

Remarks _____

R 21 E

SEE DITCH "A" ON ENCLOSED MAP

T
25
N

HUGHS
CRICK

16

P.D.

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.

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 affiant's knowledge.

and that the matters and facts therein are true to the best of

John H. Westman
(Claimant)

John Whitehead, 19 76
Notary Public

Residing at Salmon, Idaho

My commission expires ~~06/77~~

Received by <u>CW</u>	Date <u>11-22-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JAG</u>	Date <u>11/4/76</u>		claimant by:	
\$10.00 fee received by <u>mtk</u>	Date <u>8-31-76</u>			
Approved for publication by <u>me 11-24-76</u>				
Published in <u>Recorder Herald</u>				
Dates <u>Nov 11 & 18, 1976</u>				

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4053**

Notice is hereby given that John Westman, Scottsdale, Arizona has filed a claim to a water right established by diversion and application to beneficial use of 0.69 cubic feet per second of water from Hughes Creek tributary to North Fork Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 25N, R. 21E, B.M., Lemhi County.

The water is claimed to be used from Apr. 1 to Oct. 31 for the irrigation of 17.3 acres with a priority of Aug. 2, 1901; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 25N, 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 November 11 and November 18, 1976.

11-11-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

NOV 24 1976

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- # 75-4058

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 Nov. 11, 1976 and ending with the issue dated Nov. 18, 1976.

Subscribed and sworn to before me, this eighteenth day of November, 19 76

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

Publication Fee \$ 13.32

Section 42-225a, Idaho Code

25

Notice is hereby given that Mr. John Westman

(name of claimant)

(mailing address)

The extent and nature of said claim is as follows:

- Amount 169 Use Irrigation Period of Use: From April 1 To October 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)

- (4) Priority claimed: (the date water was first applied to beneficial use) August 2, 1901

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NW ¼ NW ¼, Sec. 16 Twp. 25 N Rge. 21 E. 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. wood 2"x8" gate and diversion dam
length is 16'; height is 4'; width at bottom is 3'; width at top is
3'.

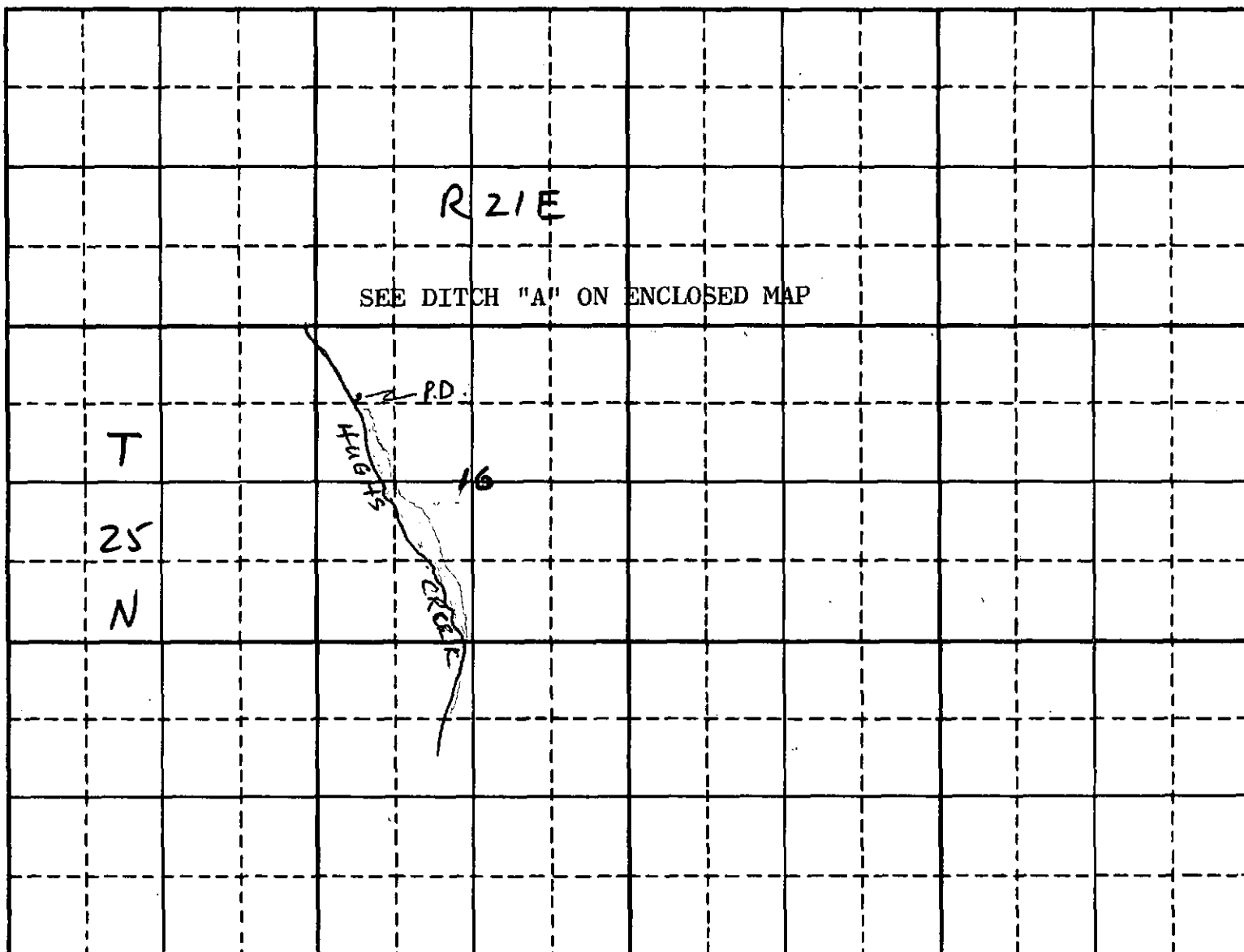
- [illegible]

Total No. of acres

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

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

(8) Remarks _____

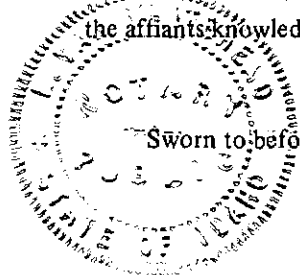


Scale: 2 inches equal 1 mile.

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 Lemhi)

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 affiant's knowledge.



Sworn to before me this 13th day of October, 19 76.

John H. Westman
(Claimant)

John H. Westman
Notary Public
Residing at Salmon, Idaho

My commission expires 8-7-77

For Department Use Only

Received by <u>CW</u>	Date <u>11-02-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LD</u>	Date <u>11/4/76</u>		claimant by:	
\$10.00 fee received by <u>MLK</u>	Date <u>8-31-76</u>			
Approved for publication by <u>Me 11-24-76</u>				
Published in <u>Recorder Herald</u>				
Dates <u>Nov 11 + 18, 1976</u>				

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4058**

Notice is hereby given that John Westman, Scottsdale, Arizona has filed a claim to a water right established by diversion and application to beneficial use of 0.69 cubic feet per second of water from Hughes Creek tributary to North Fork Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 25N, R. 21E, B.M., Lemhi County.

The water is claimed to be used from Apr. 1 to Oct. 31 for the irrigation of 17.3 acres with a priority of Aug. 2, 1901; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 25N, 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 November 11 and November 18, 1976.

11-11-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

NOV 24 1976

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- # 75-4058

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 Nov. 11, 1976 and ending with the issue dated Nov. 18, 1976

Subscribed and sworn to before me, this eighteenth day of November, 1976

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

Publication Fee \$ 13.32



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

November 29, 1976

RE: Claims to a Water Right No. 75-4054, 75-4055, 75-4056, 75-4057, 75-4058
75-4059 and 75-4060

Mr. John Westman
P.O. Box 1356
Scottsdale, Arizona 85251

Dear Mr. Westman:

The Department of Water Resources has completed the processing of your claims to a water right and no further action is authorized under Sections 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 you 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, copies of your claims. 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

Enclosures

cc: James C. Herndon, Attorney at Law

November 5, 1976

RE: Claim to a Water Right No. 75-4054
75-4055
75-4056
75-4057
75-4058
75-4059
75-4060

WESTMAN

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 11-24-76 by CW

RDC:CW

Enc: Legal Notice (7)

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4058**

Notice is hereby given that John Westman, Scottsdale, Arizona has filed a claim to a water right established by diversion and application to beneficial use of 0.69 cubic feet per second of water from Hughes Creek tributary to North Fork Salmon River with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 25N, R. 21E, B.M., Lemhi County.

The water is claimed to be used from Apr. 1 to Oct. 31 for the irrigation of 17.3 acres with a priority of Aug. 2, 1901; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 25N, 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 November 11 and November 18, 1976.

11-11-76

NOTICE OF CLAIM TO A WATER RIGHT

NO. 75-4058

Notice is hereby given that John Westman,
Scottsdale, Arizona

has filed a claim to a water right established by diversion and application
to beneficial use of 0.69 cubic feet per second ~~XXXXXX XXXXX XXXXX XXXXX~~
of water from Hughes Creek tributary to North Fork Salmon River
with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 25N, R. 21E, B.M.,
Lemhi County

The water is claimed to be used from Apr. 1 to Oct. 31 for the
irrigation of 17.3 acres
with a priority of Aug. 2, 1901 ;
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 16, T. 25N, 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 November 11 and November 18, 1976

*me. J.
me. H.
me. Q.*

October 15, 1976

Mr. James C. Herndon
Attorney at Law
P.O. Box 789
Salmon, Idaho 83467

Dear Mr. Herndon:

We have returned the enclosed seven (7) claims to a water right because the applicant did not draw the required map on page 2 of each application to identify the land under each claim. The map should show in what portion of the 40-acre subdivision the land is located.

The large blueprint map does show the spring and streams and the location of the points of diversion and ditches, but it does not show what lands each ditch is appurtenant to. If it did, we would have to have a map for each claim.

The claim with the yellow flag listing ditch "B" as the point of diversion must have the wrong land description as the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, is approximately three-fourths of a mile from the point of diversion and is on the opposite side of the river.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosures

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

October 13, 1976

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

Attention: Loren O. Holmes, Assistant Regional Supervisor

Re: Water claims of John Westman

Dear Mr. Holmes:

Enclosed herewith please find seven (7) Claims to a Water Right and map showing the location of the point of diversion and the place of use of the water to each claim.

These claims were submitted at an earlier date, but were on out-dated forms.

Very truly yours,

A handwritten signature in cursive script that reads "James C. Herndon". The signature is written in dark ink and is positioned above the printed name.

JAMES C. HERNDON

JCH/lsm

Encls: 8

September 3, 1976

Mr. James C. Herndon
Attorney at Law
P.O. Box 789
Salmon, Idaho 83467

Dear Mr. Herndon:

Please find enclosed receipt No. 5816 in the amount of \$70.00 for the claims submitted by you for Mr. John Westman.

The claims were submitted on forms no longer in use by this Department and differing significantly from the claim forms now used. For this reason, we are returning copies of the claims as submitted and a supply of the new forms for your use.

We will retain the original claims but will be unable to process them until the information is received on the proper forms.

Please note that the new claim forms require a map with the claim. This may either be drawn in the space provided on the form or a suitable aerial photo or other map showing the point of diversion and place of use may be attached. Legal descriptions indicated on the map must agree with those shown on the claim form.

If we can be of any additional assistance in putting these claims together, please do not hesitate to contact us.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Attachment

enclosures

RECEIVED

AUG 31 1976

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

Department of Water Resources

TELEPHONE 756-2412
AREA CODE 208

J. CHARLES HERNDON [1911-1966]

August 30, 1976

RECEIVED

SEP 2 1976

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Administration
614 State Street
Statehouse, Annex 2
Boise, Idaho 83720

Re: Claim to a Water Right
John Westman

Gentlemen:

Enclosed for filing please find seven Claims to a
Water Right for Mr. John Westman. Mr. Westman's check
#2494 for \$70.00 is enclosed as the filing fee.

If additional information is needed before the claims
can be processed, please advise.

Very truly yours,



JAMES C. HERNDON

JCH/th

Enclosures

RECEIVED

75 4058

Identification No. _____

Claim No. _____

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 Mr. John Westman
post office address P O Box 1356, Scottsdale, Arizona 85251

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 16 Township 25N
Range 21 E. B.M. located on Hughes Creek
(name of source)

tributary to North Fork of Salmon River in Lemhi 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:

August 2, 1901 amount: .69 c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
____ amount: _____ c.f.s. or _____ acre feet
Total claimed .69 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 April 1 to October 31 (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 wood 2" x 8" gate
and diversion dam 16 4 ; length is _____ feet; height is _____ feet;
width at bottom is 3 feet; width at top is 3 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 _____
_____;

-
-
-
-

- 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 _____

- [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 _____

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 _____

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

State of Idaho }
County of Lewiston } 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 26th day of August, 1976

John A. Westman
Claimant
Donald B. ...
Notary Public
Residing at Salmon, Ida.

My commission expires 10-77

Received by <u>AW</u> Date <u>8/31/76</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>AW</u> Date <u>8-31-76</u>			
Fee received by <u>AW</u> Date <u>8-31-76</u> Fee <u>\$10.00</u>			
Approved for publication by			
Published in	Dates		

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.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.