

RECEIVED

SEP 16 1968

Department of Reclamation

AFFIDAVIT OF PUBLICATION

..... Gary D. Cash being first duly sworn, says ~~she~~ 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 5th day of September, 1968, and the last publication on the 12th day of September, 1968; 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.

NOTICE OF CLAIM TO A WATER RIGHT
No. 85-4006
Notice is hereby given that Melvin Johnson, Route No. 2, Box 57, Kamiah, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an unnamed stream, tributary to Cottonwood Creek with point of diversion in the NW1/4NW1/4, sec. 26, T. 32 N, R. 2 E, B.M., Idaho County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of March 5, 1941; the place of use is the NW1/4NW1/4, sec. 26, T. 32 N, R. 2 E, B.M.
Any exception to this claim of water right may be filed with the Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho County Free Press, Grangeville, Idaho, on September 5 and September 12. s5-12

ly

..... Gary D. Cash

Subscribed and sworn to before me this 12th day of September, 1968.

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



85-4006

Identification No. 85-4006P
Claim No. 42759
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 Melvin Johnson
post office address Rt 2 Box 57, Kamiah, Idaho 83536
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 26 Township 32N
Range 2E B.M. located on an unnamed tributary
(name of source)
tributary to Cottonwood 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:

<u>March 5, 1941</u>	amount: <u>0.01</u>	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 <u>Domestic</u>	period of use from <u>Jan 1</u>	to <u>Dec 31</u>	(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. ^{4 springs}Underground water diverting works: is well flowing or pumped Flowing ; 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 _____
_____ ;

85-4006P

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 4 horses and 150 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served 1 Family name of town supplied None

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. Water is used for a lawn 50 ft. by 50 ft., a garden and 11 trees in an orchard

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation Water is from 2 springs in NW 1/4 of NW 1/4 Sec 26; 1 spring in NE 1/4 of NW 1/4 Sec 26; and 1 spring in NE 1/4 of NE 1/4 Sec 27 all in T32 N R2E BM.

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.

8-14-68
(Date)

Melvin Johnson
(Signature of Claimant)

State of Idaho }
County of Idaho } ss.

On this 14th day of August 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Warren R Parks
Notary Public residing at Grangerville, Idaho

My commission expires 3-2-1971

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ef</u>	<u>8-16-68</u>			
Prelim. check by <u>Deur</u>	Date <u>8-16-68</u>			
Fee received by <u>ef</u>	Date <u>8-16-68</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>755-830-68</u>				
Published in <u>Idaho City Press</u>	Dates <u>9-5-12</u>			

85-4006

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

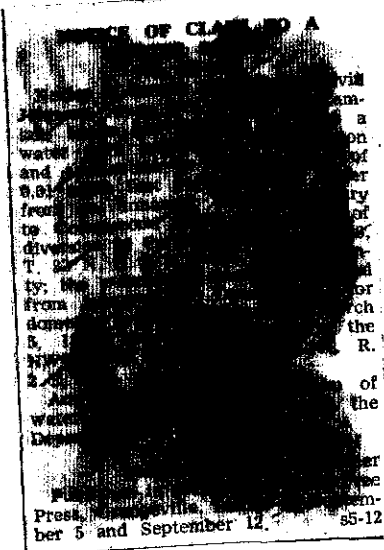
The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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AFFIDAVIT OF PUBLICATION



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

85-4006

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 Sept. 12, 1968

State of Idaho
Dept. of Reclamation
107 State House
Boise, Idaho 83701

DATE

INVOICE NO. / ITEMS

AMOUNT

Sept. 5-12 27 lines, 2 times--Not. Application--#85-4006

\$ 6.75

"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 same has been paid."

IDAHO COUNTY FREE PRESS

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

85-4006

ACT
ION

N OWNER LAST NAME - JOHNSON

FIRST NAME - MELVIN

N ADDRESS LINE 1 - RT. 2 BOX 57

N SOURCE - UNNAMED STREAM

CITY - KAMIAH
TRIBUTARY OF - COTTONWOOD CREEK

STATE - ID ZIP CODE - 83536

N STAGE - STATRY CLM

PRIORITY - 03-05-1941 COUNTY - IDAHO

TOTAL DIV. RATE - .0100CFS

N DIVERSION POINT - NWNW 26 32N 02E

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

USE DIV. RATE - .0100CFS

N USE - DOMESTIC

PLACE OF USE - TWN 32N RNG 02E SEC 26 TRACT NWNW

N NON IRRIG USE - S/150 RANGE

IDENT. NO. 85-4006

IDENT. NO. 85-4006

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

1. Original Owner: Melvin Johnson
- Present Owner: _____
2. Address: Rt. 2 Box 57
3. City: Kamiah State: ID Zip: 83536
4. A. Source of Water: unnamed stream
B. Tributary of: Cottonwood Creek
5. A. Stage (A,P,L,D,S,J): g
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: 3-5-1941
D. County: 49
E. Total Diversion Rate: .01
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	NW NW	26	32 ^N	2 ^E		

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

[illegible]

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): S/150 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):

October 10, 1968

Re: Claim No. 85-4006

Melvin Johnson
Route #2, Box 57
Kamiah, Idaho 83536

Dear Mr. Johnson:

The Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 85-4006. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. W-449 in the amount of \$10.00. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McKelowney
Appropriation Examiner

DWM:ks
enclosure: Receipt No. W-449

85-4006

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

August 30, 1968

Re: Application No. 78-7006 - Wilbur M. Roberts
Application No. 78-7005 - Richard E. Blakely &/or Eva Blakeley
Application No. 82-7002 - Robert R. White
Application No. 81-7001 - Joe L. Roberts
Application No. 84-7003 - Harry Smick
Claim No. 85-4006 - Melvin Johnson

Idaho County Free Press
P. O. 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 can not 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

85-4006

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 85-4006

Notice is hereby given that ~~Malvin Johnson, Route No. 2, Box 57, Kamiah, Idaho~~ has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an unnamed stream, tributary to Cottonwood Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 26, T. 32 N., R. 2 E., B. M., Idaho County; the water is claimed to be used from January 1 to December 31 for domestic use with a priority of March 5, 1941; the place of use is the NW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 26, T. 32 N., R. 2 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho, on September 5 and September 12. 85-12

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Kamiah, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 0.01
cubic feet per second ~~per foot~~ of water from ~~an unnamed stream, tributary~~
~~to Cottonwood Creek~~ with point of diversion in ~~the NW 1/4, sec.~~
26, T. 32 N. R. 2 E. E.M., Idaho County; the water is
claimed to be used from January 1 to December 31 for domestic use
with a priority of March 5, 1941
; the place of use is the NW 1/4, sec. 26,
T. 32 N. R. 2 E. E.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

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