

**NOTICE OF CLAIM TO A WATER RIGHT
NO. 75-4023**

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 0.12 cubic feet per second of water from an unnamed spring, tributary to sinks with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 19N, R. 21E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for three families 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, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho on February 22 and March 1, 1973.
2-22-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RECEIVED

MAR 5 1973

JERRY G. ROSIN

Department of Water Administration

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 #75-4023

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

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

Publication Fee \$ 12.21

75-4023

Identification No. 75 4023
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 Channing Robert
post office address Star Route, Salmon, Idaho
2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27 Township 19N
Range 21E B.M. located on Unnamed spring
(name of source)
tributary to Sinks 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: June 23,
1923 amount 0.12 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.12 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 domestic 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)
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 red wood
box at head of spring; length is 3 feet; height is 4 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 _____
_____;

75.4023

75-4023

- maximum length of pipe line to first place of use is 1200 feet; diameter of pipe line is 2 inches;
type of pipe plastic; grade of pipe per 1000 feet is 20 feet.

ing date and dimensions if possible. After first 120 feet of pipe from spring, a reservoir has been constructed in 1971, and water is then piped to owners residence. ~~720 use~~

- total capacity of reservoir is 128 ^{cubic}~~acre~~ feet; active capacity of reservoir is 128 ^{cubic}~~acre~~ feet;

period of storage is from Jan 1 to Dec 31; is reservoir drained each year no;

is reservoir on or off stream on explain located on conveyance from point of diversion to place of use.

location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built no, if so, give dates and describe _____

- [illegible]

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 _____

7. Where water is used for domestic or municipal purposes give number of families served three 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 of the affiants knowledge.

Charmaine Robert
Claimant

me this 8th day of February, 1973

Norman C. Young
Notary Public

Residing at 1909 EVEREST
IDAHO FALLS, IDAHO

My commission expires 6-10-75

For Department Use Only

Received by ba Date 2/15/73

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by NCY Date 2/15/73

Fee received by ba Date 2/15/73 Fee \$10.00 #7090

Approved for publication by NCY 2/15/73

Published in RECORDER-HERALD Dates 2/22 + 3/1/73

75-4023
RECEIVED
New Rep
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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
		Total claimed:	<u>1.2 c.f.s.</u> 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.

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for three families with a priority of June 25, 1923; the place of use is within the NW 1/4 SE 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, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

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..... 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

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

Publication Fee \$ 12.21

75-4023

WATER RIGHT NUMBER 75-4023

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 136

ACT
ION

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

FIRST NAME - CHARMAINE

CITY - SALMON
TRIBUTARY OF - SINKS

STATE - ID

N SOURCE - SPRING

N STAGE - STATRY CLM

N DIVERSION POINT - NWSE 27 19N 21E

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

N USE - DOMESTIC

PRIORITY - 06-25-1923

COUNTY - LEMHI

TOTAL DIV. RATE -

.1200CFS

USE DIV. RATE - .1200CFS

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

121215 IL-2
Macro Business Forms, Inc. 3V

IDENT. NO. 75-4023

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

OTd No.

175-4023

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: SpringB. Tributary of: links5. A. Stage (A,P,L,D,S,J): I

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

C. Priority Date: 6-25-1923D. County: 59E. Total Diversion Rate: .12

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>NWSE</u>	<u>27</u>	<u>19N</u>	<u>2/E</u>		

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

from 1-1 to 12-31 for 0 purposes. Amount .12
(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: 2

[illegible]

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):

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)

75-4023

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

75-4023

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

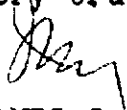
RE: Application of Salmon
River Properties -
Charmaine Roberts Protest

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

75-4023

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

Bill submitted 3/5/73 by BA

NCY:BA
Enc: Legal notices (2)

75-4023

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NO. 75-4023

75-4023

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for three families 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, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

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2-22-2tc

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NO. 75-4023

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 0.12 cubic feet per second ~~acre feet per annum~~
of water from an unnamed spring, tributary to sinks
with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 19N, R. 21E, B.M.,
Lemhi County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for three families
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, 240 South Holmes, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON

Director

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

NOV
75-4023

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

75-4023

RECEIVED

FEB 12 1973

Department of Water Administration
Eastern District Office

Please send me some
forms,

Charles
Charmaine Robert
Sta Route
Salmon, Idaho
83467

75-4023

February 12, 1973

Ms. Charmaine Roberts
Star Route
Salmon, ID 83467

Dear Ms. Roberts:

Regretfully, 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 "sinks" 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)

75-4023

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

75-4023

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)

75-4023

RECEIVED

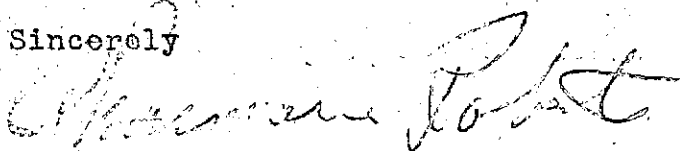
DEC 4 1972

Department of Water Administration
Eastern District Office

Dear Sir,

As I have been using this water for 30 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 a representative in Lemhi County?

Sincerely



Charmaine Roberts

Star Route

Salmon, Idaho 83467

75-4023