

RECEIVED

APR 11 1974

Department of Water Administration
Northern District Office

AFFIDAVIT OF PUBLICATION

Marilyn J. Stolley 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 27 day of March, 1974, and the last publication on the 3 day of April, 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 by J.H.

Subscribed and sworn to before me this 3 day of April, 1974

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

NOTICE OF CLAIM TO A WATER RIGHT NO. 82-4016

Notice is hereby given that James M. Hunter, Stites, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.244 cubic feet per second of water from South Fork of Clearwater River with point of diversion in the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 16, T. 31N, R. 4E, B.M., Idaho County.

The water is claimed to be used from June 15 to Sept. 30 for the irrigation of 12.2 acres with a priority of June 15, 1927 (0.012 cfs); July 1, 1962 (0.220 cfs); July 1, 1963 (0.012 cfs) the place of use is within the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 16, 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 March 27 and April 3, 1974. M27-A3

82 4016

The basin of this upper right
may be in error. Any correspondence
should be checked to determine the
Correct Basin #.

(Which side of the Cieneguilla River)

JZK

Identification No. 82-4016 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 James M. Hunter
post office address Stites, Idaho 83552
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 16 Township 31N
Range 4E B.M. located on South Fork of Clearwater River
(name of source)
tributary to Clearwater River 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>June 15, 1927</u>	amount: <u>0.012</u>	c.f.s./or//////////acre/feet
<u>July 1, 1962</u>	amount: <u>0.220</u>	c.f.s./or//////////acre/feet
<u>July 1, 1963</u>	amount: <u>0.012</u>	c.f.s./or//////////acre/feet
Total claimed <u>0.244</u>		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 June 15 to September 30 (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 _____
2 pumps at river (1-3hp, 1-1hp) pipelines to field (3") and garden and yard (1½")
and sprinkler systems on field, garden, and yard.

- 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 _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. A gas pump was installed in 1927 to irrigate garden, an electric pump was installed in 1962 to irrigate field and a electric pump was installed in 1963 to replace gas to irrigate garden and yard.

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_____

[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) _____

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. Water is also used for fire protection.

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

State of Idaho

County of IDAHO

\$\$.

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

12 day of

Clément

MARCH, 1974

Notary Public

Residing at:

My commission expires

9-23-74

For Department Use Only

Received by CP Date 3-18-74

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by FB Date 3-19-74

Fee received by FBI Date 3-12-74 Fee \$10.00

Approved for publication by TS #12397

Published in IDA. COY. FREE PRESS Dates 3-27-74

82 40 5

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:

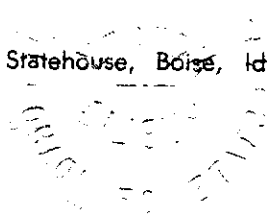
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

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.



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



WATER RIGHT NUMBER 82-4016

WATER RIGHTS EDIT REPORT

10/05/79

PAGE 97

ACT
ION

N
N
N
N
N
N
N
N

OWNER LAST NAME - HUNTER

FIRST NAME - JAMES M.

CITY - STITES

STATE - ID ZIP CODE - 83532

SOURCE - CLEARWATER RIVER, SOUTH FORK

TRIBUTARY OF - CLEARWATER RIVER

STAGE - STATRY CLM

PRIORITY - 06-15-1927

COUNTY - ELMORE

TOTAL DIV. RATE -

.2400CFS

DIVERSION POINT - NESW 16 31N 04E

FROM - 06-15 TO - 09-30 USE - IRRIGATION

USE DIV. RATE -

.2400CFS

USE - IRRIGATION

PLACE OF USE - TWN 31N RNG 04E SEC 16 TRACT NESW

AC 12

REMARKS - AC. IRR.=12.2.

PRIORITY DATES 6-15-1927/.01, 7-1-1962/.22 & 7-1-1963 OF .01.

IDENT. NO. 82-4016

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

Old No.

New No.

1 82-4016

Record

1. Original Owner: James M. Hunter

Present Owner: _____

2. Address:

3. City: Stites State: ID Zip: 835524. A. Source of Water: Clearwater River, South ForkB. 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: 6-15-1927D. County: 39E. Total Diversion Rate: .24

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>NESW</u>	<u>16</u>	<u>31N</u>	<u>4E</u>		

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

from 6-15 to 9-30 for A purposes. Amount .24
(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*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Ac. Due. = 12.2.
B. Priority dates also 7-1-1962 of .22 & 7-1-1963
C. 4.01
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):

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

April 15, 1974

Re: Claim to a Water Right No. 82-4016

Mr. James M. Hunter
Stites
Idaho 83552

Dear Mr. Hunter:

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 4016

March 22, 1974

Re: Claim No. 82-4016 - James M. Hunter

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. ~~-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,

FRED EISENBARTH
Northern District Manager

Bill submitted 4-15-74 by cl

FE:CP

Enc: Legal Notice

82 4016

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 4-3-74, 197

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

DATE	INVOICE NO. / ITEMS	AMOUNT
Mar 27-Apr 3	3511, 2T Not of Claim No. 82-4016	12.60

82 4016

NOTICE OF CLAIM TO A WATER RIGHT

NO. 82-4016

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Stites, Idaho

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with point of diversion in the NE 1/4, Sec. 16, T. 31N, R. 4E, B.M.,

Idaho County

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irrigation of 12.2 acres

with a priority of June 15, 1927 (0.012 cfs); July 1, 1962 (0.220 cfs);
July 1, 1963 (0.012 cfs)
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R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho

on March 27 and April 3, 1974

82 4016

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R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on March 27 and April 3, 1974. M27-43

O.K.
3-26-74
CP

82 4016

March 22, 1974

Re: Claim to a Water Right No. 82-4016

Mr. James M. Hunter
Stites
Idaho 83552

Dear Mr. Hunter:

Attached is your receipt No. 12397 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 4016