

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4061**

Notice is hereby given that Carl T. &/or Margaret Gaver, Salmon, Idaho 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 a ground-water source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 1, T. 21N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family with a priority of 1930; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 21N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on March 10 and March 17, 1977.

3-10-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Claim to Water Right No. 75-4061

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated March 10, 1977 and ending with the issue dated March 17, 1977.

Subscribed and sworn to before me, this seventeenth

day of March, 1977.

Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 13.32

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Mr. Carl T. and/or Margaret Gaver
(name of claimant)
of Box 777 Salmon, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground water
tributary to _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 0.04 Use Domestic Period of Use: From Jan 1 To Dec 31
Amount _____ Use _____ Period of Use: From _____ To _____
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1930

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 1 Twp. 21N Rge. 21E B. M. County of LEMHI
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Hand dug well ~ 20' deep (Well point) installed in original hand dug well.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>21N</u>	<u>21E</u>	<u>1</u>	X																✓

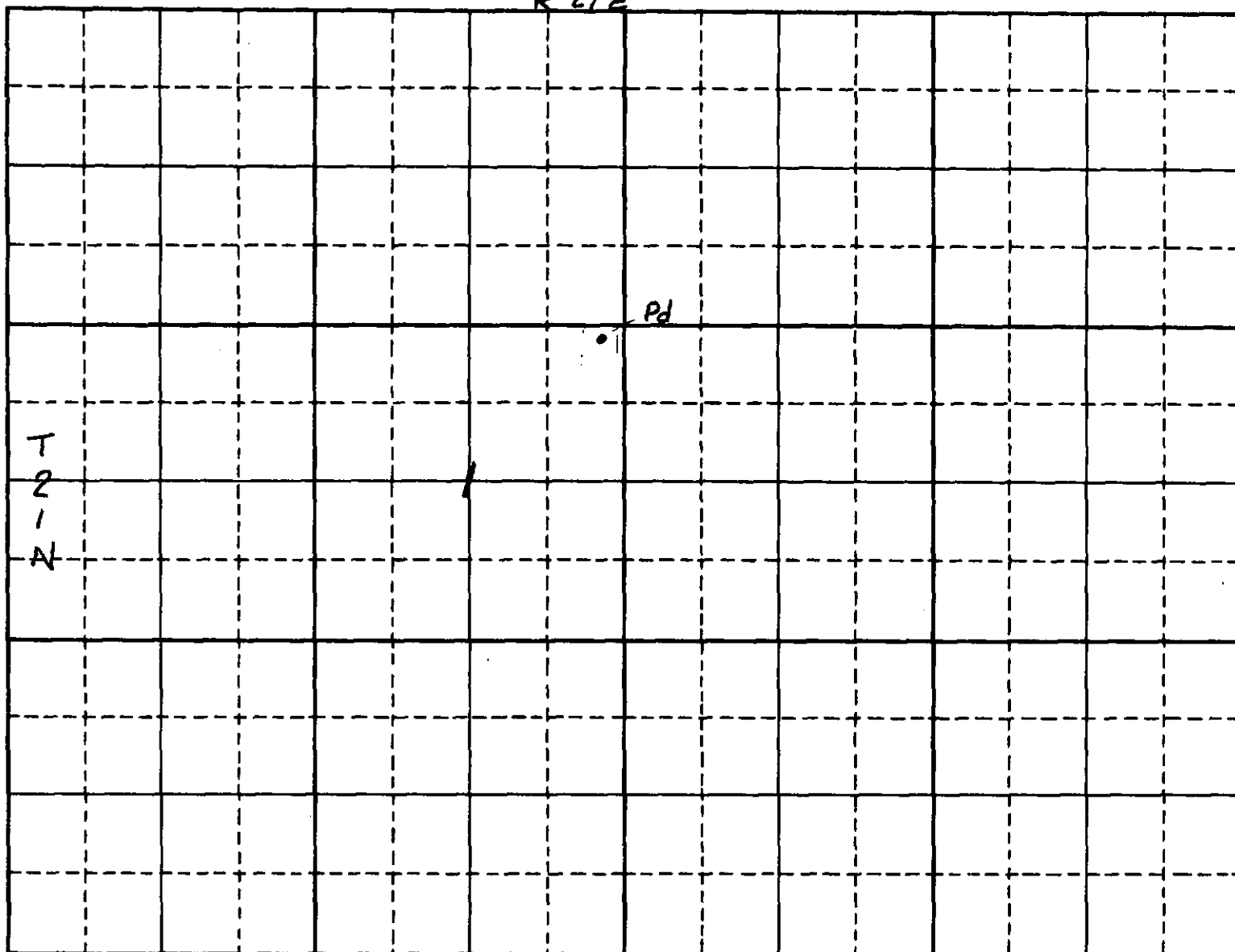
Total No. of acres _____

B) If the water is used for other than irrigation; fully describe that use, being as specific as possible: Domestic

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

R 21 E



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 Bonneville)

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 2nd day of March

Margaret W. Gaver
(Claimant)

Ronald D. Carter
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 2/14/78

For Department Use Only

Received by <u>CW</u>	Date <u>3-04-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>3/4/77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>3-04-77</u>			
Approved for publication by <u>me</u>	Date <u>3-21-77</u>			
Published in <u>Lewiston Herald</u>				
Dates <u>March 10 & 17, 1977</u>				

AFFIDAVIT

John A. Reddington
(Signature)

Frederick Hughes Swoon
(Notary Public)
State of Idaho

MICROFILMED

IN THE MATTER OF:

AFFIDAVIT

CARL T. and/or

MARGARET GAVER

State of Idaho

County of Lemhi

MABEL COOK

being first duly sworn,

deposes and says: That in 1930 she was living on the premises now owned by Carl T. and/or Margaret Gaver, which said premises are located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1 Township 21 N. Range 23 E.B.M., County of Lemhi, which said premises received all of its domestic water from a well that was on the premises and had been used on said premises for many many years before 1930. That said well was about 20 feet deep and had been used by the Turtons for many years before the affiant married George Turton and that said well gave sufficient water for all of the domestic requirements for said premises. That said affiant is about 85 years of age.

Michael H Cook
(Signature)

(Signature)

Subscribed and sworn to before me this 3d day of March, 1977.

Bill All

(Notary Public)
State of Idaho

Residing at Salmon
My Commission Expires 1-16-81

REPRODUCED

RECEIVED

Affidavit of Publication

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4061**

Notice is hereby given that Carl T. &/or Margaret Gaver, Salmon, Idaho, 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 a ground-water source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 1, T. 21N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family with a priority of 1930; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 21N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on March 10 and March 17, 1977.

3-10-2tc

STATE OF IDAHO
County of Lemhi

ss.

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

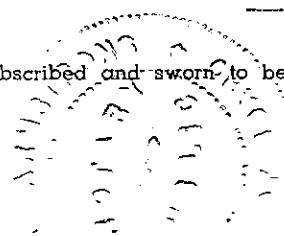
being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Claim to Water Right No. 75-4061

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated March 10, 1977 and ending with the issue dated March 17, 1977

Jerry G. Rosin

Subscribed and sworn to before me, this seventeenth day of March, 1977



Neil Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 13.32

MICROFILMED

ACT
ION

N OWNER LAST NAME - GAVER
N OWNER LAST NAME - GAVER
N ADDRESS LINE 1 - P.O. BOX 777

FIRST NAME - CARL T.
FIRST NAME - MARGARET

CITY - SALMON

STATE - ID ZIP CODE - 83467

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 06-01-1930 COUNTY - LEMHI

TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - NENE 01 21N 21E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - TWN 21N RNG 21E SEC 01 TRACT NENE

IDENT. NO. 75-4061

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.

Old No.

New No.

175-4061

Record

1. Original Owner: Carl T. + Margaret Gaver

Present Owner: _____

2. Address: P.O. Box 777

3. City: Salmon State: Id Zip: 83467

4. A. Source of Water: Gr

B. Tributary of: _____

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: 6-1-1930

D. County: 59

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 NE</u>	<u>1</u>	<u>21 N</u>	<u>21 E</u>		

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

from 1-1 to 12-31 for D 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 _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: D

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
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):

RECEIVED

APR 19 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION



John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

BDF

April 14, 1977

RE: Claim to a Water Right No. 75-4061 GAVER

Mr. Sherman F. Furey, Jr.
Attorney at Law
P.O. Box 1127
Salmon, Idaho 83467

Dear Mr. Furey:

We have received the exception dated April 7, 1977, filed in behalf of Doctor Walter L. Blackadar against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

April 14, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

RE: Claim to a Water Right No. 75-4061

Mr. Carl T. Gaver
Box 777
Salmon, Idaho 83467

Dear Mr. Gaver:

Enclosed please find a copy of the exception filed by Sherman F. Furey, Attorney, in behalf of Doctor Walter L. Blackadar in connection with your claim No. 75-4061. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

P. O. BOX 1127

TELEPHONE

(208) 756-2577

March 31, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED

APR 8 1977

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

Re: Notice of Claim to a Water Right of
Carl T. & Margaret Gaver
Claim #75-4061

Gentlemen:

Enclosed, in duplicate, original, for filing in the above
matter is Protest of Walter L. Blackadar.

Very truly yours,

Sherman F. Furey, Jr.
Sherman F. Furey, Jr.

SFF:vs
encl.

cc: Dr. Walter L. Blackadar

RECEIVED

APR 8 1977

Department of Water Resources
Eastern District Office

IN THE DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO

In the Matter of the Notice of)
Claim to a Water Right of)
CARL T. &/or MARGARET GAVER) P R O T E S T
Salmon, Idaho)
Claim No. 75-4061)
.....)

WALTER L. BLACKADAR, whose address is P.O. Box 1110, Salmon, Idaho 83467, hereby protests and excepts to the above captioned NOTICE OF CLAIM TO A WATER RIGHT (#75-4061) and for grounds of said protest and exception states:

1. The alleged ground water source is nonexistent during the winter period from November 1 to April 1 unless said ground water source is fed and supplied from a surface diversion at the Salmon City Water Works and through a surface distribution ditch which supplies protestant's 1867 priority water right from said diversion.

2. If claimant, using said claimed right as a basis, diverts water from said surface point of diversion through said surface irrigation ditch during the winter months between November 1 and April 1 for the purpose of feeding and supplying said ground water source, said action will result in the flowage, in the winter time, of water through said surface irrigation ditch on to and upon protestant's lands with a resultant coverage of said lands with ice to the damage and detriment of protestant.

3. The undersigned protestant excepts to said Notice of Claim if, and to the extent, that it would be construed as giving claimant a right to divert surface water at the Salmon City Water Works diversion point through protestant's surface irrigation ditch at any time between November 1 and April 1 of each winter season.

WHEREFORE, your protestant protests and excepts to said Notice of Claim to a water right and requests that this

LAW OFFICE
SHERMAN F. FUREY, JR.
NEW THRASHER BUILDING P. O. BOX 1127
SALMON, IDAHO 83467

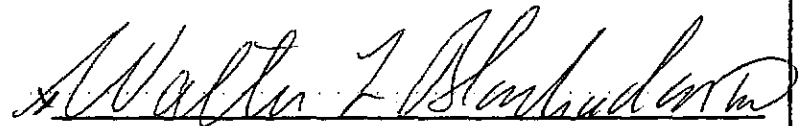
protest be made a part of the file in this matter as provided in
Section 42-225(b) Idaho Code.


Walter L. Blackadar, M.D.
Protestant

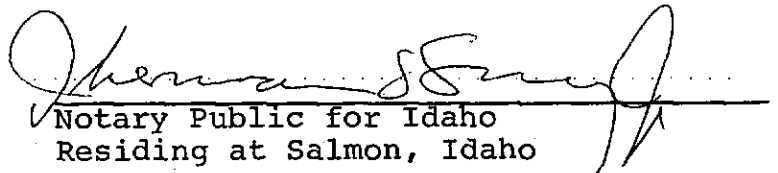
STATE OF IDAHO)
) ss.
County of Lemhi)

WALTER L. BLACKADAR, being first duly sworn, according
to law, deposes and says:

That he is the protestant named in the above-entitled
Protest, that he has read the foregoing Protest, knows the
contents thereof, and he believes the facts therein stated to be
true.



SUBSCRIBED AND SWORN to before me this 7th day of
April, 1977.


Notary Public for Idaho
Residing at Salmon, Idaho

LAW OFFICE
SHERMAN F. FUREY, JR.
NEW THRASHER BUILDING, P. O. BOX 1127
SALMON, IDAHO 83467

March 28, 1977

RE: Claim to a Water Right No. 75-4061

Mr. Carl T. &/or Margaret Gaver
Box 777
Salmon, Idaho 83467

Dear Mr. & Mrs. Gaver:

The Department of Water Resources 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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

MICROFILMED

CONVERSATION MEMORANDUM

DATE March 9, 1977

FILE 75-4051 (75-4061)
75-4052 (75-4062)

NAME OF PARTY Recorder-Herald

EMPLOYEE Colleen

RE: I telephoned the Recorder-Herald this date and asked them
to change the numbers according to the above referenced
numbers on the claim to a water right for Gaver and Rainbow Farms.
They indicated this could be done.

RECORDED

March 7, 1977

RE: Claim to a Water Right No. ⁷⁵⁻⁴⁰⁶¹~~75-4051~~

Mr. Carl T. Gaver
Box 777
Salmon, Idaho 83467

Dear Mr. Gaver:

Attached herewith is departmental receipt No. 6401 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

RECEIVED

March 4, 1977

RE: Claim to a Water Right No. ⁷⁵⁻⁴⁰⁶¹ ~~75-4051~~ GAVER
Application for Permit No. ~~75-4052~~ RAINBOW FARMS ⁷⁵⁻⁴⁰⁶²
No. 75-7075 DeMARK No. 75-7080 LANDRY
No. 75-7076 DeMARK No. 75-7081 LANDRY
No. 75-7077 SMITH
No. 75-7078 SMITH
No. 75-7079 SMITH

The Recorder-Herald
P.O. Box 310
Salmon, Idaho 83467

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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-21-77 by CW

RDC:CW

Enc: Legal Notice (9)

MICROFILMED

**NOTICE OF CLAIM TO
WATER RIGHT
NO. 75-4051**

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family with a priority of 1930; the place of use is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T. 21N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on March 10 and March 17, 1977.
3-10-2tc

NO. 75-4051

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R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho
on March 10 and March 17, 1977

REPROFILMED

me. J.
me. B.
me. A.