

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4050**

Notice is hereby given that Thomas Mack, Jr., Gibbonsville, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from Dahlonga Creek tributary to North Fork Salmon River with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 26N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for livestock and from May 1 to Oct. 30 for the irrigation of five acres with a priority of 1882; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 26N, 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 June 17 and June 24, 1976.

6-17-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

Department of Water

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 Rt. # 75-4050

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 June 17, 1976 and ending with the issue dated June 24, 1976.

Subscribed and sworn to before me, this twenty fourth day of June, 1976

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

Publication Fee \$ 14.76

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 Thomas Mack, Jr.
(name of claimant)
of Gibbonsville, 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) Dahlonge Creek
tributary to, North Fork Salmon River
- (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 | <u>0.10 cfs</u> | Use | <u>irrigation</u> | Period of Use: From | <u>May 1</u> | To | <u>Oct. 30</u> |
| Amount | <u>0.02</u> | Use | <u>stock</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| 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: 0.10 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) 1882

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)
SW ¼ NE ¼, Sec. 25 Twp. 26N 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. headgate (150 feet of ditch)
water stock out of pond and ditch

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
26N	21E	25			5														5

Total No. of acres 5

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Livestock and irrigation (3 horses)

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

R. 21E

T. 26N

25

X

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.

Thomas Mack
(Claimant)

Residing at IDAHO FALLS IDAHO

Received by me Date 6-11-76
Prelim. check by RDC Date 6/11/76
\$10.00 fee received by CW Date 6-11-76
Approved for publication by me 6-29-76 #2427
Published in Leicester Herald
Dates June 17 & 24, 1976

Date _____

Affidavit

County of Lemhi
State of Idaho
In the matter off:
Claim to a Water Right

Thomas Mack

I Larry Webb do affirm and
swear that subject water claimed has been
in use as described since at least 1931.
And that this statement is from personal
observation and knowledge.

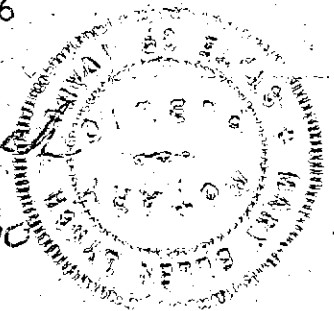
Larry Webb
Signature

Sworn before me this 6 day of April 1976

Mary Ellen Lynch
Notary Public

Residing at North Fork, Idaho

My commission expires 6-Oct-1976



IN THE MATTER OF:

Claim to a Water Right

State of Idaho

County of Lemhi

AFFIDAVIT

Thomas Mack

being first duly sworn,

deposes and says: there is an existing reservoir on my property that was used for irrigation or mining, and shows up on a picture of the Gibbonsville townsite, which is dated 1882. Based upon this evidence, we are claiming an 1882 priority.

Thomas Mack
(signature)

Subscribed and sworn to before me this 11th day of JUNE 19 76.

Ronald D. Carter
(notary public)

Residing at IDAHO FALLS
My commission expires 2/14/78

SCHEDULE A

The fee simple title to said lands, is at the date hereof, vested in:

ARNOLD J. FRITZ and VIRGINIA FRITZ, husband and wife.

The land referred to in this policy is described as:

The following described property situate in the County of Lemhi, State of Idaho, to-wit:

From a Stone Monument set at the Southwest Corner of Main Street, whence Corner No. One (1) of said Townsite bears South $17^{\circ} 35'$ East 347.86 feet, run thence North $57^{\circ} 41'$ East 349.56 feet along the South side of Main Street to the place of beginning; thence continuing North $57^{\circ} 41'$ East 419.25 feet, thence South $32^{\circ} 19'$ East 352.02 feet; thence South $35^{\circ} 33'$ West 452.56 feet; thence North $32^{\circ} 19'$ West 522.46 feet to the place of beginning.

RECORDED

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R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on June 17 and June 24, 1976.

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RECEIVED

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STATE OF IDAHO

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Department of Water
Eastern District Office

JERRY G. ROSIN

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Jerry G. Rosin

Subscribed and sworn to before me, this twenty fourth

day of June, 1976

Verle Armstrong

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

Publication Fee \$ 14.76

ACTION

N OWNER LAST NAME - MACK, JR. FIRST NAME - THOMAS
N CITY - GIBBONVILLE STATE - ID - ZIP CODE - 83463
N SOURCE - DAHLONEGA CREEK TRIBUTARY OF - SALMON RIVER, NORTH FORK
N STAGE - STATRY CLM PRIORITY - 06-01-1882 COUNTY - LEMHI TOTAL DIV. RATE - .1000CFS
N DIVERSION POINT - SWNE 25 26N 21E
N FROM - 05-01 TO - 10-30 USE - IRRIGATION USE DIV. RATE - .1000CFS
N FROM - 01-01 TO - 12-31 USE - STOCKWATER USE DIV. RATE - .0200CFS
N USE - IRRIGATION PLACE OF USE - TWN 26N RNG 21E SEC 25 TRACT SWNE. AC 05
N

** R ** NO INPUT DATA FROM PRECEEDING RECORD

N NON IRRIG USE - S/3 RANGE.

** R ** MULTIPLE LINES - ABBREVIATE TO FIT 65 POSITIONS

IDENT. NO. 75-4050

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

175-4050

Old No.

New No.

Record

1. Original Owner: Thomas Mack Jr.

Present Owner: _____

2. Address: Gibsonville3. City: Gibsonville State: Id Zip: 834634. A. Source of Water: Dahlonga CreekB. Tributary of: Salmon River, North Fork5. 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: 6-1-1882D. County: 59E. Total Diversion Rate: .1

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>SWNE</u>	<u>25</u>	<u>26N</u>	<u>21E</u>		

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

from 5-1 to 10-30 for A purposes. Amount .1
(cfs or AC-FT/yr.)from 1-1 to 12-31 for L purposes. Amount .02 cfs

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: *A*

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
<i>26N</i>	<i>21E</i>	<i>25</i>			<i>5</i>														

9. A. Decree Name:

B. Decree Date:

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

11. Other Uses (Non-irrigation explanatory information): *1/3 range*

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):

July 7, 1976

RE: Claim to a Water Right No. 75-4050

Mr. Thomas Mack, Jr.
Gibbonsville,
Idaho 83463

Dear Mr. Mack:

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

June 11, 1976

RE: Claim to a Water Right No. 75-4050 MACK

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 6-28-76 by CW

RDC:CW

Enc: Legal Notice (1)

100-100000-100000

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Lemhi County

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purposes for livestock and from May 1 to Oct. 30 for the irrigation of
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*D. M. H.
- mch
- Hy-mch*