

RECEIVED

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4036

Notice is hereby given that A. B. Herman Pollock, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from the Little Salmon River with point of diversion in the SE 1/4 SW 1/4, Sec. 4, T. 22N, R. 1E, B.M., Idaho County.

The water is claimed to be used from March 1 to Nov. 1 for the irrigation of 1 acre with a priority of 1937; the place of use is within the W 1/2 SW 1/4, Sec. 4, T. 22N, R. 1E, B.M.

Any exception to this claim with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 5 and April 12, 1972.
A5-12

..... 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 5th day of April 1972, and the last publication on the 12th day of April 1972; 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 12th day of April 1972...

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

78 4036

Identification No. _____
Claim No. 78-4036
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 A. B. HERMAN
post office address PULLUCK IDAHO
2. The point of diversion is in SE $\frac{1}{4}$ of S.W. $\frac{1}{4}$ Section 4 Township 22 N
Range 1 E B.M. located on LITTLE SALMON RIVER
(name of source)
tributary to SALMON RIVER in IDAHO 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:

1937 amount: .02 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 March 11 to Nov. 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 10" METAL PIPE
WITH 18" HEADGATE ATTACHED; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ 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 approx 800 feet; width of ditch at top is 4 feet; width of bottom of ditch is 2 feet; depth of water is 1.5 feet; grade of ditch per 1000 feet is 1.2 feet; material through which ditch passes is COARSE RIVER GRAVEL; 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 1

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

NE NAME

The other users and their respective

interests in the ditch are (if known)

interests in the ditch are (if known) REV SULLIVAN, MRS. OPAL KORSBORG

R.G. WALLACE, JOE YOUNG

THESE USERS HAVE ABOUT EQUAL INTERESTS.

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

State of Idaho

County of _____

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.

Sworn to before me this

25 ml

day of March

Claimant

1072

Madge H. Overlander
Notary Public

Notary Public

Residing at.

My commission expires August 6 1972

For Department Use Only

Received by PI Date 3-23-72

Exception filed by:

Forwarded to

Date _____

Prelim. check by 48 B Date 3-23-72

Fee received by ex Date 2/23/72 Fee \$ 0.50

Approved for publication by _____

Published in Idaho County Free Dates 4-5 & 4-12-72

Press, Grangeville

78 4030

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

.....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 5th..... day of April....., 1972, and the last publication on the 12th..... day of April..... 1972; 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 12th..... day of April....., 1972...

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

ACT
ION

N OWNER LAST NAME - HERMAN

FIRST NAME - A. B.

N

CITY - POLLOCK

STATE - ID

N SOURCE - LITTLE SALMON RIVER

TRIBUTARY OF - SALMON RIVER

N STAGE - STATRY CLM

PRIORITY - 06-01-1937 COUNTY - IDAHO

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SESW 04 22N 01E

N FROM - 03-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 22N RANG 01E SEC 04 TRACT NWSW

TRACT SWSW

** W ** MISSING ACRES FOR IRRIGATION WATER USE

** W ** MISSING ACRES FOR IRRIGATION WATER USE

N REMARKS - AC. IRR.=1.

3/79

IDENT. NO. 78-4036

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]

- DATA ENTRY -

Record

1. Original Owner: A. B. Herman
-
- Present Owner: _____
-
2. Address:
3. City: Bollock State: Id Zip:
4. A. Source of Water: Little Salmon River
B. Tributary of: Salmon River
5. A. Stage (A,P,L,D,S,J): L
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: 6-1-1937
D. County: 49
E. Total Diversion Rate: .02
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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SE SW</u>	<u>4</u>	<u>22N</u>	<u>1E</u>		

- [illegible]

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. $a_{\infty, \text{err}} = 1$.
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

WESTERN DISTRICT OFFICE



Carl W. Andrus
Director

R. Keith Higginson
Assistant

601 State Street
Shoshone - Annex
Twin Falls, Idaho 83701
(208) 384-2190

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

September 17, 1973

Mr. Roy L. Sullivan
Box 112
Riggins, Idaho 83549

Dear Mr. Sullivan:

This letter is pertaining to my visit to your property and that of others on August 8, 1973.

A review of the problem shows that you have a use right for your pond with a priority date later than other users on the ditch.

It is my opinion, however, that a release of water from your pond would only satisfy the problem for one day. The lowering of the pond level would allow some water to pass through the pond area, but only in limited quantities.

There was plenty of water available for appropriation from the Little Salmon River at the time of my visit. It would seem to me the whole problem lies in getting it through the ditch system. The inlet pipe and headgate are set too high above the stream bed to get sufficient head to pass the water down the ditch.

The headgate is permanently installed and lowering it would not be feasible. Therefore, I suggest that the creek cobbles be raised in such a manner as to provide an effective diversion dam to raise the water level at the outlet pipe from eight to twelve inches. This would increase the water level at your pond, which could be controlled by the headgate, and give everyone sufficient water for their needs and keep your pond full as well.

Sincerely,

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

cc: R. G. Wallace
O. R. Kousouros
Joseph E. and Beatrice Young
A. B. Herman

KHF:sw

78 4036

July 17, 1973

Mr. Roy L. Sullivan
Box 112
Riggins, Idaho 83349

Re: Claim to a Water Right Nos. 78-4037
78-4040

Dear Mr. Sullivan:

Last year, you filed two claims for water from the Little Salmon River, which are apparently used for irrigation and recreation purposes.

Your first claim, No. 78-4037 is similar to claims filed by your neighbors (R. G. Wallace, O. R. Kousoures, Joseph E. and Beatrice E. Young, and A. B. Herman) with regard to priority date and use of water. I therefore assume that you agree that they have an equal right with you to use of the ditch for irrigation purposes.

Your second claim, No. 78-4040 is for a later priority use for recreation purposes in a three acre foot capacity pond. Because this right is apparently later than the claimed irrigation right which you share with your neighbors, you should understand that you have no right to hold any water in the pond if your neighbors are not receiving the water they need for irrigation. Any stoppage of the flow of the ditch to hold water in the pond which prevents your neighbors from using the water for irrigation purposes would probably be an unlawful interference with a valid property right. They could seek to have the court enjoin you from such action and to pay any damages sustained by them. I therefore suggest that you give this serious consideration before any future disputes arise.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

cc: R. G. Wallace, Pallock, Idaho 83347
O. R. Kousoures, Box 194, Riggins, Idaho 83349
Joseph E. and Beatrice E. Young, Pallock, Idaho 83347
A. B. Herman, Pallock, Idaho 83347
Idaho Dept. of Water Administration, Western District Office

78-4036

April 27, 1972

Re: Claim to a Water Right No. 78-4036

A B. Herman
Pollock, Idaho 83547

Dear Mr. Herman:

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of Claim

78 4036

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 30, 1972

Re: Claim to a Water Right No. 78-4034 - O. R. Kousouros
" " " " " " 78-4035 - Joseph E. & Beatrice E. Young
" " " " " " 78-4036 - A. B. Herman
" " " " " " 82-4006 - Leola Johnson
Application for Permit No. 82-7011 - Leola Johnson

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

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,

Fred Eisenbarth
Appropriation Examiner

FE/BL
Enc: legal notices (5)

Bill submitted 4-19-72. d

78 4036

ALL KINDS
OF
COMMERCIAL
PRINTING

LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071

"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED

PRINTERS AND PUBLISHERS

Grangeville, Idaho Apr. 12, 1972

State of Idaho
Dept. of Water Administration
Statehouse--Annex 2
Boise, Id 83707

DATE

INVOICE NO. / ITEMS

AMOUNT

Apr. 5-12 28 11, 2 times--Not. Claim #78-4036

\$ 10.36

"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."

IDAHO COUNTY FREE PRESS

BY: Gary D. Cash
Gary D. Cash, Office Mgr.

78 4036

NOTICE OF CLAIM TO A WATER RIGHT

No. 78-4036

Notice is hereby given that A. B. Herman

Pollock, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second ~~acres feet~~ of water from the Little Salmon River

with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 22N, R. 1E, B.M.,
Idaho County.

The water is claimed to be used from March 1 to Nov. 1 for the
irrigation of 1 acre

with a priority of 1937;

the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4, T. 22N, R. 1E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho
on April 5 and April 12, 1972.

78 4036

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 78-4036

Notice is hereby given that A. B. Herman Pollock, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from the Little Salmon River with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 22N, R. 1E, B.M., Idaho County.

The water is claimed to be used from March 1 to Nov. 1 for the irrigation of 1 acre with a priority of 1937; the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 4, T. 22N, R. 1E, B.M.

Any exception to this claim with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 5 and April 12, 1972.
A5-12

OK
4-4-72
JL

78 4036

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

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

March 23, 1972

A. B. Herman
Pollock,
Idaho 83547

Dear Mr. Herman:

Attached herewith is your Receipt No. 8211 in the amount of \$ 10.00
for your claim application
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

78 4036