

Stanley - 15 miles

T. 8 N. - R. 14 E. B.M.

U.S.
Forest
Boundary

Fisher Creek

National Forest

Salmon
River

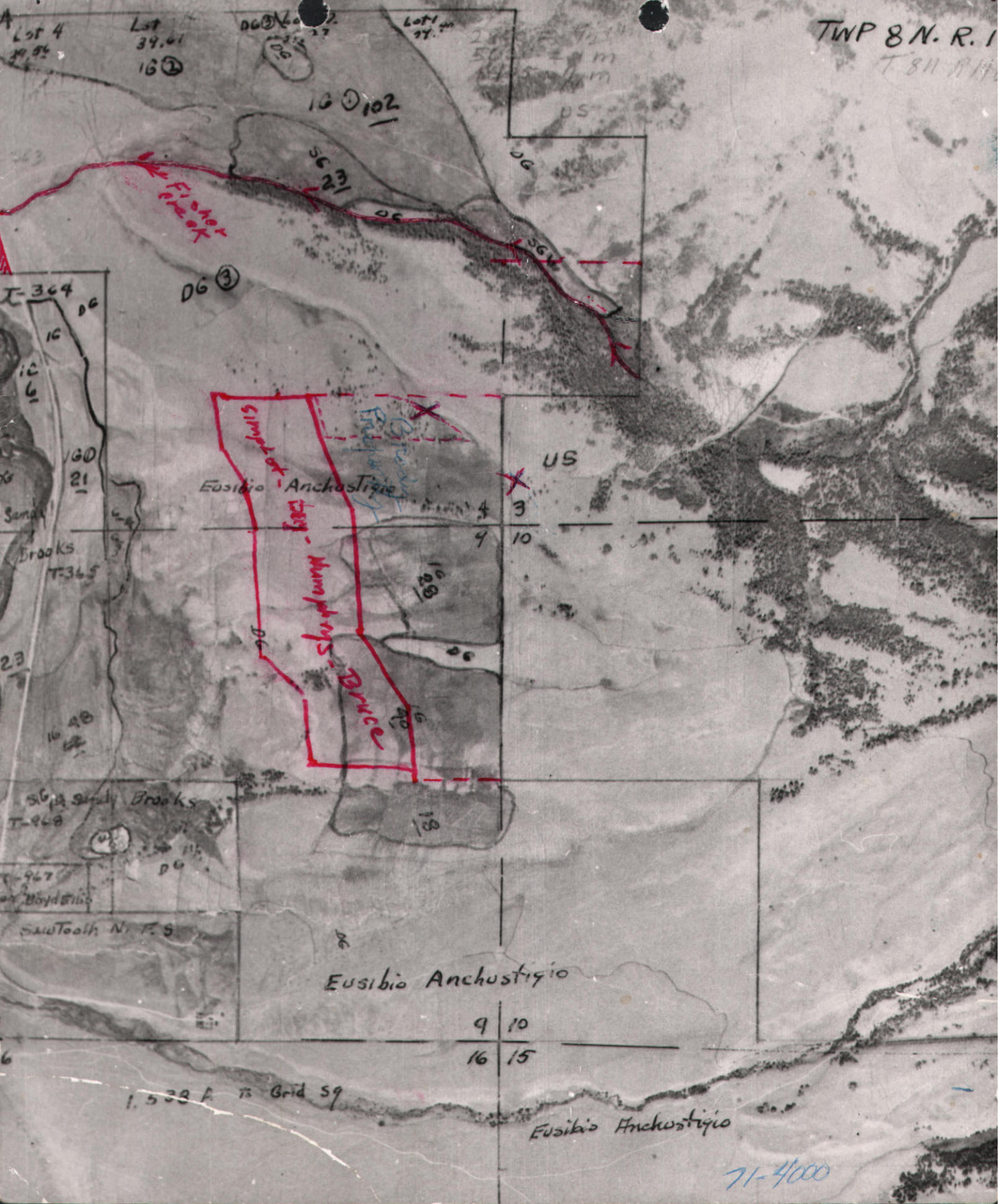
U.S. Ranger-
Station

Fourth of July Creek

State Land

U.S. Highway
#93 - Oiled

RECEIVED
APR 15 1968
Department of Reclamation
71-4000



AFFIDAVIT OF PUBLICATION

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

I, Richard Swindell, manager 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 April 25....., 1968.,
and ending with the issue
dated May 2....., 1968.,

Richard Swindell

Subscribed and sworn to
before me this 10th

day of May, 1968

James Fairchild
Notary Public, Residing at
Challis, Idaho.

My Commission expires

Dec 9-1-70

bill submitted 5-16-68

NOTICE OF CLAIM TO A WATER RIGHT No. 71-4000

Notice is hereby given that J. Robb Brady, Route No. 3, Box 1, Idaho Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from unnamed springs with point of diversion in SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 3; SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 4, T. 8 N, R. 14 E, B.M., Custer County; the water is claimed to be used from June 1 to October 25 for irrigation and from May 15 to November 15 for stock watering and domestic purposes with a priority of June, 1919; the place of use is S $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 4, T. 8 N, R. 14 E. B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho on April 25 and May 2.

71-4000

Identification No. 71-40008
Claim No. 42441
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 J. Robb Brady
post office address Route 3, Box 1, Idaho Falls
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 34 Township 8N
Range 14E B.M. located on Springs (name of source)
tributary to Fisher Creek 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:

June, 1919 amount: 1.0 c.f.s. or _____ 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 irrigation period of use from June 1 to Oct. 25 (both dates inclusive)
use Stock water period of use from May 15 to Nov. 15 (both dates inclusive)
use domestic period of use from May 15 to Nov. 15 (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 _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

No structure is planned although it might be
pooled for swimming or as a fish pond someday.
The springs have been used for irrigation and stock water
usage since the ditches were placed--which my research shows goes
back to 1919.

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 _____

71-40008

_____, if so, give dates and explain

c. Conveying works. length of ditch to place of use is 800 feet; width of ditch at top is three feet.

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 _____.

ing 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]

b. Do you get water through a ditch owned by several users? No 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 50 head of cattle or 100 sheep . The number varies but stock have used the springs since ranching was begun on the property.

7. Where water is used for domestic or municipal purposes give number of families served One now 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 springs which have already been used since 1919.

I am seeking water right to two springs. The upper spring originates approximately 80 feet from my property line on national Forest property. I already have use permit from Forest Service (Sawtooth Valley Ranger Station) for this spring which flows for approximately 1,500 feet through my property . I am also seeking

right on a lower spring which originates approximately 175 feet from my north property line in the same vale (this latter spring originates on my property) . I already have water right for my land out of Fourth of July Creek and water from this right is also sometimes mixed with spring water to irrigate the north end of my land, which is a sloping piece of land. Small ditches utilizing spring water (and Fourth of July Creek as well at times) take off from the vale through which both springs flows . There are tree such ditches and they extend from the vale across my property . The land is part of the old Frank Shaw ranch, who established a year around ranch there in 1901. The ditches utilizing spring water were established in 1919., and used since.

The springs will be used for supplemental irrigation, for stock water, and eventually for fish pond and possibly for swimming.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with The springs have been used for irrigation and stock water since 1919. all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date) 4/11/68

(Signature of Claimant) J. Robt Brady

State of Idaho }
County of Benewah } ss

On this 4th day of April 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

William E. Little
Notary Public residing at 200 N. Main St. Challis, Idaho

My commission expires 11/21/69

For Department Use Only

Received by <u>ej</u> Date <u>4-16-68</u>	Exception filed by _____	Forwarded to claimant by _____	Date _____
Prelim. check by <u>Don</u> Date <u>4-16-68</u>	_____	_____	_____
Fee received by <u>ej</u> Date <u>4-16-68</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>Jim</u> <u>4-18-68</u>	_____	_____	_____
Published in <u>Challis Times</u> Dates <u>4-25-68</u> <u>5-2-68</u>	_____	_____	_____

71-10000

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 it 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

The Post-Register

P. O. BOX 1800

IDAHO FALLS, IDAHO

MORNING — EVENING — SUNDAY

RECEIVED
APR 15 1968

Donald W. McEldowney
Appropriation Examiner

APR 15 1968

State Department of Reclamation,
State House,
Boise, Idaho.

Department of Reclamation

Dear Mr. McEldowney:

Inasmuch you feel that my original application for a water right for two springs used on my property in Custer county was not clear, I would like to re-submit the application and ~~and~~ clarify it.

I am seeking a water right on two springs used on my property in Custer County, near Fisher Creek in Sawtooth Valley. I would like to emphasize that these springs, as far as my research has determined, have been used for irrigation and stock watering purposes since they were first established in 1919. And I have used the springs for irrigation and stock water (not my stock, however), since I have had the property the past year and a half. Both Mrs. Preston Shaw of Stanley, Idaho and her son, Preston Shaw of Ketchum, Idaho, have confirmed that the ditches on the property in question were placed between 1918 and 1920, ~~and~~ with 1919, June, their best confirmation. Eusibio Anchustigio, of Boise, who operated and owned the property after the Shaws, confirmed ~~that~~ that the ditches were in operation when he had the property in the 1950s and that it was his information that the ditches were in use many years before. Preston Shaw Sr., now deceased, son of the founder of the Shaw ranch (which my 80 acres is a part of) used the ditches, beginning in 1919. The springs are small and cannot irrigate a large area, of course, so Fourth of July Creek water (for which I have a water right already) is sometimes mixed with the springs for irrigation purposes.

77-4000

The Post-Register

P. O. BOX 1800

IDAHO FALLS, IDAHO

MORNING — EVENING — SUNDAY

While I will continue to use the the springs for irrigation and stock water, I eventually may couple these uses with a fish pond or excavating for a flow-through swimming pool.

I have enclosed two maps . The source of the springs are marked with Xs on each map. The property marked in red below or west of my 80 acres belongs to another party and should be ignored. The 20 acres on my property which these springs would assist in irrigating are, however, marked in red on my own property.

If there is any further question on this application, I would like to invite you to telephone me collect either at my office in the Post-Register newspaper , 522-1800k, or at my home, 523-1954.

I am enclosing a \$10 check as required for this application.

May I take this opportunity to thank you in advance for the consideration you are giving this matter.

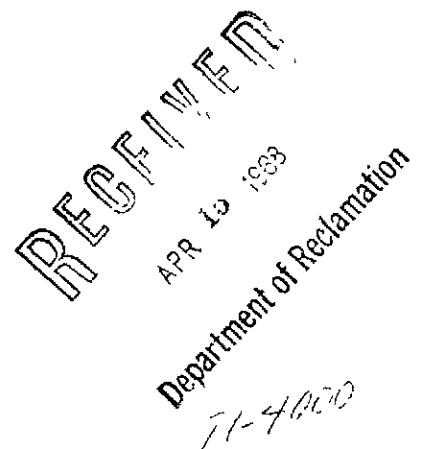
sincerely

J. Robb Brady
Route 3 Box 1
Idaho Falls, Ida.

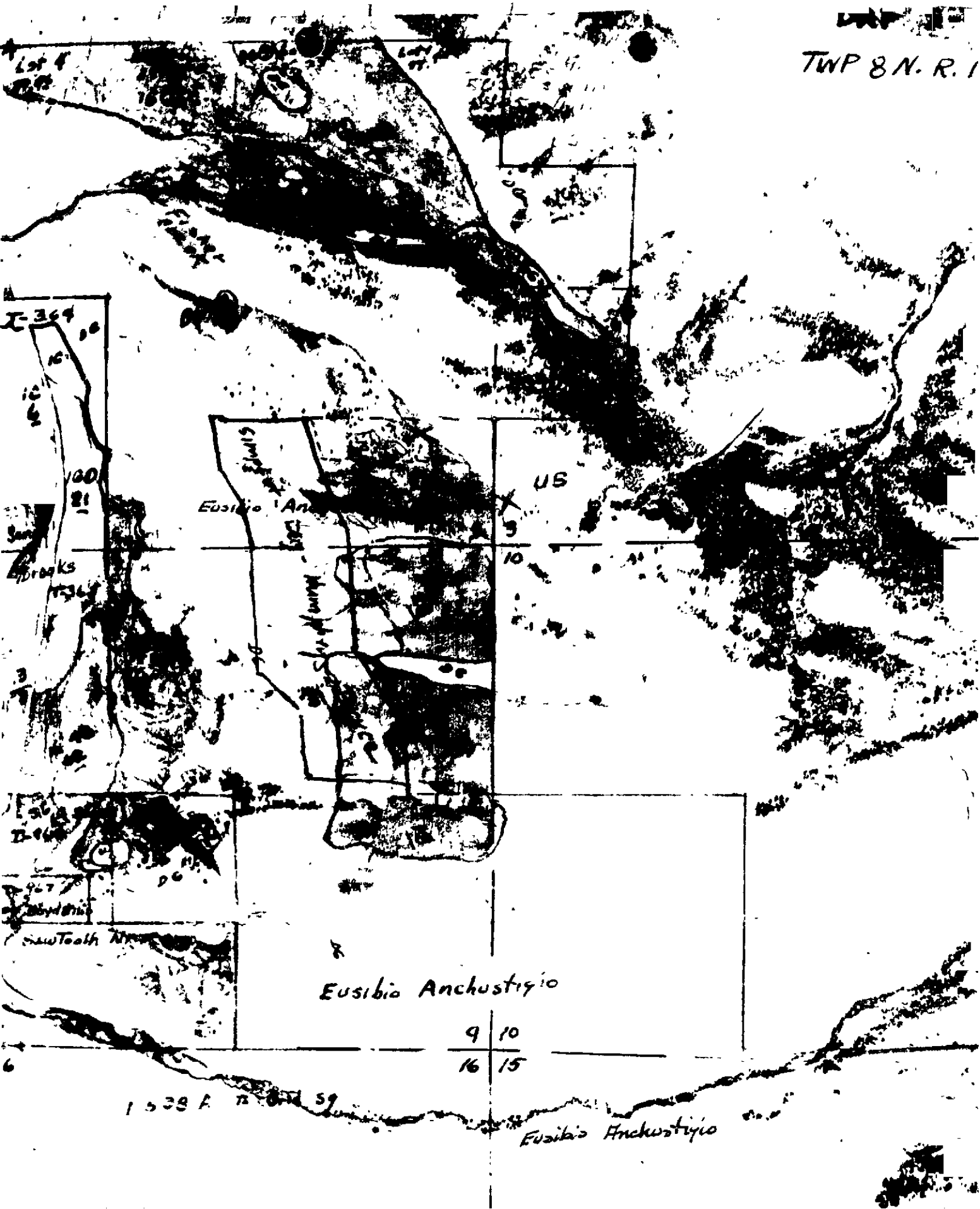
J. Robb Brady

11-4-54

۱۳۸۵



TWP 8 N. R. 1



Eusibio Anchustigio

US

Eusibio Anchustigio

9 10

16 15

1538 A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Eusibio Anchustigio

AFFIDAVIT OF PUBLICATION

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

I, Richard Swindell, manager 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 April 25....., 1968.,
and ending with the issue
dated May 2....., 1968.,

Richard Swindell

Subscribed and sworn to
before me this 10th

day of May, 1968

James D. Swindell
Notary Public, Residing at
Challis, Idaho.

My Commission expires

Dec 9-1-70

not submitted 5/16/68

NOTICE OF CLAIM TO A WATER RIGHT No. 71-4000

Notice is hereby given that ~~J. Keith Brady~~, Route No. 3, Box 1, Idaho Falls, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from unnamed springs with point of diversion in SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec 4, T. 8 N, R. 14 E, B.M. Custer County; the water is claimed to be used from June 1 to October 25 for irrigation and from May 15 to November 15 for stock watering and domestic purposes with a priority of June, 1910; the place of use is S $\frac{1}{4}$ SE $\frac{1}{4}$, sec 4, T. 8 N, R. 14 E. B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho on April 25 and May 2.

71-4000

May 16, 1968

Re: Claim No. 71-4000

J. Robb Brady
Route #3, Box 1
Idaho Falls, Idaho

Dear Mr. Brady:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 71-4000.

Enclosed is Receipt No. 778 for the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 778

71-4000

April 18, 1968

Re: Application for Claim No. 71-4000
J. Robb Brady

Challis Messenger
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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 71-4000

Notice is hereby given that J. Robb Brady, Route #3, Box 1, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second ~~acre/foot~~ of water from unnamed springs with point of diversion in SW1/4, sec. 3; SE1/4, sec. 9, T. 8 N, R. 14 E, B.M., Custer County; the water is claimed to be used from June 1 to October 25 for irrigation and from May 15 to November 15 for stock / watering and domestic purposes with a priority of June, 1919; the place of use is SE1/4, sec. 4, T. 8 N, R. 14 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho
on April 25 and May 2.

71-4000