

RECEIVED

AUG 12 1970

Department of Water Administration

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 85-4012
Notice is hereby given that Delph F. and Lois K. Arnzen, Route 2, Kamiah, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.09 cubic feet per second of water from an unnamed stream tributary to Lawyers Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 33N, R. 3E, B.M., Idaho County. The water is claimed to be used from Jan. 1 to Dec. 31 for stock water with a priority of January 1, 1915; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T. 33N, R. 3E, 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 July 30 and August 6, 1970. Jy30-A6

..... 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 30th day of July 19~~6~~70, and the last publication on the 6th day of August 19~~6~~70 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 7th day of August 19~~6~~70

..... Richard C. Hatch

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



85-4012

Identification No. _____

Claim No. 85-4012

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 DELPH E. AND LOIS K. ARNSEN
post office address Rt. 2 KAMIAH, IDAHO 83536

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 15 Township 33N R3E BM
Range R3E BM B.M. located on UN NAMED
(name of source)
tributary to Lawyer Creek 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:

Stockwater 1-1-1915 amount: .09 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .09 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 Stockwater period of use from 1-1 to 12-31 (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 _____

Spring water; 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 _____

10 ft. watering trough - 500 gallons
3/4 in pipe 100 yards

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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installed $\frac{3}{4}$ inch

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? NO If yes, give the name of the ditch

The other users and their respective interests in the ditch are (if known) 100% water available from source

6. Where water is used for stock watering, give number of each kind of stock watered 4 horses, 100 head of cattle

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 This water has been used for stock & horses since this place was homesteaded before 1915

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

This watering trough served by a spring waters 100 head of stock and 4 horses and has been in operation on this place since 1915.

State of Idaho in Idaho County, Idaho
68 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ E. of Hwy 27 33 3E

198.19 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1N SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1N E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 20 and W $\frac{1}{2}$ SE $\frac{1}{4}$ 22 33 3E

270 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ 15 33 3E

100 acres N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 14 33 3E

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

June 20, 1970
(Date)

Dolph Arnyed, Loris K. Arnyed
(Signature of Claimant)

State of Idaho

County of Lewis } ss.

On this 14 day of July 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Merveta R. McDonald
Notary Public residing at Kamiah Idaho

My commission expires 11-15-71

7-15-70 For Department Use Only

Received by <u>g</u>	Date <u>6-25-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>WCC</u>	Date <u>7/20/70</u>			
Fee received by <u>g</u>	Date <u>7/22/70</u> Fee \$ <u>10.00</u>			
Approved for publication by				
Published in <u>Idaho County</u>	Dates <u>7-30 & 8-6, 1970</u>			
Free Press				

95-4012

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

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 85-4012

Notice is hereby given that Daph F. and Lois K. Anderson, of Ketchikan, Idaho, has filed a claim to a water right established by diversion and application of surface water of 0.09 cubic feet per second of water from an unnamed stream tributary to Lawyers Creek with point of diversion in the NE 1/4 Sec. 15, T. 34N, R. 3E, B.M., Idaho County. The water is claimed to be used from Jan. 1 to Dec. 31 for stock water with a priority of January 1, 1970. The place of use is within the NE 1/4 Sec. 15, T. 34N, R. 3E, B.M.

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R. KEITH HIGGINSON
Director

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..... Gary D. Cash

Subscribed and sworn to before me this 7th day of August 1970

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

85-4012

WATER RIGHT NUMBER 85-4012

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 265

ACT
ION

N OWNER LAST NAME - ARNZEN

FIRST NAME - DELPH F.

N OWNER LAST NAME - ARNZEN

FIRST NAME - LOIS K.

N ADDRESS LINE 1 - RT. 2

N

CITY - KAMIAH

STATE - ID ZIP CODE - 83536

N SOURCE - UNNAMED STREAM

TRIBUTARY OF - LAWYERS CREEK

N STAGE - STAIRY CLM

PRIORITY - 01-01-1915 COUNTY - IDAHO

TOTAL DIV. RATE - .0900CFS

N DIVERSION POINT - NENW 15 33N 03E

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

USE DIV. RATE - .0900CFS

N USE - STOCKWATER

PLACE OF USE - TWN 33N RNG 03E SEC 15 TRACT NENW

N NON IRRIG USE - S/104 RANGE.

- DATA ENTRY -

Record

- | | Tract | Sec. | Twp. | Rge. | Gov't Lot | Rediv. |
|--------------------------|-------|------|-----------------|----------------|-----------|--------|
| 6. A. Point of Diversion | NE NW | 15 | 33 ^N | 3 ^E | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- [illegible]

8. Use Code: S

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. ~~AC 221 - 036-19~~
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information): S/104 Range.

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):

August 18, 1970

C Re: Claims to Water Right No's. 85-4011 & 85-4012

O Delph F. & Lois K. Arnzen
Route #2
Kamiah, Idaho 83536

Dear Delph & Lois Arnzen:

P 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.

V 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: Copies of claims
Receipts #4961 & #4962

85-4012

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R. KEITH HIGGINSON

Director

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85-4012

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

BOISE, IDAHO 83707

July 23, 1970

Re: Claim to a Water Right No. 85-4011 - Delph F. & Lois K. Arnzen
85-4012

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 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 Supervisor

DWM:DR

Enc: Legal notices (2)

*Bill submitted
8-11-70
ds*

85-4012

NOTICE OF CLAIM TO A WATER RIGHT

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Route 2, Kamiah, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.09 cubic feet per second ~~444/444~~
of water from an unnamed stream tributary to Lawyers Creek
with point of diversion in the ~~NE1/4~~ NE1/4 Sec. 15, T. 33N, R. 3E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock
water
with a priority of January 1, 1915 ;
the place of use is within the ~~NE1/4~~ NE1/4 Sec. 15, T. 33N, R. 3E, B.M.

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K.H.

85-4012