

AFFIDAVIT OF PUBLICATION

Marilyn J. Stolley

..... being first duly
office manager

sworn, says he is the
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 ⁸ day of ^{May}....., 197⁴.....,
and the last publication on the ¹⁵ day of
..... ^{May}..... 197⁴.....; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this ¹⁵ day
of ^{May}....., 197⁴.....

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

RECEIVED

MAY 22 1974

Department of Water Administration
Northern District Office

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. **82-4017**

Notice is hereby given that
Vernon K. Wilburn, 142 East
Main, Grangeville Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.06 cubic feet per second of
water from a Spring with point
of diversion in the NE¹/₄NE¹/₄,
Sec. 22, T. 31N, R. 4E, B. M.,
Idaho County.

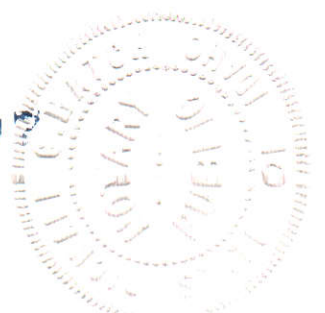
The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic purposes with a
priority of 1951; the place of
use is within the NE¹/₄NE¹/₄,
Sec. 22, T. 31N, R. 4E, B. M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, 401
Front Avenue, Coeur d'Alene,
Idaho 83814.

R. KEITH HIGGINSON
Director

• Published in the Idaho Coun-
ty Free Press, Grangeville, Ida-
ho on May 8 and May 15, 1974.
m8-15

82 4017



RECEIVED

JUN 26 1974

Department of Water Administration
Northern District Office

AFFIDAVIT OF PUBLICATION

.....Ann Adams..... being first duly

sworn, says he is the Society Editor.....
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 12..... day of June....., 197.....4,
and the last publication on the 19..... day of
.....June..... 197.....4; 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.

.....Ann Adams.....

Subscribed and sworn to before me this 19..... day
of June....., 197.....4.

.....Marilyn J. Stolley..... Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTICE OF CORRECTION

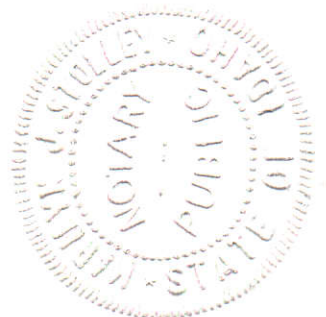
Notice is hereby given that
Claim to a Water Right No.
82-4017 in the name of Ver-
non K. Wilburn was adver-
tised incorrectly in May 8 and
May 15, 1974. The place of
use was advertised as being
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22,
T. 31N, R. 4E, B.M.; whereas,
the actual place of use is with-
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T.
31N, R. 4E, B.M.

Any exception to the above
correction may be filed with
the Idaho Department of
Water Administration, 401
Front Avenue, Room 209, Coeur
d'Alene, 83814.

R. KEITH HIGGINSON
Director

Published in the Idaho Coun-
ty Free Press, Grangeville, ID
on June 12 & June 19, 1974.
Jn12-19

82 4017



Identification No. 82-4017 P

Claim No. _____

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 Vernon K. Wilburn
post office address 142 East Main, Grangeville, Idaho 83530

2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 22 Township 31 North
Range 4 E. B.M. located on 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: 1951

_____ amount: 0.06 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 Domestic 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: See Exhibit "A" attached hereto

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 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 _____
_____ ;

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) _____

6. Where water is used for stock watering, give number of each kind of stock watered -0-

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied personal use

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 above named claimant has been using this water
from the above described improvements and source for a
period in excess of three (3) years. His immediate
predecessors in interest used the same in the same
manner for approximately 15 to 20 years.

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.

Vernon Wilburn
Claimant

Sworn to before me this 9th day of January, 1974.

Carol B. Gotsama
Notary Public

Residing at Grangeville, Idaho

My commission expires 5/20/77

For Department Use Only

Received by <u>FB</u>	Date <u>4-22-74</u> <u>4-17-74</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>FB</u>	Date <u>4-24-74</u>			
Fee received by <u>FB</u>	Date <u>4-24-74</u> Fee \$ <u>14.00</u>			
Approved for publication by <u>FB</u>				
Published in <u>IDA. CIV. FREE PRESS</u>	Dates <u>5-8-74</u> <u>5-15-74</u>			

82-4017

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

AFFIDAVIT OF PUBLICATION

Marilyn J. Stolley

..... being first duly
office manager
sworn, says he is the
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 8 day of May, 1974,
and the last publication on the 15 day of
May 1974; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this 15 day
of May, 1974.

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

NOTICE OF CORRECTION
 Notice is hereby given that Claim to a Water Right No. 82-4017 in the name of Vernon K. Wilson was advertised in the Idaho County Free Press on May 8 and May 15, 1974. The place of use was advertised as being within the NE 1/4, Sec. 22, T. 31N, R. 4E, B.M.; whereas, the actual site of use is within the SE 1/4, Sec. 22, T. 31N, R. 4E, B.M.
 Any extension to the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, 83814.
 R. KEITH HIGGINSON
 Director
 Published in the Idaho County Free Press at Grangeville, ID on June 12 & June 19, 1974.
 Jnl2-19

AFFIDAVIT OF PUBLICATION

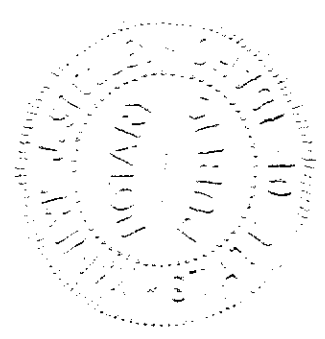
.....Ann Adams..... being first duly sworn, says he is the Society Editor..... of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which 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 12..... day of June....., 197.....4, and the last publication on the 19..... day of June..... 197.....4; 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.

.....Ann Adams.....

Subscribed and sworn to before me this 19..... day of June....., 197.....4...

.....Marilyn J. Stolley..... Notary Public for State of Idaho, residing at Grangeville, Idaho.

82 4017



ACT
ION

N OWNER LAST NAME - WILBURN

FIRST NAME - VERNON K.

N ADDRESS LINE 1 - 142 E. MAIN

CITY - GRANGEVILLE

STATE - ID ZIP CODE - 83530

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 06-01-1951 COUNTY - ELMORE

TOTAL DIV. RATE - .0600CFS

N DIVERSION POINT - NENE 22 31N 04E

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

USE DIV. RATE - .0600CFS

N USE - DOMESTIC

PLACE OF USE - TWN 31N RNG 04E SEC 22 TRACT SENE

IDENT. NO. 82-4017

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 182-4017
OTd No. _____ New No. _____

Record

1. Original Owner: Vernon K. Wilburn

Present Owner: _____

2. Address: 142 E. Main3. City: Shangerville State: ID Zip: 835304. A. Source of Water: Spring

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): D

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 6-1-1951D. County: 39E. Total Diversion Rate: .06

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>NENE</u>	<u>22</u>	<u>31N</u>	<u>4E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 1-1 to 12-31 for D purposes. Amount .06
(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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
31	4E	22				D													

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):

June 7, 1974

Re: Claim to a Water Right No. 82-4017 - Vernon K. Wilburn

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice

Bill Submitted 7-1-74 by cp

82 4017

July 2, 1974

Re: Claim to a Water Right No. 82-4017

Mr. Vernon K. Wilburn
142 East Main
Grangeville, ID 83530

Dear Mr. Wilburn:

Your Claim has been re-advertised, correcting the location of the place of use of the water, and proof of such correction has been included in your file.

We hope this has not caused any inconvenience, and if we may be of any further assistance, please contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: W. C. MacGregor, Jr., Attorney

82 4017

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071

"PROMPT SERVICE"

STATE

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 6-21-74, 197

State of Idaho
Dept. of Water Admin.
401 Front Ave.
Coeur d' Alene, Idaho 83814

DATE	INVOICE NO. / ITEMS	AMOUNT
June 12-19, 1974	2411, 2T Claim to Water Right 82-4017	\$8.64

"I hereby certify that the foregoing account is
and correct, that the amount claimed is legal
due, after allowing all just credits, and that no part
of the same has been paid."

IDAHO COUNTY FREE PRESS

BY: M. J. Stolley
Office Mgr.

82 4017

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 82-4017 in the name of Vernon K. Wilburn was advertised incorrectly on May 8 and May 15, 1974. The place of use was advertised as being within the NE~~1~~NE~~4~~, Sec. 22, T. 31N, R. 4E, B.M.; whereas, the actual place of use is within the SE~~1~~NE~~4~~, Sec. 22, T. 31N, R. 4E, B.M.

Any exception to the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, ID on June 12 & June 19, 1974.

82-4017
2/11-14
2/15

82 4017

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 82-4017 in the name of Vernon K. Wilburn was advertised incorrectly in May 8 and May 15, 1974. The place of use was advertised as being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B.M.; whereas, the actual place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B.M.

Any exception to the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, 83814.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, ID on June 12 & June 19, 1974.

Jn12-19

May 30, 1974

Re: Claim to a Water Right No. 82-4017 - Vernon K. Wilburn

Mr. W. C. MacGregor, Jr.
Attorney at Law
MacGregor Building
416 West Main
Grangeville, ID 83530

Dear Mr. MacGregor:

Thank you for your letter of May 20, 1974, bringing to our attention that the above referenced Claim was advertised incorrectly. We will re-advertise the Claim, describing the point of diversion within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, and the place of use within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22.

With regards to the injury of the Constitutional Rights established by Mr. Wilburn and his predecessors, our Department has no authority to verify or determine what rights have been established and what rights have been injured. Once the rights have been determined and decreed through the courts, then we do have the authority to administer the rights in accordance with the judge's decree. Therefore, until litigation has taken place, our Department would serve only as a recording agency for Constitutional Water Rights.

We hope this answers your questions. If we may be of any further assistance, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

82 4017

W. C. MACGREGOR, JR.

ATTORNEY-AT-LAW

MACGREGOR BLDG.
416 W. MAIN

GRANGEVILLE, IDAHO 83530

May 20, 1974

RECEIVED
TELEPHONE 963-1740
Department of Water Administration

State of Idaho
Department of Water Administration
Western District Office
614 State Street
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Ervin E. Ballou

RE: Vernon K. Wilburn
Claim of Water Right
#82-4017

Dear Mr. Ballou:

In looking at the Notice of Claim to a Water Right which has been published in the Idaho County Free Press on the 8th and 15th day of May, 1974, in the above numbered claim, it is noticed that the place of diversion, which is the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4), Section Twenty-Two (22), Township Thirty-One (31) North, Range Four (4), E.B.M., is the same place as which is stated to be the place of use.

The place of use does begin at the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of said Section and Township, but thence, as set forth in the application, runs in a southerly direction, approximately 250 feet to a tank and from this tank, a pipe goes in a southwesterly direction to the buildings of the applicant for domestic use. The place of use, therefore, is located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-Two (22), Township Thirty-One (31) North, Range Four (4), E.B.M.

We would appreciate it if you would publish an amended Notice to this effect.

In this regard, we might say that the lessee of the property wherein the place of diversion exists, which is upon state land, has within the past three or four months, destroyed the pipe line of the applicant. This pipe line has been used in excess of twenty (20) years, and has been used by the applicants for a period of four years and in excess of twenty (20) years by their predecessors.

82 4017

Ervin E. Ballou

-2-

May 20, 1974

If there is any way possible to avoid litigation in this matter against the present lessee, we would like to do so, but if he does not replace the pipe line, allowing the water to flow once more, this will be our next step.

Would you have any suggestions in this matter?

I would appreciate hearing from you in regards to the two matters set forth above at your earliest possible convenience.

Thank you.

Very truly yours,

W. C. MacGregor, Jr.
W. C. MacGREGOR, JR. *alg*

WCM:cbg

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

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

May 29, 1974

Re: Claim to a Water Right No. 82-4017

Mr. Vernon K. Wilburn
142 East Main
Grangeville, ID 83530

Dear Mr. Wilburn:

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 a 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 may be of any further assistance, feel free to contact us,

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

82 4017

May 20, 1974

Re: Claim to a Water Right No. 82-4017 - Vernon K. Wilburn

Mr. David P. Tidwell
Division Chief, Range Management
Department of Public Lands
Statehouse
Boise, ID 83720

Dear Mr. Tidwell:

In response to your letter of May 13, 1974, concerning the above referenced Claim, Mr. Wilburn has claimed the right to an existing use of water which has been used since 1951. There is no permit granted, and our Department takes no action other than to record and process a Claim.

If there are any questions in this matter, feel free to contact our office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CF

82 4017

IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83720



GORDON C. TROMBLEY
COMMISSIONER

STATE BOARD OF LAND COMMISSIONERS

CECIL D. ANDRUS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
W. ANTHONY PARK
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
DELMER F. ENGELKING
SUP'T OF PUBLIC INSTRUCTION

May 13, 1974

Idaho Department of Water Administration
401 Front Avenue
Coeur d'Alene, Id 83814

Gentlemen:

We note that Mr. Vernon K. Wilburn of Grangeville has filed a claim to a water right the place of use shown as NE¹/₄NE¹/₄ of Section 22, Township 31 North, Range 4 East, B.M. This land is state endowment land.

The lessee of the land has already placed a stock tank at the water source and is using it in accordance with his grazing lease.

Our Area Supervisor in Orofino has been asked to investigate this situation and to report his recommendation. Would you please withhold any action which might be contemplated until the field report is submitted. We will then advise you as to this department's intentions.

Very truly yours,

FOR THE COMMISSIONER

DAVID P. TIDWELL
Division Chief, Range Management

DPT:vp
cc: Division Chief, Lands

Area Supervisor, Clearwater

82 4017

May 3, 1974

Re: Claim No. 82-4017 - Vernon K. Wilburn

Idaho County Free Press
Box 267
Grangeville, ID 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.

Your cooperation in this matter is appreciated.

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 5-28-74 by CP

FE:CP

Enc: Legal Notice

82 4017

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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 5-24-74, 1974

State of Idaho
Dept. of Water Admin.
401 Front St.
Coeur d'Alene, Idaho

DATE	INVOICE NO. / ITEMS	AMOUNT
May 8-15	3011,27 Not of Claim 82-4017	10.80

82 4017

NOTICE OF CLAIM TO A WATER RIGHT

NO. 82-4017

Notice is hereby given that Vernon K. Wilburn,

142 East Main, Grangeville, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.06 cubic feet per second ~~acres feet per annum~~
of water from a Spring

with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B.M.,

Idaho County

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

with a priority of 1951;

the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho

on May 8 and May 15, 1974

**LEGAL —
ADVANCE PROOF —
NOTICE OF CLAIM TO A
WATER RIGHT**

Notice is hereby given that Vernon K. Wilburn, 142 East Main, Grangeville Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from a Spring with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B. M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1951; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T. 31N, R. 4E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on May 8, and May 15, 1974.

m8-15

OK.
5-8-74
CF

82 4017

May 2, 1974

Re: Claim to a Water Right No. 82-4017 - Vernon K. Wilburn

Mr. W. C. MacGregor, Jr.
Attorney at Law
416 West Main
Grangeville, ID 83530

Dear Mr. MacGregor:

Attached is receipt No. 14050 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

82 4017

W. C. MACGREGOR, JR.

ATTORNEY-AT-LAW

MACGREGOR BLDG.
416 W. MAIN

GRANGEVILLE, IDAHO 83530

April 15, 1974

RECEIVED

Department of Reclamation
TELEPHONE 983-1740

RECEIVED

Department of Reclamation
Room 107
Statehouse
Boise, Idaho 83701

RE: Vernon K. Wilburn
Claim to Water Right

Gentlemen:

Enclosed you will find a Claim to a Water Right which has been signed by the above named applicant and claimant, together with a check in the amount of \$10.00.

I would appreciate your notifying me of the receipt of the same, together with notifying me of the date of hearing upon the same as soon as possible.

Thank you.

Very truly yours,

W. C. MacGregor, Jr.
W. C. MacGREGOR, JR. *alg*

WCM:cbg
Enclosures