

06/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4031B
NAME AND ADDRESS: BRUCE W HARDY
HC 69 BOX 65
RIGGINS ID 83549
SOURCE: RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 0.040 CFS
PRIORITY DATE: 04/21/1894
POINT OF DIVERSION:

T23N R01E S6 NENE Lot 1 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	02/15 11/30	0.020 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R01E S32 SWSW 1.00

STOCKWATER same as IRRIGATION

1 ACRES TOTAL

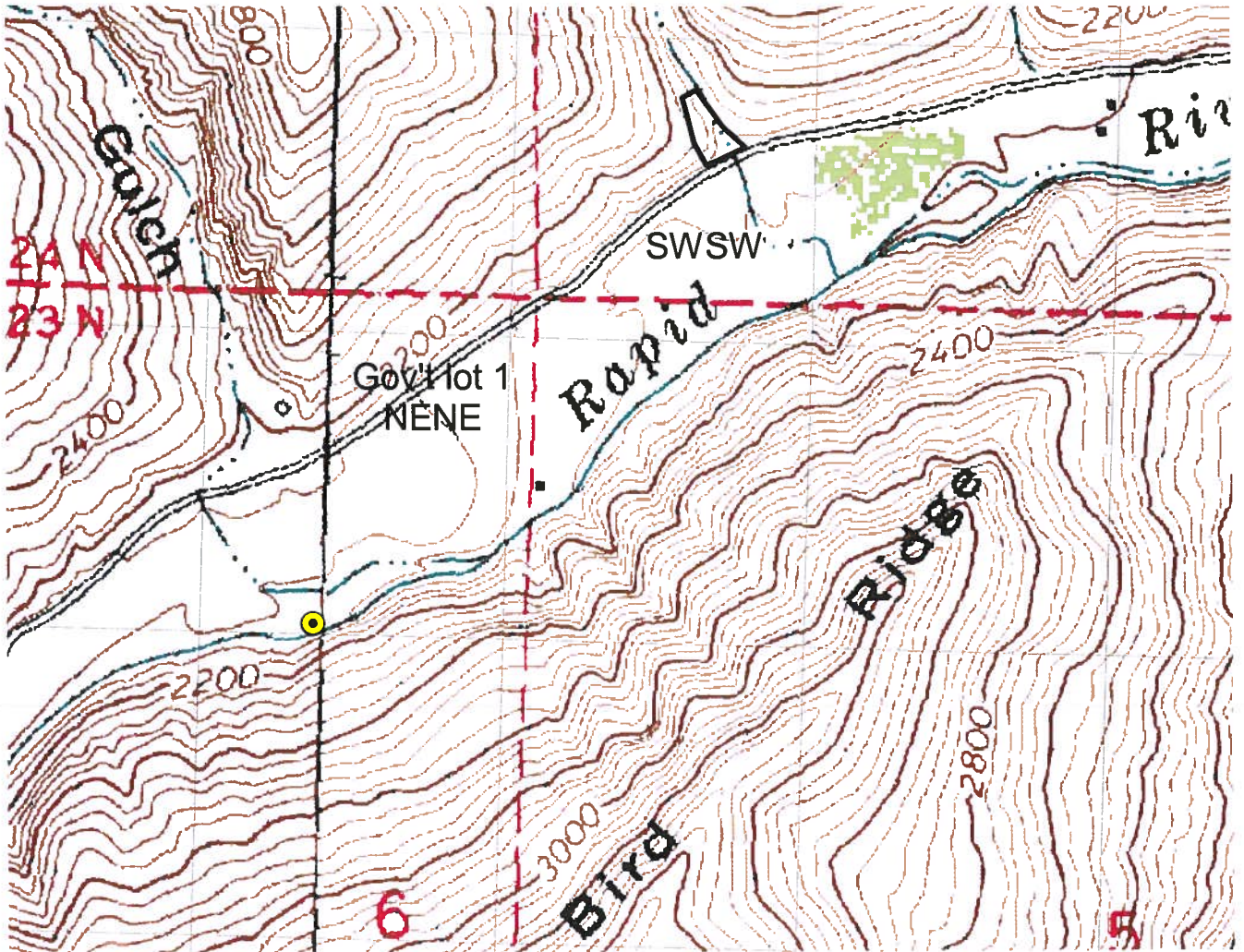
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

78-4031B



0 500 1000 Feet

Section 6
T23N R1E
Section 32
T24N R1E



● Point of Diversion

☐ Place of Use

Map prepared on June 13, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A78-04031B**
Date Received: 4/20/1995
Receipt No: W018991
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BRUCE W HARDY 208-628-3742
Address: HC 69 BOX 65
RIGGINS ID 83549

2. Date of Priority: APR 21, 1894

3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	6		NE	NE		IDAHO

5. Description of diverting works:
RAPID RIVER WATER & SEWER DISTRICT DELIVERY SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/15	0.020		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	32	SW	SW		IRR	1.0

Section Acres 1.0

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
HOMEOWNER ASSOCIATION - DOMESTIC

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A78-04031 B
Date Received 4-20-95
Receipt Number W018991

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Bruce H W. Hardy Phone () 208-628-3742

Mailing Address Hc 69 Box 65 Riggins Zip 83549

2. Date of Priority (Only one (1) per claim) 4/21/1894

3. Source of water supply (a) Rapid River
which is tributary to (b) Little Salmon River

4. a. Location of existing point of diversion is: Township 23N Range 01E Section 6,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Rapid River Water + Sewer Dist. delivery system.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/1 to 10/15 amount .02 or _____

For Stockwater purposes from 1/1 to 12/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater 15 hd. cattle.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2YN	1E	32											1						1

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. Homeowner Association Domestic or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Statutory Claim Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Bruce W Hardy Date 4-20-95

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of IDA) SS.

Subscribed and sworn (or affirmed) before me this 20th day of APRIL 19 95

SEAL

Notary Public Ron Howerton

Residing at Ron Howerton

Residing at Boise, Idaho

My Commission Expires 15 June 1995 Commission Expires December 8,

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State, Yellow-Claimant

Idaho County District Court

DOCKETED

FILED

AT 9:10 O'CLOCK A.M.

JUL 1 1996

ROSE E. GEHRING

Clerk of District Court

Stella Allen
Deputy

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

CHARLES M. VOGELSONG and
GEORGIANNA VOGELSONG, husband
and wife,

Plaintiffs,

vs.

RAPID RIVER HOMEOWNER'S
ASSOCIATION, INC., RAPID RIVER
HOMEOWNERS ASSOCIATION WATER &
SEWER DISTRICT and JOHN DOES 1-XV,
their respective officers and
agents,

Defendants.

Case #CV29677

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This is an action for damages based on tort and for
injunctive relief.

FINDING OF FACT AND CONCLUSIONS OF LAW

1. At sometime in the 1920's diversion works were
constructed on the northerly bank of the Rapid River abutting Idaho
County property presently owned by Plaintiffs Charles M. and
Georgianna Vogelsong and acquired by them in 1991. They
constructed a home upstream of the works in 1991-92. The water
diverted transverses the Vogelsong property by way of an open ditch
running generally downstream and parallel to the river.

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 1

2. At some time prior to 1991, the ownership of the water rights to which the works are appurtenant was acquired by Rapid River Homeowners Association, Inc., subsequent to the formation of the Rapid River Homeowners Association Water and Sewer District in 1993 the rights were transferred to the District by the Homeowners Association.

3. Since at least 1943, the operation of the Diversion works has typically involved the utilization of a wing wall structure extending upstream from the diversion works and angling slightly into the natural channel of the Rapid River so as to facilitate diversion of water during the low water periods, typically, August and September.

4. The wing wall is rebuilt from time to time to preserve and maintain the flow. No equipment other than hand tools has been employed for this purpose; the river dynamics, particularly in high flow years, partially dismantles the wing wall and partially fills in the diversion channel between the wall and the northerly bank of the river.

5. The diversions works itself has been reconstructed periodically, including 1966, and most recently, in 1974, when it was washed out by extreme high water; at that time the present concrete structure was constructed.

6. The introduction of any artificial structures within the dynamics of the river system inevitably produces further change which in turn produces some impact on the banks and properties abutting the water course.

7. The operators of the diversion works are under a duty to operate such works in a non-negligent manner exercising ordinary care.

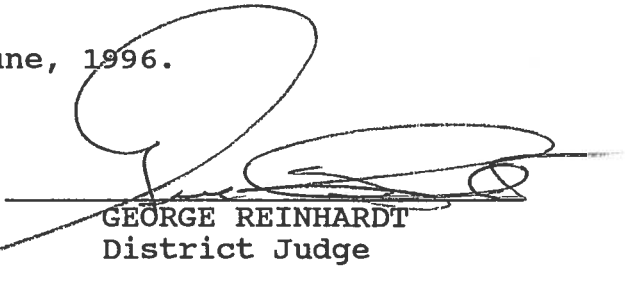
8. Factors relevant to a determination of whether or not the conduct of the operators is or is not negligent include, but are not necessarily limited to, the purpose of the diversion, the design of the structure, and the manner of operation of the overall system (being the concrete gate structure, the wing wall and the transport ditch) relative to such purpose. Also relevant is the impact on the servient owner, in this case, Mr. and Mrs. Vogelsong.

9. The court finds the manner and extent of the operation of the system is reasonable under the facts and circumstances presented, particularly, the annual reconstruction of the wing wall and reclamation of the diversion channel adjoining it, so long as they are not materially altered or enlarged.

10. So long as the operation falls within the scope of conduct as outlined above some erosion of the abutting banks is inevitable and is reasonable and non-negligent.

11. No significant or material change in the design or operation of the existing diversion system may be made without an adequate engineering study.

Dated this 30 day of June, 1996.



GEORGE REINHARDT
District Judge

October 4, 2000

**Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082**

**Re: No. A78-04031 and A78-04031A Priority Dates of
04/21/1894**

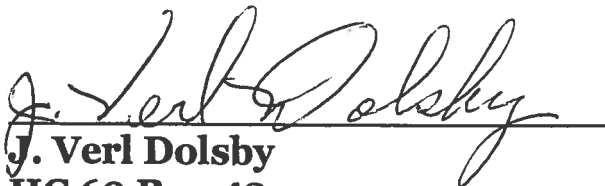
Enclosures:

- 1. State of Idaho Department of Water
Administration CLAIM TO A WATER RIGHT,
states that the upper and lower ditch priority
dates are December 1922. Dated November 17,
1971.**
- 2. A letter from State of Idaho DEPARTMENT OF
WATER RESOURCES, to Mr. Harold G. (Nick)
Smith dated April 4, 1984. Which states that
the earliest priority date for claim 78-4031 is
December 1922.**

**The above letters contradict the date of two water rights
listed above.**

**Which is the correct date 12/01/ 1922 or 4/21/1894? This
could affect the priority date on my property.**

Sincerely,



**J. Verl Dolsby
HC 69 Box 42
Riggins, ID. 83549**



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

file 78-4031

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 4, 1984

Mr. Harold G. (Nick) Smith
Coolwater Trout Farm
Star Route
Riggins, ID 83549

Dear Mr. Smith:

I have searched our records for filings appurtenant to the following lands described in your letter of March 28, 1984:

T. 23 N., R. 1 E.

Sec. 5: Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

T. 24 N., R. 1 E.

Sec. 32: NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

In reply to your inquiry with regard to a water right filed with the earliest priority date appurtenant to the above lands, our records show Claim 78-4031 filed by Margaret Roakey claimed a priority date of December 1922 for a total of 4 cfs from Rapid River for stockwater and irrigation.

Other rights identifying the place of use within the above described lands or a portion of the lands are Claim 78-4187, Permits 78-7159 and 78-7189 with diversions from Rapid River. Our records also show a licensed right, 78-7034, for use of groundwater.

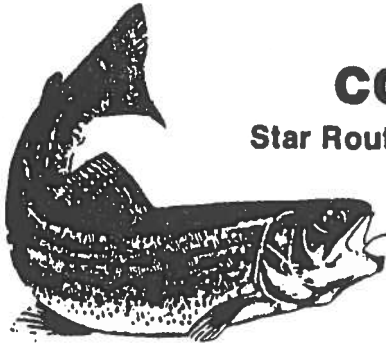
For your review, enclosed are copies of the water rights mentioned along with a billing for providing the copies. If you do not wish to keep the copies, please return them and no charge will be made.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor

Enclosures



COOLWATER TROUT FARM

Star Route, Riggins, Idaho 83549 • Telephone 208-628-3706

78-4031

March 28, 1984

REC-11
APR 2 1984

DEPT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Department of Water Res

Gentlemen:

Will you please check your records and advise me as to the earliest water right either by recording or being put to beneficial use granted the land legal description being: In Idaho County, state of Idaho, to-wit: Lot number 4; Section 5; Township 23 North; Range 1 East of BM; and the Northeast 1/4 of the Southwest 1/4 and the South 1/2 of the Southwest 1/4 of Section 32; Township 24 North; Range 1 East of BM containing 160 acre s more or less."

This information is vitally needed to stave off a possible conflict.

Sincerely,

HAROLD G. (NICK) SMITH
Director

1 Enc.

his heirs and assigns forever, all of the following described real est
in Idaho County, State of Idaho, to-wit:

Lot number 4; Section 5; Township 23 North; Range 1 East of BM; a
 $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 32;
Range 1 East of BM containing in all 160 acres more or less.

TOGETHER with all and singular, the hereditaments and appurtenanc
ing or in any wise appertaining and the reversion and reversions, rema
rents, issues, and profits thereof, and all estate, right, title, and i
said property of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and de
together with the appurtenances, unto the party of the second part and
assigns forever. And the said parties of the first part covenants tha
and lawful right to sell and convey the said land and that they are po
title thereto and that they and their heirs and assigns will forever W
the same against all persons lawfully claiming the same.

IN WITNESS WHEREOF, The said parties of the first part have hereu
and seals the day and year first above written.

Signed, sealed and delivered
in the presence of: --

Robert J. Gill

Iola Gill

(Int. Rev. §7.70)

STATE OF WASHINGTON }
COUNTY OF SPOKANE } ss.

On this 14th day of July, in the year 1945, be
Moore, a Notary Public in and for said County and State; personally ap
Gill and Iola Gill, known to me to be the persons whose names -- subscr
instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my of
day and year in this certificate first above written.

" Wm. J. Moore, Notary Public "
" State of Washington "
" commission expires March 28, 1947 "

Wm. J. Moore, Notary
at Spokane, Wash.

STATE OF IDAHO)
COUNTY OF IDAHO) ss.

Filed for record in the office of the Recorder of

irs and assigns forever, all of the following described real estate, situated
no County, State of Idaho, to-wit:

ot number 4; Section 5; Township 23 North; Range 1 East of EM; and the Northeast
e Southwest 1/4 and the South 1/2 of the Southwest 1/4 of Section 32; Township 24 North
East of EM containing in all 160 acres more or less.

TOGETHER with all and singular, the hereditaments and appurtenances thereunto belc
in any wise appertaining and the reversion and reversions, remainder and remaind
issues, and profits thereof, and all estate, right, title, and interest in and to
roperty of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises,
er with the appurtenances, unto the party of the second part and to his heirs and
s forever. And the said parties of the first part covenants that they have good
ful right to sell and convey the said land and that they are possessed of fee s
thereto and that they and their heirs and assigns will forever WARRANT and DEFEND
ne against all persons lawfully claiming the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their ha
als the day and year first above written.

, sealed and delivered
presence of: -- Robert J. Gill (Seal)
Iola Gill (Seal)
(Int. Rev. 47.70)

OF WASHINGTON)
OF SPOKANE) ss.

On this 14th day of July, in the year 1945, before me Wm. J.
a Notary Public in and for said County and State, personally appeared Robert J.
d Iola Gill, known to me to be the persons whose names -- subscribed to the with
ment, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the
d year in this certificate first above written.

Wm. J. Moore, Notary Public, residing
at Spokane, Wash.
J. Moore, Notary Public " State of Washington " Commission expires March 28, 1947"

OF IDAHO)
OF IDAHO) ss.

Filed for record in the office of the Recorder of Idaho County at

REC 5

TS 23N

R 1E

on

RAPID RIVER

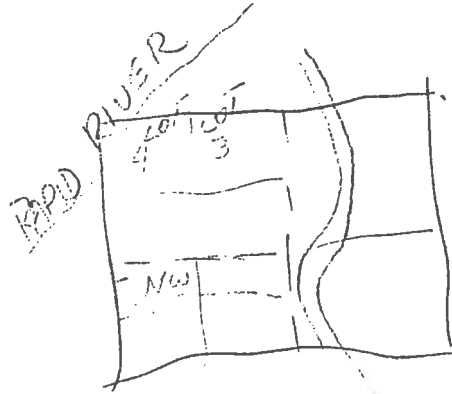
from

10-11

2000 ft. R.V.

78-4031

78-4031



78 4031

January 13, 1972

Re: Claim to a Water Right No. 78-4031

Margaret Roakey
Box 244
Riggins, Idaho 83549

Dear Ms. Roakey:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 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 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.

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb

Enclosure: Copy of claim

78 4031

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 9, 1971

Re: Claim No. 78-4031 - Margaret Roakey
" " 82-4005 - Floyd J. Patrin
" " 84-4007 - Flora May Gentry

Idaho County Free Press
Box 267
Grangeville, Idaho 83500

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 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
Appropriation Examiner

FE:cr

Enc: Legal Notices

Bill submitted 1-12-72. CR
78 4031

78 4031

**NOTICE OF CLAIM TO
A WATER RIGHT**

No. 78-4031

Notice is hereby given that Margaret Roakey, Box 244, Riggs, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 4.0 cubic feet per second of water from Rapid River, tributary to Little Salmon River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 23N, R. 1E, B.M., Idaho County.

The water is claimed to be used from April 1 to Oct. 15 for stockwatering purposes and the irrigation of 50 acres with a priority of December, 1922; the place of use is within Lot 4, Sec. 5, T. 23N, R. 1E, B.M.; NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32, T. 24N, R. 1E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho on Dec. 22 and Dec. 29, 1971. D22-29

78 4031

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4031

Notice is hereby given that Margaret Roakey,

Box 244, Riggins, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 4.0 cubic feet per second ~~acres of water~~ of water from Rapid River, tributary to Little Salmon River

with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 23N, R. 1E, B.M.,

Idaho County

The water is claimed to be used from April 1 to Oct. 15 for stock-watering purposes and the irrigation of 50 acres

with a priority of December, 1922;

the place of use is within ~~the~~ Lot 4, Sec. 5, T. 23N, R. 1E, B.M.;

NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 32, T. 24N, R. 1E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho

on Dec. 22 and Dec. 29, 1971.

78 4031

November 29, 1971

Margaret Roakey
Box 244
Riggins, Idaho 83549

Dear Mr. Roakey:

Attached herewith is your receipt No. 8509 in the amount of \$ 10.00
for your claim to water right
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

78 4031

Identification No. 78.4031P
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 MARGARET ROARKE
post office address Box 244 RIGGINS
2. The point of diversion is in NW 1/4 of SUL 1/4 Section 5 Township 23 N
Range 1 E B.M. located on RAPID RIVER
(name of source)
tributary to LITTLE Salmon River in SE DAHO 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:

Upper Ditch Dec 1922 amount: 2 c.f.s. or _____ acre feet
Lower Ditch Dec 1922 amount: 2 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 4 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 April 1 to Oct 15 (both dates inclusive)
use Stockwater period of use from April 1 to Oct 15 (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 Gravel & Concrete
_____ ; length is 3 feet; height is 5 feet;
width at bottom is 2 1/2 feet; with at top is 2 1/2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Lower Head gate - Width - 3' Length 6' Height 4'
Concrete & Wood

- 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 _____ ;

NOTICE OF CLAIM TO
A WATER RIGHT
No. 78-4031
Notice is hereby given that Margaret Roakey, Box 244, Rig-
gins, Idaho has filed a claim to
a water right established by
diversion and application to
beneficial use of 4.0 cubic feet
per second of water from Rapid,
River, tributary to Little Salm-
on River with point of diver-
sion in the NW¼SW¼, Sec. 5,
T. 23N, R. 1E, B.M., Idaho Coun-
ty.
The water is claimed to be
used from April 1 to Oct. 15 for
stockwatering purposes and the
irrigation of 50 acres with a
priority of December, 1922; the
place of use is within Lot 4,
Sec. 5, T. 23N, R. 1E, B.M.;
NE¼SW¼, S½SW¼, Sec. 32,
T. 24N, R. 1E, B.M.
Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, State-
house, Boise, Idaho.
R. KEITH HIGGINSON,
Director
Published in the Idaho Coun-
ty Free Press, Grangeville, Ida-
ho on Dec. 22 and Dec. 23,
1971. D22,29

AFFIDAVIT OF PUBLICATION

.....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 22nd.. day of December....., 1971.....,
and the last publication on the 29th..... day of

.....December..... 1971...; 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 29th day
of December 1971....

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

78 4031

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 9 Head 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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
1943 - Purchased By William & Margaret Roakey

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.

Sworn to before me this

17

day of

Margaret Roakey
Claimant

1971

Walter Schleicher
Notary Public

Residing at

Logansburg Idaho

My commission expires

January 15, 1972

For Department Use Only

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date _____
claimant by: _____

Prelim. check by JD Date 11-19-71

Fee received by leg Date 11-19-71 Fee \$10.00

Approved for publication by BDF

Recorded in Bl. Ch. 1 Date 12 22 71

78 4034

