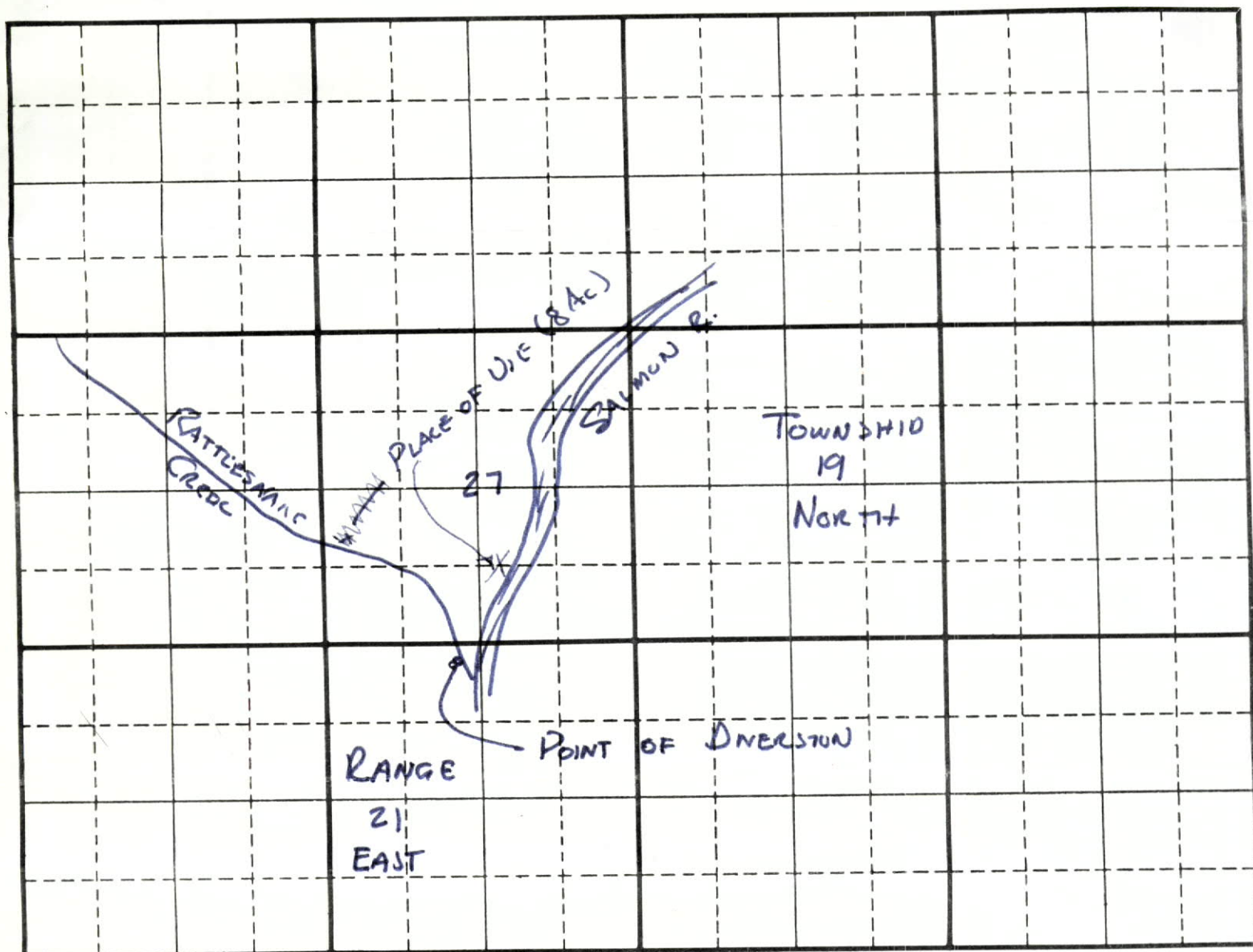


(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
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 affiant's knowledge.

Sworn to before me this 12 day of August, 1981.

William H. Bishop
(Claimant)
W. J. Jewell
Notary Public
Residing at Salmon, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by KW Date 8/14/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SM Date 8-18-81
\$10.00 fee received by N.A. Date Ck. returned
Published in The Recorder Herald
Dates 8-27 E. 9-3-81

WARRANTY DEED

For Value Received, I, CHARMAINE ROBERTS, a single woman,

the grantor, does hereby grant, bargain, sell and convey unto WILLIAM H. BISHOP and LUCILLE M. BISHOP, as joint tenants with right of survivorship,

the grantees, the following described premises, to-wit:

A fraction of Lot 7, Section 27, T. 19 N., R. 21 E., Boise Meridian, more particularly described as follows, to-wit:

Commencing at the Southerly $\frac{1}{4}$ corner of said Section 27, run thence N. 0 deg. 02' W. 1320.0 feet to a point on the Northerly boundary of Lot 7; thence S. 89 deg. 48' E. along the Northerly boundary of Lot 7 a distance of 482.5 feet to the point of beginning; and the Northwesterly corner of the tract of land herein described; thence S. 23 deg. 32' W. 508.7 feet, thence S. 84 deg. 39' E. 168.9 feet to a point on the Westerly bank of the Salmon River, thence Northerly along the Westerly bank of the Salmon River 587.4 feet, more or less, to a point on the Northerly boundary of Lot 7; thence N. 89 deg. 48' W. along the Northerly boundary of Lot 7 a distance of 302.2 feet, more or less, to the point of beginning. Containing 2.71 acres.

Together with any and all BLM grazing rights, water and water rights, ditch and ditch rights, appurtenant thereto, and any and all improvements located thereon, including, but not limited to, the frame dwelling house, root cellar and shed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee S, that She the owner in fee simple of said premises; that said premises are free from all incumbrances

and that She will warrant and defend the same from all lawful claims whatsoever.
Dated: March 21, 1973.

STATE OF IDAHO, COUNTY OF LEMHI
On this 21st day of March 1973.
before me, a notary public in and for said State, personally appeared CHARMAINE ROBERTS, a single woman,

who se name is
she
acknowledged to be the person who subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public
Salmon, Idaho

Residing at:
STATE OF IDAHO
Expires 7/21/75

STATE OF IDAHO, COUNTY OF LEMHI
I hereby certify that this instrument was filed for record at the request of Lemhi Title & Abstract Co.

at 29 minutes past 3 o'clock P.M.
this 6th day of April 1973, in my office, and duly recorded in Book File
of Deeds 20323

Eleanor Aldous
Ex-Officio Recorder

By Dorothy M. Frederick Deputy.
Fees \$ 1.00 Paid
Mail to:

INSTRUMENT No. 123338

SEC
27

SEC
27

SEC
27

SEC
27

RATTLESNYKE
CREEK

LOT

7

Southerly 1/4 Cor.

482.5'

302'

508.7'

168'

587.4'

SALMON RIVER



NOTICE OF AMENDED
CLAIM TO A WATER
RIGHT
NO. 75-4024

Notice is hereby given that Claim to a Water Right No. 75-4024 in the name of the original owner, Charmaine Roberts, Salmon, Idaho, was filed with a priority date of June 25, 1923 for the diversion and application to beneficial use of .6 cfs of water from Rattlesnake Creek, tributary to the Salmon River, with the point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 34, Twp. 19N, Rge 21E B.M., Lemhi County; the water is claimed to be used from May 1 to September 1 for irrigation of fifteen acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 19N, Rge. 21E and from January 1 to December 31 for stockwater.

The present claimant, William H. Bishop, Star Route, Salmon, Idaho, now proposes to amend Claim No. 75-4024, amending the use of irrigation water from April 15 to October 15; the use of stockwater from January 1 to December 31; and the irrigation of eight acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27, Twp. 19N, Rge 21E.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published in The Recorder-Herald 8/27 and 9/3/1981.

8-27-2tc

RECEIVED

SEP 11 1981

Affidavit of Publication

Declaratory Office
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 of Amended Claim to Water Right No. 75-4024

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. 27, 1981 and ending with the issue dated Sept. 3, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this third day of September, 1981

Verle Armstrong

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

Publication Fee \$ 25.20

Please send me some
forms,

RECEIVED

FEB 12 1973

Department of Water Administration
Eastern District Office

Charles
Harrison
Post
Salmon, Idaho
83467

MICROFILMED

75-4024

RECEIVED

DEC 4 1972

Department of Water Administration
Eastern District Office

Dear Sir,

As I have been using this water for 31 years and I am the only one who will be using it, is it alright if I do some work on the reservoir. I would like to start right away. Please let me know your opinion on the matter right away. Do you have representatives in Lemhi County?

Sincerely

W. L. Roberts

Box 1006

Salmon, Idaho 83457

MICROFILMED

75-4024

**NOTICE OF CLAIM TO A WATER RIGHT
NO. 75-4024**

Notice is hereby given that Charmaine Roberts, Star Route, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from Rattlesnake Creek, tributary to the Salmon River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 19N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes and from May 1 to Sept 1 for irrigation of 15 acres with a priority of June 25, 1923; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 19N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on February 22 and March 1, 1973.

2-22-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

MAR 5 1973

JERRY G. ROSIN

Department of Water Administration
Eastern District Office

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 a Water Right #75-4024

..... 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 Feb. 22, 1973 and ending with the issue dated March 1, 1973.

Jerry G. Rosin
first

Subscribed and sworn to before me, this

day of March, 1973

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

Publication Fee \$ 12.21

MICROFILMED

75-4024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED

CLAIM TO A WATER RIGHT

AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that WILLIAM H. BISHOP
(Name of Claimant)
STAR ROUTE BOX 33 SALMON, IDAHO 83467 Telephone No. _____
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 25, 1923

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Rattlesnake Creek tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.6</u> cfs	Use <u>Irrigation</u>	Period of Use From <u>4/15</u>	To <u>10/15</u>		
Quantity <u>.02</u> cfs	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity <u>.6</u> cfs	Use _____	Period of Use From _____	To _____		

(4) .6 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NEW 1/4, Sec. 34 Twp. 19N Rge. 21E B.M., County of Lemhi

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Headgate and ditch to flood irrigation

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

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
19N	21E	27														6	2		8
																(lot 7)			

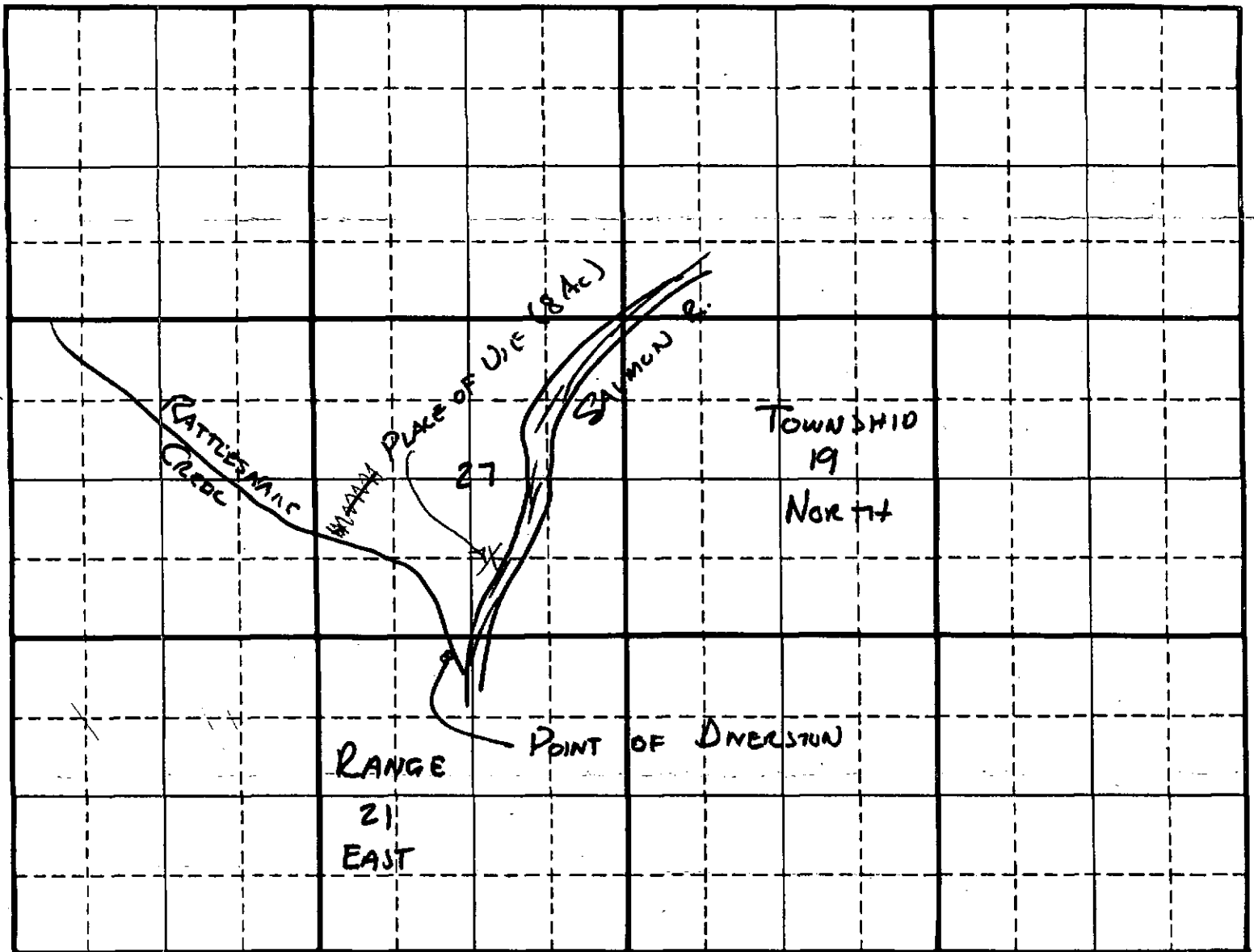
No. of acres 8

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

NOTE: Include here the type and number of stock watered: 3 head horses

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

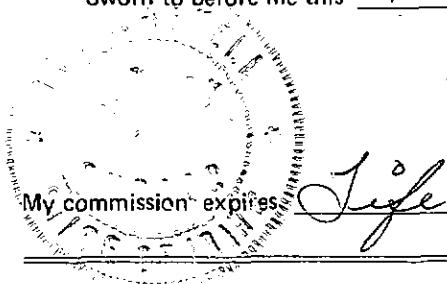
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
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 affiant's knowledge.

Sworn to before me this 12 day of August 1981
William H. Bishop (Claimant)

D. J. Jewell
Notary Public
Residing at Salmon, Idaho



FOR DEPARTMENT USE ONLY

Received by KW Date 8/14/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SM Date 8-18-81 claimant by: _____
\$0.00 fee received by N.A. Date Ch. returned
Published in The Recorder Herald
Dates 8-27 & 9-3-81

WARRANTY DESK

For Value Received, I, GUERREIRO RODRIGUES, A. CARLOS, JUNIOR,

the mother, JESSIE L. BISHOP, nee [redacted] and LUCILLE M. BISHOP, nee [redacted]

the plants. The following table shows the results of the tests.

A fraction of lot 7, Section 37, T. 36 N., R. 10 E., S. 1 E., Union Meridian, near Mertins, City of Dallas, Texas.

Commencing at the Northwest corner of said Section 27, thence N. 3 deg. 42' E. 332.2 feet to the Northerly boundary of lot 7; thence S. 1 deg. 42' E. along the Northerly boundary of lot 7 a distance of 302.2 feet to the point of beginning and the Northeasterly corner of the above described Section 27; thence S. 29 deg. 32' W. 344.0 feet, thence S. 1 deg. 42' E. 332.2 feet to a point on the Western bank of the Snake River, thence Northerly along the Western bank of the Snake River 332.2 feet, more or less, to a point on the Northerly boundary of lot 7; thence N. 89 deg. 42' W. along the Northerly boundary of lot 7 a distance of 302.2 feet, more or less, to the point of beginning. Containing 2.71 acres.

[illegible][illegible]

and that she will contact and inform the Bureau of the findings and report.
 Dated: March 21, 1975.

STATE OF TEXAS, COUNTY OF DALLAS
On this 21st day of March 1932
Before me, a notary public in and for the State of Texas,
appeared **CHARMAINE REGANETS**, a single
woman,

Reading at
STATEC-108

Not a Feb.
Salmon, Mar.

1.29 254

WINTER, 1964

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

ID044
03/03/81

STATE: IDAHO
OFFICE: SALMON
GRAZING RECORD NO.: 4001
PREFERENCE: SECTION 3 PERMIT

FORM APPROVED
OMB NO. 42-R1742

RA: 48

GRAZING PREFERENCE STATEMENT

BISHOP, WILLIAM H.
STAR RT.
SALMON ID 83467

BUR OF LAND MANAGEMENT
SALMON DISTRICT
PO BOX 430
SALMON ID 83467

This statement describes your basic grazing schedule(s) and summarizes your recognized grazing preference by allotment as included in your grazing permit or lease. If you intend to follow the grazing schedule(s) as set out below during the next grazing year, no further action is required. You will be billed accordingly about 14 days in advance of the earliest begin grazing date for each numbered grazing schedule. If you desire to change the grazing schedule(s) set out below for the next grazing year, you may apply in the vacant space below or on another form. Application(s) for change in the schedule(s) should be filed 30 days prior to the earliest begin date in the schedule(s). Sign and return applications for change to the BLM address shown above.

[illegible]

Show your recorded brands, earmarks, and wattles.

Show reason for nonuse, if requested: ☐ conservation and protection of the public lands; ☐ annual fluctuation of livestock operations; ☐ financial or other reasons beyond control of the operator; or ☐ livestock disease or quarantine.

Signature of Permittee/Lessee

Date _____

Title 18, U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(See terms and conditions on the reverse hereof)

PERMITTEE / LESSEE COPY

TERMS AND CONDITIONS

(See 43 CFR Part 4100)

Applications for change in grazing use on the public lands and/or other lands administered by the Bureau of Land Management must be filed with the authorized officer having jurisdiction over the lands involved.

All livestock grazing on the public lands and/or other lands administered by the Bureau of Land Management within the areas specified in a grazing permit or lease must be in accordance with all the rules and regulations, now or hereafter approved by the Secretary of the Interior, governing these lands.

The terms and conditions of a grazing permit or lease and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations as approved by the Secretary of the Interior.

All grazing fees are due the United States upon issuance of the billing notice and must be paid in full prior to the first grazing period indicated on the billing notice, except as otherwise provided in the terms and conditions of a grazing permit or lease.

A grazing permit or lease is subject to the provisions of Executive Order 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.

It is further understood and agreed that no Member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory Committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 and 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a grazing permit or lease, or to derive any benefit to arise therefrom; and the provisions of Section 3741 Revised Statutes (41 U.S.C. 22; 18 U.S.C. Sections 431-433, and 43 CFR, Part 7), enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

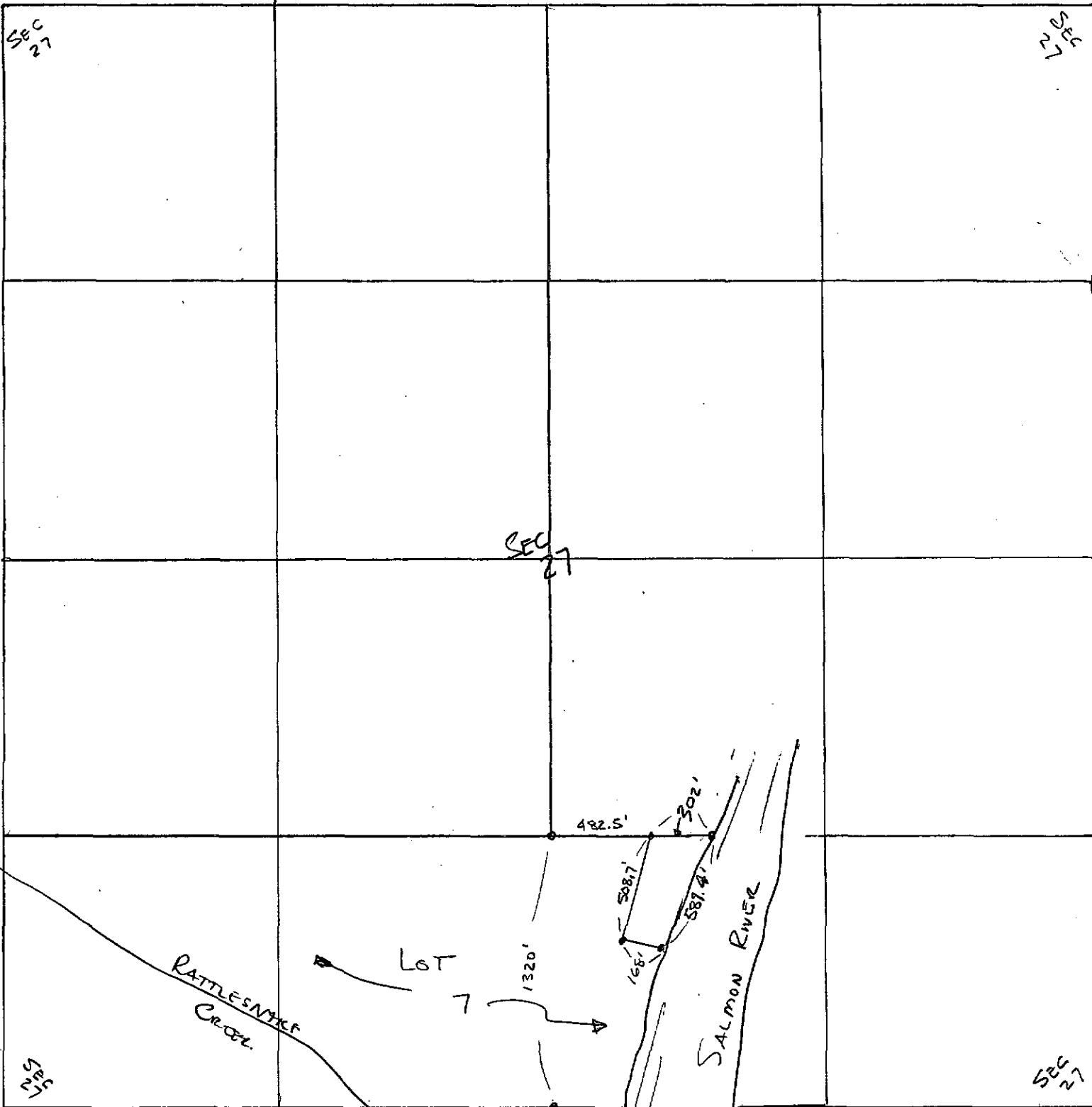
AUTHORITY: Taylor Grazing Act, 43 U.S.C. 315; Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701; and Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901.

PRINCIPAL PURPOSE: The information is to be used to process your application for change in grazing use on the public lands.

ROUTINE USES: (1) The adjudication of the applicants' preference to use the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of public lands and resources. (3) Trans-

fer to appropriate Federal agencies when concurrence is required prior to granting a preference to use public lands or resources. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order, permit, or lease, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, permit, or lease violated or potentially violated.

EFFECT OF NOT PROVIDING INFORMATION: If you do not file this application and furnish the requested information, you may not be authorized to make changes in grazing use on the public lands during the next year.



NOTICE OF AMENDED
CLAIM TO A WATER

RIGHT
NO. 75-4024

Notice is hereby given that Claim to a Water Right No. 75-4024 in the name of the original owner, Charmaine Roberts, Salmon, Idaho, was filed with a priority date of June 25, 1923 for the diversion and application to beneficial use of .6 cfs of water from Rattlesnake Creek, tributary to the Salmon River, with the point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 34, Twp. 19N, Rge 21E B.M., Lemhi County; the water is claimed to be used from May 1 to September 1 for irrigation of fifteen acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 19N, Rge. 21E and from January 1 to December 31 for stockwater.

The present claimant, William H. Bishop, Star Route, Salmon, Idaho, now proposes to amend Claim No. 75-4024, amending the use of irrigation water from April 15 to October 15; the use of stockwater from January 1 to December 31; and the irrigation of eight acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27, Twp. 19N, Rge 21E.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published in The Recorder-Herald 8/27 and 9/

RECEIVED

SEP 11 1981

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 of Amended Claim to Water Right No. 75-4024

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. 27, 1981 and ending with the issue dated Sept. 3, 1981

Jerry G. Rosin

Subscribed and sworn to before me, this third

day of September, 1981

W. E. Armstrong

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

Publication Fee \$ 25.20

NOTICE OF AMENDED
CLAIM TO A WATER
RIGHT
NO. 75-4024

OTB

*This has been
corrected*

Notice is hereby given that Claim to a Water Right No. 75-4024 in the name of the original owner, Charmaine Roberts, Salmon, Idaho, was filed with a priority date of June 25, 1923 for the diversion and application to beneficial use of .6 cfs of water from Rattlesnake Creek, tributary to the Salmon River, with the point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 34, Twp. 19N, Rge 21E B.M., Lemhi County; the water is claimed to be used from May 1 to September 1 for irrigation of fifteen acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 19N, Rge. 21E and from January 1 to December 31 for stockwater.

The present claimant, William H. Bishop, Star Route, Salmon, Idaho, now proposes to amend Claim No. 75-4024, amending the use of irrigation water from April 15 to October 15; the use of stockwater from January 1 to December 31; and the irrigation of eight acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 27, Twp. 19N, Rge 21E.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published in The Recorder-Herald 8/27 and 9/3/1981.

ACT

ION

N OWNER LAST NAME - ROBERTS

FIRST NAME - CHARMAN

ORIG OWNER - 0

N OWNER LAST NAME - BISHOP

FIRST NAME - WILLIAM

N ADDRESS LINE 1 - STAR RT. BOX 33

N

CITY - SALMON

STATE - ID ZIP CODE - 83467

N SOURCE - RATTLESNAKE CREEK

TRIBUTARY OF - SALMON RIVER

N STAGE - STATRY CLM

PRIORITY - 06-25-1923 COUNTY - LEMHI

TOTAL DIV. RATE - .6000CFS

N

TRFR/AMEND - A

N DIVERSION POINT - NENW 34 19N 21E

00 0000 0000 0000 0000 0000

000 000 00 00 00 0000

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

USE DIV. RATE - .6000CFS

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

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 21E SEC 27 TRACT NWSE LOT 07 AC 06 TRACT SWSE LOT 07 AC 02

N NON IRRIG USE - S/3 RANGE.

N DIVERSION MEANS - HEADGATE & DITCH.

Z RECORD DROPPED FROM FILE

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

75 4024

INITIAL REVIEW BY: Steve McCormick

Right Number 75-4024 Applicant William Bishop

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER:

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

*sent fee
for amended
claim?*

Fee Returned

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Sept. 15, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 9/21/81

RECEIVED
SEP 21 1981

Department of Water Resources

September 16, 1981

RE: Amended Claim to a Water Right No. 75-4024

William H. Bishop
Star Route, Box 33
Salmon, Idaho 83467

Dear Mr. Bishop:

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 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
Eastern Regional Supervisor

RDC:cw

Enclosure

August 20, 1981

RE: Amended Claim to a Water Right No. 75-4024

William H. Bishop
Star-Route, Box 33
Salmon, Idaho 83467

Dear Mr. Bishop:

This Department is in receipt of the above referenced claim to a water right and has begun the initial processing. As there is no fee for an amended claim, we are returning your check No. 92-164 in the amount of \$30.00.

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

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Attachment: Ck no. 92-164

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

No. 75-4024

Notice is hereby given that Claim to a Water Right No. 75-4024 in the name of the original owner, Charmaine Roberts, Salmon, Idaho, was filed with a priority date of June 25, 1923 for the diversion and application to beneficial use of .6 cfs of water from Rattlesnake Creek, tributary to the Salmon River, with the point of diversion within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp. 19N, Rge 21E BM., Lemhi County; the water is claimed to be used from May 1 to September 1 for irrigation of fifteen acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp. 19N, Rge. 21E and from January 1 to December 31 for stockwater.

The present claimant, William H. Bishop, Star Route, Salmon, Idaho, now proposes to amend Claim No. 75-4024, amending the use of irrigation water from April 15 to October 15; the use of stockwater from January 1 to December 31; and the irrigation of eight acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, Twp, 19N., Rge 21E.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Avenue, Idaho Falls, Idaho 83402

A. KENNETH DUNN
DIRECTOR

Published in The Recorder Herald 8/27 and 9/3/1981

cu. A.

WATER RIGHT NUMBER 75-4024

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 137

ACT
ION

N OWNER LAST NAME - ROBERTS
N ADDRESS LINE 1 - STAR RT.

FIRST NAME - CHARMAINE

N SOURCE - RATTLESNAKE CREEK

CITY - SALMON

STATE - ID

N STAGE - STATRY CLM

TRIBUTARY OF - SALMON RIVER

N DIVERSION POINT - NENW 34 19N 21E

PRIORITY - 06-25-1923 COUNTY - LEMHI

TOTAL DIV. RATE - .6000CFS

N FROM - 05-01 TO - 09-01 USE - IRRIGATION

USE DIV. RATE - .6000CFS

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

N USE - IRRIGATION

PLACE OF USE - TWN 19N RNG 21E SEC 27 TRACT NWSE

AC 15

N NON IRRIG USE - S/3 RANGE.

IDENT. NO. 75-4024

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

Old No.

175-4024

New No.

Record

1. Original Owner: Charmaine Roberts

Present Owner: _____

2. Address: Star St.3. City: Salmon State: Id Zip: _____4. A. Source of Water: Rattlesnake CreekB. Tributary of: Salmon River5. A. Stage (A,P,L,D,S,J): L

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

C. Priority Date: 6-25-1923D. County: 59E. Total Diversion Rate: .6

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>NENW</u>	<u>34</u>	<u>19N</u>	<u>21E</u>		

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

from 5-1 to 9-1 for A purposes. Amount .6
(cfs or AC-FT/yr)from 1-1 to 12-31 for L 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

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

To: Water Rights

5-15-73

Please file with Claim

No. 75-4024 per request
of claimant, Charm
Roberts.

RECEIVED

MAY 17 1973

Department of Water Administration

Bobbie

MICROFILMED

75-4024

RECORDED HEARING ON APPLICATION NO. 75-7036

NORM:

The hearing today concerns the protest against issuance of permit on Application No. 75-7036, Salmon River Properties. The hearing is being held in the Courtroom at the Lemhi County Courthouse, Salmon, Idaho. The date is May 10, 1973. The time is 1:00 p.m. In attendance is the attorney for the applicant, Mr. James Herndon, and also the protestant is appearing in person, Mrs. Charmaine Roberts. The hearing officer is Norman C. Young, with Loy Johnson in attendance. The record of the hearing will be fragmented as we are going to present data and information as we feel it is important, as we have an informal discussion. This information can be considered a formal hearing.

HERNDON:

Now that we are on the record, the speaker is James Herndon, representing Salmon River Properties, Inc. We are on part of the petitioner willing to stipulate that License No. 75-2047, William Wallace, Rattlesnake Creek; 1.7 c.f.s.; date of priority, February 8, 1916; point of diversion, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 19N, R. 21E, B.M.; place of use is the SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, T. 19N, R. 21E, B.M. Mr. Young is now on the geological survey map showing Mrs. Roberts and myself where this area is located on the ground. The petitioner is willing to stipulate that this is a true and correct copy of the records of the Department of Water Administration, Boise, Idaho, and is applicable to any decision that is made in this matter. Now, Mr. Young if you would explain to us where the description is situate on the map.

NORM:

The location is approximately in Sec. 28, it is near and includes the airstrip and to the south of the actual farmstead or ranch buildings of the Twin Peaks Ranch.

HERNDON:

Now, for the purpose of this hearing, does it include the area owned by Mrs. Roberts, Sec. 27, along the Salmon River?

NORM: No, it does not.

MRS. ROBERTS: Indirectly it does not, but it flows back into the creek ditch that is part of my water.

NORM: Well, the area irrigated would not include your Sec. 27.

ROBERTS: And that spring that is filed on and is not part of the creek bottom. This is where that one spring is.

HERNDON: Mrs. Roberts is making a point, if the recorder has picked it up, that the filing is not on the creek but on a spring. Now, Mr. Young, would you note on the map the point of diversion which is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21.

NORM: It appears to be shown on the map as this intermittent canal probably coming around.

ROBERTS: There is an irrigation ditch running right through there, that might be it.

NORM: I would guess that that is what it is.

HERNDON: Then from the map it appears that the point of diversion is, in fact, in the creek and goes to the ditch onto a portion of ground in Sec. 28, south of the Twin Peaks ranch buildings. Is that correct Mr. Young?

NORM: That appears to be so.

ROBERTS: That is a spring there. That is where the upper spring is and it has probably been filed on as a stream.

HERNDON: Now as far as the filing is concerned, since we are on the record, Mr. Young, would you designate for the record and for the parties where the filing is and what area it covers.

ROBERTS: I am quite sure in 1916 there wouldn't have been any irrigation ditch. All there would have been was a spring at that point and probably used it for domestic purposes.

NORM: Okay, I would like to plat some points of diversion that have been applied for under Application No. 75-7036. First point of diversion is a spring in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, which would be in this 40-acre subdivision.

75-4024

ROBERTS: Now that is where the warm water spring is.

HERNDON: Go on to the next please.

NORM: The next point of diversion would be the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, which would be this 40-acre subdivision, again marked with an "X".

HERNDON: Mark it with an "X" and then with a "2" after it so we can designate the difference.

NORM: Alright. Now the third point of diversion is the NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 28, indicating with an "X" and a "3".

HERNDON: Now, before we go any further, and again for the record it's Mr. Herndon talking, we'll go to the point marked "X-1". Now, Mrs. Roberts you made a statement that there is a warm spring in that area, is that correct?

ROBERTS: Yes.

HERNDON: How about in "X-2", of your knowledge, do you know what is in that quarter?

ROBERTS: Just water as far as I know, but there is a spring there.

HERNDON: There is a spring in "X-2"?

ROBERTS: Yes

HERNDON: Now, how about in "X-3"?

ROBERTS: I don't know.

HERNDON: Could there possibly be a spring in that quarter section?

ROBERTS: There probably is because there is a stream of water coming from there, but it might be coming down from the spring in "X-1" for all I know, but there is a stream of water coming down through there.

HERNDON: Then to your knowledge you do not know whether there is one or two springs then in "X-1" and "X-2"?

ROBERTS: No, I don't.

HERNDON: Now, Mr. Young, would you go ahead and explain to us according to the application, what areas is to be watered and what type of water is to be used.

NORM: The application requests 1.0 c.f.s. for domestic purposes from Jan. 1 to Dec. 31, to be used in the E $\frac{1}{2}$ of Sec. 28. I am sketching this on the map. The E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 28, is the point of diversion for the 27 1/2 c.f.s. of water.

75-4024

NORM (con't) SE $\frac{1}{4}$ SW $\frac{1}{4}$, and in Sec. 33, it is the N $\frac{1}{2}$ NE $\frac{1}{4}$, all this being in T. 19N, R. 21E.

The application further specifies that the water will be diverted through a cement catch basin with six inch pipe leading to a 25-gallon storage tank, to be used for domestic purposes for 500 families.

HERNDON: Now, to this point Mrs. Roberts, do you have any questions you would like to ask?

ROBERTS: No.

HERNDON: As to where the water is to be used.

ROBERTS: No, that explains it.

HERNDON: Now is it clear to you, as I think it is clear to me that the filing water does not disrupt the flow of the creek in Sec. 21, is that your understanding?

ROBERTS: No, in Sec. 21, no it didn't disrupt it.

HERNDON: Now we will have to ask you (meaning Mrs. Roberts) water that percolate down from what has been marked as "X's 1, 2, and 3", now are these percolation places above or below the point of diversion of your ditch?

ROBERTS: Above.

HERNDON: Now would you do this, maybe Mr. Young could do it, would you mark the point of diversion of Mrs. Roberts' ditch.

ROBERTS: This is the creek?

NORM: Yes.

HERNDON: The record should show that Mrs. Roberts made an "X" mark on the section line between Sections 27 and Sections 34, and designated that as the point of diversion to her ditch of lands in Sec. 27.

ROBERTS: That is the approximate point of diversion.

HERNDON: Yes, we understand that. Now before we go on any further, is there anything of record that shows when the lands in Sec. 27 were first place under irrigation? Do we have any record here at the hearing today? You might want to go off the record for this.

75-4024

ROBERTS: This is Charmaine Roberts speaking and I would like to make sure when you type, what do you call it a petition?

NORM: Application.

ROBERTS: Up the application that it is stated in the application that the water from Rattlesnake Creek will be used strictly for irrigation purposes only. That spring numbered 1, 2, and 3, what we are protesting today. That they won't use the creek water for domestic purposes now, but strictly for irrigation, and therefore, my rights to the water will be protected because as long as they are only using Rattlesnake Creek for irrigation the water will percolate back into the creek and there will be water for me to irrigate. But in the event that they use the water from Rattlesnake Creek for their domestic purposes for 2,000 people, eventually there would be no water at all left in Rattlesnake Creek for me to use.

NOTED

75-4024

March 21, 1973

RE: 75-4024

Ms. Charmaine Roberts
Star Route
Salmon, Idaho 83467

Dear Ms. Roberts:

Your letter requesting information about the exception filed by Bernard F. Burger of Salmon River Properties against the above referenced claim has been received in this office.

The administrative procedures of this Department does not require that you make a response to this exception, however, you may choose, if you feel your original claim is in error, to file a notarized document correcting your original claim.

If you are unable to reach an agreement with Salmon River Properties concerning your protest No. 75-7036, it will be necessary to reset the matter for formal hearing in the near future. This office would appreciate being kept informed as to the status of the protest.

If we may be of any further service to you, please do not hesitate to ask.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

MICROFILMED

75-4024

March 17, 1973

Dear Norman Young

What do I do now??

Please answer right away.

RECEIVED

MAR 20 1973

Department of Water Administration
Eastern District Office

Charmaine Roberts

Star Route

Salmon, Idaho

83467

MICROFILMED

75-4024

March 16, 1973

Re: Claim No. 75-4024 - Charmaine Roberts

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

Dear Mr. Herndon:

We have received the exception dated March 13, 1973, filed in behalf of Bernard F. Burger of Salmon River Properties, Inc. 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,

NORMAN C. YOUNG
District Engineer
NCY:BA
cc: Bernard F. Burger

MICROFILMED

75-4024

March 16, 1973

Re: Claim to a Water Right No. 75-4024

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

Enclosed please find a copy of the exception filed by James C. Herndon in behalf of Bernard F. Burger of Salmon River Properties, Inc. in connection with your Claim No. 75-4024. 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.

Very truly yours,

NORMAN C. YOUNG
District Engineer
NCY:BA
Enc: Copy of exception

MICROFILMED

75-4024

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

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

March 14, 1973

RECEIVED

MAR 16 1973

Department of Water Administration
Eastern District Office

State of Idaho
Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

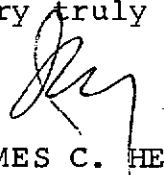
Attention: Norman C. Young

Re: Claim 75 - 4024
Water Protest

Dear Mr. Young:

Enclosed please find the affidavit of Bernard F. Burger
of Salmon River Properties, Inc. protesting Claim No. 75-4024.

Very truly yours,


JAMES C. HERNDON

JCH/ts

Enclosure

MICROFILMED

75-4024

March 7, 1973

Re: Claim to a Water Right No. 75-4023 & 75-4024

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

The Department of Water Administration has completed the processing of the above referenced claims 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 a 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 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, a copy of each 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:BA

Enc: Copy of claims (2)

MICROFILMED

75-4024

March 1, 1973

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

Dear Jim:

We are in receipt of your letter requesting information on the water right filing made by Charmaine Roberts. Mrs. Roberts has filed two claims to a water right. Specifically, these are:

Claim No. 75-4024
Source: Rattlesnake Creek
Amount: 0.6 c.f.s.
Use: Irrigation of 15 acres and stockwater purposes
Priority claimed: June 25, 1923

Claim No. 75-4023
Source: Unnamed spring, tributary to sinks
Amount: 0.12 c.f.s.
Use: Domestic purposes for three families
Priority claimed: June 25, 1923

Mrs. Roberts was assisted in the preparation of these claims by myself. She based the quantity of the irrigation claim on the statutory diversion rate of one inch per acre (.02 c.f.s.), and increased it above this rate because she felt she had a sufficiently long and permeable head ditch to justify the additional amount. This procedure is commonly used when the claimant has not had the flow measured.

I would remind you that a claim does not result in a recorded water right; it merely preserves evidence for any future court determination. Thus, the Department does not ordinarily question or field examine the quantities claimed.

If I can provide any further information, do not hesitate to ask.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

MICROFILMED

75-4024

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

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

February 26, 1973

RECEIVED
FEB 28 1973
Department of Water Administration
Eastern District Office

State of Idaho
Department of Water Administration
Eastern District Office
240 South Holmes Ave.
Idaho Falls, Idaho

Attention: Norman C. Young,
District Engineer

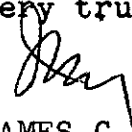
RE: Application of Salmon
River Properties -
Charmaine Roberts Protest

Dear Norm:

Mr. Burger has asked me to draw an agreement on the water rights of the Twin Peaks ranch and the rights of Charmaine Roberts.

I note in Mrs. Roberts application that she has applied for .3 cubic feet per second of water. She tells me this was done at your direction. I would appreciate knowing why she is applying for .3 cubic feet per second of water.

Very truly yours,


JAMES C. HERNDON

JCH/rt

MICROFILMED

75-4024

February 16, 1973

Re: Claim No. 75-4023 & 75-4024 - Charmaine Roberts

Recorder-Herald
P.O. Box 310
Salmon, ID 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

NCY:BA
Enc: Legal notices (2)

Bill submitted 3/5/73 by ba

RECEIVED
MARCH 1973

75-4024

NOTICE OF CLAIM TO A WATER RIGHT
NO. 75-4024

75-4024
Notice is hereby given that Charmaine Roberts, Star Route, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from Rattlesnake Creek, tributary to the Salmon River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 19N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes and from May 1 to Sept 1 for irrigation of 15 acres with a priority of June 25, 1923; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 19N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on February 22 and March 1, 1973.

2-22-2tc

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

No. 75-4024

Notice is hereby given that Charmaine Roberts, Star Route, Salmon,
Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of .6 cubic feet per second ~~some feet~~
of water from Rattlesnake Creek, tributary to the Salmon River
with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 19N, R. 21E, B.M.,
Lemhi County;

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater
purposes and from May 1 to Sept. 1 for the irrigation of 15 acres
with a priority of June 25, 1923;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T.19N, R. 21E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the Recorder-Herald, Salmon, Idaho
on February 22 and March 1, 1973.

MICROFILMED

NCH
75-4024

February 15, 1973

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

Attached is departmental receipt No. 7090 for \$20 for the two claims to water rights which were received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

MICROFILMED

75-4024

February 12, 1973

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

Regrettably, we find it necessary to again return your claims to water rights for additional information.

For the claim on Rattlesnake Creek, we need to have the priority date claimed listed to the nearest month, and if possible, the nearest day. Also, I have taken the liberty of adding stockwater as one of the uses in Item 3b.

On the claim for domestic use from the spring, it is necessary to list the priority the same as is indicated above. The quantity of water claimed needs to be filled in in Item 3a. A normal amount claimed for domestic purposes would be .04 c.f.s. per family. In Item 2 the water body to which the spring is tributary should be listed. If the spring sinks before reaching a discernable stream, the word "sink" should be inserted in the blank.

We do not yet have any affidavit forms, but will forward them to you when available. We are sorry for any inconvenience we may have caused you. If you will supply us with the requested information on the claims and return them to this office, we will continue processing.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

Enc: claims (2)
check #92-289 (\$20.00)

RECEIVED
FEB 15 1973
WATER RIGHTS

75-4024

December 4, 1972

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

We are returning your Claim to a Water Right, along with check No.92-289 in the amount of \$10, as there are a number of corrections that must be made before processing can be commenced. We have taken the liberty of retyping those portions of the claim which we believe to be correct. The following items we have not been able to supply information for:

1. The location of the point of diversion must be listed to the nearest 40-acre legal subdivision (Item 2).
2. In Item 3a we need to have the priority date at least to the nearest month, and preferably to the nearest day. Also, you must specify a rate that water has been diverted.
3. In Item 3b the period of use refers to the season of use; that is, the portion of each year that the water has been used, i.e. January 1 to December 31.
4. In Item 4a & b the description of your diverting works is not clear. Item 4a should be filled out only if the diversion works involves a dam or headgate. Item 4b should be filled out only if a well is involved. Item 4c should be completed.
5. Items 6, 7, and 8 should be completed.
6. The location of the place of use of the water should be listed to the nearest 40-acres in Item 9.

You ask in your cover letter accompanying the claim whether it would be alright to work on your reservoir. If this work will not result in an increase in the rate or

MICROFILMED

75-4024

Page 2

Ms. Charmaine Roberts

December 4, 1972

volume which the water is used, such repairs may be made without approval from this Department. However, if these changes will increase your water use, it will be necessary to file and obtain a new permit for the additional water use.

We do not have an office in Lemhi County at this time, but we will be happy to answer any questions you may have when we meet with you at the conference or hearing concerning your protest of Salmon River Properties' pending application. The time and date of this meeting will be set in the near future.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

Enc: claim (old)
claim (new)
check #92-289 (\$10)

MICROFILMED

75-4024

Please send me some
forms,

RECEIVED

FEB 12 1973

Department of Water Administration
Eastern District Office

W. H. Hanks

W. H. Hanks
Harrison Point
Lake County
Idaho - Idaho
53567

MICROFILMED

75-4024

RECEIVED

DEC 4 1972

Department of Water Administration
Eastern District Office

Dear Sir,

As I have been using this water for a while and I am the only one who will be using it, it is alright if I do not have a reservoir. I would like to start right away. Please let me know your opinion on the matter right away. Do you have any other lines in Louhi County?

Sincerely

John L. Rasmussen

1000 N. 10th

Ashton, Idaho 83413

MICROFILMED

75-4024

75 4024

Identification No. _____

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 G. F. Fanning, Robert S.
post office address Star Line - Salmon, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 34 Township 19N
Range 21E B.M. located on Rattlesnake (name of source) Creek
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: Dec 26 Recorded in Book 26 of Deeds, page 532 Lemhi County
1923 amount: 6 c.f.s. or _____ acre feet
Signed June 25, 1923 amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 6 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 May 1st to Sept 1st (both dates inclusive)
use stockwater period of use from Jan 1st to Dec 31st (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 wooden headgate; length is 4 feet; height is 2 feet;
width at bottom is 3 feet; width at top is 3 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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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 1320 feet; width of ditch at top is 2 feet; width of bottom of ditch is 2 feet; depth of water is 1 feet; grade of ditch per 1000 feet is 1 feet; material through which ditch passes is soil and rock; 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 no change

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:

[illegible]

Total number of acres to be irrigated 15

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ 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 3 head horses

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 _____

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 affiant's knowledge.



Subscribed and sworn to before me this

8th

day of

February

1973

Claimant

Norman C. Young
Notary Public

Residing at 1909 EVEREST

IDAHO FALLS, IDAHO

Commission expires

6-10-75

For Department Use Only

Received by NCY Date 2/15/73

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by NCY Date 2/15/73

Fee received by NCY Date 2/12/73 Fee \$ 10.00 # 1090

Approved for publication by NCY 2/15/73

Published in Recorder-Herald Dates 2/22 & 3/1/73

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MAY 9 1973

Department of Water Administration

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
		Total claimed:	1.2 c.f.s. or	_____	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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

MAR 5 1973

NOTICE OF CLAIM TO A WATER RIGHT NO. 75-4024

Notice is hereby given that Charmaine Roberts, Star Route, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .6 cubic feet per second of water from Rattlesnake Creek, tributary to the Salmon River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 19N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes and from May 1 to Sept 1 for irrigation of 15 acres with a priority of June 25, 1923; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 19N, R. 21E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on February 22 and March 1, 1973.

2-22-2tc

JERRY G. ROSIN

Department of Water Administration
Eastern District Office

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 a Water Right #75-4024

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 Feb. 22, 1973 and ending with the issue dated March 1, 1973.

Jerry G. Rosin
first

Subscribed and sworn to before me, this first day of March, 1973.

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

12.21

Publication Fee \$

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75-4024

Mar 15 1973

Department of Water Administration
Eastern District Office

IDAHO DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO

ss.

WATER PROTEST

County of Lemhi

BERNARD F. BURGER, being duly sworn according to law,
deposes and says:

That he is the President of Salmon River Properties, Inc.,
a Nevada corporation qualified to do business in Idaho;

That Salmon River Properties, Inc. is the owner of certain
real property situated in Lemhi County known as the Twin Peaks
Ranch on Rattlesnake Creek;

That Salmon River Properties, Inc. and its predecessors in
interest have used the waters in Rattlesnake Creek for irrigation
and domestic purposes;

That the said Salmon River Properties, Inc. protests Claim
#75 - 4024 for a water permit by Charmaine Roberts, for the ap-
propriation for 0.60 c.f.s. of water from Rattlesnake Creek with
a priority of June 25, 1923 to be used for irrigation of fifteen
acres and stock water purposes.

That the reason for the protest is that Salmon River Prop-
erties, Inc. and its predecessors in interest have used the waters
of Rattlesnake Creek with an older priority than June 25, 1923
and that Charmaine Roberts' claim will conflict with already
established use right, and for the further reason that the appli-
cant does not have and is not irrigating fifteen acres, but is
irrigating approximately five acres, and that the amount of 0.60
c.f.s. is an unreasonable amount to file on for the irrigation of
five acres.

Dated this 13th day of March, 1973.

/s/ Bernard F. Burger

SUBSCRIBED AND SWORN To before me this 13th day of March, 1973.

/s/ James C. Herndon

Notary Public for State of Idaho
Residing at Salmon, Idaho

Comm. expires 10/15/74

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(SEAL)

75-4024

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MAR 16 1973

Department of Water Administration
Eastern District Office

IDAHO DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO :
: ss. WATER PROTEST
County of Lemhi :

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five acres.

Dated this 13th day of March, 1973.

Bernard F. Burger

SUBSCRIBED AND SWORN To before me this 13th day of March, 1973.

Quilley
Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 10/15/74

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75-4024