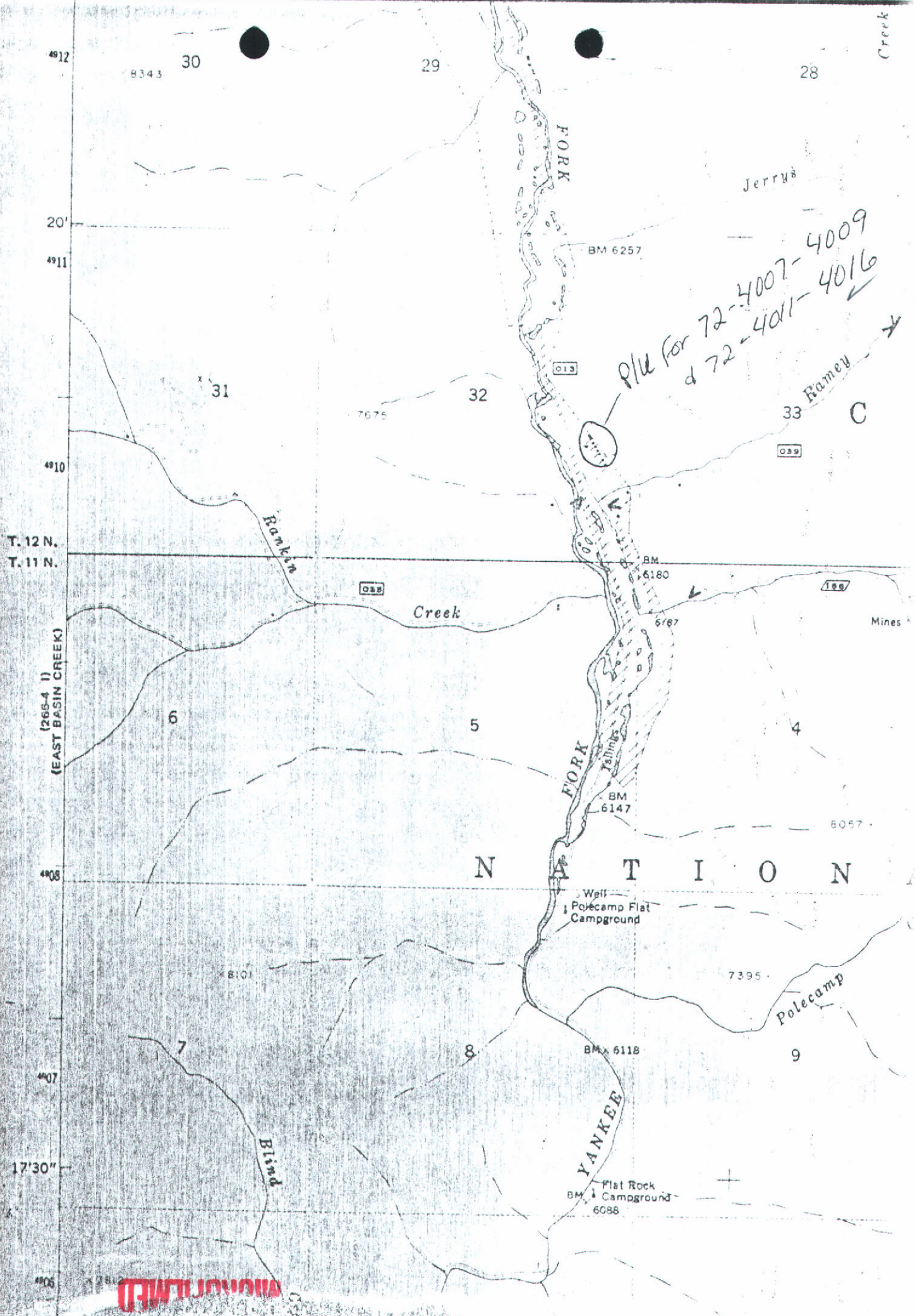


To File 72-4007



UNCLASSIFIED

There may be an error in platting
due to the quad. map not being
surveyed. Also it appears that
the legal description should read
NW "Sw" rather than SW "NW"
because of the location of the
Stream.

APR

Identification No. _____

Claim No. 72-4016

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 RAPHAEL PEARCE AND EDNA PEARCE ^{Hus. & Wife}
post office address 145-43RD AVE., SAN MATEO, CAL. 94403

2. The point of diversion is in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section _____ Township 12N
Range 15E - SW $\frac{1}{4}$ NW $\frac{1}{4}$ B.M. located on RAMEY CREEK
SEC. 33 (name of source)
tributary to YANKEE FORK, SALMON RIVER in CUSTER COUNTY 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:

1988 amount: .04 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .04 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use DOMESTIC period of use from MAY 1 to Oct. 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Rock diversion
IN CREEK AND DIRT DITCH; length is 2320 feet; height is $\frac{1}{2}$ feet;
width at bottom is 1 feet; width at top is 1 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored, name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

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

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

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

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

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

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

Water was taken from Ramey Creek starting in 1939 by Silas Mason Co. for use at Dredge Camp cabins. Later sold to Snake River Mining Co. who used water until 1952. Cabins were then sold to individuals and the ditch is the only source of water. Cabins have been in use since that time.

State of Idaho

County of Custer } 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.

Raphael France
Claimant

Sworn to before me this 2 day of Oct, 1972

Jerry Funderburg
Notary Public
Residing at Stanley, Idaho

My commission expires June 6, 1976

Received by <u>alw</u> Date <u>10-3-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>RT</u> Date <u>10-20-72</u>			
Fee received by <u>alw</u> Date <u>10-20-72</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>RT</u>			
Published in <u>Challis Messenger</u> Dates <u>11-2 & 11-9-72</u>			

72 4016

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

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

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

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

**AFFIDAVIT
OF PUBLICATION**

State of Idaho, }
County of Custer, } ss:

PEGGY PARKS
I, ~~Louis Kristan~~, publisher
of The Challis Messenger, a
weekly newspaper, publish-
ed at Challis, Idaho, do sol-
emnly swear that the notice
hereto attached and made a
part hereof, was published
in the regular and entire
issue of The Challis Messen-

ger for 2
consecutive weeks, com-
mencing with the issue
dated Nov. 2, 1972,
and ending with the issue
dated Nov. 9, 1972,
x Peggy Parks

Subscribed and sworn to
before me this 14th

day of Nov, 1972

[Signature]
Notary Public, Residing at
Challis, Idaho.

My Commission expires

8-9-74

RECEIVED

NOV 12 1972

PUBLIC NOTICE

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 72-4016**

Notice is hereby given that
Raphael Pearce and Edna
Pearce, 145 43 Ave., San Mateo,
Calif. has filed a claim to a wa-
ter right established by diver-
sion and application to benefi-
cial use of 0.04 cubic feet per
second of water from Ramey
Creek with point of diversion in
the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 12N,
R. 15E, B.M., Custer County.

The water is claimed to be used
from May 1 to Oct. 1 for domes-
tic purposes with a priority of
1938; the place of use is within
the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 12N,
R. 15E, B.M.

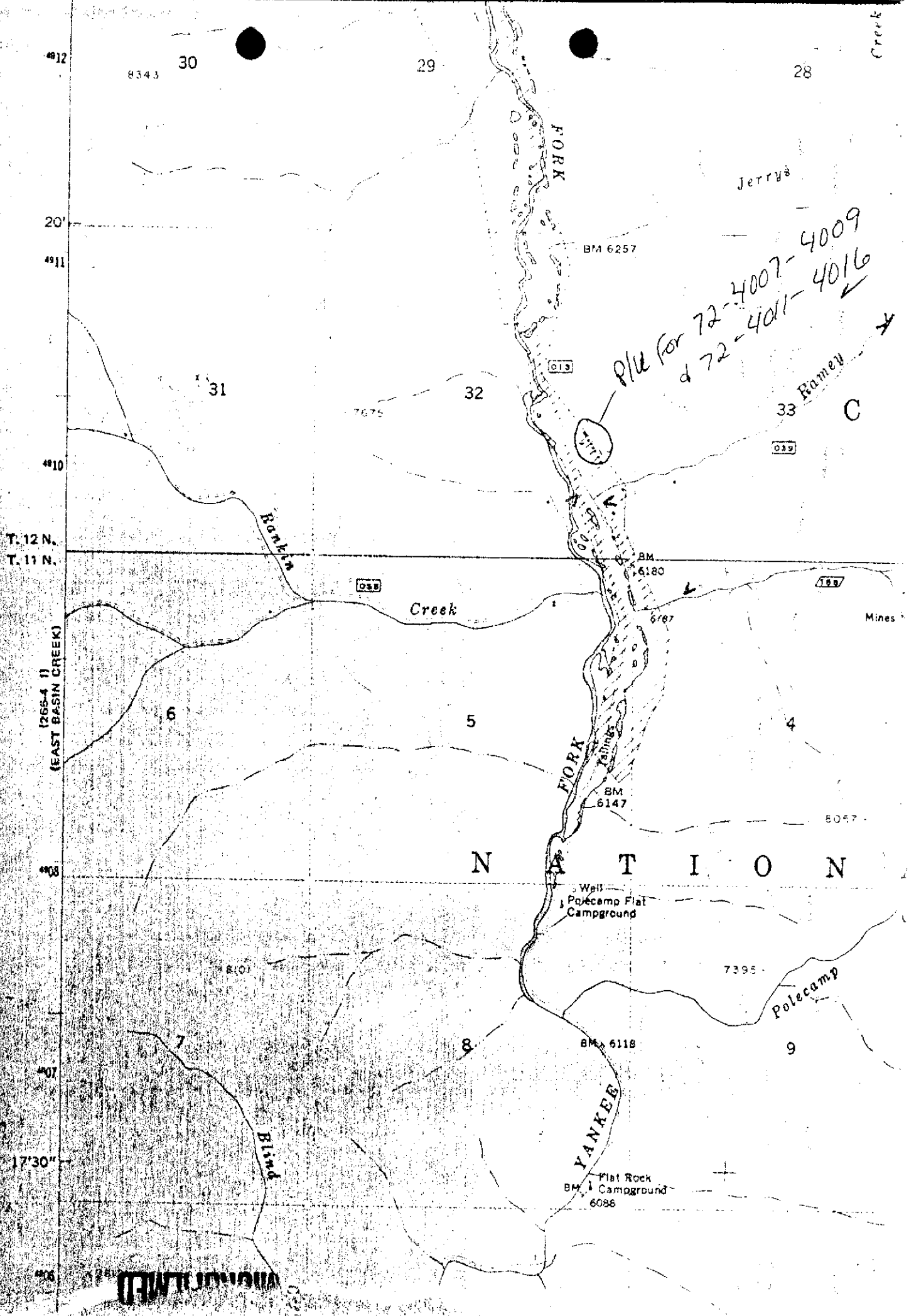
Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, 1041 Blue Lakes
Boulevard North, Twin Falls,
Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the Challis Mess-
enger, Challis, Idaho, on Novem-
ber 2 and November 9, 1972.

72 4016

To File 72-4007



November 29, 1972

Re: Claim to a Water Right No. 72-4016 - Raphael Pearce and Edna Pearce

Raphael Pearce
145 43rd Ave
San Mateo, Cal. 94403

Dear Mr. Pearce:

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 of the 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 the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

EH:alw

Enc: Copy of claim

72 4016

October 6, 1972

Raphael Pearce
145 43rd Ave.
San Mateo, California 94403

Dear Ray:

I am returning your Claim to a Water Right form because the \$10.00 filing fee was not included with it. If you will return the form with \$10.00, we will process it immediately.

Under Item No. 2 please fill in the section No. and the 40 acre subdivision.

If you have any questions, don't hesitate to contact this office.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

72 4916

October 26, 1972

Re: Claim No. 72-4016 - Raphael Pearce and Edna Pearce

The Challis Messenger
P. O. Box 97
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Legal Notice

Bill submitted 11-15-72 by alw

72 4016

NOTICE OF CLAIM TO A WATER RIGHT

NO. 72-4016

Notice is hereby given that Raphael Pearce and Edna Pearce,
145 43 Ave., San Mateo, Calif.

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXX XXXX XXX XXXXX~~ acre feet per annum
of water from Ramey Creek

with point of diversion in the SW¹ NW⁴, Sec. 33, T. 12N, R. 15E, B.M., Custer
County

The water is claimed to be used from May 1 to Oct. 1 for domestic
purposes

with a priority of 1938;
the place of use is within the SW¹ NW⁴, Sec. 33, T. 12N, R. 15E, B.M.,

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the The Challis Messenger, Challis, Idaho
on Nov. 2 and Nov. 9, 1972

72 4016

72 4016

alw 10-31-72
**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 72-4016**

Notice is hereby given that Raphael Pearce and Edna Pearce, 145 43 Ave., San Mateo, Calif. has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Ramey Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 12N, R. 15E, B.M., Custer County.

The water is claimed to be used from May 1 to Oct. 1 for domestic purposes with a priority of 1938; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 12N, R. 15E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho, on November 2 and November 9, 1972.

October 20, 1972

Raphael Pearce
145 43 Ave.
San Mateo, California 94403.

Dear Ray:

Attached herewith is your Receipt No. 9460 in the amount of \$10.00 for the above reference Claim to a Water Right which was received in this office under the above date.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

72 4016