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Identification No. \_\_\_\_\_

Claim No. 72-4012

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 Elizabeth T. Roush  
post office address 527 Ave "L" Boulder City, Nevada 89005
2. The point of diversion is in NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 33 Township 12 N  
Range 15 E B.M. located on Ramey Creek  
(name of source)  
tributary to Yankee Fork Salmon River Custer 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:

1958 amount: .04 c.f.s. or .04 acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ 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 a creek and dirt ditch; length is 2320 feet; height is 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 2320 feet; width of ditch at top is 1/2 feet; width of bottom of ditch is 1 feet; depth of water is 1 feet; grade of ditch per 1000 feet is \_\_\_\_\_ feet; material through which ditch passes is earth; 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.

Domestic Only -

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

1938 the water was taken from Ramey Creek starting in 1938 by the Silas Magon Co. of New York for use at the dredge camp cabins. Later sold to the Snake River Mining Co. who used water until 1952. The cabins were then sold to individuals and the ditch was the only source of water. The cabins have been in use since that time.

State of ~~Idaho~~ <sup>NEVADA</sup> } ss.  
County of CLARK

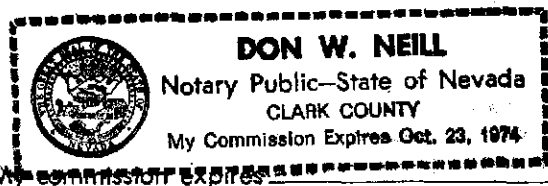
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 22

day of

JUNE

1972



Elizabeth J. Roush

Claimant

Don W. Neill

Notary Public

Residing at

HENDERSON, NEVADA

|                                       |                                |                     |                           |      |
|---------------------------------------|--------------------------------|---------------------|---------------------------|------|
| Received by <u>lf</u>                 | Date <u>6-30-72</u>            | Exception filed by: | Forwarded to claimant by: | Date |
| Prelim. check by <u>D</u>             | Date <u>7-3-72</u>             |                     |                           |      |
| Fee received by                       | Date                           | Fee \$ <u>10.00</u> |                           |      |
| Approved for publication by <u>RA</u> |                                |                     |                           |      |
| Published in <u>Challis Messenger</u> | Dates <u>8-3 &amp; 8-10-72</u> |                     |                           |      |

72 4012

## INSTRUCTIONS

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

### Paragraph No.

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

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

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 Two  
consecutive weeks, com-  
mencing with the issue  
dated August 3, 1972,  
and ending with the issue  
dated August 10, 1972,

Louis Kristan

Subscribed and sworn to  
before me this 14th

day of Aug, 1972

James R. Bennett  
Notary Public, Residing at  
Challis, Idaho.

My Commission expires

92-13-74

RECEIVED

AUG 15 1972

Department of Water Administration  
Southern District Office

**PUBLIC NOTICE**

**NOTICE OF CLAIM  
TO A WATER RIGHT**

No. 72-4012

Notice is hereby given that  
Elizabeth T. Roush 527 Ave.  
"L", Boulder City, Nevada has  
filed a claim to a water right  
established by diversion and ap-  
plication to beneficial use of  
0.04 cubic feet per second of wa-  
ter from Ramey Creek, tribu-  
tary to Yankee Fork Salmon  
River with point of diversion in  
the NWSW, Sec. 33, T. 12N, R.  
15E, B.M., Custer County.

The water is claimed to be  
used from May 1 to Oct. 1 with  
a priority of 1938; the place of  
use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
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  
Blvd. North, Twin Falls, Idaho  
83301 on or before August 21,  
1972.

R. KEITH HIGGINSON  
Director

Published in the The Challis  
Messenger, Challis, Idaho on  
August 3 and August 10, 1972.

72 4012

Attn: Bot Haynes -

Correction made per  
your letter of July 11, 1972

Thank you.

Sincerely yours

Elizabeth T Roush  
(Kotlerba)

72 4012

August 23, 1972

Re: Claim to a Water Right No. 72-4012 - Elizabeth T. Roush

Elizabeth T. Roush  
527 Ave "L"  
Boulder City, Nevada 89005

Dear Ms. Roush:

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

BH:alw

Enc: Copy of claim

bc: Boise office

72 4012

July 27, 1972

Re: Claim No. 72-4012 - Elizabeth T. Roush

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

Bill submitted \_\_\_\_\_ by \_\_\_\_\_

BH:alw

Enc: Legal Notice

72 4012

NOTICE OF CLAIM TO A WATER RIGHT

No. 72-4012

Notice is hereby given that Elizabeth T. Roush

527 Ave. "L", Boulder City, Nevada

has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second ~~acre feet~~ of water from Ramey Creek, tributary to Yankee Fork Salmon River with point of diversion in the NWSW, Sec. 33, T. 12N, R. 15E, B.M.,  
Custer County.

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

with a priority of 1938;  
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 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, Statehouse, Boise, Idaho, 83707, on or before August 21, 1972.

R. KEITH HIGGINSON

Director

Published in the The Challis Messenger, Challis, Idaho  
on August 3 and August 10, 1972.

72 4012

**NOTICE OF CLAIM  
TO A WATER RIGHT**

No. 72-4012

Notice is hereby given that Elizabeth T. Roush, 527 Ave. "L", Boulder City, Nevada 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, tributary to Yankee Fork Salmon River with point of diversion in the NWSW, Sec. 33, T. 12N, R. 15E, B.M., Custer County.

The water is claimed to be used from May 1 to Oct. 1 with a priority of 1938; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 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 Blvd. North, Twin Falls, Idaho 83301 on or before August 21, 1972.

R. KEITH HIGGINSON  
Director

Published in the The Challis  
Messenger, Challis, Idaho on  
August 3 and August 10, 1972.

OK  
alw  
7-31-72

72 4012

gally proof

July 11, 1972

Elizabeth T. Roush  
527 Ave. "L"  
Boulder City, Nevada 89005

Dear Ms. Roush:

Enclosed is a receipt for the filing fee for your claim to a water right.

I am also returning the claim in the hopes that you will be able to more completely describe the point of diversion which is item No. 2 on the claim form.

We have received several other claims for domestic use on Ramey Creek. The point of diversion for these uses has been listed as the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33.

After you have filled in the point of diversion, please return the claim to us so that we may begin processing.

If we can be of further assistance to you, please feel free to contact us.

Very truly yours,

Bob Haynes  
District Engineer  
Southern District

BH:alw

Enc.

72 4012