

No Color
Documents
In File

Identification No. _____

Claim No. 85-4020

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 Ethel M. Maynard, individually and as Executrix of Will and
post office address 910 - 15th St., Estate of Thomas Ward Maynard, deceased.
Clarkston, Washington 99403

2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 14 Township 36North
Range 3 W. B.M. located on Cottonwood Creek
(name of source)
tributary to Clearwater River in Nez Perce 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:

September 15, 1957 amount: .28 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 October 20 (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 pump and sprinkler
_____ ; 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 _____

Water diverted by means of pump with 5 h.p. motor. The same pump and
motor have been used since inception.

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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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- 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 177 feet; diameter of pipe line is 4 inches; type of pipe aluminum; grade of pipe per 1000 feet is 112' to point of 1st use.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible In September of 1957 when system was installed 4" pipe used to convey water to fields which were flood irrigated. In September, 1958, a sprinkler system using 3" aluminum pipe and Rainbird sprinkler heads was purchased and placed in use.

- 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:

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	
36N	3W	23	8A																8.0
36N	3W	14															2A	4A	6.0

Total number of acres to be irrigated 14.0

Explain any significant increase in area irrigated since first use, give dates and acreages if known Area irrigated was increased to present 14 acres when sprinkler system installed in September, 1958. The amount of increase unknown

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 _____

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
The diversion and application of the water to a beneficial use was made by claimant's deceased husband, as above indicated, pursuant to Permit to Appropriate Public Waters #35980/85-2113, reference to which file is hereby made and by reference the same is made a part hereof. Use of the water has been continuous since September, 1957. Thomas Ward Maynard died on January 17, 1970, and his estate is being probated in Idaho as Probate No. 10400 in the District Court of the Second Judicial District of the State of Idaho, in and for the County of Nez Perce; formerly the Probate Court of Nez Perce County, State of Idaho. At or shortly after the inception of claimant's use of the water a change in the point of diversion and hence a change in the location of the fields irrigated occurred because the original pump location, as specified in the above referenced permit, washed out during high water.

State of Idaho

ss.

County of _____

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

23rd

day of

August

, 19 71.

Thomas W. Maynard
Claimant

Robert P. Brown
Notary Public

Residing at

Lewiston, Idaho

My commission expires

3/24/73

For Department Use Only

Received by D Date 9-7-1971

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by D Date 9-7-1971

Fee received by ej Date 9/7/71 Fee \$ 10⁰⁰

Approved for publication by _____

Published in Lewiston May Trib. Dates 9-23 + 9-30-71

85 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:	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.

RECEIVED
SEP 7 1971
COUNTY CLERK OF NEZ PERCE COUNTY

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

STATE OF I D A H O)
: ss.
County of NEZ PERCE)

JOHN H. MAYNARD, being first duly sworn on oath, deposes and says:

That I am familiar with the property owned by T. W. Maynard, now deceased, and his surviving spouse, Ethel M. Maynard, located on Cottonwood Creek, in Nez Perce County, Idaho, and make this affidavit for the purpose of supporting the claim to a water right filed by the said Ethel M. Maynard, pursuant to the provisions of Idaho Code §42-225(a).

That as an attorney I assisted T. W. Maynard to secure Permit No. 25980, and in connection therewith believe that the said T. W. Maynard began using the waters of Cottonwood Creek for irrigation purposes not later than during the summer of 1958.

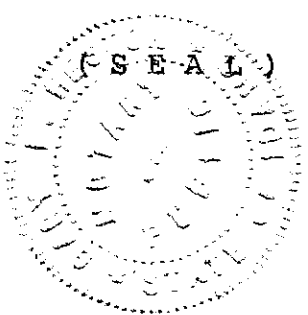
That not later than the summer of 1960, and perhaps prior to that time, I was personally in the vicinity of the T. W. Maynard property and observed that water from Cottonwood Creek was being pumped by means of a pump located on the Maynard property, and was being used to irrigate a portion of the Maynard property through a movable sprinkler system, using movable aluminum pipe and Rainbird sprinkler heads. This irrigation system was actually in operation at the time I observed it.

DATED THIS 30th day of August, 1971.

John H. Maynard (SEAL)
JOHN H. MAYNARD

SUBSCRIBED AND SWORN to before me this 31st day of August, 1971.

Gary E. Heston
Notary Public in and for the State of
Idaho, Residing at Lewiston, therein.



PUBLISHER'S AFFIDAVIT OF PUBLICATION

No. 85-4020
NOTICE OF CLAIM TO A
WATER RIGHT

Notice is hereby given that Ethel M. Maynard, for Will and Estate of Thomas Ward Maynard, 910 15th St., Clarkston, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.28 cubic feet per second of water from Cottonwood Creek, tributary to Clearwater River with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 36N, R. 3W, B.M., Nez Perce County.

The water is claimed to be used from April 1 to Oct. 20 for the irrigation of 14 acres with a priority of September 15, 1957; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23; S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14, T. 36N, R. 3W, 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

STATE OF IDAHO, }
County of Nez Perce } ss.

D. V. Sinclair, being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the Notice of Claim To a Water attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for two consecutive weeks, the

first publication thereof being on the 23rd day of Sept, A. D. 1971, and the last publication thereof being on the 20th day of Sept,

A. D. 1971, and said Notice of Claim To a Water Right was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

D. V. Sinclair
SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

30th day of September, 1971.

J. A. Francis
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

ACT
ION

N OWNER LAST NAME - THOMAS WARD MAYNARD EST.

N ADDRESS LINE 1 - C/O ETHEL M. MAYNARD

ADDRESS LINE 2 - 910 15TH ST.

N CITY - CLARKSTON

STATE - WA ZIP CODE - 99403

N SOURCE - COTTONWOOD CREEK

TRIBUTARY OF - CLEARWATER RIVER

N STAGE - STATRY CLM

PRIORITY - 09-15-1957 COUNTY - NEZ PERCE TOTAL DIV. RATE - .2800CFS

N DIVERSION POINT - SESE 14 36N 03W

N FROM - 04-01 TO - 10-20 USE - IRRIGATION

USE DIV. RATE - .2800CFS

N USE - IRRIGATION

PLACE OF USE - TWN 36N RNG 03W SEC 23 TRACT NENE

AC 08

N USE - IRRIGATION

PLACE OF USE - TWN 36N RNG 03W SEC 14 TRACT SWSE

AC 02 TRACT SESE

AC 04

3/79

IDENT. NO. 85-4020

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. / 85-4020
OTd No. New No.

Record

1. Original Owner: Thomas Ward Maynard Est.
~~Central WA Maynard~~Present Owner: 2. Address: 210 15th St.
210 15th St. Maynard3. City: Clarkston State: WA Zip: 994034. A. Source of Water: Cottonwood CreekB. Tributary of: Clearwater 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: 9-15-1957D. County: 69E. Total Diversion Rate: .28

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>SESE</u>	<u>14</u>	<u>36^N</u>	<u>3^W</u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

from 4-1 to 10-20 for A purposes. Amount .28
(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: 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	
36 ^N	3 ^W	23	8																8
		14															2	4	6
																			14

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):

October 18, 1971

Re: Claim to a Water Right No. 85-4020

Ethel M. Maynard
Estate of Thomas Ward Maynard
910 15th Street
Clarkston, Washington 99403

Dear Ms. Maynard:

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

cc: Robert P. Brown
Clements & Clements
13th and Idaho Streets
Lewiston, Idaho 83501

85-4020

September 15, 1971

Re: Claim No. 85-4020 - Ethel M. Maynard, for Will & Estate of
Thomas Ward Maynard

Lewiston Morning Tribune
505 "C" Street
Lewiston, Idaho 83501

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

DWM:CR

Enc: Legal Notice

Bill submitted 10-6-71 By CR

85 4020

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4020

Notice is hereby given that Ethel M. Maynard, for Will and Estate
of Thomas Ward Maynard, 910 - 15th St., Clarkston, Washington
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.28 cubic feet per second ~~XXXXXX~~
of water from Cottonwood Creek, tributary to Clearwater River
with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 36N, R. 3W, B.M.,
Nez Perce County.

The water is claimed to be used from April 1 to Oct. 20 for the
irrigation of 14 acres
with a priority of September 15, 1957;
the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23; S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 36N,
R. 3W, 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 Lewiston Morning Tribune, Lewiston, Idaho
on Sept. 23 and Sept. 30, 1971.

85 4020

September 8, 1971

Clements and Clements
Attorneys at Law
P. O. Box 338
Lewiston, Idaho 83501

Gentlemen:

Attached herewith is your receipt No. 8215 in the amount of \$ 10.00
for the claim application you submitted in the name of Ethel M. Maynard
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

85 4020

CLEMENTS & CLEMENTS

LAWYERS

P. O. BOX 338

13TH AND IDAHO STREETS

LEWISTON, IDAHO 83501

V. R. CLEMENTS
REED CLEMENTS
ROBERT P. BROWN

TELEPHONE A/C 208 743-6538

RECEIVED

3 September 1971

SEP 7 1971

Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Gentlemen:

In Re: Ethel M. Maynard - Claim to Water Right

Please find herewith enclosed the original, fully executed Claim to a Water Right, and the original of an Affidavit in support thereof, in the above entitled matter, which we would thank you to file as of the date that you receive the same. There is also herewith enclosed our check made payable to your department, in blank, for the filing fees for the Claim, which we hereby authorize you to insert the sum for said filing fees.

If you have any questions with respect to any of the enclosures please contact our office immediately.

Very truly yours,

CLEMENTS & CLEMENTS

BY


ROBERT P. BROWN

RPB:E

Enclosures

85 4020