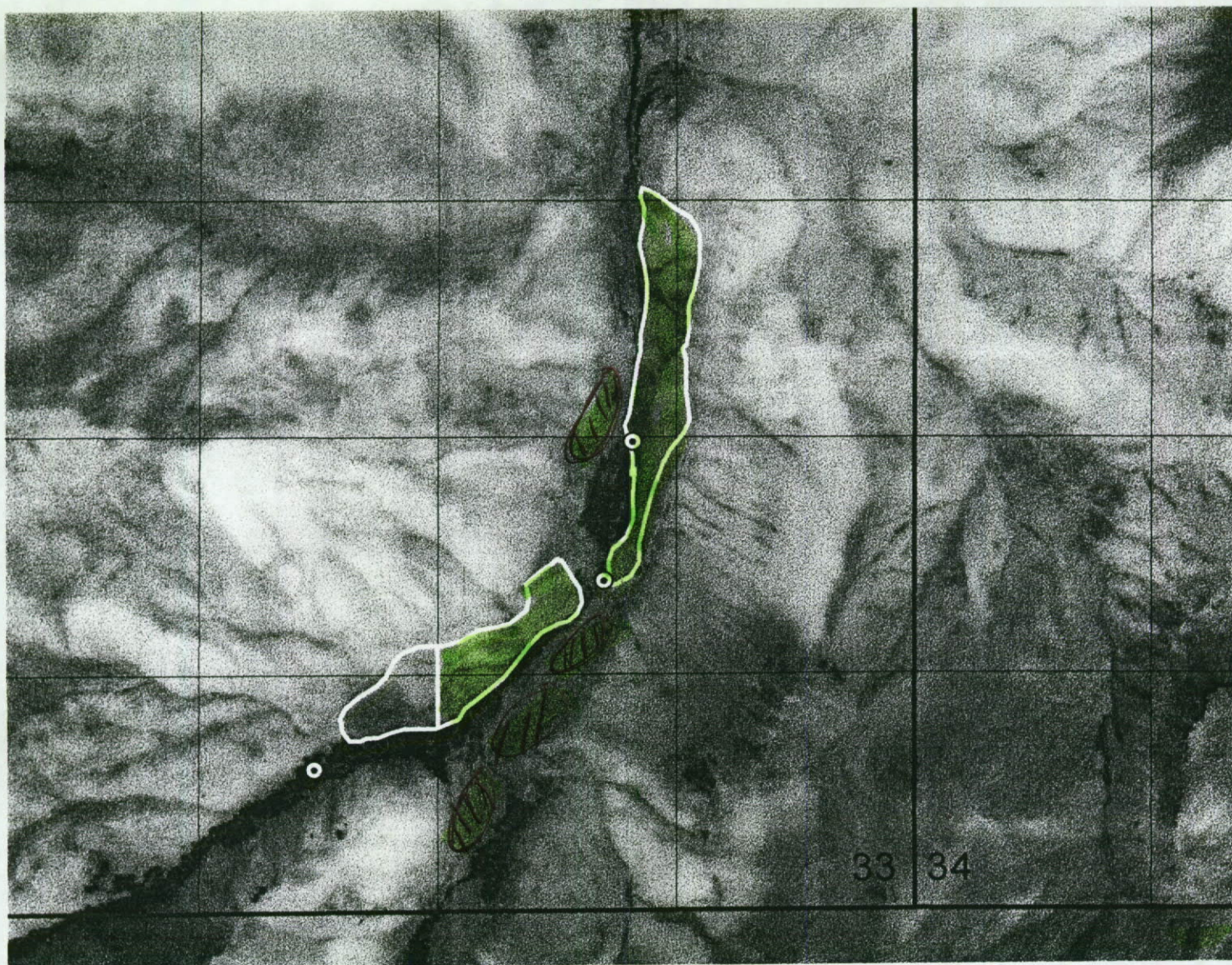


IDAHO DEPARTMENT OF WATER RESOURCES

72-04073



660 0 660 1320 Feet

- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
 - SECTION LINES
 - QUARTER-QUARTER LINES
 - ∕ STREAMS & DITCH CHANNELS

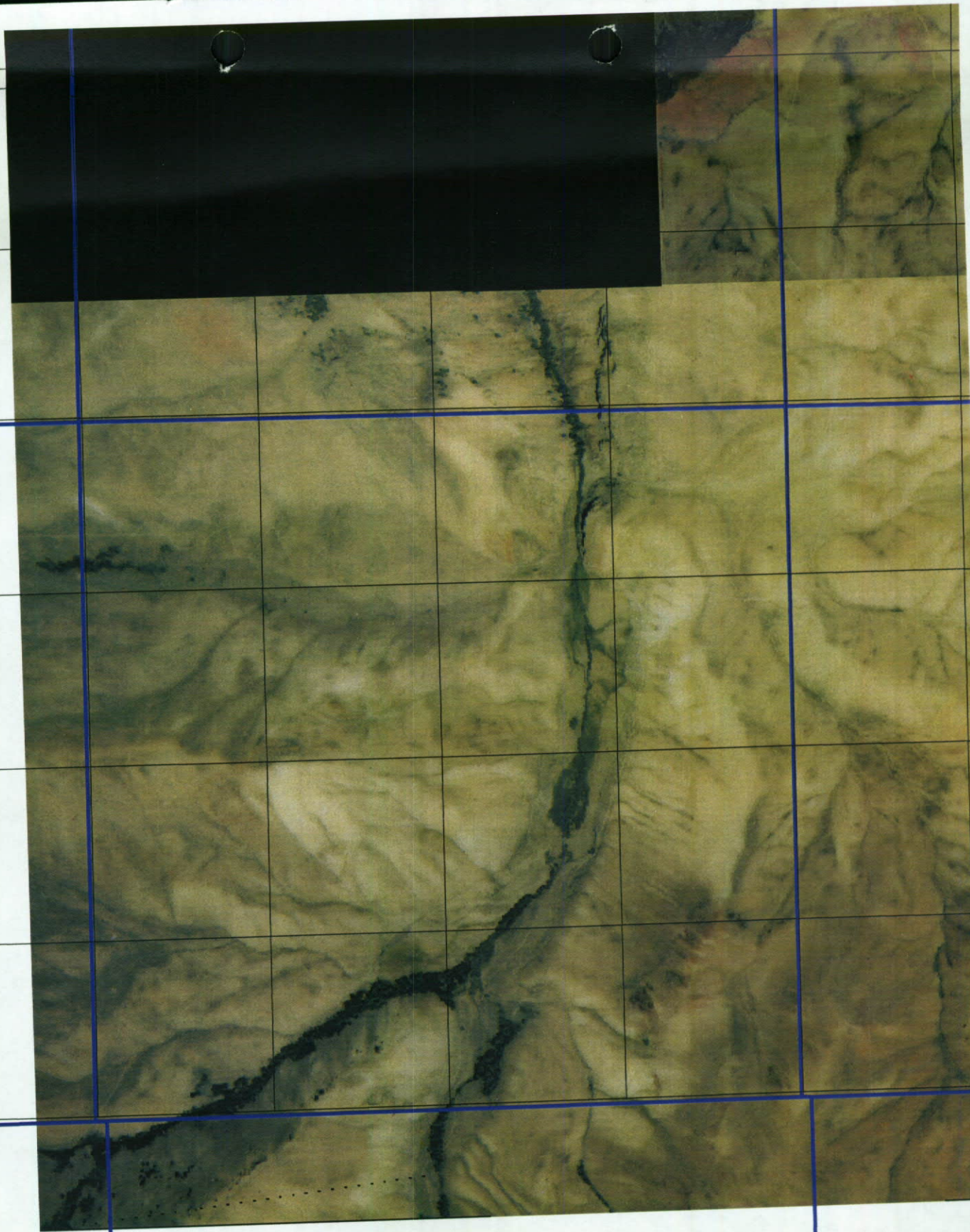
TWN: 11N
RNG: 18E
SEC: 33



MICROFILMED
OCT 04 2002

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 4, 1998



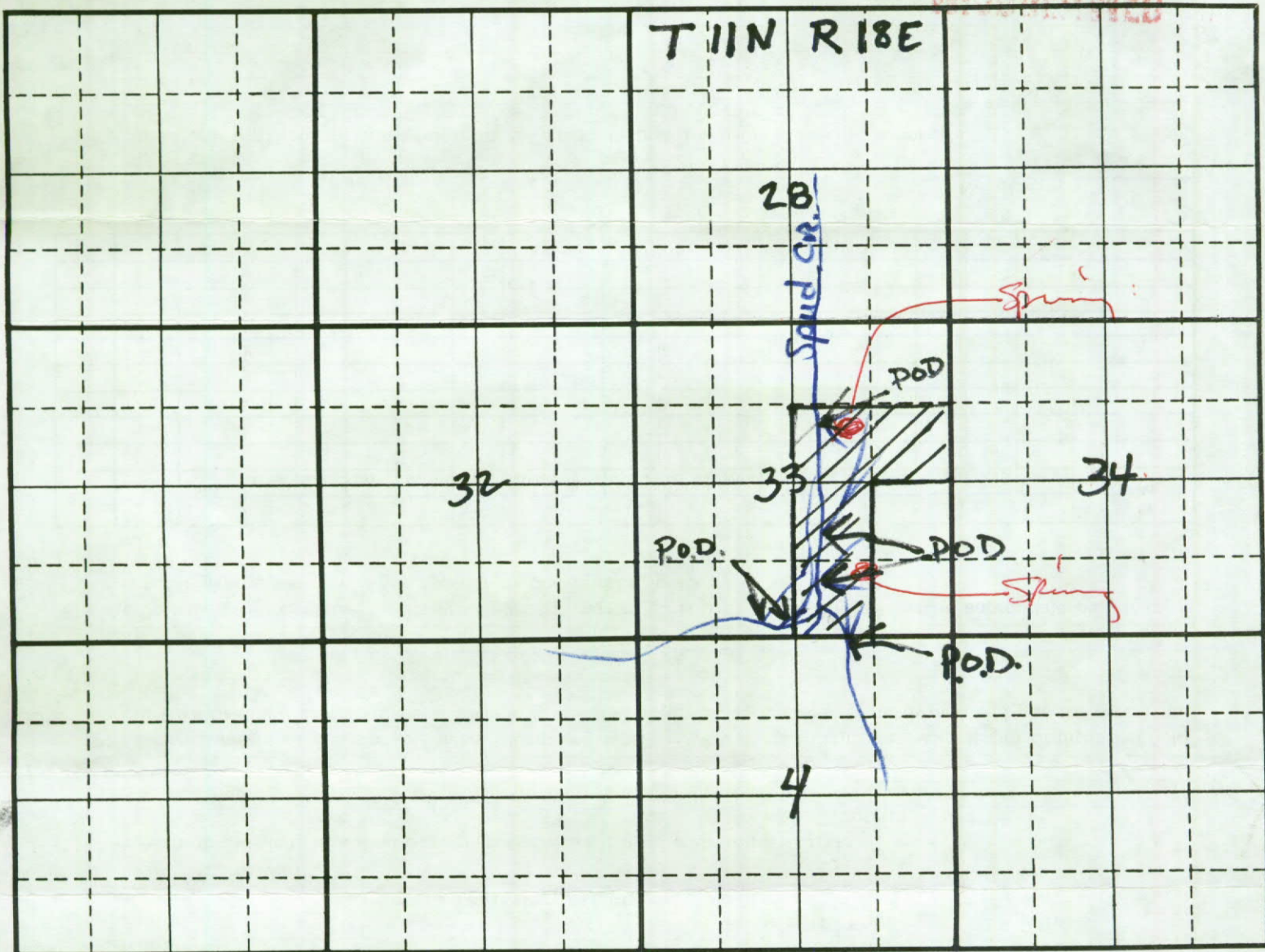
MICROFILMED
OCT 04 2002

T69670

(8) Remarks _____

LEB 12 1983

WITHHELD



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) 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 affiant's knowledge.

Sworn to before me this 17th day of Sept., 1980.

(Claimant)

Notary Public
Residing at Boise Idaho

My commission expires 3-1984

FOR DEPARTMENT USE ONLY

Received by hln Date 9/23/80 Exception filed by: _____
Prelim. check by js Date 11-18-80
\$20.00 fee received by hln Date 9/23/80 # 15740
Published in Euster Publishing Co.
Dates 12/4 + 12/11/80

Forwarded to claimant by: _____ Date _____

FEB 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69670

This is to certify that: ROBERT C ST CLAIR
PO BOX 659
DAVENPORT WA 99122
(509)725-8825

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
72-4073	AJC/Beneficial Use	04/17/1917	1.50 cfs			21.4	SPUD CREEK

Purpose of Transfer (Changes Proposed)

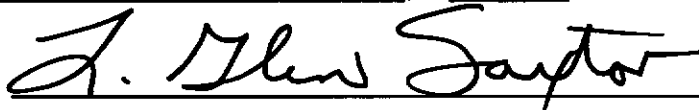
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
72-4073	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
72-4073	72-4073	1.50 cfs	74.9 af	N/A	21.4		N/A	N/A	N/A	N/A
TOTALS		1.50 cfs	74.9 af	N/A	21.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of March, 2002


Chief, Water Allocation Bureau

MICROFILMED
OCT 04 2002

WATER RIGHT NO. 72-4073
As Modified by Transfer No. 69670

In accordance with the approval of Transfer No. 69670, Water Right No. 72-4073 is now described as follows.

Right Holder: ROBERT C ST CLAIR
 PO BOX 659
 DAVENPORT WA 99122

Priority Date: 04/17/1917

Source: SPUD CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.50 CFS	74.9 AF
			1.50 CFS	74.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SPUD CREEK	NWSESW Sec. 33 Twp 11N Rge 18E CUSTER County
SPUD CREEK	NWSESW Sec. 33 Twp 11N Rge 18E CUSTER County
SPUD CREEK	NENWSE Sec. 33 Twp 11N Rge 18E CUSTER County
SPUD CREEK	NENWSE Sec. 33 Twp 11N Rge 18E CUSTER County
SPUD CREEK	SENWSE Sec. 33 Twp 11N Rge 18E CUSTER County
SPUD CREEK	SENWSE Sec. 33 Twp 11N Rge 18E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
11N 18E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	21.4
			7.5	2.1											8.1	3.7	

Total Acres: 21.4

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Right 72-4073 shall not exceed 1.50 cfs, nor total combined annual volume of 74.9 af at the field headgates.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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OCT 04 2002

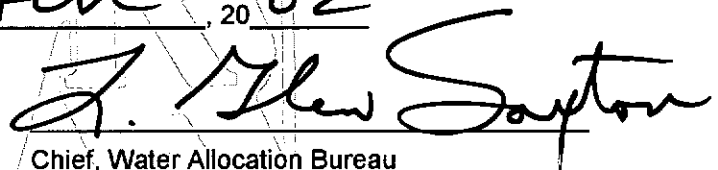
WATER RIGHT NO. 72-4073
As Modified by Transfer No. 69670

CONDITIONS OF APPROVAL

3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
6. Approval of Transfer 69670 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2002


Chief, Water Allocation Bureau

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OCT 04 2002

RECEIVED

JAN MAR - 7 2002

RECEIVED

JAN 02 2002

RECEIVED

FEB 04 2002

Form 1-222
12-02

(Internet)

Department of Water Resources

STATE OF IDAHO

Department of Water Resources
Southern RegionDepartment of Water Resources
Southern Region

Page 1 of 6

DEPARTMENT OF WATER RESOURCES

Transfer No. 67

T69670

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant

ROBERT C. ST. CLAIR

Phone

(509) 725-8825

Post Office address

PO Box 659 DAVENPORT WA 99122

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes

BLM DENIED CONTINUED USE ON BLM LAND.
 MOVING WATER TO OTHER LAND.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
 7204073 4171917 1.5 CFS IRRIGATION 4-1 to 10-31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 1.5 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SPUD CREEK tributary to SALMON RIVER
4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	SE	33	11N	18E	Custer	2 points (1 existing 1 new)
	NW	SE	SW	33	11N	18E	Custer	2 points (1 existing 1 new)
	SE	NW	SE	33	11N	18E	Custer	2 points (1 existing 1 new)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	18E	33			7.5	2.1											8.1	3.7	21.4

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Total acres _____

OCT 04 2002

69670

Page 2 of 6Transfer No. 69670

PART 1

6. General Information:

a. Description of diversion system Head gates Rock dams
ditches + lateralsb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

BLM LAND WILL NOT BE IRRIGATED BUT DITCHES
+ LATERALS WILL STILL CROSS BLM LAND.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

OCT 04 2002

Page 3 of 6

T69670

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 2
 (Attach one copy for each right)

FEB 04 2002
 Department of Water Resources
 Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 72-04073 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water SPYD CREEK tributary to SALMON RIVER4. Date of priority 4/17/1917

5. Water is used for the following purpose:

amount 1.5 CFS for IRRIGATION purposes from 4/01 to 10/31
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 1.5 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/2	3/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NW	SE	33	11N	18E	CUSTER	SPYD CREEK
	NW	SE	SW	33	11N	18E	CUSTER	"
	SE	NW	SE	33	11N	18E	CUSTER	"

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	18E	33			6.5	2.1				.8			3.5		7.1	1.4			21.4

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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OCT 04 2002

Page 4 of 6

PART 2

169670

Transfer No _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

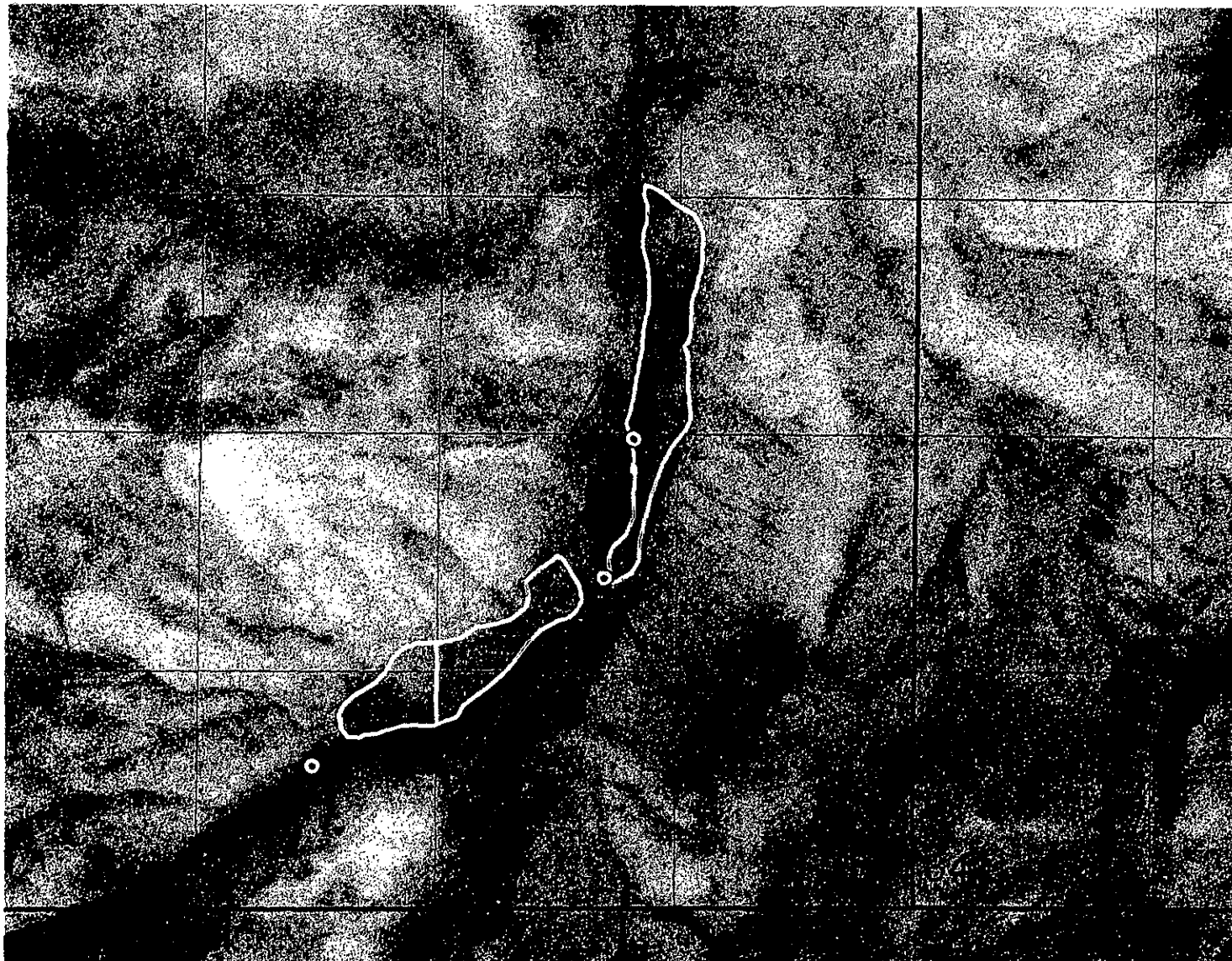
Total acres _____

MICROFILMED

OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES

72-04073



660 0 660 1320 Feet

- RECOMMENDED PLACE OF USE
- ⊙ RECOMMENDED POINT OF DIVERSION
 - SECTION LINES
 - QUARTER-QUARTER LINES
 - ∧ STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 18E
SEC: 33



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OCT 04 2002

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 4, 1998

RECEIVED

T69670

FEB 04 2002

Page 6 of 6

Transfer No. _____

Department of Water Resources
Southern Region

PART 3

8. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

28th

day of

DECEMBER

18 2001

(Signature of Applicant)

M. Condy

(Notary Public)

My commission expires

7-1-05

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by C. SKINNERDate 2/4/2002Protest filed by NonePrelim. check by C. SKINNERFee \$250.00 5024582Recalculated by C. SKINNERDate 2/5/2002Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates 2/14 & 2/21/02

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

rec'd. _____

by AD

Copy of transfer sent to lien holder _____

MICROFILMED

OCT 04 2002

MICROFILMED
OCT 04 2002

T69670

T69670

RECEIVED IN
COUNTY OF
SAN FRANCISCO
JULY 10 1969
JULY 10 1969

WARRANTY DEED

For Value Received

HANS HAGEMEISTER and RUTH W. HAGEMEISTER, his wife, of San Francisco County, California,
the grantors do hereby grant, bargain, sell and convey unto

ROBERT C. ST. CLAIR, a single man, of Bonneville County, Idaho,
the grantee, the following described premises, in Custer County Idaho, to wit:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)
and the West Half of the Southeast Quarter
(W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-three (33), Township
Eleven (11) North, Range Eighteen (18) East, of
the Boise Meridian, in Custer County, Idaho.

Together with all water and water rights, improve-
ments, tenements, hereditaments and appurtenances,
thereunto belonging or appertaining, and particularly
including, but not limited to, all right, title and
interest of the Sellers in and to the waters of
Spud Creek and its tributaries, evidencing water
rights appurtenant to said lands. Anything in this
Deed to the contrary notwithstanding, Grantors
intend by this paragraph to convey to Grantee
only such right, title, and interest as Grantors
may have in said water, water rights, improve-
ments, hereditaments, and appurtenances, and
no warranties whatsoever with respect thereto
are made by Grantors or are to be implied in
fact or by operation of law.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
his heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that he is the owner in fee simple of said premises; that they are free
from all incumbrances, excepting current taxes,

and that they will warrant and defend the same from all lawful claims whatsoever, except as
above stated.

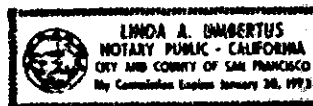
Dated: June 3, 1969.

Hans Hagemeister
Ruth W. Hagemeister

CALIFORNIA SAN FRANCISCO
STATE OF MENDOCINO COUNTY OF MENDOCINO
On this 19th day of June, 1969,
before me, a Notary Public in and for said State, personally
appeared
HANS HAGEMEISTER and RUTH W. HAGEMEISTER
his wife.

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Linna A. Umbertus
Notary Public



Transfer No. 69670
Receipt No.S024582

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information ROBERT C ST CLAIR
PO BOX 659
DAVENPORT WA 99122
(509)725-8825

Will this transfer result in an ownership change? _____ Yes _____ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acres	Total	Source
72-4073	AJC/Beneficial Use	1.50 cfs		21.4		SPUD CREEK

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
72-4073	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

BLM denied continued use on BLM land moving water to other land.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
72-4073	1.50 cfs	21.4	21.4	
TOTAL	1.50 cfs	21.4	21.4	

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OCT 04 2002

Transfer No. 69670
Receipt No. S024582

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

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OCT 04 2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 72-4073

Priority Date: 04/17/1917
Origin: Adjudication Claim
Basis: Beneficial Use
Status: Active

Source: SPUD CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.50 CFS		
	Total Diversion	1.50 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
SPUD CREEK	11N	18E	33	NWSESW		CUSTER
SPUD CREEK	11N	18E	33	NENWSE		CUSTER
SPUD CREEK	11N	18E	33	SENWSE		CUSTER

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11N	18E	33			6.5	2.1					.8			3.5			7.1	1.4	21.4

Total Acres: 21.4

Conditions/Remarks:

- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

MICROFILMED
OCT 04 2002

Page 4

Documentation of Ownership of the Current Place of Use >

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

BLM land will not be irrigated but ditches & laterals will still cross BLM land.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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OCT 04 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 72-4073

Priority Date: 04/17/1917

Origin: Adjudication Claim

Basis: Beneficial Use

Status: Active

Source: SPUD CREEK

Tributary: SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.50 CFS		
	Total Diversion	1.50 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
SPUD CREEK	11N	18E	33	NWSESW		CUSTER
SPUD CREEK	11N	18E	33	NWSESW		CUSTER
SPUD CREEK	11N	18E	33	NENWSE		CUSTER
SPUD CREEK	11N	18E	33	NENWSE		CUSTER
SPUD CREEK	11N	18E	33	SENWSE		CUSTER
SPUD CREEK	11N	18E	33	SENWSE		CUSTER

Describe the proposed diversion system

Point of Diversion # 1 existing diversion
 Point of Diversion # 2 new diversion
 Point of Diversion # 3 existing diversion
 Point of Diversion # 4 new diversion
 Point of Diversion # 5 new diversion
 Point of Diversion # 6 existing diversion

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11N	18E	33			7.5	2.1									8.1	3.7			21.4

Total Acres: 21.4

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OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED
JUN 14 1983
Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Robert C. St. Clair (Name of Claimant)
1717 Londoner Ave. Boise, Idaho 83706 (Mailing Address) Telephone No. 345-5138
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1915

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spud Creek // Springs tributary to Salmon River // Spud Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.6 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.64 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 33 Twp. 11N Rge. 18E B.M., County of Custer
Additional points of diversion: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Sec 33
NW 1/4 NE 1/4 Sec 4 T10N R18E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 6-10 ditches 18" deep and 18" wide

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	18E	33			40x	10										40	40x		130

58

No. of acres 130

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic water from 2 springs through gravity pipe and ram pump

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

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~~CONFIDENTIAL~~



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

atters and facts therein are true to the best of the
John C. St. John
 (Claimant)

(Claimant)

_____, 19 80
Margaret Louise Moore
 Notary Public
 Residing at *Bosse Island*

3 1984

Forwarded to _____ Date _____
claimant by: **MCPOH:AR**

Microfilm Date

FEB 15 1989

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

Janita Elliott
Publisher of the Challis Messenger, a
weekly newspaper, published at Challis,
Idaho, do solemnly swear that the notice
hereto attached and made a part hereof,
was published in the regular and entire
issue of the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated 12-11-1980,
19... and ending with the issue
dated 12/18/1980, 1980.

Subscribed and sworn to before
this 7 day of JANUARY,
1981.

Mary J. Creech
Notary Public, residing at Challis,
Idaho. My commission expires on
2-29-84



18. 1980

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that
the following claim(s) to water
right(s) have been established
by diversion and application to
beneficial use:

72-4073

ST. CLAIR, ROBERT C.
1717 LONDONER AVE.
BOISE, IDAHO 83706

Source: SPUD CREEK
tributary to SALMON RIVER
SPRINGS tributary to SPUD
CREEK

Priority Date: 01/01/1915

Amount: 2.60 CFS

Diversion Point: SWSE SESW
NWSE SWNE Sec 33 T 11N R
18E NWNE Sec 04 T 10N R 18E,
CUSTER Co.

Use: IRRIGATION (2.60 CFS)
from 04/01 to 11/01

DOMESTIC (0.04 CFS) from
01/01 to 12/31

Place of Use: SWNE SENE
NWSE SWSE Sec 33 T 11N R
18E FOR 130 ACRES
Diversion Means: DITCHES

Any exception to any claim
of water right may be filed
with the Director of the Idaho
Department of Water Re-
sources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301.
C. STEPHEN ALLRED

Director
Published 12/11 & 12/18/80

mary j

RECEIVED
MICROFILMED

JAN 16 1981

FEB 15 1989

Department of Water Resources
Southern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 1, 2002

ROBERT C ST CLAIR
PO BOX 659
DAVENPORT WA 99122

RE: Transfer No.: 69670 - Water Right 72-4073 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

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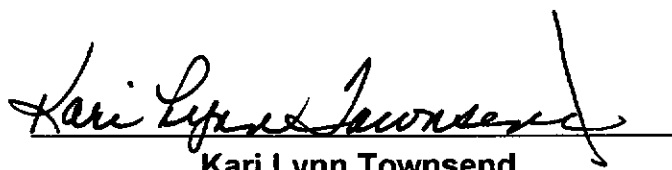
OCT 04 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69670 - WATER RIGHT 72-4073

**ROBERT C ST CLAIR
PO BOX 659
DAVENPORT WA 99122**


Kari Lynn Townsend
Secretary

**MICROFILMED
OCT 04 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69670

DATE REVIEWED 3-23-2002 28

SPLIT ___ POD ___ ADD POD ☒ POU ☒ PERIOD ___ or NATURE ___ of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>R/72-4073</u>	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS (S)		(Unchanged)	(Changed)
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 4-1 to 10-31 Standard Volume 3.5/2.5

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume @ FHG Con.
 (6) ☒ Source (7) ☒ P/D (8) ☒ P/U (9) ☒ Proof/Owner warranty deed/SRBA (10) ☒ Map
 (11) NA -Water District (12) Yes Pertinent Conditions T19 (13) No Expansion w/limits

- 5 Standard = $3.5 \times 21.4 = 74.9$ gal DOU adjacent to creek.
4 .07 cfs/acre per recommendation
7 Add 3 new P/Ds
8 Remove 4.3 acres from BLM land in SW & move to applicant's property.
 Application states laterals & ditches across BLM land will continue to be used.

BLM letter agreeing to transfer of 4.3 acres from Govt. land 2-28-2002

Conditions/Remarks WB4, T17, Q10, R59, W57, T07, T08, T19
029

WRs for Update Comments 72-4073

Database Updated to Reflect Final Action 3-29-02 28

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Robert C. Sr. Clair

TRANSFER NO. 69670

1. Right number(s) 72-04073

2. Type of right ☐ Decree ☐ License ☒ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use NONE

Comments: TRANSFER BASED ON SRBA RECOMMENDATION

AND IS BEING FILED TO REMOVE ACRES FROM BLM LAND

AND TO ADD POB'S FOR NEW PROPOSED POU.

DIVERSIONS ON OTHER SIDE OF CREEK
FROM EXISTING DIVERSIONS

5. Check Proposed Right for amount of land &/or water transferred:

☐ Also see attached memo for more analysis information

a. ☒ All of right

b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c. ☒ Description of point(s) of diversion

d. ☒ Description of place of use

e. ☒ Map showing P/D & P/U after transfer

f. ☒ Correct notarized signature and \$100 fee

g. ☐ Proof of ownership of right &/or land from which water is transferred NEED SOMETHING FROM BLM

h. ☒ Expansion in use of right - Comments: NONE APPARENT

69670

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

NONE

j. ☒ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

TRANSFER FILED TO CHANGE SRBA RECOMMENDATION.

k. ☒ Comment letters _____ Yes ☒ No
If yes _____ Water District # _____
_____ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY P. SKINNER
SRBA SUPERVISOR REVIEW BY [Signature]
PUBLICATION REVIEW BY _____

DATE 2/5/2002
DATE 2/6/2002
DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT _____ Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 2/8/02

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? _____ Yes _____ No
4. Affidavit of publication received? _____ Yes _____ No
5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes
6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. _____ Approve
2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

_____ Also see attached memo for recommendation dated: _____

4. By _____ Date _____

RECEIVED

MAR - 7 2002

Department of Water Resources

MEMO

FROM: Allen Merritt



DATE: March 6, 2002

TO: Transfer T69670

In the name of: Robert St.Clair

Water Right(s): 72-4073

DS 3-6-02
No additional
comments.

SUBJECT: Review and Recommendation

This transfer deals with changing the place of use slightly to remove a portion of the historically irrigated land off of BLM property and place the allowable irrigated acreage on lands owned by the applicant in an effort to resolve objections in the SRBA. It also has the additional purpose of relocating the point of diversion to allow diversion on the opposite side of creek

The transfer was processed without protest.

No GIS work has been done to modify initial GIS shapes for original director's reports. This needs to be done.

A letter from BLM is included in file.

Recommendation

I recommend that the transfer be approved subject to the following conditions:

WATER RIGHT NO. 72 4073

- 029 The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
- 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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OCT 6 4 2002

W57 Approval of Transfer 69670 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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OCT 04 2002

SRBA

SUBCASE SUMMARY REPORT 72-04073

Return to SRBA Home Page

SRBA
03-06-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 72-04073 FILE#: 00377
CLAIMANT: ST CLAIR, ROBERT C
PO BOX 659

DAVENPORT WA 99122
STATUS: AT ISSUE
WATER SOURCE: SPUD CREEK, SALMON RIVER
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.

**** PARTIES INVOLVED ****

ROBERT C ST CLAIR C PRO SE
USDI BLM O ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

06-02-1999	OBJ 01 F/B USDI BLM	RB	10-04-1999 0001
10-21-1999	NOTICE SETTING INITIAL HEARING	1S	12-01-1999 1100
12-01-1999	HEARING HELD - INITIAL HEARING	1H	12-01-1999 1100
12-01-1999	MINUTES - INITIAL HEARING		
	CLAIMANT FAILED TO APPEAR		
12-08-1999	NOTICE SETTING STATUS CONFERENCE	SS	01-20-2000 0300
01-20-2000	HEARING HELD - STATUS CONFERENCE	US	01-20-2000 0300
01-20-2000	MINUTES - STATUS CONFERENCE		
01-20-2000	NOTICE SETTING STATUS CONFERENCE	UV	05-05-2000 1000
04-25-2000	HEARING HELD - STATUS CONFERENCE	UH	04-25-2000 1000
04-25-2000	MINUTES - STATUS CONFERENCE		
04-25-2000	NOTICE SETTING STATUS CONFERENCE	US	08-22-2000 0930
04-25-2000	VERBAL ORDER RESETTING HEARING		
08-22-2000	HEARING HELD - STATUS CONFERENCE	UH	08-22-2000 0930
08-22-2000	MINUTES - STATUS CONFERENCE		
08-22-2000	NOTICE SETTING STATUS CONFERENCE	US	10-16-2000 0900
10-16-2000	HEARING HELD - STATUS CONFERENCE	UH	10-16-2000 0900
10-16-2000	MINUTES - STATUS CONFERENCE		
10-16-2000	NOTICE SETTING STATUS CONFERENCE	US	01-24-2001 0930
01-24-2001	HEARING HELD - STATUS CONFERENCE	UH	01-24-2001 0930
01-24-2001	MINUTES - STATUS CONFERENCE		
01-24-2001	NOTICE SETTING STATUS CONFERENCE	UV	05-01-2001 0930
04-27-2001	ORDER VACATING EVENT ON 05012001 AT 0930		
04-27-2001	ORDER RESETTING STATUS CONFERENCE	US	05-18-2001 1130
05-18-2001	STATUS CONFERENCE HELD	UH	05-18-2001 1130
05-18-2001	MINUTES FILED		
05-21-2001	ORDER SETTING DEADLINE	ZB	08-17-2001 0500
	TRANSFER TO BY FILED WITH IDWR BY 8/17/01	ZB	08-17-2001 0500
05-21-2001	STATUS CONFERENCE TO BE HELD	US	03-22-2002 1000

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OCT 04 2002

<http://164.165.134.61/S7204073XX.HTM>

3/6/2002

[Return to SRBA Home Page](#)

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OCT 04 2002

✓ # 69670

72-04073

✓ # 69670



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

In Reply Refer To:

7250 (933B)

February 26, 2002

Mr. Allen D. Merritt, Area Supervisor
Idaho Department of Water Resources (IDWR)
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Transfer #69670, Robert C. St. Clair / Water Right No. 72-04073

Dear Mr. Merritt :

By this letter I state that I have the authority to act on behalf of the United States Department of the Interior, Bureau of Land Management (USDOI/BLM) with myself as its agent, to the matters discussed herein. I understand that Robert C. St. Clair wishes to transfer water under Water Right No. 72-04073, from the Federal public property to land which Robert C. St. Clair owns as private property.

The Federal public property legal descriptions are as follows:

Water Right No. 72-04073 (Place of Use: POU)

T11N R18E S33 NESW 0.8 acres

T11N R18E S33 SESW 3.5 acres

4.3 acres total to be transferred off of public land.

I understand that the Idaho Department of Water Resources (IDWR) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

MICROFILMED
OCT 8 4 2002

Transfer #69670
Robert C. St. Clair

On behalf of the United States Department of the Interior, Bureau of Land Management (USDOI/BLM), my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to Federal public land. The United States' non opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

If there are questions regarding any statements above, please do not hesitate to contact me at (208) 373-3831 or at the address provided above.

Sincerely,



Gary A. Madenford
Water Rights Team Leader

cc:

Larry A. Brown, Department of Justice, ENRD
Fred Price, Bureau of Land Management
CACI, Boise
Alan Bittner, BLM-Salmon Field Office

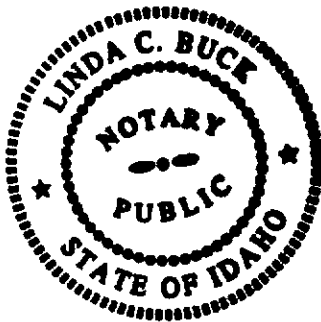
Transfer #69670
Robert C. St. Clair

MICROFILMED

OCT 04 2002

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

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



J. Linda C. Buck

Notary public in and for the State of: Idaho
Date: February 26, 2002
Residing at: Mountain Home, Idaho
My commission expires: December 21, 2005

Transfer #69670
Robert C. St. Clair

MICROFILMED
OCT 04 2002

RECEIVED
FEB 22 2002

AFFIDAVIT OF PUBLICATION Department of Water Resources
Southern Region

State of Idaho, County of Custer, ss:

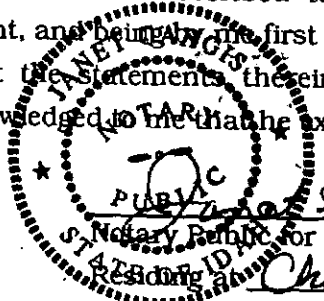
1. Ruth E. Burchell, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Feb 14 2002 and ending with
the issue dated Feb 21 2002.

Ruth E Burchell

STATE OF IDAHO

COUNTY OF CUSTER

On this 21st day of Feb. in the
year of 2002 before me, a Notary Public,
personally appeared Ruth E. Burchell
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.



My commission expires: 4/30/04

**NOTICE OF PROPOSED CHANGE
TO WATER RIGHTS**

Notice is hereby given that an
Application for Transfer has been
filed with the Idaho Department of
Water Resources for changes to
water rights within Custer County:

ROBERT C. ST. CLAIR, PO BOX
659; DAVENPORT, WA 99122 filed
Application No. 69670 on 2/4/
2002 for diversion of 1.5 cfs from
Spud Creek tributary to Salmon
River for irrigation of 21.4 acres lo-
cated along Spud Creek, 3.0 miles
East and 1.0 to 1.5 miles South of
Clayton, ID.

The purpose of the transfer is to
change the place of use by trans-
ferring irrigated acres off of BLM
ground to new acres owned by the
applicant. The transfer also pro-
poses adding points of diversion
from Spud Creek to serve the new
acres. The points of diversion and
place of use are located along
Spud Creek, 3.0 miles East and
1.0 to 1.5 miles South of Clayton,
ID.

For specific details regarding
the application(s), please contact
IDWR Southern Regional Office at
208-736-3033 or visit
www.idwr.state.id.us with detail
provided under "New Water Right
Applications." Protests may be
submitted based on the criteria of
Sec 42-222, Idaho Code. Protests
against approval must be filed
with IDWR, Southern Region,
1341 Fillmore St., Suite 200; Twin
Falls, ID 83301 with a protest fee
of \$25.00 for each application on
or before March 4, 2002. The pro-
testant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director
Published February 14 & 21,
2002

MICROFILMED

OCT 04 2002

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Id. Dept. of Water Resources
1341 Fillmore St., Ste. #200
Jurn Falls, Id 83301*

Job No.	Date	DESCRIPTION	Amount
	2-21-02	<i>Notice of Proposed Change to Water Rights 2/14+21/02 46 lines Appl # 69670 T#69670</i>	<i>68.77</i>
		RECEIVED FEB 22 2002 Department of Water Resources Southern Region	<i>OK MB 2/22/02</i>

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

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OCT 04 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 8, 2002

ROBERT C. ST CLAIR
PO BOX 659
DAVENPORT WA 99122

RE: Application for Transfer No. 69670 (Water Right No. 72-4073)

Dear Mr. St. Clair:

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **Challis Messenger** on 2/14 & 2/21/02. Submittal of protests to this application will be allowed for a period ending ten days after the second publication. **(March 4, 2002)**

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

OCT 04 2002

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Custer County:

ROBERT C. ST CLAIR, PO BOX 659; DAVENPORT WA 99122 filed Application No. 69670 on 2/4/2002 for diversion of 1.5 cfs from Spud Creek tributary to Salmon River for irrigation of 21.4 acres located along Spud Creek, 3.0 miles East and 1.0 to 1.5 miles South of Clayton, ID.

The purpose of the transfer is to change the place of use by transferring irrigated acres off of BLM ground to new acres owned by the applicant. The transfer also proposes adding points of diversion from Spud Creek to serve the new acres. The points of diversion and place of use are located along Spud Creek, 3.0 miles East and 1.0 to 1.5 miles South of Clayton, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before March 4, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on 2/14 & 2/21/02.

✓
OK

✓
OK

18

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

February 8, 2002

Legal Notice Department
Custer Publishing Co
PO Box 405
Challis ID 83226

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in the Challis Messenger on the dates indicated (once a week for two consecutive weekly issues). 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 is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

MICROFILMED
OCT 04 2002

DAVENPORT CLINIC
100 3rd STREET, SUITE 1
DAVENPORT, WA 99122
509-725-7501
FAX # 509-725-7504

RECEIVED
FEB 04 2002
Department of Water Resources
Southern Region

FAX TELECOPY COVER

(PLEASE COMPLETE ALL BLANKS BELOW)

NAME OF SENDER

Robert St Clair

DATE

2/1/02

TIME

PLEASE DELIVER THE FOLLOWING 6 PAGES (INCLUDING COVER LETTER)

TO:

NAME

Fred Price

TELECOPIER NO

208 373 3839

CITY

FIRM OR COMPANY

BLM

COMMENTS

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO:

NAME

St

PHONE #

725 7501

CONFIDENTIALITY NOTICE

The documents accompanying this FAX transmission cover sheet contain information that is confidential or privileged and is intended to be for the use of the individual or entity named on this transmittal sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this FAX transmission is prohibited. The confidentiality of any patient information contained herein is further protected by Federal law (42 C.R.F. part 2)

IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY TO PERMIT US TO ARRANGE FOR THE RETRIEVAL OF THE ORIGINAL DOCUMENTS.

MICROFILMED
OCT 04 2002

Page 1

08/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 72-4073 V1

WATER RIGHT NUMBER: 72-4073 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT C ST CLAIR PO BOX 659 DAVENPORT, WA 99122 (509)725-8825

Priority Date: 04/17/1917
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPUD CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	10/31	1.500 CFS	
	<u>Total Diversion:</u>		1.500 CFS	

Location of Point(s) of Diversion

SPUD CREEK	NE1/4NW1/4SE1/4	Sec. 33, Twp 11N, Rge 18E, B.M.
CUSTER County		
SPUD CREEK	NW1/4SE1/4SW1/4	Sec. 33, Twp 11N, Rge 18E, B.M.
CUSTER County		
SPUD CREEK	SE1/4NW1/4SE1/4	Sec. 33, Twp 11N, Rge 18E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	18E	33			6.5	2.1					.8			3.5		7.1	1.4		21.4

Total Acres: 21.4

Conditions of Approval:

1. C16 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks:

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OCT 04 2002

Page 2

08/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 72-4073 V1

Comments:

1. CLELLAND 1/4/1994 COPIED FROM REMARKS

Comment: INCREASED CFS FROM ORIGINAL 2.64 TO 2.66 FOR ADDITIONAL STOCK USE. RECOMMENDATION DOMESTIC USE IS ABANDONED AND UNUSED FOR OVER 5 YEARS. STOCK USE IS INCIDENTAL TO IRRIGATION USE &/OR INSTREAM USE. IRRIGATION IS BASED ON THE IRRIGATED LAND FOUND WITHIN THE PRIVATE OWNED LANDS. LETTER SENT TO BLM NOTIFYING OF THE 4.5 ACRE TRESPASS BEING IRRIGATED. DIVERSION RATE OF 0.0515 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION.

2. SCLELLAN 11/18/1998 REFORMAT & GIS UPDATE

Comment: REFORMAT & GIS UPDATE BLM LANDS WERE INCLUDED IN THE POU TO DESCRIBE THE WATER RIGHT FOUND IN THE EXAM AS PART OF THE SYSTEM.

3. AJU10-DS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

CLE Act Number:

Carey Act Number:

Mitigation Plan: False

SubCase:

SubCase Number: 7204073

Class: 1

SP5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned: NICHOLAS B SPENCER

Date Filed: 6/2/1999 Objection Status: Active

MICROFILMED

OCT 04 2002



State of Idaho

T69670

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2002

Robert C. St Clair
PO Box 659
Davenport, WA, 99122

Dear Mr. St Clair:

Please find enclosed an application for transfer of water right 72-4073 that you recently filed with our office, along with the \$250.00 filing fee (check #6033). The application is being returned so that you can address a couple of items that will impact the processing of the application.

You have identified the tracts of land where you propose to move the 4.3 acres of the water right that is currently appurtenant to BLM land, but there appears to be no way for your current points of diversion to serve these lands. It appears that you have identified lands to be irrigated on the opposite sides of the creek of the lands that are currently irrigated by the existing points of diversion. You identified the description of the diversion system (second page of application) as "head gates, rock dams, ditches & laterals". Since there does not appear to be any way to irrigate the new 4.3 acres from the existing three diversions from Spud Creek, I assume that additional points of diversions from the creek will be necessary to irrigate these new areas. If this is the case, then the locations of these new diversions from the creek will have to be identified on the first page of the application (item #4) and on the map that accompanies the application. If no additional points of diversion are planned, you may want to consider changing the location of the new acres so that they can be irrigated from your existing diversions.

For a transfer application, the Department requires that the applicant provide proof of ownership of the land covered by the water right. The warranty deed you provided covers the land that you own, but the Department will need written permission from the Bureau of Land Management stating that they do not have any problems with transferring the water right off of BLM land. I suggest you contact Fred Price of the Bureau of Land Management in Boise (phone 373-3831) to obtain this documentation from the BLM.

I have kept a copy of your application for reference, so that we can discuss these items over the phone if you have any questions, or need any further assistance.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosures

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OCT 04 2002

Merritt, Allen

From: Clelland, Steve
Sent: Thursday, September 27, 2001 1:41 PM
To: Skinner, Corey; Freitag, John; Merritt, Allen
Subject: pending transfer... sort of

Hi guys,

this transfer will be coming in shortly (or should be) and it involves settlement with BLM lands. He needs help getting filed ASAP so it can be processed quickly. This is just a heads up that it is coming.

thanks,
Steve

9/27/2001 9:15 AM

NAME:

ROBERT ST. CLAIR

CALLOUT

RE:

PENDING TRANSFER

At Nick's request I called this man to ask about the progress on his pending transfer for the right on Spud Creek, 72-4073. He remembered he needed to do this but was waiting on a telephone walk thru... I suggested he make his best effort to fill out the form and send it to Twin Falls. After they receive it then we could have a better chance of doing the "walk thru" and would only need to fill in the missing parts. I will contact TF and tell them this will be coming in and to contact me if necessary.

Fred Price of BLM

373-3831

Robert
ST. CLAIR

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OCT 04 2002

STAFF ANALYSIS SUPPLEMENT

Robert L. Sh. Clair

Local Description of new proposed site:

_____ miles N/S and _____ miles E/W of _____

(City or local landmark).



Other:

OWNED BY
THE APPLICANT.

TRANSFER PROPOSES CHANGING THE PLACE OF USE
OF RIGHT 72-4073 BY TRANSFER^{ING} IRRIGATED
ACRES OFF OF BLM GROUND ~~TO NEW ACRES~~ TRANSFER ALSO PROPOSES
DIVERSION ~~TO NEW ACRES~~ FROM SPUD CREEK TO SERVE
THE NEW ACRES. ~~THE POINTS OF~~ THE POINTS OF
DIVERSION AND PLACE OF USE ARE LOCATED ALONG
SPUD CREEK ~~3.0~~ MILES EAST AND ^{1.0} ~~1.0~~ TO ~~ONE AND~~ 1.5
~~ONE AND~~ MILES SOUTH OF CLAYTON.

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OCT 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

DECEMBER 23, 1980

ROBERT C. ST. CLAIR
1717 LONDONER AVE.
BOISE

ID 83706

RE: Claim No. 72-4073

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

FEB 15 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

22-4023

ST. CLAIR, ROBERT C.

1717 LONDONER AVE., BOISE, ID 83706

Source: SPUD CREEK tributary to SALMON RIVER
SPRINGS tributary to SPUD CREEK

Priority Date: 01/01/1915

Amount: 2.64 CFS

Diversion Point: SWSE SESW NWSE SWNE Sec 33 T 11N R 18E
NWNE Sec 04 T 10N R 18E, CUSTER Co.

Use: IRRIGATION (2.60 CFS) from 04/01 to 11/01
DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE SENE NWSE SWSE Sec 33 T 11N R 18E FOR 130 ACRES

Diversion Means: DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published ~~12/4~~ & 12/11/80. & 12/18/80

MICROFILMED
FEB 15 1989

RECORDED

FEB 15 1989

RECORDED

FEB 17 1989

NOTICE OF CLAIMS
TO WATER RIGHTS
Notice is hereby given that
the following claim(s) to water
right(s) have been established
by diversion and application to
beneficial use:
72-4023

ST. CLAIR, ROBERT C.
1717 LONDONER AVE.,
BOISE, ID 83706
Source: SPUD CREEK
tributary to SALMON RIVER
SPRINGS tributary to SPUD
CREEK

Priority Date: 01/01/1915

Amount: 2.64 CFS

Diversion Point: SWSE SESW

NWSE SWNE Sec 04 T 10N R

18E, CUSTER Co. 33 114

Use: IRRIGATION (2.60 CFS)

from 04/01 to 11/01

DOMESTIC (0.04 CFS) from

01/01 to 12/31

Place of Use: SWNE SENE

NWSE SWSE Sec 33 T 11N R

18E FOR 130 ACRES

Division Means: DITCHES

Any exception to any claim

of water right may be filed

with the Director of the Idaho

Department of Water Re-

sources, 1041 Blue Lakes Blvd.

North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Pub. 12/4 & 12/11/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 20, 1980

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 22, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

FEB 15 1989

October 14, 1980

Robert C. St Clair
1717 Londoner Ave.
Boise, ID 83706

Dear Mr. St Clair:

We are in the process of reviewing your claim to a water right for water from Spud Creek.

However, on your claim you stated another source of water is to be used for the domestic portion of your permit. If this is the case, then the springs need to be added to the source under Item 2. Also the springs need to be shown on the map. We note that the domestic place of use is not shown. Please mark an X under the 40-acre tract within which the domestic use lies under Item 6.

We are returning this claim to you for these changes. Please return it as soon as possible in order that the processing may be continued. If you have any questions, please contact us.

Sincerely,

JAN GROVER
Sr. Water Resource Agent

JG:j
Enclosure

*Came in & made
changes 11/6/80.*

MICROFILMED

FEB 15 1989

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JF Stanton

Right Number 72-4673 Applicant ST. CLAIR, Robert C.

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By JAB Date 1-19-81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. H. H. H. H. Date 1/21/81