

RECEIVED

By _____

AFFIDAVIT OF PUBLICATION

_____ Gary D. Cash _____ being first duly

sworn, says he is the _____ Office Manager _____
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for _____ two _____ weeks,
being published _____ two _____ times, the first publication being
on the _____ 3rd _____ day of _____ October _____, 1973, _____
and the last publication on the _____ 10th _____ day of
_____ October _____ 1973; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

_____ Gary D. Cash _____

Subscribed and sworn to before me this _____ 10th _____ day
of _____ October _____, 1973.

_____ Richard C. Stahl _____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 78-4048
Notice is hereby given that
MICHAEL SCHRODER Box 224,
Riggins, Idaho has filed a claim
to a water right established by
diversion and application to
beneficial use of .04 cubic feet
per second of water from a
groundwater source with the
point of diversion in the NE 1/4-
SE 1/4, Sec. 8, T. 23 N, R. 1 E,
B. M., Idaho County.
The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic use with a priority of
1967; the place of use is with-
in the NE 1/4 SE 1/4, Sec. 8, T. 23
N, R. 1 E, 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 Idaho County
Free Press, Box 267, Grange-
ville, Idaho on Oct. 3, 1973 and
Oct. 10, 1973. o3-10

OK SW
10-16-73

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 78-4048**

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groundwater source with the
point of diversion in the NE $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 8, T. 23 N, R. 1 E,
B. M., Idaho County.

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used from Jan. 1 to Dec. 31 for
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1967: the place of use is with-
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 23
N, R. 1 E, B. M.

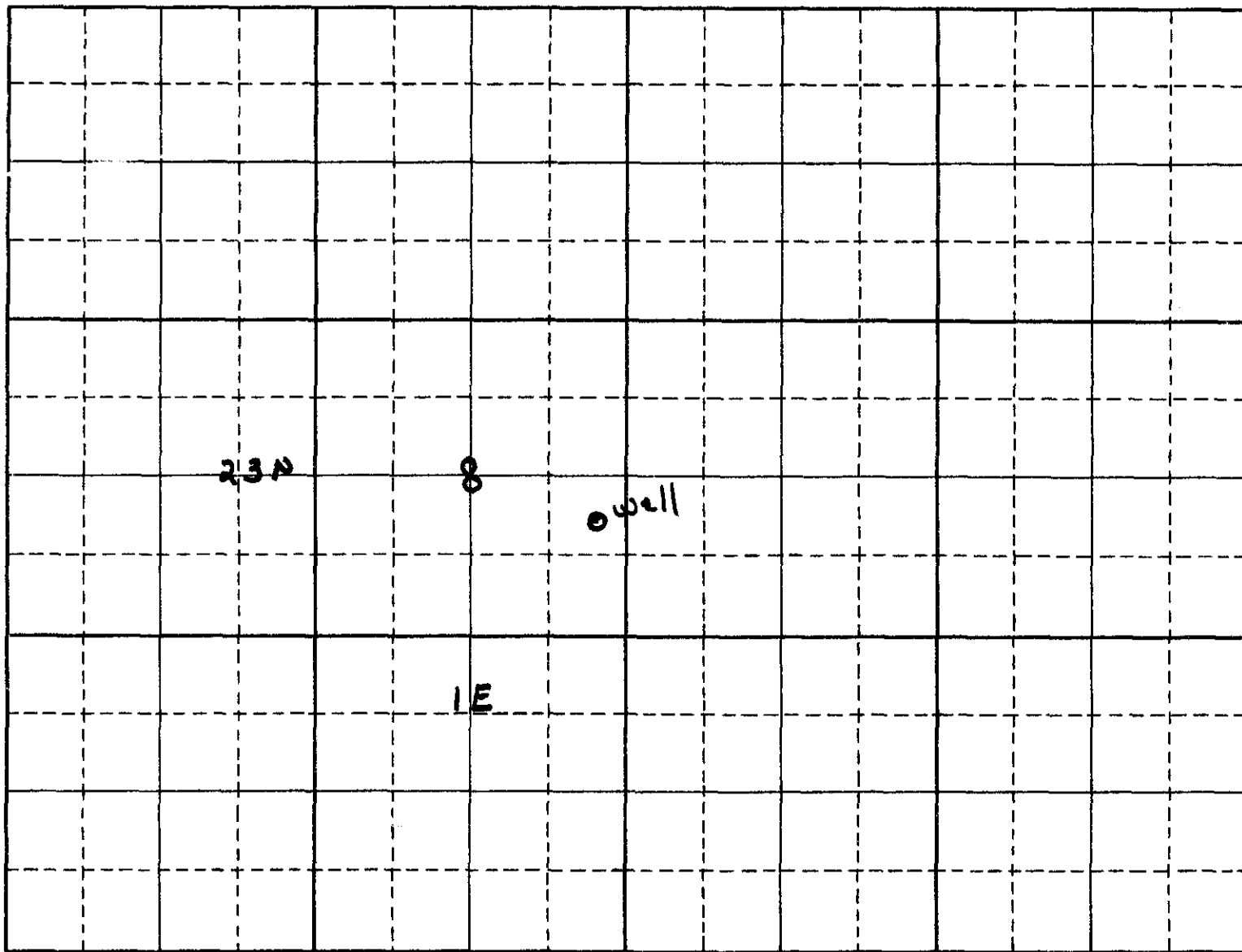
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OK
SW
10-3-73

78 4048



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

ss.

County of JOHNS

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.

Michael E. Schroder
Merna E. Schroder
 (Claimant)

Sworn to before me this 25th day of SEPTEMBER, 1973.

C. M. Vogelung
 Notary Public

Residing at

Riggins, Idaho.

My commission expires

6/15/75

Rec'd #12437 For Department Use Only

Received by

Date 9-27-73

Exception filed by:

Forwarded to

Date

Prelim. check by

Date 22 Sept 73

claimant by:

\$10.00 fee received by

Date 9-27-73

Approved for publication by

Date 10-16-73

Published in

Idaho County Free Press

Dates

Oct. 3, Oct. 10, 1973

AFFIDAVIT OF PUBLICATION

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sworn, says he is the Office Manager.....
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
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and state; that the said notice, of which the one hereto attached
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being published two..... times, the first publication being
on the 3rd..... day of October....., 1973.,
and the last publication on the 10th..... day of
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was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

.....*Gary D. Cash*.....

Subscribed and sworn to before me this 10th..... day
of October....., 1973....

.....*Richard C. Hatch*....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

OK SW
10-16-73

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>RWH</u>	<u>9-27-73</u>	<u>Claim</u> <u>Michael Schroder</u> Application No. <u>78-4048</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>RWH</u>	<u>9-27-73</u>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)		<u>NA</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>RWH</u>	<u>9-27-73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ____ Decline (comment) _____ ____ Stable (comment) _____ ____ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>SW</u>	<u>10-16-73</u>	Affidavit of Publication received (date) <u>OK</u>
(11)	<u>CS</u>	<u>24 Oct 73</u>	Final date for protests _____ Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)			All requested information received from agencies or applicant yes _____ no _____
(14)	<u>EEB</u>	<u>24 Oct</u>	Action recommended: ☒ Approve Priority _____ ____ Deny Reason for Reduction _____ ____ Measuring device required ____ See attached sheet for additional conditions of approval ____ No additional conditions for approval
(15)	District <u>Warden</u>	By <u>Quinn E. Ballou</u> Date <u>24 Oct 1973</u>	Department _____ Registration _____

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OCT 25 1973

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RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

ACT

ION

N OWNER LAST NAME - SCHRUDER
N ADDRESS LINE 1 - P.O. BOX 224

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

N DIVERSION POINT - NESE 08 23N 01E
N FROM - 01-01 TO - 12-31 USE - DOMESTIC
N USE - DOMESTIC

FIRST NAME - MICHAEL

CITY - RIGGINS

STATE - ID ZIP CODE - 83549

PRIORITY - 06-01-1967 COUNTY - IDAHO TOTAL DIV. RATE - .0400CFS

USE DIV. RATE - .0400CFS
PLACE OF USE - TWN 23N RRG 01E SEC 08 TRACT NESE

3/79

IDENT. NO. 78-4048

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 78-4048
 Old No. New No.

Record

1. Original Owner: Michael Schroder

Present Owner: _____

2. Address: P.O. Box 224

3. City: Biggs State: ID Zip: 83549

4. A. Source of Water: gw

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): J

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 6-1-1967

D. County: 49

E. Total Diversion Rate: .04

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE 1E</u>	<u>8</u>	<u>23N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for 10 purposes. Amount .04
 (cfs or ~~AC-Ft/yr~~)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

14. Diversion Means (brief narrative):

H. Conditions of Approval:

G. Field Exam Made (P, R, F or blank):

F. Proof Made (P or blank):

E. Old Number:

D. Hearing Date:

C. Protested Date:

B. Date Permit Approved or Denied:

13. A. Proof Due Date:

12. Other Rights for Same Use:

11. Other Uses (Non-irrigation explanatory information):

10. Remarks: A.
B.
C.
D.
E.

B. Decree Date:

9. A. Decree Name:

[illegible]

8. Use code: D

10379

MARILYN SCHWAM

ATTORNEY AT LAW

MAIN OFFICE
516 West South First St.
Grangeville, Idaho 83530
(208) 983-2484

March 21, 1978

RECEIVED

MAR 28 1978

RIGGINS OFFICE
Main Street
Heath Realty Bldg.
(208) 628-3322

Department of Water Resources

Idaho Department of Water Resources
373 West Franklin
Boise, Idaho 83702
Attn: Jim Johnson

Gentlemen:

The property in Riggins, Idaho on which the following claims are located is being sold by claim holder Michael Schroder to Donald and William Schroder pursuant to an escrow contract held by Idaho Bank and Trust, Riggins:

Claim No. 78-4042 for a right to diversion from the Little Salmon River for irrigation.

Claim No. 78-4048 for a right to groundwater for domestic purposes.

Sincerely yours,

Marilyn Schwam

MARILYN SCHWAM
Attorney at Law

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 23, 1973

Mr. Michael Schroder
Box 225
Riggins, Idaho 83549

Re: Claims to a Water Right Nos. 78-4048, 78-4049

Dear Mr. Schroder:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

78 4048

Enclosure

KHF:sw

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 28, 1973

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

Re: Application for Permit No. 79-7029 - Richard H. Potter
78-7045 - Roy L. Sullivan
Claim to a Water Right No. 77-4012 - Donald L. Clark
78-4048 - Michael Schroder
78-4049 - Michael Schroder

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)

Sincerely,

*Bill submitted
10-16-73*

78 4048

28 4018

OK
520
10-3-73

Notice is hereby given that
MICHAEL SCHROEDER, Box 224,
Riparian, Idaho has filed a claim
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per second of water from a
groundwater source with the
point of diversion in the NE 1/4
Sec. 8, T. 23 N. R. 1 E.
B. M. Idaho County.
The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic use with a priority of
1907; the place of use is with
in the NE 1/4 Sec. 8, T. 23
N. R. 1 E. B. M.
Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Administration, State House,
Boise, Idaho, 83707.
R. KEITH HIGGINSON
Director
Published in the Idaho County
Advertiser

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4048

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Box 224, Riggins, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of .04 cubic feet per second ~~acre feet~~ of water
from a groundwater source

with the point of diversion in the NELSEL, Sec. 8, T. 23 N, R. 1 E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for

domestic use

with a priority of 1967;

the place of use is within the NELSEL, Sec. 8, T. 23 N, R. 1 E, 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 Idaho County Free Press, Box 267, Grangeville, Idaho
on Oct. 3, 1973 and Oct. 10, 1973.

78 4048

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 27, 1973

Mr. Michael Schroder
Box 224
Riggins, Idaho 83549

Dear Mr. Schroder:

Enclosed is your Receipt No. 12437 in the amount of \$ 20.00 for
Claim to a Water Right which was received in this office
on September 27, 1973.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosure

78 4048

78-4048

August 8, 1973

Mrs. Michael Schroder
Box 224
Riggins, Idaho 83549

Dear Mrs. Schroder:

We have taken the liberty of preparing two Claim to a Water Right forms on your described water uses.

Make any changes, additions, etc., you feel better describes your actual water uses, if needed.

The claims do not guarantee you a water right, but record existing water rights for future use.

Return the claims with the required \$10.00 filing fee for each to this office.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

ERVIN E. BALLOU
W. R. Technician II

EEB:def

Enclosures

78-4048

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AUG 2 1973

Department of Water Administration

Mr. & Mrs. Michael E. Schroder
P.O. Box 224
Riggins, Idaho 83549

POB 224

Riggins, Idaho
83549

July 30, 1973

TO:

Mr. Keith Heggerson, Director
Dept. of Water Administration, State of Idaho
Boise, Idaho

Dear Mr. Heggerson:

We would like to ask information of you concerning water rights in our area applicable to our property.

In September of 1972, we purchased this property from C.M. Volgesong. We contacted Mr. Volgesong today and asked if he had any information regarding water rights and he brought his letter of June 30, 1971 from your office and he advises that he believes an application will not be necessary as we have less than half an acre - $\frac{35}{100}$ ac to be exact. I will copy part of the letter for you: (next page) 78-4048

2

"As of May 20, 1971, parties seeking to use Idaho's public water must first obtain the permission of the Dept. of Water Administration before they may divert and appropriate any public water, whether surface or ground water. The exception to this is a domestic well drilled and used for the family household and irrigation not to exceed one half acre and livestock incidental to the house. This domestic ground water appropriation may be made without first filing an application for permit and securing approval. We would recommend, however, that the permit be obtained in order to preserve the record in connection with the water right. Any other use of water must be made by this permit system."

There is more to this letter from your office but I have copied the paragraph that seems to pertain to ~~us~~ us - i. e. the

78-4048

part about one half acre.

The description of our property as taken from the warranty deed is as follows:

"Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 23 North, Range 1 East of the Boise Meridian described as follows:

Beginning at a point on the East Boundary of old U.S. Highway #95, which point is South $75^{\circ}38'$ East and 480 feet distant from the NW corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8; thence Northerly on said boundary line on the arc of a 3° curve 186 feet; thence N. $65^{\circ}50'$ E., 24 feet to the top of the river bank and N. $65^{\circ}50'$ E., 30 feet to the middle of the Little Salmon River; thence Southeastely along the said middle of the said river 200 feet; Thence S. $65^{\circ}50'$ W., to the top of the river bank, and S. $65^{\circ}50'$ W., 82 feet to the point of beginning."

I've gone into detail on this as we want to be sure that we are not ig-

4

providing some detail that might cause
questions in the future about water
usage.

The well for our household use was
drilled in 1967. We irrigate our lawn
and garden from a pump we have placed
in the Little Salmon River. We have
no domestic animals.

It probably would be easier for you if
we could have contacted your office in
person but our heat wave isn't very
comfortable for traveling to Boise.

When it is convenient, we would ap-
preciate and answer from your office.

Thank you.

Sincerely
Mr. and Mrs. Michael Schroder