: D. Elroy Lauer + Shirley
A. Lauer

Present Owner: _____

2. Address: Rt. 2 Box 813. City: Cranfillsville State: Id Zip: 835304. A. Source of Water: spring

B. Tributary of: _____

5. 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: 5-1-1966D. County: 49E. Total Diversion Rate: .02

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>SWSE</u>	<u>32</u>	<u>30^N</u>	<u>3^E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

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

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 _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: D

[illegible]

9. A. Decree Name:

B. Decree Date:

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

11. Other Uses (Non-irrigation explanatory information): 5/9 pgs.

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):

June 1, 1972

Re: Claim to a Water Right No. 85-4026

D. Elroy and Shirley A. Lauer
Route 2, Box 81
Grangeville, Idaho 83530

Dear Mr. & Mrs. Lauer:

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

DWM:CR

Enc: copy of claim

85 4026

Northern District Office

May 31, 1972

Mr. Darrel E. Cox
Route #2
Grangeville, Idaho 83530

Dear Mr. Cox:

Enclosed, please find an APPLICATION FOR PERMIT Form with instructions. You will need to submit it to our office when you plan to appropriate waters from the spring that you mentioned in your letter of May 18, 1972.

In answer to your question concerning a claim filed by D. Elroy and Shirley A. Lauer, it is difficult for our Department to determine what rights have been established other than what is claimed on the form. According to Section 42-225b of the Idaho Water Law, after a claim has been filed, any person who disagrees that a right has been established as set forth in the claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. Any exception filed shall be made a part of the file of the claim and shall be considered the same as other evidence in said file. Therefore, if you feel as though a water right has not been established by Mr. Lauer, you should file an exception and have it entered with his claim.

If you have any further questions or need assistance in filling out the form, please contact us.

Sincerely,

FRED EISENBARTH
Field Examiner II

FE:mkp

Enclosures

85 4026

Department of Water Administration

Route 2
Grangeville, Idaho 83530
May 18, 1972

Idaho Department of Water Administration
State House - R. Keith Higginson, Director
Boise, Idaho 83707

Dear Mr. Higginson:

In reference to the enclosed claim No. 85-4026 to a water right filed by D. Elroy and Shirley A. Lauer.

We have reason to believe that the spring mentioned is within the boundry of our property. We purchased the property in November 1971 and are now in the process of a legal survey, which as as of now, is not complete due to foul weather. As soon as the survey is completed, we plan to apply for a water right on the spring in question.

Enclosed you will find a copy of the boundry of our property. May we hear from you by return mail concerning this matter.

Thank you very much.

Darrel E. Cox
Shirley M. Cox
Darrel E. and Shirley M. Cox
Route 2
Grangeville, Idaho 83530

85 4026

WATER RIGHT
No. 85-4026

Notice is hereby given that Elroy and Shirley A. Lauder, Route 2, Box 81, Grangeville, Idaho, who have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an underground spring with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 30N, R. 3E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1906; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 30N, R. 3E, B.M. Any exception to this claim or water right may be filed with the Idaho Department of Water Administration, State Capitol Building, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Press, Grangeville, Idaho, May 10, 1966.

Real property situate in Idaho County, Idaho, to-wit:

Township 30 North, Range 3 E.B.M., Idaho County,
Idaho.

Section 32: Part of SW $\frac{1}{4}$ SE $\frac{1}{4}$ described as:

Commencing at the SW corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence N. 289.6 feet;
Thence E. 200 feet;
Thence N. 340.0 feet;
Thence E. 246.0 feet;
Thence S. 73°30' E., 220 feet;
Thence N. 174.9 feet to Adams Camp Road;
Thence S. 32° E., 346.5 feet along Grangeville
Adams Camp Road;
Thence N. 53°08' E., 594 feet along Grangeville
Adams Camp Road;
Thence S. along subdivision line 792 feet;
Thence W. 1,320 feet to place of beginning.
Containing approximately 17 $\frac{1}{2}$ acres, more or less.

65 4026

April 28, 1972

Re: Claim No. 85-4026 - D. Elroy and Shirley A. Lauer

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

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. 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,

Kenneth Knoblock
Water Resource Examiner

KK:CR

Enc: Legal Notice

Bill submitted 5-31-72. dr

85 4026

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071

"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY -- FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED

PRINTERS AND PUBLISHERS

Grangeville, Idaho May 17, 197 2

State of Idaho
Dept. of Water Administration
Statehouse--Annex 2
Boise, Id 83707

DATE	INVOICE NO. / ITEMS	AMOUNT
May 10-17	31 lines, 2 times--Not. Claim. #85-4026	\$ 11.47

"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."

IDAHO COUNTY FREE PRESS

BY: Gary D. Cash
Gary D. Cash, Office Mgr.

85 4026

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Route 2, Box 81, Grangeville, Idaho

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~~have~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second ~~and per~~
of water from an underground spring

with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 30N, R. 3E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of May 1, 1966;

the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 30N, R. 3E, B.M.

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Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~xxxxxxxxxxxx~~

R. KEITH HIGGINSON

Director

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R. KEITH HIGGINSON
Director

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on May 10 and May 17, 1973.

M10-17

O.K.
5-2-73
cl

85-4026

NOTICE OF CLAIM TO A WATER RIGHT
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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 18, 1972

D. Elroy Lauer
Route #2, Box 81
Grangeville, Idaho 83530

Dear Mr. Lauer:

Attached herewith is your Receipt No. 8323 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

85 4026