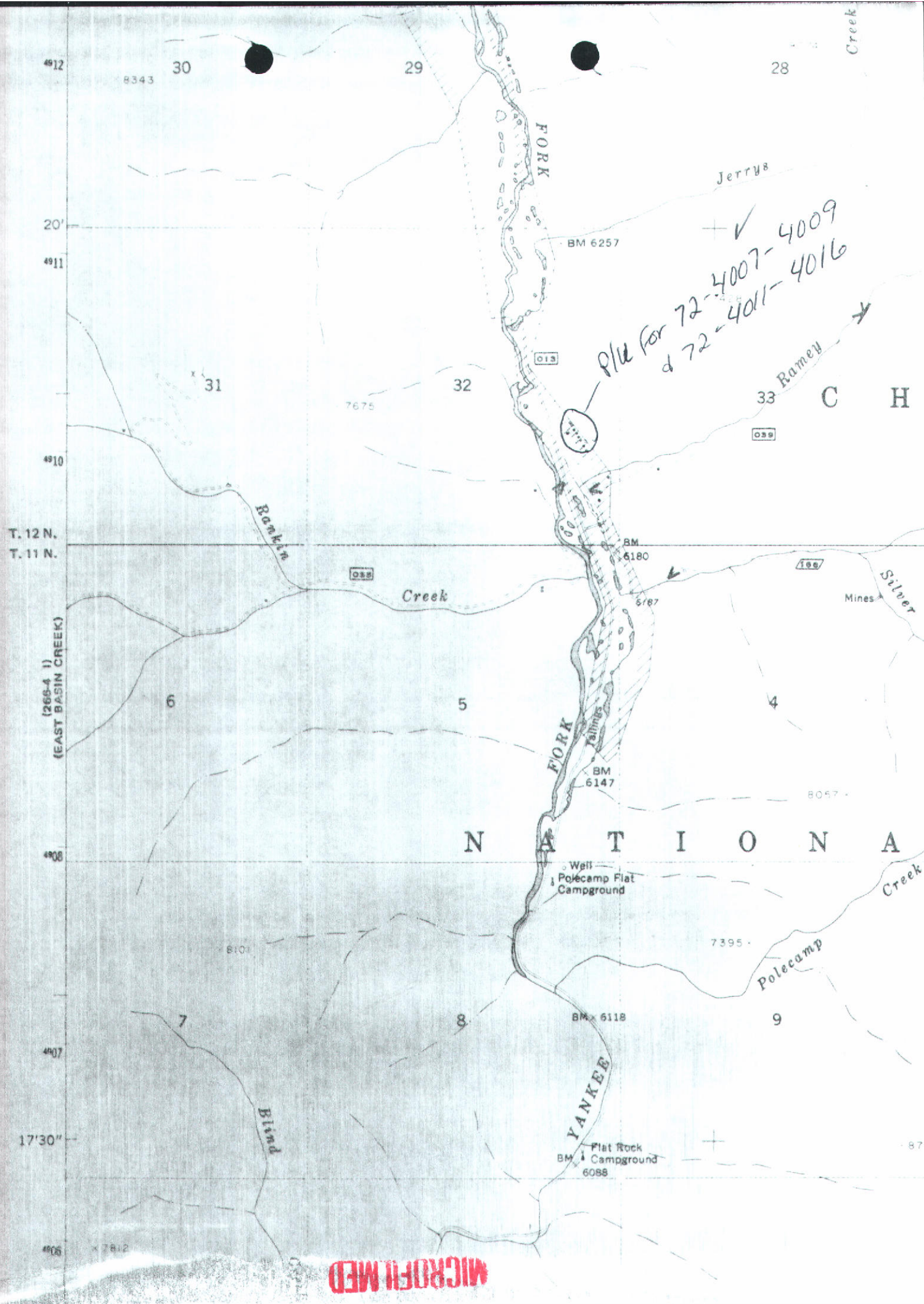
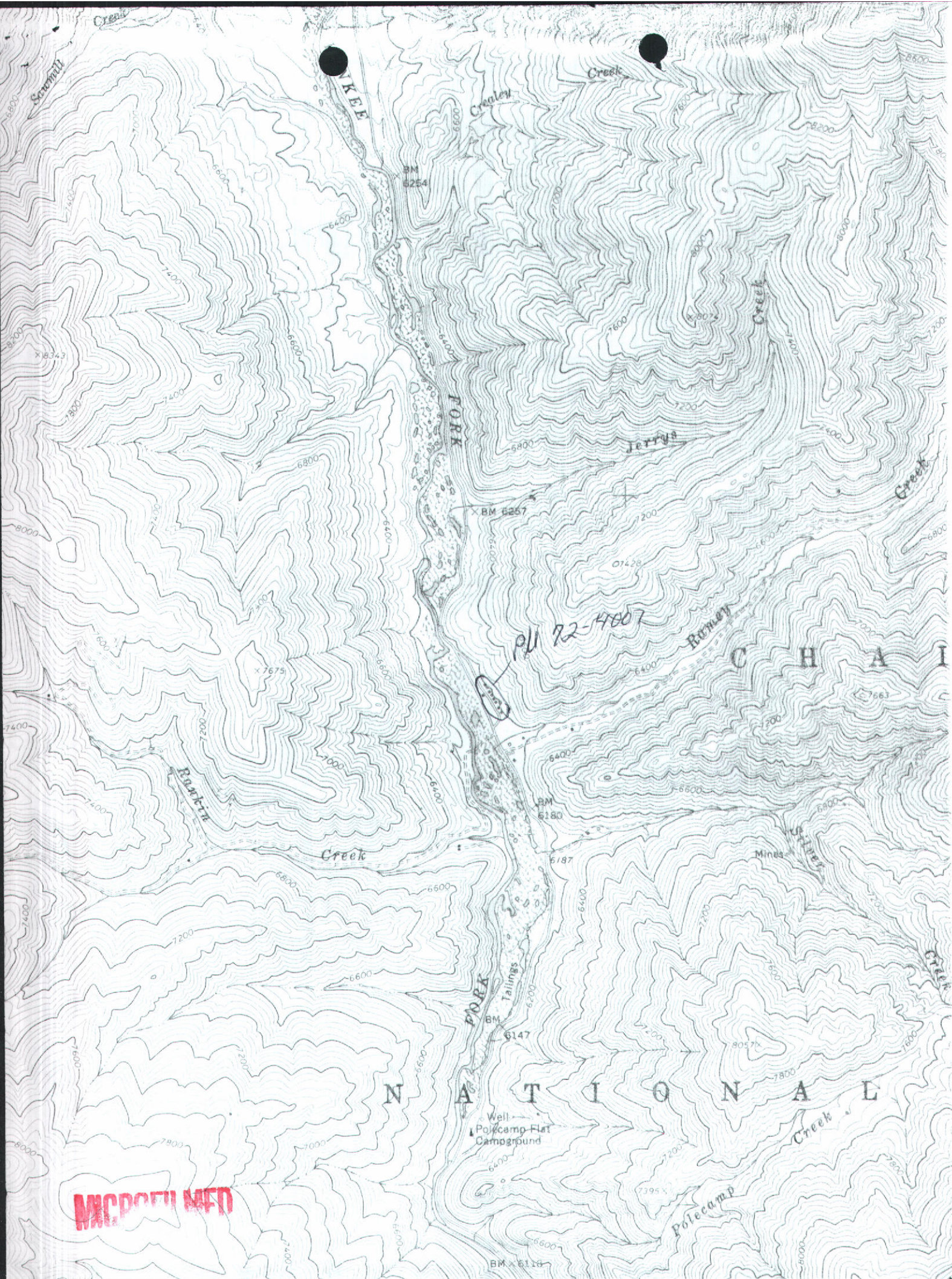


TO File 72-4007





MICROFILMED

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

Claim No. 72-4007

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 Clarence Fallon  
post office address 129 - E Ave C Jerome, Idaho 83338
2. The point of diversion is in NW 1/4 1/4 of SW 1/4 1/4 Section 23 Township 12 N  
Range 15 E B.M. located on Benny Creek  
(name of source)  
tributary to Yankee Fork - Salmon River in 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:

1938 amount: 0.4 c.f.s. or 0.4 acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed 0.4 c.f.s. or 0.4 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 5-1 to 10-1 (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 1/2 feet;  
width at bottom is 1 foot feet; width at top is 1 foot 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 ft feet; width of bottom of ditch is 1 ft feet; depth of water is 1/2 feet; grade of ditch per 1000 feet is \_\_\_\_\_ feet; material through which ditch passes is Rock & Dust; 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? yes If yes, give the name of the ditch

The other users and their respective interests in the ditch are (if known) Moses Fallon Nordling Pierce Dayton Winkle Dean

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 8 or 9  
name of town supplied Cabin Lake

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

The water was taken from Ramey Creek starting in 1933, by the Silas Mason Co. of New York for use at the Dredge Camp cabins. Later sold to the Snake River Mining Co. who used the 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 ever since that time.

State of Idaho

County of Jerome

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.

Clarence Fallon  
Claimant

Sworn to before me this 25<sup>th</sup> day of May, 1972.

Patricia Joyce Hayden  
Notary Public

Residing at Jerome Idaho

My commission expires 11/1/73

For Department Use Only

|                                                                                   |                           |                                 |            |
|-----------------------------------------------------------------------------------|---------------------------|---------------------------------|------------|
| Received by <u>UP</u> Date <u>5-26-72</u>                                         | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>RA</u> Date <u>5-26-72</u>                                    | _____                     | _____                           | _____      |
| Fee received by <u>UP</u> Date <u>5/30/72</u> Fee \$ <u>10.00</u>                 | _____                     | _____                           | _____      |
| Approved for publication by <u>RA</u>                                             | _____                     | _____                           | _____      |
| Published in <u>Challis Messenger</u> Dates <u>June 8</u><br><u>June 15, 1972</u> | _____                     | _____                           | _____      |

72 4007

72 4007

# 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: | May 18, 1871   | amount: | 0.8 c.f.s. or | acre feet |
|                           | June 1, 1901   | amount: | 0.4 c.f.s. or | acre feet |
|                           | Total claimed: |         | 1.2 c.f.s. or | acre feet |

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

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

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

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

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

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

Received 6-22-72 also given Falls

## 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 June 8, 19 72,  
and ending with the issue  
dated June 15, 19 72,

Louis Kristan

Subscribed and sworn to  
before me this 25<sup>th</sup>

day of June, 19 72

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

My Commission expires

12-13-74

## Department of Water Administration PUBLIC NOTICE

### NOTICE OF CLAIM TO A WATER RIGHT

No. 724007

Notice is hereby given that  
Clarence Fallon 129 - E Ave. C,  
Jerome, Idaho has filed a claim  
to a water right established by  
diversion and application to ben-  
eficial use of 0.04 cubic feet per  
second acre feet of water from  
Ramey Creek, tributary to Sal-  
mon River with point of diver-  
sion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 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 prior-  
ity of 1938; the place of use is  
within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ -  
SW $\frac{1}{4}$ , Sec. 33, T. 12N, R. 15E,  
B.M.

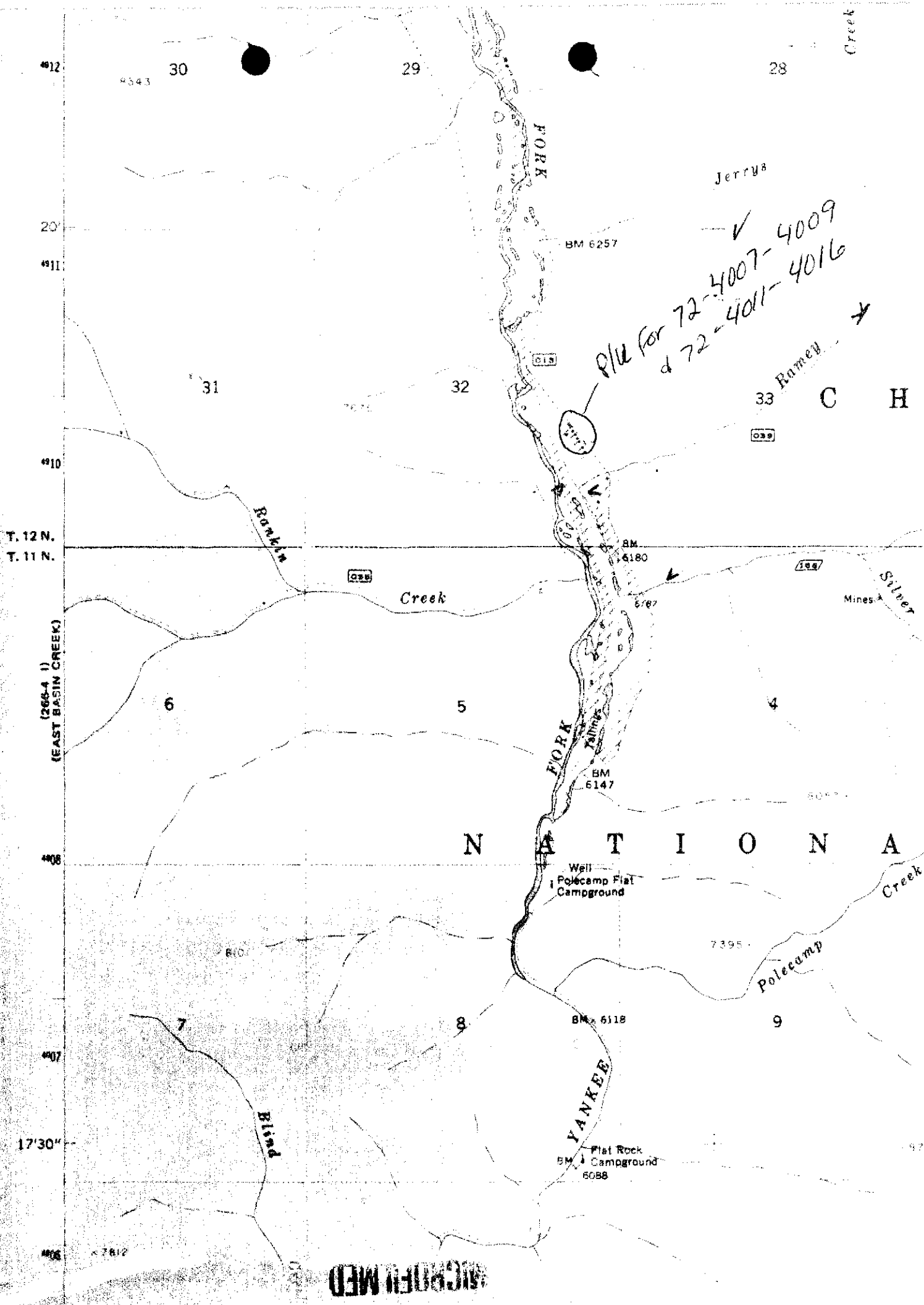
Any exception to this claim  
of water right may be filed with  
the Idaho Department of Water  
Administration, Statehouse,  
Boise, Idaho, 83707.

R. KEITH HIGGINSON  
Director

Published in the Challis Mes-  
senger, Challis, Idaho on June  
8 and June 15, 1972.

72 4007

To File 72-4007



RECEIVED MED

INTER-DEPARTMENT MEMO — 1

FROM TERRY BLAU

DATE 2-6-85

TO File 72-4007

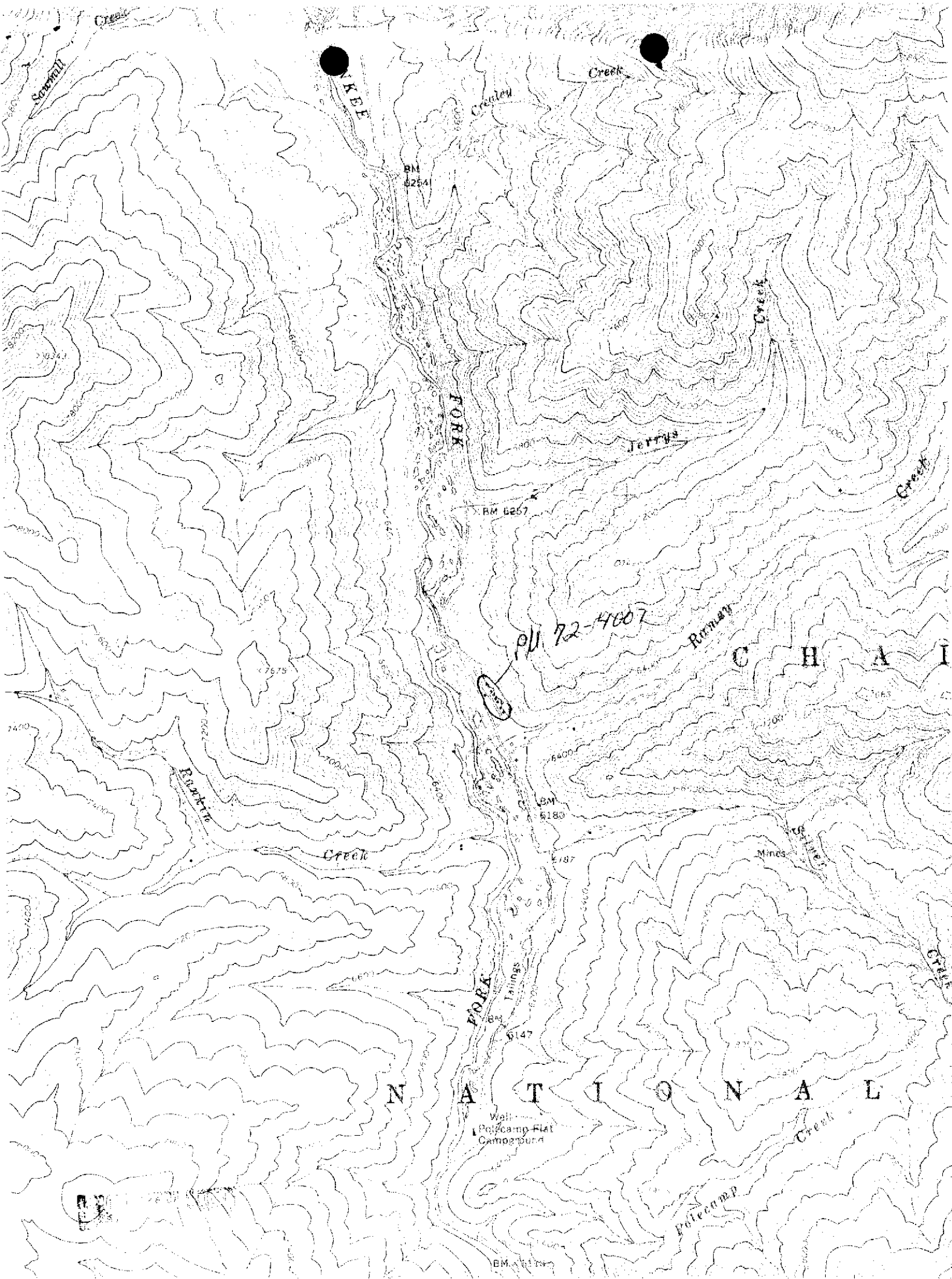
SUBJECT P/U Correction

ON the above date I verified with the widow of the claimant that the cabins this right describes are those adjoining the road which runs parallel to the Yankee Fork road just north of Ramey Creek. This area shows as being unsurveyed on our USGS Quad - but by projection the place of use would be in the NE SE Sec. 32 Twp 12N. Rge 15E. BM.

The P/U shown on the claim is vague and very unlikely therefore I felt it should be verified. Also verified on USFS orthophoto quad by Ron Yacomella Challis NF.

**MICROFILMED**

Terry Blau  
SIGNATURE



June 22, 1972

Re: Claim to a Water Right No. 72-4007

Clarence Fallon  
129 - E. Ave. C  
Jerome, Idaho 83338

Dear Mr. Fallon:

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

72 4007

June 5, 1972

Re: Claim to a Water Right No. 72-4007 - Clarence Fallon

Mr. Clarence Fallon  
129 - E. Ave. C  
Jerome, Idaho 83338

Dear Mr. Fallon:

Returned herewith is Departmental Receipt No. 9271 in the amount of \$10.00 for the above referenced claim to a water right which was received in this office May 26, 1972.

Sincerely,

Bob Haynes  
Water Resource Inv. Adm.  
Southern District

BH/BL

Enclosure

72 4007

June 2, 1972

Re: Claim to a Water Right No. 72-4007 - Clarence Fallon

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  
Water Resource Inv. Adm.  
Southern District

Bill submitted 6-22-72 by CLF

BH/BL  
Enc: legal notice

72 4007

NOTICE OF CLAIM TO A WATER RIGHT

No. 72-4007

Notice is hereby given that Clarence Fallon

129 - E Ave. C, Jerome, Idaho

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 Salmon River

with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 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 NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ 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~~

R. KEITH HIGGINSON

Director

Published in the The Challis Messenger, Challis, Idaho  
on June 8 and June 15, 1972

72 4007

**NOTICE OF CLAIM  
TO A WATER RIGHT**  
No. 72-4007

Notice is hereby given that Clarence Fallon 129 - E Ave. C, Jerome, Idaho 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 Salmon River with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 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 NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , 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.

R. KEITH HIGGINSON  
Director

Published in the Challis Messenger, Challis, Idaho on June 8 and June 15, 1972.

72 4007

2K

6-7-72

BK