

RECEIVED

JUN 19 1972

Department of Water Administration

Eastern District Office

**NOTICE OF CLAIM TO A WATER RIGHT
NO. 75-4010**

Notice is hereby given that Herman V. &/or Jennie Nelson, 3900 Federal Way 4, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.02 cubic feet per second of water from Lake Creek, tributary to the Salmon River, with three points of diversion within the N $\frac{1}{2}$, Sec. 30, T. 23N, R. 17E, B. M., Lemhi County (unsurveyed).

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes, and from Apr. 1 to Nov. 1 for the irrigation of 25 acres with a priority of Sept. 28, 1922. The place of use is within H. E. S. No. 426, located in Sec. 30, T. 23N, R. 17E, B. M. (unsurveyed).

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 June 8 and June 15, 1972.

6-8-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JERRY G. ROSIN

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

That the Notice of Claim to Water Right #75-4010

_____ a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated June 8, 1972 and ending with the issue dated June 15, 1972

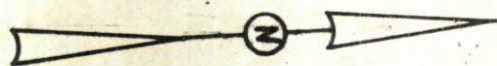
Jerry G. Rosin
fifteenth

Subscribed and sworn to before me, this _____ day of June, 1972

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

Publication Fee \$ 14.06

75-4010



75-4010

T 23N
R 17EBN

75 4010 P

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 Herman V. and/or Jennie Nelson
post office address 3900 Federal Way 4, Boise, Idaho 83705
2. The point of diversion is in unsurveyed $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 30 Township 23N
Range 17E B.M. located on Lake Creek (set Remarks!)
(name of source)
tributary to Salmon River in Lemhi County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>September 28, 1922</u>	amount: <u>0.02</u>	c.f.s. or	_____ acre feet
<u>September 28, 1922</u>	amount: <u>1.0</u>	c.f.s. or	_____ acre feet
_____	amount: _____	c.f.s. or	_____ acre feet
Total claimed		<u>1.02</u>	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 <u>Domestic</u>	period of use from <u>January 1</u>	to <u>December 31</u>	(both dates inclusive)
use <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>November 1</u>	(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 Several small earth and rock diversion dams; length is 4' feet; height is 1 feet; width at bottom is 4' feet; width at top is 2' feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known None 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 _____ feet; width of ditch at top is $1\frac{1}{2}$ feet; all three ditches width of bottom of ditch is $1\frac{1}{2}$ feet; depth of water is 0.5 feet; grade of ditch per 1000 feet is 20 feet; material through which ditch passes is gravely loam; 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 None known.

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 25.0

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
None known

b. Do you get water through a ditch owned by several users? No 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 Several head of
horses and cattle.

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
Claimant uses a total of three (3) diversions. Two (2) diversions are
located within H.E.S. No. 426, one in the unsurveyed NW $\frac{1}{4}$, Sec. 30, one in
unsurveyed NE $\frac{1}{4}$, Sec. 30, all in T.23N, R. 17E. The 3rd point of diversion
is also located in the unsurveyed NE $\frac{1}{4}$, Sec. 30, T. 23N, R. 17E. and is on
USFS land. This homestead was patented by Charles R. Putt

State of Idaho

County of Lemhi } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 30th

day of May

19 72

Claimant

Notary Public

Residing at

Salmon, Idaho

My commission expires July 14, 1974

For Department Use Only

Received by ej Date 5-29-73

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by NCY Date 5/31/72

Fee received by RA Date ? Fee \$10.00 #7909

Approved for publication by NCY 5/3/72

Published in Business World Dates 6-5-72

7A-400

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.

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R. KEITH HIGGINSON

Director

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fifteenth

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day of June, 1972

Sherl Armstrong

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

14.06

Publication Fee \$

75-4010



75-4010

T 23N
R 17E B1

ACT
ION

L DIVERSION POINT - NENW 30 23N 17E
L DIVERSION POINT - SWNW 30 23N 17E
L DIVERSION POINT - NENE 30 23N 17E
L DIVERSION POINT - SWNE 30 23N 17E

NWNW 30 23N 17E
SENE 30 23N 17E
NENE 30 23N 17E
SENE 30 23N 17E

ACT
ION

N OWNER LAST NAME - NELSON
N OWNER LAST NAME - NELSON
N ADDRESS LINE 1 - 3900 FEDERAL WAY 4

FIRST NAME - HERMAN V.
FIRST NAME - JENNIE

CITY - BOISE

STATE - ID ZIP CODE - 83705

N SOURCE - LAKE CREEK

TRIBUTARY OF - SALMON RIVER

N STAGE - STATRY CLM

PRIORITY - 09-28-1922

COUNTY - LEMHI

TOTAL DIV. RATE -

1.0200CFS

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

1.0000CFS

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

USE DIV. RATE -

.0200CFS

N REMARKS - P/D IN H.E.S. 426, NW1/4 & NE1/4 & USFS LAND NE1/4 S30, T23N, R17E.

N P/U IN H.E.S. 426, S30, T23N, R17E. AC. IRR.=25.

IDENT. NO. 75-4010

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 175-4010
Old No. New No.

Record

1. Original Owner: Herman V. & Jennie Nelson

Present Owner: _____

2. Address: 3900 Federal Way 4
3. City: Boise State: Id Zip: 837054. A. Source of Water: Lake Creek
B. Tributary of: Salmon River

5. A. Stage (A,P,L,D,S,J): S
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: 9-28-1922
D. County: 59
E. Total Diversion Rate: 1.02
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>Remarks</u>					

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

from 4-1 to 11-1 for A purposes. Amount 1.
(cfs or AG-FT/yr)
from 1-1 to 12-31 for D purposes. Amount .02
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 _____

July 10, 1972

Re: Claim to a Water Right No. 75-4010

C Herman V. and/or Jennie Nelson
3900 Federal Way 4
Boise, Idaho 83705

Dear Mr. & Mrs. Nelson:

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

P As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure

75-4010

June 1, 1972

Re: Claim No. 75-4010 - Herman V. &/or Jennie Nelson

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 our 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 date. 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 notice

Bill submitted 6-29-72. d
75-4010

NOTICE OF CLAIM TO A WATER RIGHT

NO. 75-4010

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~~XXXXXX with three points of diversion within the N $\frac{1}{2}$, Sec. 30,~~
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NCY