

RECEIVED

SEP 10 1973

Department of Water Administration  
Eastern District Office

**NOTICE OF CLAIM TO A WATER RIGHT**  
NO. 75-4032

Notice is hereby given that Martin R. Capps Box 694, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second of water from Upper Lake Creek tributary to Salmon River with point of diversion in Lot 6, Sec. 6, T. 19N, R. 21E, B. M. Lemhi County.

The water is claimed to be used from April 15 to Oct. 1 for the irrigation of 70 acres with a priority of April 15, 1911; the place of use is within the N $\frac{1}{4}$ -NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5; SE $\frac{1}{4}$ -NE $\frac{1}{4}$ , Sec. 6, T. 19N, R. 21E, B. M.

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

R. KEITH HIGGINSON  
Director

Published in The Recorder-Herald, Salmon, Idaho on August 30 and September 6, 1973.  
8-30-2tc

# Affidavit of Publication

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 of Claim to Water Right #75-4032

\_\_\_\_\_ 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 Aug. 30, 1973 and ending with the issue dated Sept. 6, 1973

*Jerry G. Rosin*  
sixth

Subscribed and sworn to before me, this

day of August, 1973

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

Publication Fee \$ 12.58

75-4032

Identification No. 75 4032

Claim No. \_\_\_\_\_

Map No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

**CLAIM TO A WATER RIGHT**

**Established by Diversion and Application to Beneficial Use**

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant MARTIN R. CAPPS  
post office address Box 694, Salmon, Idaho 83467
2. The point of diversion is in Lot 6 1/4 of 1/4 Section 6 Township 19 N  
Range 21 E B.M. located on Upper Lake Creek  
(name of source)  
tributary to Salmon River in Lemhi County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
  - a. Date of priority claimed:  
APRIL 15, 1911 amount: 2.4 c.f.s. or 120 M.I. ~~acre~~ feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
amount: \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet  
Total claimed \_\_\_\_\_ c.f.s. or \_\_\_\_\_ acre feet.
  - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:  
use Irrigation period of use from April 15 to October 1 (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
use \_\_\_\_\_ period of use from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive).
4. Description of diverting works:
  - a. Surface water diversion dam and/or headgate: material is composed of dirt & rock  
\_\_\_\_\_ ; length is 15 ft feet; height is 5 ft feet;  
width at bottom is 3 ft feet; width at top is \_\_\_\_\_ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known \_\_\_\_\_  
Bulldozer in 1957 and 1971 enlarged and widened bank
  - b. Underground water diverting works: is well flowing or pumped \_\_\_\_\_ ; depth of well is \_\_\_\_\_ feet; diameter of well is \_\_\_\_\_ inches; type of pump is \_\_\_\_\_  
capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is \_\_\_\_\_

75-4032

attach well logs if available; has there been any change in pump or motor since well was first completed \_\_\_\_\_; if so, give dates and explain \_\_\_\_\_

- c. Conveying works: length of ditch to place of use is 5260 feet; width of ditch at top is 5 feet; width of bottom of ditch is 3 feet; depth of water is 1 feet; grade of ditch per 1000 feet is 8 feet; material through which ditch passes is dirt and rocks; maximum length of pipe line to first place of use is \_\_\_\_\_ feet; diameter of pipe line is \_\_\_\_\_ inches; type of pipe \_\_\_\_\_; grade of pipe per 1000 feet is \_\_\_\_\_.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible \_\_\_\_\_

- d. If water is stored: name of reservoir \_\_\_\_\_; total capacity of reservoir is \_\_\_\_\_ acre feet; active capacity of reservoir is \_\_\_\_\_ acre feet; year construction commenced \_\_\_\_\_; year completed \_\_\_\_\_; date first used \_\_\_\_\_; period of storage is from \_\_\_\_\_ to \_\_\_\_\_; is reservoir drained each year \_\_\_\_\_; is reservoir on or off stream \_\_\_\_\_ explain \_\_\_\_\_

if feeder canal is used give maximum carrying capacity \_\_\_\_\_ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions \_\_\_\_\_

has there been any enlargement of the reservoir since it was first built \_\_\_\_\_, if so, give dates and describe \_\_\_\_\_

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

| 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 |        |
| 19 N | 21 E  | 5    |        |        |        |        | 20     | 30     | 10     |        |        |        |        |        |        |        |        |        | 60     |
| 19 N | 21 E  | 6    |        |        |        | 10     |        |        |        |        |        |        |        |        |        |        |        |        | 10     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 70

Explain any significant increase in area irrigated since first use, give dates and acreages if known \_\_\_\_\_  
Expanded 5 or 6 acres

b. Do you get water through a ditch owned by several users? Private If yes, give the name of the ditch  
\_\_\_\_\_. The other users and their respective  
interests in the ditch are (if known) \_\_\_\_\_

6. Where water is used for stock watering, give number of each kind of stock watered \_\_\_\_\_

7. Where water is used for domestic or municipal purposes give number of families served \_\_\_\_\_  
name of town supplied \_\_\_\_\_

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,  
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,  
giving dates and quantities \_\_\_\_\_

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation  
Water has been used continuously for irrigation.

State of Idaho

County of Lemhi } 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 22 day of August, 1973

X Martin R. Bopp  
Claimant

Blair H. Archibald  
Notary Public

Residing at Blackfoot, Idaho

My commission expires Aug 6, 1976

|                                                                   |  |                           |  |                                 |  |            |
|-------------------------------------------------------------------|--|---------------------------|--|---------------------------------|--|------------|
| Received by <u>mt</u> Date <u>8-20-73</u>                         |  | Exception filed by: _____ |  | Forwarded to claimant by: _____ |  | Date _____ |
| Prelim. check by <u>NEY</u> Date <u>8/23/73</u> # <u>10317</u>    |  | _____                     |  | _____                           |  | _____      |
| Fee received by <u>mt</u> Date <u>8-23-73</u> Fee \$ <u>10.00</u> |  | _____                     |  | _____                           |  | _____      |
| Approved for publication by <u>CW- 8/24/73</u>                    |  | _____                     |  | _____                           |  | _____      |
| Published in <u>Lemhi Herald</u> Dates <u>8-30-9-6-73</u>         |  | _____                     |  | _____                           |  | _____      |

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |                |                      |                             |
|---------------------------|---------------------|----------------|----------------------|-----------------------------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount:        | <u>0.8 c.f.s. or</u> | <u>          </u> acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4 c.f.s. or</u> | <u>          </u> acre feet |
|                           |                     | Total claimed: | <u>1.2 c.f.s. or</u> | <u>          </u> acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive); If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF:

MARTIN R. CAPPS

State of Idaho

County of Lemhi

RECEIVED

AUG 20 1973

Department of Water Administration  
Eastern District Office

RECEIVED

JUL 25 1973

Department of Water Administration  
Eastern District Office

LYSLE MULKEY

being first duly sworn,

deposes and says: That I am a citizen of the United States and over the age of 21 years  
and have been a resident of Lemhi County for 63 years. I have been acquainted  
with the Martin Capps farm and know for a fact that he has used water for irrigation  
purposes from Upper Lake Creek and the Salmon River continuously for the past 30  
years or more.

Lysle Mulkey  
(signature)

Subscribed and sworn to before me this 9 day of July 1973.

Blair H. McCheseld  
(notary public)

Residing at Blackfoot, Idaho  
My commission expires 8-6-76

75-4032

IN THE MATTER OF:

MARTIN R. CAPPS

State of Idaho

County of Lemhi

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RECEIVED

AUG 20 1973

Department of Water Administration  
Eastern District Office

JUL 25 1973

Department of Water Administration  
Eastern District Office

HUGH M. COINER

being first duly sworn,

deposes and says: That I am a citizen of the United States and over the age of 21

years and have been a resident of Lemhi County for 60 years. I have been

acquainted with the Martin Capps farm and know for a fact that he has used water

for irrigation purposes from Upper Lake Creek and the Salmon River continuously

for the past 30 years or more.

Hugh M. Coiner  
(signature)

Subscribed and sworn to before me this 9<sup>TH</sup> day of July 19 73.

Blair H. Archibald  
(notary public)

Residing at

Blackfoot, Idaho

My commission expires

Aug 6, 1976

75-4032

IN THE MATTER OF:

Martin R. Capps

State of Idaho

County of Lemhi

RECEIVED AFFIDAVIT RECEIVED

AUG 20 1973

JUL 25 1973

Department of Water Administration  
Eastern District Office

Department of Water Administration  
Eastern District Office

ERIN G. ROBIE

being first duly sworn,

deposes and says: I am a citizen of the United States and over the age of 21 years

and have been a resident of Lemhi County for 8 YEARS. I have been acquainted

with the Martin Capps farm and know for a fact that he has used water for irrigation purposes from Upper Lake Creek and the Salmon River continuously for the past 8

years or more.

Erin Robie  
(signature)

Subscribed and sworn to before me this 9 day of July 1973.

Blair H. Archibald  
(notary public)

Residing at Blackfoot, Idaho

My commission expires Aug 6, 1976

75-4032

RECEIVED

SEP 10 1973

Department of Water Administration  
Eastern District Office

**NOTICE OF CLAIM TO A WATER RIGHT**  
NO. 75-4032

Notice is hereby given that Martin R. Capps, Box 694, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second of water from Upper Lake Creek tributary to Salmon River with point of diversion in Lot 6, Sec. 6, T. 19N, R. 21E, B. M. Lemhi County.

The water is claimed to be used from April 15 to Oct. 1 for the irrigation of 70 acres with a priority of April 15, 1911; the place of use is within the N $\frac{1}{4}$ -NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5; SE $\frac{1}{4}$ -NE $\frac{1}{4}$ , Sec. 6, T. 19N, R. 21E, B. M.

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

R. KEITH HIGGINSON  
Director

Published in The Recorder-Herald, Salmon, Idaho on August 30 and September 6, 1973.  
8-30-2tc

# Affidavit of Publication

STATE OF IDAHO }  
County of Lemhi } ss.

JERRY G. ROSIN

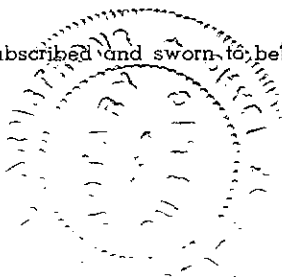
\_\_\_\_\_, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Claim to Water Right #75-4032

\_\_\_\_\_ 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 Aug. 30, 1973 and ending with the issue dated Sept. 6, 1973

*Jerry G. Rosin*  
sixth

Subscribed and sworn to before me, this \_\_\_\_\_ day of August, 1973



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

Publication Fee \$ 12.58

75-4032

02/23/81

WATER RIGHTS DATA REPORT

WATER RIGHT NUMBER 75-4032

ACT

ION

X DIVERSION POINT - 06 19W 21E LOT 06

L DIVERSION POINT - NWSW 06 19W 21E LOT 06

ACT  
IONN OWNER LAST NAME - CAPPS  
N ADDRESS LINE 1 - P.O. BOX 694

FIRST NAME - MARTIN R.

N  
N SOURCE - UPPER LAKE CREEKCITY - SALMON  
TRIBUTARY OF - SALMON RIVER

STATE - ID ZIP CODE - 83467

N STAGE - STATRY CLM

PRIORITY - 04-15-1911 COUNTY - LEMHI TOTAL DIV. RATE - 2.4000CFS

N DIVERSION POINT - 06 19N 21E LOT 06

N FROM - 04-15 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - 2.4000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 21E SEC 05 TRACT NENW AC 20 TRACT NWNW AC 30

N

TRACT SWNW AC 10

N USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 21E SEC 06 TRACT SENE AC 10

IDENT. NO. 75-4032

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]

## WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 175-4032  
Old No. New No.

## Record

1. Original Owner: Martin R. Capps

Present Owner: \_\_\_\_\_

2. Address: P.O. Box 6943. City: Salmon State: Id Zip: 834674. A. Source of Water: Lake Creek, UpperB. Tributary of: Salmon River5. 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: 4-15-1911D. County: 59E. Total Diversion Rate: 2.4

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>6</u> | <u>19N</u> | <u>21E</u> | <u>6</u>  |        |
|                          |       |          |            |            |           |        |
|                          |       |          |            |            |           |        |
|                          |       |          |            |            |           |        |
|                          |       |          |            |            |           |        |

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

from 4-15 to 10-1 for A purposes. Amount 2.4  
(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*

| TWP.       | RANGE      | SEC.     | NE¼ |     |     |           | NW¼       |           |           |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------------|------------|----------|-----|-----|-----|-----------|-----------|-----------|-----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|            |            |          | NE¼ | NW¼ | SW¼ | SE¼       | NE¼       | NW¼       | SW¼       | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| <i>19N</i> | <i>21E</i> | <i>5</i> |     |     |     |           | <i>20</i> | <i>30</i> | <i>10</i> |     |     |     |     |     |     |     |     |     |        |
|            |            | <i>6</i> |     |     |     | <i>10</i> |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |
|            |            |          |     |     |     |           |           |           |           |     |     |     |     |     |     |     |     |     |        |

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:  
B. Date Permit Approved or Denied:  
C. Protested Date:  
D. Hearing Date:  
E. Old Number:  
F. Proof Made (P or blank):  
G. Field Exam Made (P,R,F or blank):  
H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

September 17, 1973

Re: Claim to a Water Right No. 75-4032 & 75-4033

Mr. Martin R. Capps  
Box 694  
Salmon, Idaho 83467

Dear Mr. Capps:

The Department of Water Administration has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you water rights; they only record and preserve the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

Enc: Copies of Claims

75-4032

1515 Lincoln Road

August 24, 1973

Re: Claim to a water right No. 75-4032 Martin R. Capps  
No. 75-4033 " " "

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 ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(signature of claimant)

Very truly yours,

NORMAN C. YOUNG  
District Engineer

Bill submitted 9-10-73 by mb

NCY:mb  
Enc: Legal Notices (2)

75-4032

75-4032  
NOTICE OF CLAIM TO A WATER RIGHT  
NO. 75-4032

Notice is hereby given that Martin R. Capps Box 694, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.4 cubic feet per second of water from Upper Lake Creek tributary to Salmon River with point of diversion in Lot 6, Sec. 6, T. 19N, R. 21E, B. M. Lemhi County.

The water is claimed to be used from April 15 to Oct. 1 for the irrigation of 70 acres with a priority of April 15, 1911; the place of use is within the N $\frac{1}{2}$ -NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5; SE $\frac{1}{4}$ -NE $\frac{1}{4}$ , Sec. 6, T. 19N, R. 21E, B. M.

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

R. KEITH HIGGINSON  
Director

Published in The Recorder-Herald, Salmon, Idaho on August 30 and September 6, 1973.

8-30-2tc

NOTICE OF CLAIM TO A WATER RIGHT

NO. 75-4032

Notice is hereby given that Martin R. Capps

Box 694, Salmon, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 2.4 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Upper Lake Creek tributary to Salmon River

with point of diversion in ~~the~~ Lot 6, Sec. 6, T. 19N, R. 21E, B.M.

Lemhi County.

The water is claimed to be used from April 15 to Oct. 1 for the irrigation  
of 70 acres

with a priority of April 15, 1911;

the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5; SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 6, T. 19N,  
R. 21E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho

on August 30 and September 6, 1973.

75-4032

*Cal. L. 11-13*  
*W. H.*

August 23, 1973

Re: Claim to a Water Right No. 75-4032. Martin R. Capps

Mr. Harry B. Gambles  
Federal Land Bank Assoc. of Blackfoot  
P. O. Box 72, 188 West Judicial  
Blackfoot, Idaho 83221

Dear Mr. Gambles:

Attached herewith is departmental receipt No. 10317 in the amount of \$10.00 for the above referenced claim which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb  
cc: Martin R. Capps  
Attachment

75 - 4032

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
EASTERN DISTRICT OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

240 South Holmes Avenue  
Idaho Falls, Idaho 83401  
(208) 523-7186

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

August 20, 1973

Re: Claims to a water right - Martin R. Capps

Mr. Harry B. Gambles  
Federal Land Bank Association of Blackfoot  
P. O. Box 72, 188 West Judicial  
Blackfoot, Idaho 83221

Dear Harry:

I again find it necessary to return these claims to you, as they are not in the required form for receipting. Mr. Capps' signature must be notarized on each claim. Please have this item completed and return to this office for processing.

I would also appreciate having the priority dates claimed in Items 3a listed to the nearest month. If no other information is available, it would probably be appropriate to list the beginning month of the irrigation season for the area.

Thank you for your assistance and cooperation in this matter.

Very truly yours,,

*Norm*

NORMAN C. YOUNG  
District Engineer

NCY:mb

Enclosures: Two Checks  
Two Claims

8-22-73

*Dear Norm*  
*Thanks for drawing the above omissions to our*  
*attention. Sorry for the inconvenience. Hope everything*  
*is now in order*

*Blair H. Archibald* 75-4032

August 20, 1973

Re: Claims to a water right - Martin R. Capps

Mr. Harry B. Gambles  
Federal Land Bank Association of Blackfoot  
P. O. Box 72, 188 West Judicial  
Blackfoot, Idaho 83221

Dear Harry:

I again find it necessary to return these claims to you, as they are not in the required form for receipting. Mr. Capps signature must be notarized on each claim. Please have this item completed and return to this office for processing.

I would also appreciate having the priority dates claimed in Items 3a listed to the nearest month. If no other information is available, it would probably be appropriate to list the beginning month of the irrigation season for the area.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

Enclosures: Two Checks  
Two Claims

75-4032

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 188 WEST JUDICIAL

BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820



RECEIVED

BLAIR W. ARCHIBALD, MANAGER

AUG 20 1973  
*mb*

August 17, 1973

Department of Water Administration  
Eastern District Office

Norman C. Young, District Engineer  
Department of Water Administration  
240 South Holmes Avenue  
Idaho Falls, Idaho 83401

Re: 151991-2 Martin R. Capps - Claim to a Water Right

Dear Mr. Young:

We are enclosing herewith the two Claims to Water Right with supporting Affidavits and two checks each for \$10.00. Will you please have these instruments recorded with the State Department and notify us that they have been recorded. Thank you.

Yours very truly,

  
Harry B. Gambles  
Assistant Manager

HBG:jm

Enclosures



75-4032

July 25, 1973

Re: Claim to a Water Right - Martin R. Capps

Mr. Blair W. Archibald  
Federal Land Bank Assoc.  
P. O. Box 72  
188 West Judicial  
Blackfoot, Idaho 83221

Dear Mr. Archibald:

We are returning the above referenced claim that you filed on behalf of Martin R. Capps, the three affidavits and your check No. 28-8 in the amount of \$10.00. This claim appears to cover two separate rights and, therefore, each should be filed separately. Because of our record keeping procedures, the Department cannot accept a claim which covers more than one source of water. Please have Mr. Capps reexecute the claims to a water right and return to this office for processing.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG  
District Engineer

NCY:mb

Enc: Three Affidavits  
Check No. 28-8  
Claim to a Water Right

75-4032

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 188 WEST JUDICIAL BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820



BLAIR W. ARCHIBALD, MANAGER

RECEIVED

July 6, 1973

JUL 25 1973

Department of Water Administration  
Eastern District Office

Mr. Norman Young  
Department of Water Administration  
Eastern District Office  
240 South Holmes Avenue  
Idaho Falls, Idaho 83401

Re: 151991-2 Martin R. Capps

Dear Mr. Young:

Enclosed please find a CLAIM TO WATER RIGHT from Martin R. Capps together with our check for \$10.00 to pay the filing fee.

Thank you.

Yours truly,

*Blair W. Archibald*  
Blair W. Archibald  
Manager

BWA:jm

Enclosures

P.S. Also attached are three Affidavits regarding this claim



75-4032