

RECEIVED

JUL 19 1972

AFFIDAVIT OF PUBLICATION

Department of Water Administration
Northern District Office

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 5th day of July, 1972, and the last publication on the 12th day of July, 1972; 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 12th day of July, 1972

Richard C. Hatch

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

NOTICE OF CLAIM TO A
WATER RIGHT

No. 82-4009

Notice is hereby given that Truman Smith, Star Route, Grangeville, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.005 cubic feet per second of water from Champagne Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 29N, R. 8E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May 1, 1926; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 29N, R. 8E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on July 5 and July 12, 1972.
Jy5-12

82 4009

Identification No. _____

Claim No. 82 4009 P

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 Truman Smith
post office address Star Route, Grangeville, Idaho 83530

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 30 Township 29N
Range 8E B.M. located on Champange Creek
(name of source)
tributary to South Fork of 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:

May 1, 1926 amount: 0.005 c.f.s. 67 acres
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.005 c.f.s. 67 acres

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 January 1 to December 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 a 12" pipe in the creek
leading 100 feet to the 2 cabins; 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 _____

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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_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

MANUSCRIPT TYPE: MANUSCRIPT

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 _____

7. Where water is used for domestic or municipal purposes give number of families served 2 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 _____

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.

Truman Smith
Claimant
Sworn to before me this 12 day of June, 1972.
Johanna V. Amgen
Notary Public
Residing at Brangwille, Idaho

My commission expires Jan. 1, 1978

Rec'd # 9634

For Department Use Only

Received by <u>ef</u>	Date <u>6-22-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>EB</u>	Date <u>6-22-72</u>			
Fee received by <u>ef</u>	Date <u>6/22/72</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>RE</u>	Date <u>7/19/72</u>			
Published in <u>IDA. Cty. FREE PRESS</u>	Dates <u>7-5-72-72</u>			

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

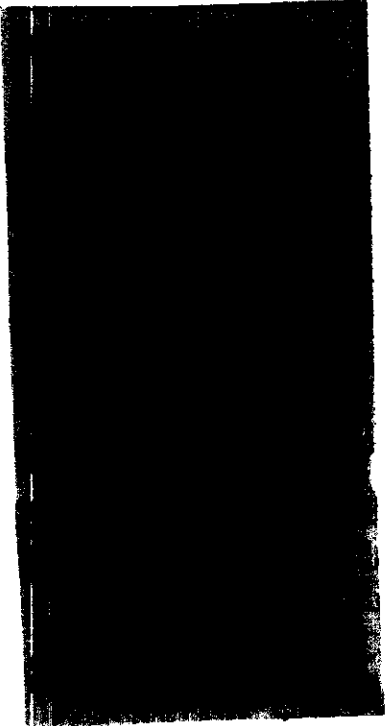
The fee for filing this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

RECEIVED

JUL 11 1972

AFFIDAVIT OF PUBLICATION

July 17
-ef

 Subscribed and sworn to before me on 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 5th day of July, 197 2, and the last publication on the 12th day of July, 197 2; 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 12th day of July, 1972
Richard C. Hatch, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

ACT
ION

N	OWNER LAST NAME - SMITH	FIRST NAME - TRUMAN		
N	ADDRESS LINE 1 - STAR RT.			
N		CITY - GRANGEVILLE	STATE - ID	ZIP CODE - 83530
N	SOURCE - CHAMPAGNE CREEK	TRIBUTARY OF - CLEARWATER RIVER, SOUTH FORK		
N	STAGE - STAIRY CLM	PRIORITY - 05-01-1926	COUNTY - ELMORE	TOTAL DIV. RATE - .0100CFS
N	DIVERSION POINT - NWNW 30 29N 08E			
N	FROM - 01-01 TO - 12-31	USE - DOMESTIC	USE DIV. RATE - .0100CFS	
N	USE - DOMESTIC	PLACE OF USE - 1WN 29N RNG 08E SEC 30 TRACT NWNW		

IDENT. NO. 82-4009

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 82-4009
OTd No. _____ New No. _____

Record

1. Original Owner: Truman Smith

Present Owner: _____

2. Address: Star Rt.3. City: Grangerville State: ID Zip: 835304. A. Source of Water: Champagne CreekB. Tributary of: Clearwater River, South Fork5. 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: 5-1-1926D. County: 39E. 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	<u>NW NW</u>	<u>30</u>	<u>29N</u>	<u>8E</u>		

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

from 1-1 to 12-31 for D purposes. Amount .01
(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 _____

9-24-19 ~~FB~~ CIA

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):

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):

July 25, 1972

Re: Claim No. 82-4008
" " 82-4009

Truman Smith
Star Route
Grangeville, ID 83530

Dear Mr. Smith:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: copies

82 4009

July 25, 1972

Re: Claim No. 82-4008
" " 82-4009

Truman Smith
Star Route
Grangeville, ID 83530

Dear Mr. Smith:

Attached herewith is your receipt No. 9634 in the amount of \$20.00 for the filing fee for the above referenced claims, which were received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

82 4009

June 23, 1972

Re: Application No. 81-7018 - John R. Jasper
" " 85-7038 - John R. Jasper, for Jamco, Inc.
Claim No. 82-4008 - Truman Smith
" " 82-4009 - " "

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. 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
Water Resource Examiner
Northern District

FE:CR

Enc: Legal Notices (4)

Bill Submitted
7/19/72
F.B.

82 4009

NOTICE OF CLAIM TO A WATER RIGHT

No. 82-4009

Notice is hereby given that Truman Smith, Star Route,

Grangeville, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.005 cubic feet per second ~~approximately~~ of water from Champange Creek

with point of diversion in the NW¹/₄NW¹/₄, Sec. 30, T. 29N, R. 8E, B.M.,
Idaho County

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

with a priority of May 1, 1926;
the place of use is within the NW¹/₄NW¹/₄, Sec. 30, T. 29N, R. 8E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~on or before~~

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho
on July 5 and July 12, 1972.

82 4009

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 82-4009**

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R. KEITH HIGGINSON
Director

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July 12

82-4009