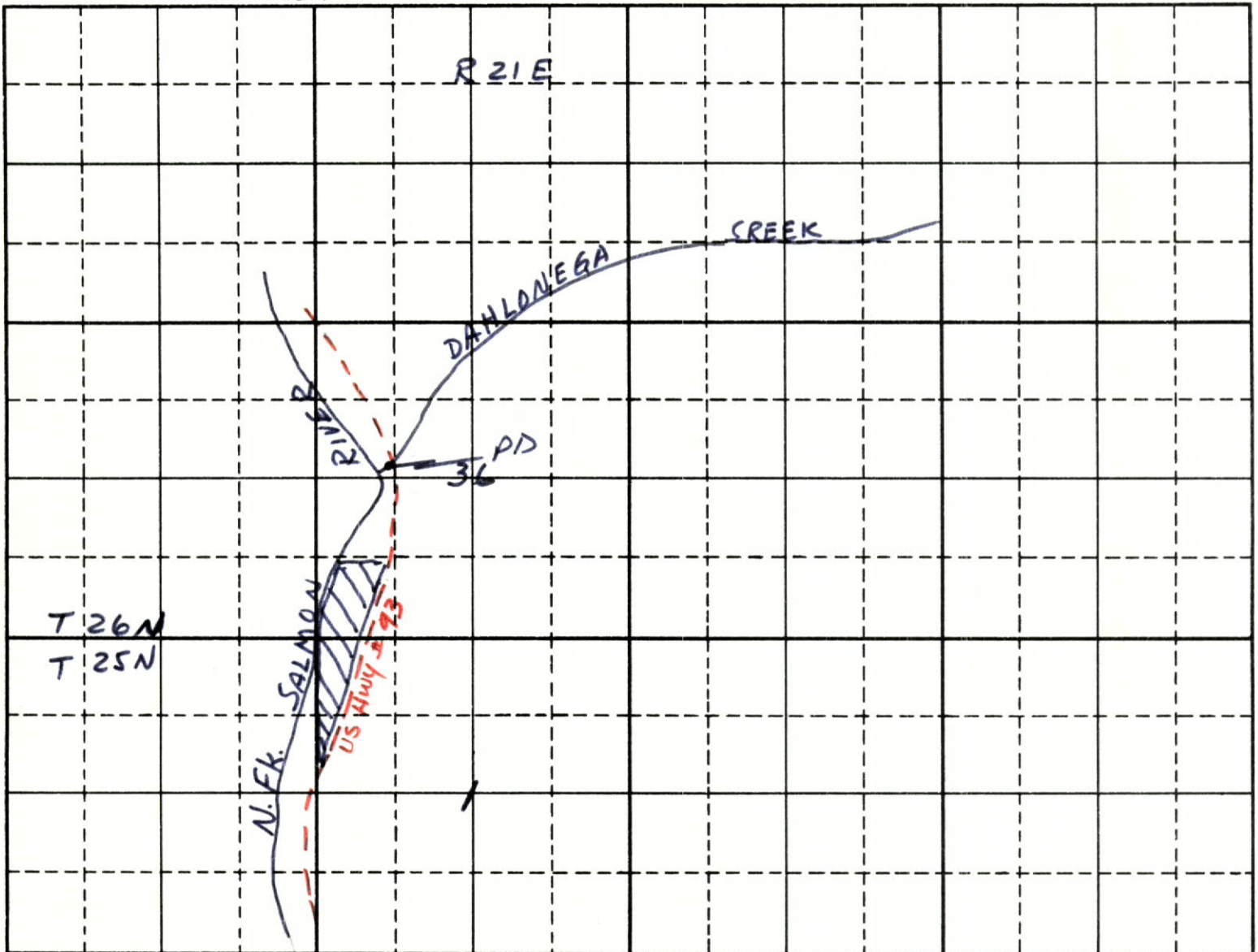


- (8) Remarks The Idaho Dept. of Highways re-aligned U.S. 93 where it crosses
Dahlongega Creek some 20 years ago and changed the ditch to the west side of
the highway. The high water has eroded the mouth of Dahlongega Creek making
the point of diversion to be actually now on the left bank of the north fork
Salmon River.



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)
County of Bonneville) 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 16th day of September, 1977.
Dorothy M. Kirk, Sec.
(Claimant)

Notary Public

Residing at Idaho Falls

My commission expires 6/15/81

For Department Use Only

Received by <u>OW</u>	Date <u>9-16-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>9-16-77</u>		claimant by:	
\$10.00 fee received by <u>NA</u>	Date			
Approved for publication by <u>me</u>	<u>10-11-77</u>			
Published in <u>Recorder Herald</u>				
Dates <u>Sept. 29 + Oct. 6-1977</u>				

**NOTICE OF AMENDED
CLAIM TO A WATER
RIGHT
NO. 75-4039**

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, Idaho Falls, Idaho have amended claim to a water right No. 75-4039. The claim as originally filed established diversion and application of water to beneficial use of 0.52 c. f. s. from Apr. 15 to Nov. 1 for the irrigation of 26 acres within unsurveyed lots within the Neyman Subdivision with a priority of May, 1910.

The claimants are now claiming 1.04 c. f. s. of water from Dahlenega Creek tributary to North Fork Salmon River to be used from Apr. 1 to Nov. 1 for the irrigation of 26 acres with the point of diversion within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, B. M., Lemhi County; the place of use is within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, T. 25N, R. 21E, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, with a priority date of 1906.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho, on September 29 and October 6, 1977.

9-29-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

OCT 11 1977

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 Amended Claim to Water Right No. 75-4039

..... 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 Sept. 29, 1977 and ending with the issue dated Oct. 6, 1977

Subscribed and sworn to before me, this sixth day of October, 19 77

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

Publication Fee \$ 18.00

**NOTICE OF PROPOSED
AMENDING OF CLAIM TO
A WATER RIGHT
NO. 75-4039**

Notice is hereby given that Claim to a Water Right No. 75-4039 in the name of Neyman Subdivision No. 1 Water Users Association was filed claiming the beneficial use of 0.52 c.f. s. of water from Dahlenega Creek tributary to Salmon River. The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres with point of diversion within approximately 45° 32' 28" N, 113° 55' 42" W (unsurveyed land); the place of use is within the Neyman Subdivision near Gibbonsville (unsurveyed lots), Lemhi County. The priority claimed is May 1, 1960.

The claimant now proposes to amend Claim No. 75-4039, changing the priority to May, 1910.

Any exception to the proposed amending of the claim may be filed with the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder Herald, Salmon, Idaho, on December 26, 1975 and January 2, 1976.

12-25-2tc

RECEIVED

Affidavit of Publication

Department of Water Resources

Eastern District Office

STATE OF IDAHO

County of Lemhi

ss.

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 Proposed Amending Claim to Wtr. Rt. # 75-4039

..... 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 Dec. 25, 1975
and ending with the issue dated Jan. 1, 1976

Jerry G. Rosin

Subscribed and sworn to before me, this first

day of January, 1976

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

Publication Fee \$ 16.20

the
**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4039**

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, c/o Dorothy Kirk, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.52 cubic feet per second of water from Dahlenega Creek, tributary to the Salmon River with point of diversion approximately within Sec. 35, T. 26N, R. 21E, B. M., Lemhi County (unsurveyed land).

The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres within the Neyman Subdivision near Gibbonsville with a priority of May 1, 1960; the place of use is within approximately Sec. 35, 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 October 9 and October 16, 1975.

10-9-2tc
dw

Affidavit of Publication

OCT 20 1975

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. 75-4039

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 Oct. 9, 1975 consecutive issues, commencing with the issue dated Oct. 9, 1975 and ending with the issue dated Oct. 16, 1975

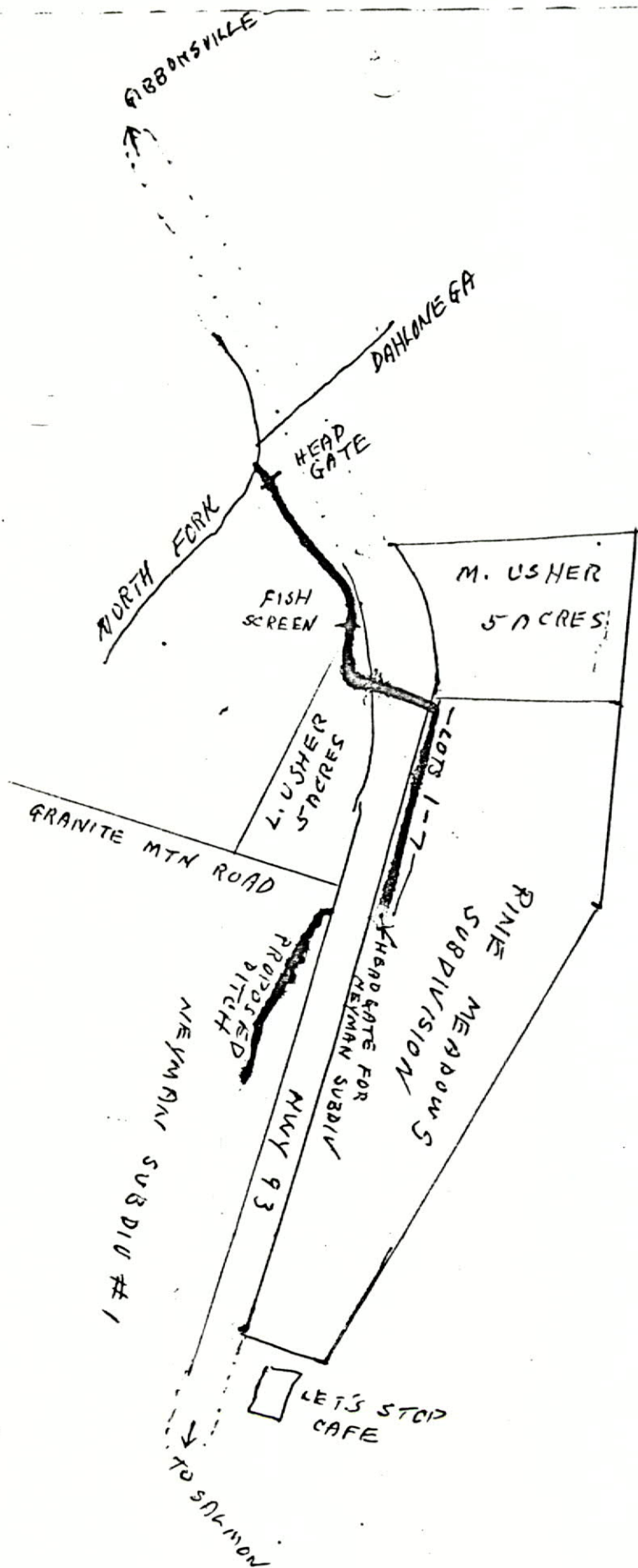
Jerry G. Rosin

Subscribed and sworn to before me, this sixteenth day of October, 1975

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

Publication Fee \$ 14.76

RECEIVED



Section 42-225a, Idaho Code

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.

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------------------|----|-------------------|
| Amount | <u>1.04</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | (both dates inclusive) | | |

- 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.

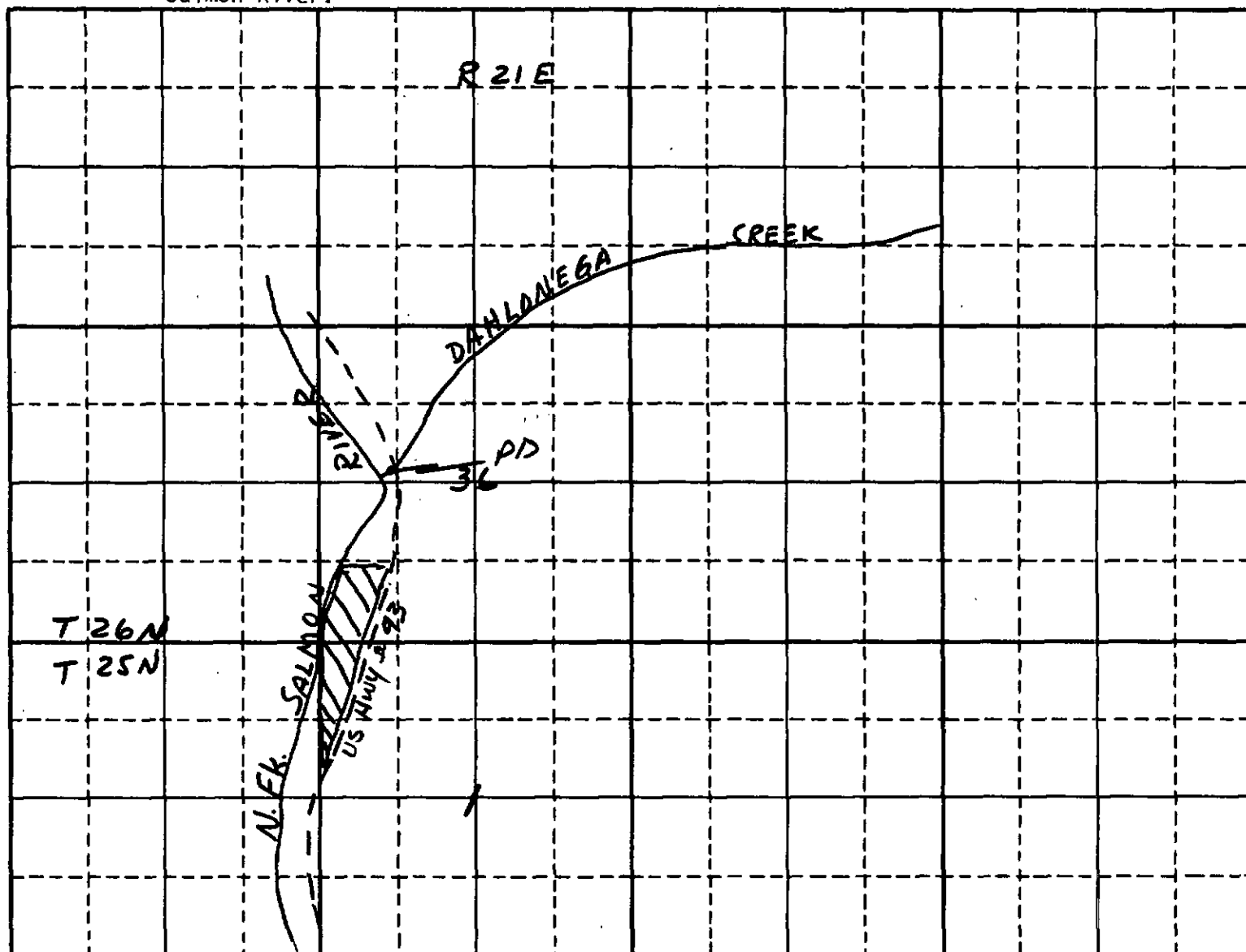
- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. water is diverted from creek approximately where natural channel enters N. Fk. Salmon River. Ditch parallels US Highway #93 on West side for approximately one-half mile then crosses to east side then back to west side of highway at Granite Mountain Road.

- [illegible]

Total No. of acres 26

- (7) If you are claiming water as a member of an organization, list name of organization: Neyman Subdivision #1, Water Users Association

- (8) Remarks The Idaho Dept. of Highways re-aligned U.S. 93 where it crosses
Dahlonga Creek some 20 years ago and changed the ditch to the west side of
the highway. The high water has eroded the mouth of Dahlonga Creek making
the point of diversion to be actually now on the ~~left~~ bank of the north fork
Salmon River.



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)
County of Bonneville) 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.

Dorothy M. Kirk, Sec.
(Claimant)

Sworn to before me this 16th day of September, 1977.

Notary Public

Residing at Idaho Falls

My commission expires 6/15/81

For Department Use Only

Received by <u>OW</u>	Date <u>9-16-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JW</u>	Date <u>9-16-77</u>		claimant by:	
\$10.00 fee received by <u>NH</u>	Date			
Approved for publication by <u>me</u>	<u>10-11-77</u>			
Published in <u>Boise Herald</u>				
Dates <u>Sept. 29 & Oct. 6-1977</u>				

**NOTICE OF AMENDED
CLAIM TO A WATER
RIGHT**

NO. 75-4039

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, Idaho Falls, Idaho have amended claim to a water right No. 75-4039. The claim as originally filed established diversion and application of water to beneficial use of 0.52 c. f. s. from Apr. 15 to Nov. 1 for the irrigation of 26 acres within unsurveyed lots within the Neyman Subdivision with a priority of May, 1910.

The claimants are now claiming 1.04 c. f. s. of water from Dahlenega Creek tributary to North Fork Salmon River to be used from Apr. 1 to Nov. 1 for the irrigation of 26 acres with the point of diversion within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, B. M., Lemhi County; the place of use is within the W $\frac{1}{2}$ -NW $\frac{1}{4}$, Sec. 1, T. 25N, R. 21E, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, with a priority date of 1906.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho, on September 29 and October 6, 1977.

9-29-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

OCT 11 1977

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 Amended Claim to Water Right No. 75-4039

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 Sept. 29, 1977 and ending with the issue dated Oct. 6, 1977

Subscribed and sworn to before me, this sixth

day of October, 1977

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

Publication Fee \$18.00

STATE OF IDAHO) s
COUNTY OF LEMHI)

Les Usher being first sworn deposes and says:

January 6, 1976

RECEIVED

JAN 9 1976

Department of Water Resources
Eastern District Office

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

Gentlemen:

Ref: Notice of Claim to a water right No. 75-4039, as amended,
published in the Salmon Recorder-Herald, edition of Dec. 31, 1975.

We wish to reiterate all our objections to this claim, as set forth in our letter of October 16, 1975. In addition thereto, may we state that the amending of this claim to show date of 1910 is ridiculous. The ground for which the Water Usher's Assn. is claiming a water right, was never irrigated, never planted to crops or used as a hay field, nor for pasturing stock. It was an uncleared portion of the ranch, and is still covered with trees, with the exception of where there are now houses and driveways.

In the early 60's, when Mr. Outopolik purchased the main ranch from Mr. Neyman, it was agreed that Mr. Outopolik would permit some water to run across the road to the ground retained by Mr. Neyman for a subdivision, until the end of that summer season, as Mr. Neyman had the entire ranch leased for grazing that summer. Mr. Neyman therefore scratched a small ditch across the first few acres. The following winter the main ditch to the ranch washed out, and was not repaired for several years. There has been NO regular delivery of water across the road since that time.

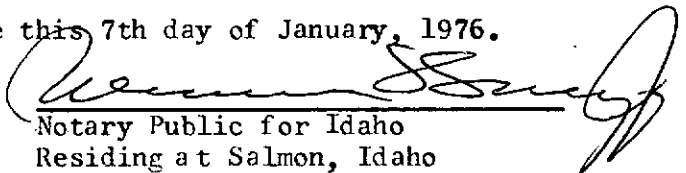
ALL water and ditch rights to the ranch were conveyed to us in the contract of sale from Mr. Neyman.

The continued filing of a claim by the Water User's Assn. can only be viewed as a calculated method of harassment.
Subscribed and sworn to before me this 7th day of January, 1976.

Sincerely,


Les Usher.

Subscribed and sworn to before me this 7th day of January, 1976.


Notary Public for Idaho
Residing at Salmon, Idaho

My Commission Expires: 3/21/77



Section 42-225a, Idaho Code

AMENDED

(name of claimant)

the public water of the State of Idaho

(both dates inclusive)

Unsurveyed Land

Additional points of diversion: _____

[illegible]

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

Neyman Subdivision #1 Water Users Association

100

[illegible]

Received by <u>F. J. J.</u>	Date <u>12/12/75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>F. J. J.</u>	Date <u>12/12/75</u>		claimant by:	
\$10.00 fee received by <u>No fee</u>	Date <u>12/12/75</u>			
Approved for publication by <u>CW- 1-12-76</u>				
Published in <u>The Recorder Herald</u>				
Dates <u>12-26-75 + 1-2-76</u>				

**NOTICE OF PROPOSED
AMENDING OF CLAIM TO
A WATER RIGHT
NO. 75-4039**

Notice is hereby given that Claim to a Water Right No. 75-4039 in the name of Neyman Subdivision No. 1 Water Users Association was filed claiming the beneficial use of 0.52 c.f. s. of water from Dahlenega Creek tributary to Salmon River. The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres with point of diversion within approximately 45° 32' 28" N, 113° 55' 42" W (unsurveyed land); the place of use is within the Neyman Subdivision near Gibbonsville (unsurveyed lots), Lemhi County. The priority claimed is May 1, 1960.

The claimant now proposes to amend Claim No. 75-4039, changing the priority to May, 1910.

Any exception to the proposed amending of the claim may be filed with the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder Herald, Salmon, Idaho, on December 26, 1975 and January 2, 1976.

cd 12-25-2tc

RECEIVED

Affidavit of Publication

Department of Water Resources

Eastern District Office

STATE OF IDAHO

County of Lemhi

ss.

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 Proposed Amending Claim to Wtr. Rt. # 75-4039

_____ 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 Dec. 25, 1975 and ending with the issue dated Jan. 1, 1976

Jerry G. Rosin

Subscribed and sworn to before me, this first

day of January, 1976

Verd Armstrong

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

Publication Fee \$ 16.20

A G R E E M E N T

(Leave this in original file)

75-4039

THIS AGREEMENT, Made this 24th day of August, 1959,
between WADELL F. WINTEROWD and GRACE E. WINTEROWD, husband and
wife, of Gibbonsville, Idaho, the parties of the first part, and
GLENN H. NEYMAN, a widower, of Salmon, Idaho, party of the second
part,

WITNESSETH:

THAT, WHEREAS, The parties of the first part are the
owners of the following described property, situate in the County
of Lemhi, State of Idaho, to wit:

That certain lot, piece or parcel of land, situate,
lying and being in the County of Lemhi, State of Idaho,
more particularly bounded and described as follows:

Homestead Entry Survey Number 54, bounded and described
as follows:

Beginning at corner No. 1, from which U. S. Mineral
Monument No. 1, Dahlenega Mining District, bears North
9° 7' East, 94.79 chains distant; thence South 82° 38'
West, 4.95 chains to Corner No. 2; thence South 24° 33'
West, 23.56 chains, to Corner No. 3; thence South 28°
39' West 14.91 chains to Corner No. 4; thence South 16°
28' West 8.11 chains to Corner No. 5; thence South 8°
42' West 24.75 chains to Corner No. 6; thence South 74°
12' East 9.63 chains to Corner No. 7; thence North 20°
27' East 49.43 chains to Corner No. 8; thence North 3°
15' East 23.73 chains to Corner No. 1, the place of
beginning, containing 84.88 acres according to the
official plat of the Survey of the said land.

Together with all ditches, ditch rights, water, water
rights, range and range rights appertaining thereto or
used in connection therewith.

Together with the tenements, hereditaments and appurte-
nances thereunto belonging or in anywise appertaining.

Excepting from this conveyance that part of the above
described premises heretofore conveyed to the State of
Idaho for right of way purposes.

Together with the farming personal property set forth
in SCHEDULE A, annexed hereto and made a part hereof.

THAT, WHEREAS, the second party is the owner of the fol-
lowing described property, situate in the City of Salmon, County
less one acre to Dean & Hilda Jackson,

September 22, 1975

Neyman Subdivision #1 Waterusers Association

Mr. and Mrs. Frank Jannatte
Mr. and Mrs. Charles Ragsdale
Mr. and Mrs. Glen Stutzeman
Mr. Terry Sherer
Mr. James Montgomery
Mr. Erick Kaiser
Mr. William Treglow
Mr. R. W. Schexley
Mr. and Mrs. John Kirk

Mr. Kirk explained the way the water use was to be handled and how it came about.

Mr. Jannatte explained the cost and how much and acre it would cost to reopen the ditch to one (1) foot deep and two and one half feet wide. (2½)

Twenty six dollars an acre until the dues could be received from the other property owners who have voiced a desire to participate.

Property Owners rights were Questioned by Mr. Schexley.

Mr. Kaiser then explained that in order to hold the water table for the wells of the property owners it would be of desirable benefit to all property owners to have the ditch restored to running through there properties.

Mr. Kaiser made a motion that we form an organization of "Water Users for Neyman Subdivision #1" and make it known to the proper Authorities that we wish to continue the use of Dallonaga Creek for water use as has been the case for years.

Jim Montgomery seconded the motion and a vote was taken by those present, motion carried.

Officers of the Association were then elected as follows

Frank Jannatte-Chairman
Erick Kaiser-Vice Chairman
Dorothy Kirk-Secretary and Treasurer

Instructions were then given for the Secretary to pursue and put in motion the necessary requirements to register the Association with the Department of Water Resources.

It was then moved and seconded that we adjourn until the Secretary could carry forward the proper negotiations.

Dorothy Kirk, Secretary

815 Hansen Avenue
Idaho Falls, Idaho
83401
September 26, 1975

To whom it may concern:

The following land owners wish to file water rights on the spring located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 1 S, Range 45 East. The water will be used at the properties described below.

Owner: Robert N. and Carole G. Beatty, 815 Hansen Avenue, Bonneville County, Idaho. Beginning at the SE corner, which lies seventy-five (75) feet due west of the forks of the road, then thirteen (13) rods NW to the NE corner that is fifty-nine (59) feet ten (10) degrees west of north from the big Douglas Fir tree, which is one hundred and thirty-two (132) feet due south from the piped spring, then ten (10) rods southwest to the NW corner, then thirteen (13) rods SE to the SW corner, then ten (10) rods northeast to the point of beginning, containing one hundred and thirty (130) square rods, more or less. The south one-third (1/3) is in Lot 5, and the north two-thirds (2/3) is in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$. All in Sec. 8, 1 S, 45 East.

Owner: Neil or Sara Burrell, 1834 Charlene, Bonneville County, Idaho. One acre of land, more or less, bounded as follows: Starting at the NE corner, which is 38 feet north of Lee's NW corner, 81 feet SE of Moore's SE corner, 69 feet from Hansen's west corner, then 279 feet south along Lee's west line, then 165 feet west, then 279 feet north, then 165 feet to the point of beginning. All measurements in lineal feet. Land is all in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 8, 1 S, 45 E.

Owner: Floyd R. and Neta E. Hansen, 1385 Bower Dr., Bonneville County, Idaho. One acre more or less beginning 192 feet Magnetic North from piped spring at SW corner, then follow private road due west 228 feet to the NW corner, then 30 degrees east of north 315 feet to the NE corner. The NE corner being 238 feet SE of the Ed Perry SE corner, then 223 feet SE to the SE corner, then 132 feet to the point of beginning. All in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 8, 1 S, 45 E.

Owner: David and Karlene M. Lee, 264 E. 23rd, Bonneville County, Idaho. Starting at a point 73 lineal feet west of the outlet of a piped spring situated in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 1 S, Range 45 East, running thence north 165 lineal feet, thence west 165 lineal feet, thence south 279 lineal feet, thence east 165 lineal feet, thence north 114 lineal feet to the point of beginning. Containing one acre.

Owner: Ross W., Patricia, and Jeffery Moore, 1514 Beverly Rd., Bonneville County, Idaho. Beginning at the SE corner east of the Edward Perry three acre tract, thence SW along Perrys fence 363 feet to the corner of Perry's and Hugh Benfers land, thence 49 $\frac{1}{2}$ feet along Benfer's SW line a total of 412 $\frac{1}{2}$ feet, thence SE 165 feet, thence NE following one rod inside access road 426 feet to the point of beginning. All in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 1 S, Range 45 East.

Owner: Vera Erma Ward, 945 Maplewood Dr., Bonneville County, Idaho and Dee Ann Bowman, 768 No. 650 E. Bountiful, Davis County, Utah. A tract of land containing three-fourths (3/4) of an acre, more or less, bounded as follows: Starting at piped spring; then due east 180 feet to the east corner; then NW 200 feet, following road, to the NE corner; then west 138 feet, following road, to the NW corner; then south 200 feet along David Lee's east boundary to the SW corner; then NE 90 feet to the point of beginning. All in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 8, 1 S, 45 E. All measurements in lineal feet. Three and one-tenth (3.1) square rods are reserved out of the above measurements for a water tank and connections directly below the piped spring.

Owners: The following parcel of land located above the spring is owned jointly by the six parties listed on page one.

Starting at the outlet of the piped spring located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, township 1 S, Range 45 East; 180 feet east to the Ward-Bowman SE corner, then follow road south 139 feet to Beatty's NE corner, then 280 feet along Beatty's north line to Beatty's NW corner, then 164 feet north to Lee's SE corner, follow Lee's east line 59 feet north to the Ward-Bowman SW corner, then east 85 feet along Ward-Bowman south line to the point of beginning. Containing approx. one acre more or less. In addition, an area one rod wide and 3.1 rods in length just below and north of the pip outlet is included for a water tank and pipe connections.

Very truly yours,

Carole G. Beatty

Section 42-225a, Idaho Code

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.

The extent and nature of said claim is as follows:

- 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.

Unsurveyed Land

- 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. Water is diverted from creek approximately where natural channel enters Salmon River. Ditch parallels Highway 93 on west for approximately 1/2-mile.

- (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.

[illegible]

Total No. of acres 26

- 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: Neyman Subdivision #1 Water Users Association

Ch
du

[illegible]

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 affiants knowledge.

Notary Public _____
Residing at _____

Sworn to before me this 25th day of Sept

My commission expires 11-11-77

Received by <u>me</u>	Date <u>9-25-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LJL</u>	Date <u>9-25-75</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>9-25-75</u>	<u>Lisa Yehon</u>	<u>me</u>	<u>10-24-75</u>
Approved for publication by <u>WJ 10-21-75</u>				
Published in <u>The Recorder & Herald</u>				
Dates <u>Oct 9 & Oct 10, 1975</u>				

me
**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4039**

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, c/o Dorothy Kirk, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.52 cubic feet per second of water from Dahlonega Creek, tributary to the Salmon River with point of diversion approximately within Sec. 35, T. 26N, R. 21E, B. M., Lemhi County (unsurveyed land).

The water is claimed to be used, from Apr. 15 to Nov. 1 for the irrigation of 26 acres within the Neyman Subdivision near Gibbonsville with a priority of May 1, 1960; the place of use is within approximately Sec. 35, 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 October 9 and October 16, 1975.
rw 10-9-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

OCT 20 1975

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

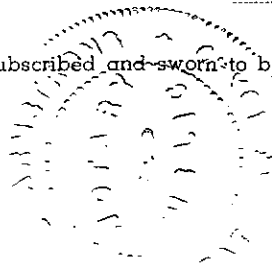
....., being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Notice of Claim to Water Right No. 75-4039

..... 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 Oct. 9, 1975 and ending with the issue dated Oct. 16, 1975

Jerry G. Rosin

Subscribed and sworn to before me, this sixteenth day of October, 1975



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

Publication Fee \$ 14.76

MICROFILM

ACT
ION

N OWNER LAST NAME - NEYMAN SUBD. NUMBER 1 WTR. USERS ASSN.
N ADDRESS LINE 1 - C/O DOROTHY KIRK ADDRESS LINE 2 - RT. 5 BOX 122
N CITY - IDAHO FALLS STATE - ID ZIP CODE - 83401
N SOURCE - DAHLONEGA CREEK TRIBUTARY OF - SALMON RIVER, NORTH FORK
N STAGE - STATRY CLM PRIORITY - 06-01-1906 COUNTY - LEMHI TOTAL DIV. RATE - 1.0400CFS
N TRFR/AMEND - A
N DIVERSION POINT - SWNW 36 26N 21E
N FROM - 04-01 TO - 11-01 USE - IRRIGATION USE DIV. RATE - 1.0400CFS
N USE - IRRIGATION PLACE OF USE - TWN 25N RNG 21E SEC 01 TRACT NWN TRACT SWNW

** W ** MISSING ACRES FOR IRRIGATION WATER USE

** W ** MISSING ACRES FOR IRRIGATION WATER USE

N USE - IRRIGATION PLACE OF USE - TWN 26N RNG 21E SEC 36 TRACT SWSW

** W ** MISSING ACRES FOR IRRIGATION WATER USE

N REMARKS - AC. IRR.=26.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 175-4039
Old No. _____ New No. _____

Record

1. Original Owner: Mayman Subdivision No. One Water Users Assn.

Present Owner: _____

2. Address: C/O Dorothy Kirk, Rt. 5 Box 1223. City: Idaho Falls State: Id Zip: 834014. A. Source of Water: Dahlongaga CreekB. Tributary of: Salmon River, North Fork5. A. Stage (A,P,L,D,S,J): I

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

C. Priority Date: 6-1-1906D. County: 59E. Total Diversion Rate: 1.04

F. Total Diversion Volume:

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

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>SWNW</u>	<u>36</u>	<u>26N</u>	<u>21E</u>		

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

from 4-1 to 11-1 for A purposes. Amount 1.04
(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: *A*

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. Err. = 26.*
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

NOV 1 1977

Department of Water Resources
Eastern District Office

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 1st day of September, 1977, by and between LES USHER and MARY USHER, husband and wife, and MAURICE USHER, an unmarried man, parties of the First Part, hereinafter called "Usher", and the NEYMAN SUBDIVISION NO. 1 WATER USERS ASSOCIATION of Gibbonsville, Idaho, parties of the Second Part, which is composed of landowners within the Neyman No. 1 Subdivision who are CHARLES S. BRUCKNER and PATTY E. BRUCKNER, CHARLES RAGSDALE AND ETHEL RAGSDALE, JAMES O. MONTGOMERY and BILLIE MONTGOMERY, HOWARD HEMPHILL and MOIRA HEMPHILL, GARY HARP, LUTHER HARP and MARGARET HARP, EUGENE TORSON and KATHY TORSON, JOHN KIRK and DOROTHY KIRK, GLENN STUTZMAN and LOUETTA STUTZMAN, MAX B. DAY and LARAY DAY, ERICK KAISER and JOYCE KAISER, WILLIAM TREGLOWN and ISABELLE TREGLOWN, DONALD E. SMITH, EARL VAN GORDON and ALICE VAN GORDON, CLAYTON A. MAST and MARY MAST, LEON MEMMOTT, MARY BETH JESSUP, and the estate of GLENN NEYMAN, hereinafter called "Association",

WITNESSETH:

WHEREAS, the parties of this Agreement are the owners of real property the subject of this Agreement, as follows:

1. Usher: All of that part of Homestead Entry No. 54 lying East of U.S. Highway No. 93, including Pine Meadows Subdivision, as platted and described in Book 5 of Plats at p. 1, Records of Lemhi County, and that portion of Homestead Entry No. 54, lying North of the Granite Mountain Road (previously called Votlar Creek Road) and lying West of U.S. Highway 93, all located in Township 25 North, Range 21 East, and Township 26 North, Range 21 East, Boise Meridian (unsurveyed), Lemhi County, Idaho.

2. Association: All that certain real property contained within Neyman Subdivision No. 1, as platted and described on that certain plat recorded in Book 2 of Plats, page 6, Records of Lemhi County, Idaho, being and lying in a portion of Homestead Entry No. 54, lying South of the Granite Mountain Road and West of U.S. Highway No. 93, located in Township 26

North, Range 21 East, Boise Meridian (unsurveyed) of Lemhi County, Idaho.

WHEREAS, the parties have reached certain agreements with respect to the use by them of irrigation water and ditches from the North Fork of the Salmon River across said lands of Usher to and upon the lands of the Association, and the parties wish said agreements reduced to writing.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The North Fork of the Salmon River is a perennial stream of water located in Lemhi County, State of Idaho, arising in the mountains thereof, and the waters of it which flow Southwesterly and discharge into the Salmon River at a point Southerly of the lands herein described.

2. The flow of the water in said stream varies in amount during two seasons of the year, commonly known as high water season and low water season; the flow of the water of said stream during the low water season is minimal and scarcely sufficient to meet the requirements of the parties hereto for proper irrigation of the land described hereinabove.

3. Each of the parties hereto divert water from said stream by means of diversion works which were at the time of the construction thereof, and now are, of sufficient size and capacity to carry and convey the quantity of water appropriated by said parties and their predecessors to the lands described hereinabove for the beneficial purpose of irrigation thereof.

4. The irrigation season commences on or about April 1 of each calendar year and continues through on or about November 1 of each calendar year, and during said irrigation season, two miner's inches of water per acre acre measured under a four-inch pressure, or its equivalent in cubic feet per second, is the minimum amount of water necessary for the proper irrigation of said land.

5. That due to the climatic conditions and the nature of the soil prevalent in the area, the duty of water for said property for beneficial

irrigation is two miner's inches per acre.

6. Usher, for themselves, their heirs, successors and assigns, hereby grant, convey and set over unto Association, its heirs, successors and assigns, a perpetual easement and right-of-way for 42 miner's inches, or 1.04 cubic feet per second, in a certain existing irrigation ditch commencing at its Point of Diversion at approximately $45^{\circ}32'28''$ North, $113^{\circ}55'42''$ West in the Northwesterly portion of Homestead Entry No. 54, and traversing Usher's land as depicted in Paragraph 1, to the point where said ditch is intersected by a certain headgate situate at approximately the center of the Westerly property line of Lot 7 of Pine Meadow Subdivision. Usher, their heirs, successors and assigns, hereby reserve a perpetual easement and right-of-way through said ditch to carry through such irrigation ditch water in the amount or amounts made appurtenant to the lands described hereafter in Paragraph 10 by the parties hereto, said amounts to be measured from the aforementioned Point of Diversion.

7. The parties hereto, for themselves, their heirs, successors and assigns, hereby agree to maintain, improve, repair and keep clean the said irrigation ditch from its point of diversion of the North Fork of the Salmon River to that certain headgate situated approximately at the center of the Westerly property line of Lot 7 of Pine Meadows Subdivision where the Association diverts water through said ditch to the property of the Association; provided, however, that the parties hereto shall share in the expense of maintaining, improving, repairing and cleaning said ditch on a pro rata basis proportional to the acreage owned by each party. (For example, Party "A" owns 40 acres, and Party "B" owns 60 acres. If expenses equalled \$100, Party "A" would pay \$40.00 and Party "B" would pay \$60.00) The Association further agrees to be solely responsible for maintaining, improving, repairing and cleaning said ditch from the said headgate in Lot 7 of Pine Meadow Subdivision to the point where said ditch

exits from the Neyman No. 1 Subdivision.

8. That Usher, as owners of interest and equity in certain land aforesaid, are entitled to have, and they are hereby awarded, water use rights and privileges of and from the said North Fork and said ditch in amounts, with priorities, at points of diversion and places of use, as follows:

- (a) Ten miner's inches, or 0.2 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season, each calendar year, with a priority appropriation dating from April 1, 1906, and delivered through an existing Point of Diversion at approximately 45°32'28" North, 113°55'42" West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of the following described premises in Lemhi County, Idaho, to wit:

That land situated in that portion of Homestead Entry No. 54, lying North of the Granite Mountain Road, and West of Highway No. 93, located in Township 26 North, Range 21 East, Boise Meridian (unsurveyed), Lemhi County, Idaho, containing approximately five acres, more or less.

- (b) Ten miner's inches, or 0.2 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906 and delivered through the aforesaid ditch with Point of Diversion at approximately 45°32'28" North, 113°55'42" West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93 for irrigation of the following described premises in Lemhi County, Idaho, to wit:

Land situated in the Northeasterly portion of Homestead Entry No. 54, Township 25 North,

Range 21 East, Boise Meridian (unsurveyed),
containing five acres, more or less.

- (c) 64 Miner's inches, or 1.28 cubic feet per second of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906 and delivered through the aforesaid ditch with Point of Diversion at approximately $45^{\circ}32'28''$ North, $113^{\circ}55'42''$ West, lying in the Northwesternly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of the following described premises in Lemhi County, Idaho, to wit:

Lots 1-20, Pine Meadows Subdivision, as platted and described in Book 5 of Plats at page 1, Records of Lemhi County, Idaho, a portion of Homestead Entry No. 54, lying East of U.S. Highway No. 93, containing 32 acres, more or less.

9. Association, as owners of interest and equity in said lands as aforesaid, are entitled to have and are hereby awarded water rights and privileges of and from the said North Fork of the Salmon River in amounts with priorities, points of diversion and places of use as follows:

52 Miner's inches, or 1.04 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906, and delivered through the aforesaid ditch with Point of Diversion at approximately $45^{\circ}32'28''$ North, $113^{\circ}55'42''$ West, lying in the Northwesternly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of Lots 1-24, Neyman Subdivision No. 1 as platted and described in Book 2 of Plats at page 6, Records of Lemhi County, Idaho, a portion of Homestead Entry No. 54, containing 26 acres more or less, with individual owners as follows: to wit:

NEYMAN SUBDIVISION #1 LOT NUMBER

OWNER MEMBERS

1.

Mr. & Mrs. E. Van Gordon

Lot Numbers (continued)

2
3 & 4
5
6, 7 & ½ of 8
½ of 8 & 9
10
11
12
13
14 & 15
16
17
18
19
20
21 & 22
23 & 24

Owner Members (continued)

Mr. Don Smith
Mr. and Mrs. William Treglown
Mr. and Mrs. Erick Kaiser
Mr. and Mrs. Max Day
Mr. and Mrs. Glenn Sutuzman
Mr. and Mrs. John Kirk
Mr. and Mrs. Eugene Torson
Mr. and Mrs. Luther Haro
Mr. Gary Haro
Mr. and Mrs. Howard Hemphill
Mr. and Mrs. Jim Montgomery
Mr. and Mrs. Charles Ragsdale
Mr. and Mrs. Charles Bruckner
Mr. and Mrs. Clayton Mast
Mr. Leon Memmott
Mary Beth Jessup
Estate of Glenn Neyman

10. The parties hereto agree that in low-water periods when there is insufficient water to maintain a sufficient flow for irrigating all the property of the parties hereto at the same time, that all water available may be used by Usher for farming purposes, with any excess continuing on for use in the aforementioned subdivisions.

The parties further agree that a continuous flow of water be maintained through the said ditch from the Point of Diversion through the Association property throughout the irrigation season, subject to the provisions herein, provided, however, that said flow may be discontinued for the purposes

of cleaning, maintaining or repairing said irrigation system.

11. It is stipulated and agreed that each party to this action will establish, at the several places of diversion of the waters of said ditch, such measuring devices as will conform to the requirements of the Department of Water Resources of the State of Idaho, or its successor, such that will be sufficient to determine the right of water each party is entitled to use by authority of any Decree entered on this Agreement.

12. Parties hereby agree that Usher, their heirs, successors or assigns can establish a headgate in said irrigation ditch adjacent to the Association headgate at approximately the center of the Westerly line of Lot 7 of Pine Meadows Subdivision, and further agree that Usher, their heirs, successors or assigns may extend said ditch on the Easterly side of U.S. Highway No. 93 for the purpose of irrigating Lots 8-20 of Pine Meadows Subdivision. Usher further agrees to maintain said headgate serving Lots 8-20 of said Pine Meadows Subdivision which controls the flow of waters running to Lots 8-20 of Pine Meadows Subdivision. The Association further agrees to maintain a headgate at approximately the center of the Westerly line of Lot 7 of Pine Meadows Subdivision.

13. Usher shall not in any way be liable for any damage or loss that the Association may incur in consequence of any breach in the ditch on the premises or the walls or works in connection therewith, or for any and all liability claim or claims that might hereafter arise or accrue to them for any loss or damage by reason of said irrigation system. Association shall not in any way be liable for any damage or loss that Usher may incur in consequence of any breach in the ditch on the premises or the walls or works in connection therewith, or for any and all liability claim or claims that might hereafter arise or accrue to them for any loss or damage by reason of said irrigation system.

14. Terms and conditions of this Agreement shall be subject to, and

construed in accordance with, all applicable statutes of the State of Idaho and any relevant regulations of pertinent administrative agencies as now or hereinafter enacted or amended.

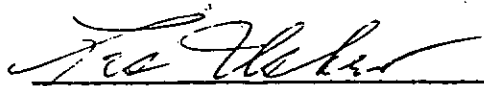
15. The parties hereto nominate, select and appoint LES USHER as Master of the diversion works of the aforementioned ditch at the Point of Diversion. The parties hereto agree that the Association will nominate a member of the Association to act as Assistant Master of said diversion works, provided, however, that the Assistant Master shall have the authority requisite to regulate said diversion works in the absence of the Master.

16. The rights and easements described herein shall run with the land, shall bind on and shall inure to the benefit of the parties, their heirs, personal representatives, successors and assigns.

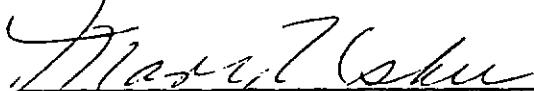
17. A diagram of the ditches and lands appurtenant thereto is attached hereto and made a part hereof for reference.

IN WITNESS WHEREOF, The parties have executed this Agreement at Salmon, Idaho, this day and year first above written.

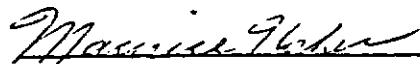
PARTIES OF THE FIRST PART



Les Usher

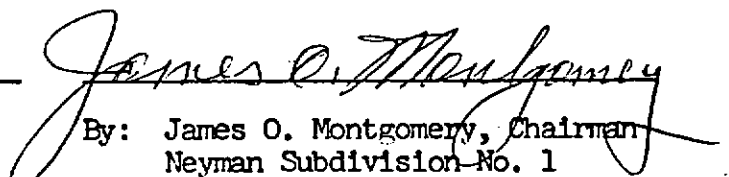


Mary Usher



Maurice Usher

PARTIES OF THE SECOND PART


By: James O. Montgomery, Chairman
Neyman Subdivision-No. 1
Water Users' Association

State of Idaho)
)
County of Lemhi) SS

On this 5 day of ^{October} September, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LES USHER, MARY USHER, and MAURICE USHER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

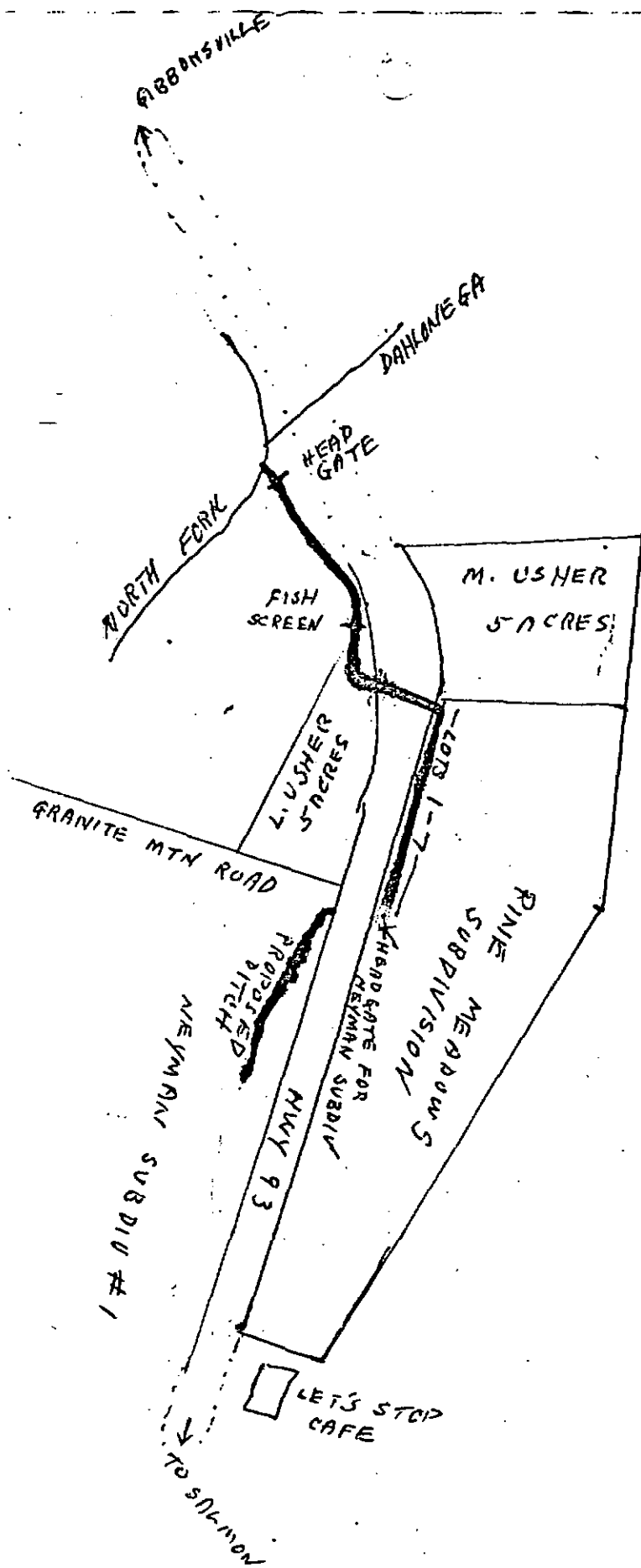
[Signature]
Notary Public for the State of Idaho
Residing at Salmon, Idaho
Commission expires: 10-78

State of Idaho)
)
County of Lemhi) SS

On this 26th day of September, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JAMES O. MONTGOMERY, Chairman of the Water Users' Association of the Neyman Subdivision No. 1, known to me to be the person who is authorized to sign on behalf of said Association, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jordan P. Smith
Notary Public for Idaho
Residing at Salmon, Idaho
Commission expires: 10-80





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

October 17, 1977

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

C. Stephen Allred
Director

RE: Claim to a Water Right No. 75-4039 AMENDED

Neyman Subdivision #1 Water Users Association
C/O Dorothy Kirk
Rt. # 5, Box 122
Idaho Falls, Idaho 83401

Dear Ms. Kirk:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your amended 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 amended 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 amended 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 amended 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:CD

Enclosure

מאת: **מאיר שטרן**

September 22, 1977

RE: Amended Claim to a Water Right No. 75-4039 NEYMAN SUBDIVISION

Application for Permit No. 75-7094 MARTIN

Recorder-Herald
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

RDC:CW

Enc: Legal Notice (2)

Bill submitted 10-11-77 by CW

MICROFILMED

**NOTICE OF AMENDED
CLAIM TO A WATER
RIGHT**

NO. 75-4039

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, Idaho Falls, Idaho have amended claim to a water right No. 75-4039. The claim as originally filed established diversion and application of water to beneficial use of 0.52 c. f. s. from Apr. 15 to Nov. 1 for the irrigation of 26 acres within unsurveyed lots within the Neyman Subdivision with a priority of May, 1910.

The claimants are now claiming 1.04 c. f. s. of water from Dahlenega Creek tributary to North Fork Salmon River to be used from Apr. 1 to Nov. 1 for the irrigation of 26 acres with the point of diversion within the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, B. M., Lemhi County; the place of use is within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, T. 25N, R. 21E, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, with a priority date of 1906.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho, on September 29 and October 6, 1977.

9-29-2tc

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 75-4039

Notice is hereby given that Neyman Subdivision #1 Water Users Association, Idaho Falls, Idaho have amended claim to a water right No. 75-4039. The claim as originally filed established diversion and application of water to beneficial use of 0.52 c.f.s. from Apr. 15 to Nov. 1 for the irrigation of 26 acres within unsurveyed lots within the Neyman Subdivision with a priority of May, 1910.

The claimants are now claiming 1.04 c.f.s. of water from Dahlonga Creek tributary to North Fork Salmon River to be used from Apr. 1 to Nov. 1 for the irrigation of 26 acres with the point of diversion within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, B.M., Lemhi County; the place of use is within the W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 1, T. 25N, R. 21E, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 26N, R. 21E, with a priority date of 1906.

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

C. STEPHEN ALLRED

Director

Published in the Recorder-Herald, Salmon, Idaho, on September 29 and October 6, 1977.

RECORDED
INDEXED
me - J.
me - H.
me - G.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 8, 1976

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

RE: Claim to a Water Right No. 75-4039 Neyman Subdivision #1 Water Users Association

Mr. Donald E. Smith
Gibbonsville,
Idaho 83463

Dear Mr. Smith:

We have received the exception dated February 26, 1976, filed 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

2/23/76

RECEIVED
MAR 1 1976

Ronald D. Carlson
District Engineer

Department of Water Resources
Eastern District Office

Dear Mr. Carlson

Last October I wrote you regarding a ditch on the Neyman Subdivision. In that letter I stated I was against a ditch, but for a few people I have changed my mind.

In 1971 I was buying lot no. 18 in the Neyman Subdivision, South of Gibbonsville on U.S. 93. At that time there was a little water coming down the ditch, but at that time my ditch was the only part that was clean or had had been maintained. Many times the water would barely make it past my property line. Then in peak flow the water might cross Lot No. 17, but it usually subed out from there. Now I have moved down to Lots 2 & 3. Down here I can't tell you about any ditch or water. I can't find any sign of a ditch. If I don't have some water all my trees will die. Thank you very much.

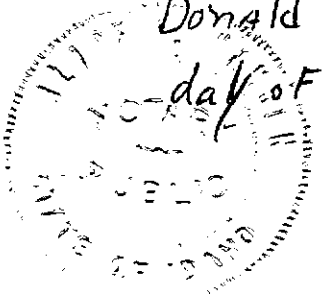
Sincerely Yours,

Donald E. Smith

Witnessed before me Alice K. HANSON.

Donald E Smith appeared this 26th
day of Feb 1976

Alice K. Hanson
Notary Public.





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

March 8, 1976

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

RE: Claim to a Water Right No. 75-4039

Neyman Subdivision #1 Water Users Association
c/o Dorothy Kirk
Rt. #5, Box 122
Idaho Falls, Idaho 83401

Dear Ms. Kirk:

Enclosed please find a copy of the exception filed by Donald E. Smith in connection with your Claim No. 75-4039. 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

Enclosure

cc: IDWR - State Office



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

January 12, 1976

RE: Amended Claim No. 75-4039

Dorothy Kirk
Rt. #3, Box 122
Idaho Falls, Idaho 83401

Dear Mrs. Kirk:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your amended 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 amended 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 amended 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 amended 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 amended 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:ME

Enc: Copy of Claim(amended)

RECEIVED
JAN 15 1976



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

January 9, 1976

RE: Claim to a Water Right No. 75-4039

Sherm Furey
Attorney at Law
New Thrasher Building
Salmon, Idaho 83467

Dear Mr. Furey:

Pursuant to your letter submitted on behalf of Mr. Russell Sheasley, please be advised that the amendment of the claim does not represent the creation of a new file, but rather is a continuation of the original file, and all exceptions and documentary evidence included in that file still remain. Since the amendment only changed the priority date of the claim, objections based on other issues are unaffected.

If your client now has further objection to the priority date claimed, then, of course, it would be appropriate for him to file an additional objection if he wishes that objection to be recorded.

If you have any further questions in this matter, please feel free to contact this office.

Very truly yours,


RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

RECEIVED
JAN 14 1976
WATER RESOURCES
DIVISION

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

P. O. BOX 1127

TELEPHONE
(208) 756-2577

January 6, 1976

RECEIVED

JAN 9 1976

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

Department of Water Resources
Eastern District Office

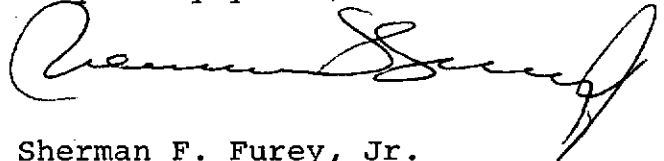
Re: Amended Notice of Claim to Water Right #75-4039
(Neyman Subdivision Number 1 Water Users
Association c/o Dorothy Kirk, Idaho Falls)

Gentlemen:

This refers to Notice of Amended Claim of Water Right which is running in the Recorder-Herald Newspaper at the present time.

This will advise that Mr. Russell Sheasley renews and continues his Affidavit of Exception previously filed in this matter and with respect to the amended claim.

Very truly yours,



Sherman F. Furey, Jr.

SFF:pbw

cc: Mr. Russell W. Sheasley

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

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

R. Keith Higginson
Director

January 12, 1976

RE: Amended Claim No. 75-4039

Dorothy Kirk
Rt. #3, Box 122
Idaho Falls, Idaho 83401

Dear Mrs. Kirk:

Enclosed please find a copy of the exception filed by Les Usher in connection with your amended Claim No. 75-4039. The following is a quote from the provisions of the Idaho Code under which this amended 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

January 9, 1976

RE: Claim to a Water Right No. 75-4039

Mr. Les Usher
Gibbonsville, Idaho 83463

Dear Mr. Usher:

We have received the exception dated January 6, 1976, filed 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 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:ME

December 19, 1975

RE: Claims to a Water Right Nos. 75-4039
7504040

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 1-12-76 by me

RDC:ME

Legal Notices (2)

**NOTICE OF PROPOSED
AMENDING OF CLAIM TO
A WATER RIGHT
NO. 75-4039**

Notice is hereby given that Claim to a Water Right No. 75-4039 in the name of Neyman Subdivision No. 1 Water Users Association was filed claiming the beneficial use of 0.52 c.f. s. of water from Dahlonga Creek tributary to Salmon River. The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres with point of diversion within approximately $45^{\circ} 22' 23''$ N, $113^{\circ} 55' 42''$ W (unsurveyed land); the place of use is within the Neyman Subdivision near Gibbonsville (unsurveyed lots), Lemhi County. The priority claimed is May 1, 1960.

The claimant now proposes to amend Claim No. 75-4039, changing the priority to May, 1910.

Any exception to the proposed amending of the claim may be filed with the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder Herald, Salmon, Idaho, on December 26, 1975 and January 2, 1976.

12-25-2tc

NOTICE OF PROPOSED AMENDING OF CLAIM TO A WATER RIGHT

NO. 75-4039

Notice is hereby given that Claim to a Water Right No. 75-4039 in the name of Neyman Subdivision #1 Water Users Association was filed claiming the beneficial use of 0.52 c.f.s. of water from Dahlonga Creek tributary to Salmon River. The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres with point of diversion within approximately $45^{\circ} 32' 28''$ N, $113^{\circ} 55' 42''$ W (unsurveyed land); the place of use is within the Neyman Subdivision near Gibbonsville (unsurveyed lots), Lemhi County. The priority claimed is May 1, 1960.

The claimant now proposes to amend Claim No. 75-4039, changing the priority to May, 1910.

Any exception to the proposed amending of the claim may be filed with the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Recorder Herald, Salmon, Idaho, on December 26, 1975 and January 2, 1976.

CW-A.

me

RECEIVED

November 6, 1975

NOV 7 1975

Department of Water Resources

RE: Claim to a Water Right No. 75-4039

BDf

Neyman Subdivision #1 Water Users Association
c/o Dorothy Kirk
Rt. #5, Box 122
Idaho Falls, Idaho 83401

Dear Mrs. Kirk:

Enclosed please find a copy of another exception filed against the above referenced claim to a water right.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Enclosure

11/10/75



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

IDAHO FALLS, IDAHO 83401

November 6, 1975

RE: Claim to a Water Right No. 75-4039

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

Dear Mr. Furey:

We have received the exception dated October 29, 1975, filed in behalf of Russell W. Sheasley 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.

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

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

cc: IDWR - State Office

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

TELEPHONE

(208) 756-2577

P. O. BOX 1127

October 29, 1975

RECEIVED

OCT 31 1975

Department of Water Resources
Eastern District Office

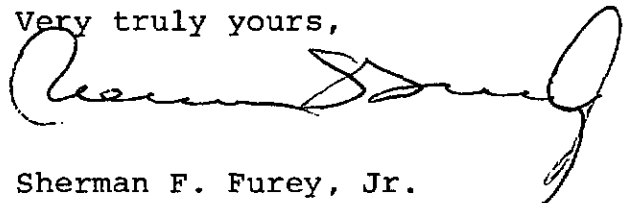
Department of Water Resources
State of Idaho
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Notice of Claim to Water Right No. 75-4039
(Neyman Subdivision No. 1 Water Users Association
c/o Dorothy Kirk, Idaho Falls, Idaho)

Gentlemen:

Enclosed is Affidavit of Exception to claim of water right
of Russell W. Sheasley to be filed with respect to the
above matter.

Very truly yours,



Sherman F. Furey, Jr.

SFF:pbw
enclosure

cc: Mr. Russell W. Sheasley

107-1127-1127

SHERMAN F. FUREY, JR.
Attorney at Law
Box 1127, Salmon, Idaho 83467
Telephone: 756-2577

RECEIVED

OCT 31 1975

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

In the Matter of the Claim)
to a Water Right of)
)
NEYMAN SUBDIVISION NUMBER 1)
WATER USERS ASSOCIATION)
(DOROTHY KIRK))
)
No. 75-4039)

AFFIDAVIT OF EXCEPTION

STATE OF IDAHO)
) ss.
County of Lemhi)

RUSSELL W. SHEASLEY, Being first sworn, deposes and says:

That he hereby excepts to Notice of Claim to a Water Right No. 75-4039 heretofore filed with the Department of Water Resources, State of Idaho, and notice of which was recently published in the Recorder-Herald Newspaper, Salmon, Idaho, and in which Notice of Claim of Water Right, Neyman Subdivision Number 1 Water Users Association, c/o Dorothy Kirk, was named as claimant and for grounds of said Exception states:

1. Said claimant has no ditch right or right of carriage for distribution of water from the point of diversion across intervening privately owned lands to the place of use, and, particularly and specifically, claimant has no ditch right or right of carriage of the irrigation water so claimed or of any water across Lots 14 and 15 of Neyman Subdivision Number 1, which real estate is presently owned and occupied by the said Russell W. Sheasley, no grant or conveyance of such a ditch right across said premises having ever been made by the owners of said premises and no ditch having existed, nor any irrigation or other water having been conveyed over said Lots 14 and 15 since prior to the year 1964, if ever.

2. Neither the amount of water claimed by claimant, nor any water, has been diverted and applied to beneficial use as claimed by claimant.

WHEREFORE This Exception to said claim of water right is taken by the said Affiant, Russell W. Sheasley, and the request is made that this Affidavit of Exception be filed in opposition to said claim.

Russell W. Sheasley
Russell W. Sheasley

SUBSCRIBED AND SWORN TO Before me this 29th day of October, 1975.

Commissioner
Notary Public for Idaho
Residing at Salmon, Idaho

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

October 24, 1975

RE: Claim to a Water Right No. 75-4039

Mr. Les Usher
Gibbonsville,
Idaho 83463

Dear Mr. Usher:

We have received the exception dated October 16, 1975, filed 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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
District Engineer

RDC:CW

October 28, 1975

RE: Claim to a Water Right No. 75-4039

Neyman Subdivision #1 Water Users Association
c/o Dorothy Kirk
Rt. #5, Box 122
Idaho Falls, Idaho 83401

Dear Ms. Kirk:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Section 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
District Engineer

RDC:CW

Enc: Copy of Claim

October 24, 1975

RE: Claim to a Water Right No. 75-4039

Neyman Subdivision #1 Water Users Association
c/o Dorothy Kirk
Rt. #5, Box 122
Idaho Falls, Idaho 83401

Dear Ms. Kirk:

Enclosed please find a copy of the exception filed by Les Usher in connection with your Claim No. 75-4039. 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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
District Engineer

RDC:CW

Enclosure

RECEIVED

OCT 23 1975

Department of Water Resources
Eastern District Office

October 16, 1975

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

Re: Claim to a Water Right
No. 75-4039

Attn: Ronald D. Carlson, Dist. Eng.

Dear Mr. Carlson:

Thank you for returning our exception to the above water right claim, so that it may be notarized. This only requires a trip of 70 miles, to Salmon and back to have this done.

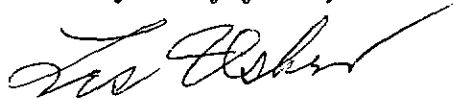
We wish to take exception to this claim of the Water Users Assn., since any water used would of necessity come from our ranch ditch. Our ditch is used in the irrigation of the crops on the ranch, and during the spring and summer ALL the water it will carry is essential to our ranch operations.

The Water Users Assn. is apparently a group of one acre tracts in a subdivision, none of which is used for agriculture or farming. The land is covered with evergreen trees and their only water usage is domestic. This can easily be supplied from their own pumps and wells, which are already in place and in use. Water levels in the wells are not reduced by lack of water flowing in our ditch, as evidenced by Mr. Jannette's measurements.

No priority of May 1, 1960 is factual, since the ditch was unusable for a period of three or four years starting in 1963, due to a washout, and wasn't repaired until after we purchased the ranch in late 1965, and irrigation from the ditch wasn't started until a year or so after that. Our water usage rights date from 1910, the year the ranch was homesteaded.

Since acquiring the ranch and repairing the ditch, we have occasionally permitted small amounts of water to be discharged to an owner, Frank Jannatte, across the road, and then only when it wasn't necessary in our ranching operations. This was strictly by our permission, and only at odd times when we didn't require the water. At the present time, there is not even a serviceable ditch on their side of the highway to handle water.

Very truly yours,



Les Usher,
Gibbonsville, Idaho
83463

Subscribed and sworn to before me this 22nd day of October, 1975.



Milton A. Alvar
Notary Public for the State of Idaho
Residing at Salmon, Idaho



October 21, 1975

RE: Claim to a Water Right No. 75-4039

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

Dear Mr. Furey:

We are returning the exception you filed against the above referenced claim to a water right Neyman Subdivision No. 1 Water Users Association.

It is necessary for all exceptions to be in affidavit form before they are included in the Department's files. Also, if you are going to act in behalf of Mr. Sheasley in this matter, we must have in the file a document granting you power of attorney.

If you have additional questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Enclosure

SHERMAN F. FUREY, JR.

ATTORNEY AT LAW

NEW THRASHER BUILDING

SALMON, IDAHO 83467

P. O. BOX 1127

TELEPHONE

(208) 756-2577

October 17, 1975

RECEIVED

OCT 20 1975

Department of Water Resources
-Eastern Region Office

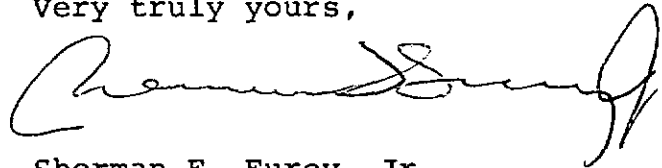
Department of Water Resources
State of Idaho
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Notice of Claim to Water Right No. 75-4039
(Neyman Subdivision No. 1 Water Users Association
c/o Dorothy Kirk, Idaho Falls, Idaho)

Gentlemen:

Enclosed is Exception to claim of water right of Russell W. Sheasley to be filed with respect to the above matter.

Very truly yours,



Sherman F. Furey, Jr.

SFF:pbw
enclosure

cc: Mr. Russell W. Sheasley

10/20/75

October 20, 1975

RE: Claim to a Water Right No. 75-4039

Mr. Les Usher
Gibbonsville,
Idaho 83463

Dear Mr. Usher:

Please find enclosed the exception you submitted against the above referenced claim to a water right. For an exception to be acceptable, it must be signed in the presence of a Notary Public.

If you wish to re-submit your exception in proper form, we will make it part of the Department's official files.

If you have any questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

Enclosure

RECEIVED
OCT 21 1975
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

October 2, 1975

RE: Claim to a Water Right No. 75-4039

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
District Engineer

RDC:ME

Legal Notice (1)

Bill submitted 10-20-75 by MR

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4039**

Notice is hereby given that Neyman Subdivision No. 1 Water Users Association, c/o Dorothy Kirk, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.52 cubic feet per second of water from Dahlonega Creek, tributary to the Salmon River with point of diversion approximately within Sec. 35, T. 26N, R. 21E, B.M., Lemhi County (unsurveyed land).

The water is claimed to be used from Apr. 15 to Nov. 1 for the irrigation of 26 acres within the Neyman Subdivision near Gibbensville with a priority of May 1, 1960; the place of use is within approximately Sec. 35, 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 October 9 and October 16, 1975.

10-9-2tc

NOTICE OF CLAIM TO A WATER RIGHT

NO. 75-4039

Notice is hereby given that Neyman Subdivision #1 Water Users Association,
c/o Dorothy Kirk, Idaho Falls, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.52 cubic feet per second ~~and one foot per second~~
of water from Dahlonga Creek, tributary to the Salmon River
with point of diversion ~~in the~~ Approximately within Sec. 35, T. 26N, R. 21E,
B.M., Lemhi County (unsurveyed land)

The water is claimed to be used from Apr. 15 to Nov. 1 for the
irrigation of 26 acres within the Neyman Subdivision near Gibbonsville
with a priority of May 1, 1960;
the place of use is within approximately Sec. 35, 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 October 9 and October 16, 1975.

FILED

CW-R.
CW-A.
CW-A.

RECEIVED
SEP 11 1975

Department of Water Resources
Eastern District Office

September 9, 1975

Re: Water Use from Dohlonega Creek for Neyman Subdivision No. 1, Gibbonsville

C
O
P
Y
John and Dorothy Kirk
Route 5, Box 122
Idaho Falls, ID 83401

Dear Mr. & Mrs. Kirk:

This office acknowledges receipt of your letter dated August 31, 1975 in which you sent a signed ditch maintenance proposal. I assume you are forming or have formed a "Water Users' Association of Lateral or Laterals" as provided in Section 42-1301 of the Idaho Code. (Enclosed is a copy of Section 42-1301, Idaho Code.) If so, the proposal you sent should be retained for your files; I am returning it to you.

To make a recording of the apparent use right from Dohlonega, you may complete the "Claim to a Water Right" form; two copies of which are enclosed. The completed claim should be filed with our Eastern District Office located at 1515 Lincoln Road, Idaho Falls (phone 523-7186). That office will assist you in the completion of the claim if you desire.

Sincerely,

L. GLEN SAXTON
Water Resources Analyst

LGS:rb

Enc.

cc: Eastern District Office

August 31, 1975

RECEIVED

SEP 8 1975

Department of Water Resources

State of Idaho
Dept. of Water Resources
Statehouse, Boise, Idaho

Re- Neyman Subdivision No. 1
Gibbonsville, Idaho
H.E.S. No. 54
Appx. Sec. 35, T. 26N., BM
(Unsurveyed)
Lemhi County, Idaho

Re- Water Use from Dahlonge Creek (Letter 8-1-75)
from L. Glen Saxton- Water Resource Analyst.

Dear Sir:

In the interest of maintaining the water use right to Dahlonge Creek water and the ditch rights pertaining to the delivery system- which use was developed prior to the present recording practice.

THEREFORE: The property owners have associated to implement the aforesaid and will be known as the "Neyman Subdivision # 1 Water Users".

THAT, WHEREAS: The parties herein signed are owners of the subject properties.
TO WIT: The formal recording of the right to use Dahlonge Creek Water, together with all ditches, ditch rights and all rights appertaining thereto, or used in connection herewith.

Sincerely,

John P. Kark
Frank Fannette
Terry Sheric

Enclosure:

Owners, signed ditch maintainance proposal- Dated Sept. 1, 1972