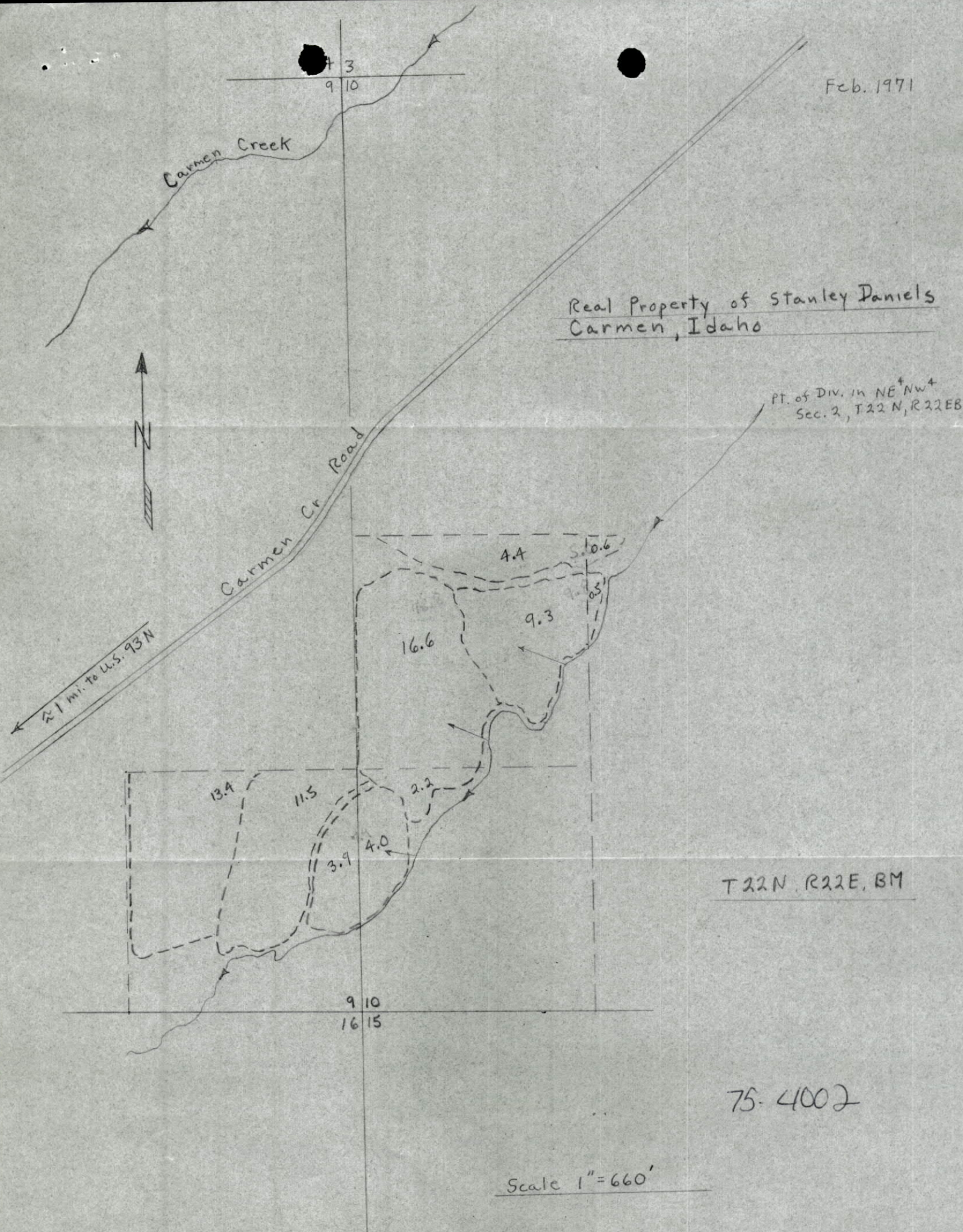


March 21. 1899
RECEIVED from John Daniels
Five Dollars
on acct of water assessment of
water co.
F. W. Cracker.

\$39.00 Apr 18 1899
Received from John Daniels
Thirty Nine Dollars
as first two payments
on water
C. L. Dyer

Feb 25 1899
Received from John Daniels
Five Dollars
first assessment
C. L. Dyer

Feb. 1971



**NOTICE OF CLAIM TO A
WATER RIGHT
No. 75-4002**

Notice is hereby given that Stanley C. Daniels, Carmen, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from Carmen Creek, tributary to the Salmon River, with point of diversion in the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 2, T. 22N, R. 22E, B.M., Lemhi County.

The water is claimed to be used from April 1 to November 1 for irrigation purposes with a priority of Aug. 30, 1893 (1.7 cfs) and April 7, 1902 (.8 cfs); the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 10; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; T. 22N, R. 22E, B.M.

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

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, on March 18 and March 25, 1971.

3-18-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

Department of Water Administration

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 a Water Right- No. 75-4002.....

..... 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 March 18, 1971 and ending with the issue dated March 25, 1971.

Jerry G. Rosin
twenty fifth

Subscribed and sworn to before me, this

day of March, 1971

Verl Armstrong

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

Publication Fee \$ 7.92

75-4002

Identification No. _____

Claim No. 75-4002

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 Stanley C. Daniels
post office address Carmen, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 2 Township 22 North
Range 22 East B.M. located on Carmen Creek
(name of source)
tributary to Salmon River in Lemhi County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: 85 inches
30 August, 1893 amount: 1.7 c.f.s. or _____ acre feet
7 April, 1902 40 inches amount: 0.8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 2.5 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 1 April to 1 November (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 Wooden
Headgate; length is 12 feet; height is 4 feet;
width at bottom is 4 feet; ~~width~~ at top is 4 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
The headgate has been replaced periodically but I'm not aware of a
significant increase in the size of the headgate.

b. Underground water diverting works: is well flowing or pumped N.A.; 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 _____

75-4002

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 2 ^{miles}~~feet~~; width of ditch at top is 4 feet; width of bottom of ditch is 2 feet; depth of water is 18-20 ^{inches}~~feet~~; grade of ditch per 1000 feet is 2 feet; material through which ditch passes is Loamy Soil; 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 N. A.

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

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

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

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	22E	10										30.3	6.2						36.5
22	22	9																28.8	28.8

Total number of acres to be irrigated 65.3

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

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch
No Name. The other users and their respective
interests in the ditch are (if known) Arthur Aldous. His interest in water use is
unknown. Maintenance on ditch is shared 50/50.

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

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

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

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

A) Supporting data for the claim of 1.7 cfs with priority 30 August, 1893
may be found in Book B of Water Rights page 37 and in Book G of Deeds page
108 at the Lemhi County Courthouse in Salmon, Idaho. This claim is for the
irrigation of the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10, Township 22 North, Range 22 East B. M.

B) Supporting data for the claim of 0.8 cfs with priority 7 April, 1902
is a posted notice of Water Right located in Book B of Water Rights, page 448
at the Lemhi County Courthouse in Salmon, Idaho.

C) There have been two decrees (judgments) on Carmen Creek. One found in
Judgment Book A page 453 dated 27 June, 1898 and the other in Judgment Book
A page 583 dated 9 May, 1902. John Daniels was named as a defendant in both
decrees but was not included in the decreed rights to Carmen Creek water.

D) To applicant's knowledge, water for irrigation has been continuously used
on the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10, Township 22 North,
Range 22 East B. M. from the herein claimed priority dates even though the
prior decrees on Carmen Creek did not mention a specific quantity of water or
priority date for John Daniels.

E) The point of diversion in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Township 22 North, Range 22 East B. M.
is located in the 40 acre tract below the point of diversion claimed by John
Daniels in the posted notice recorded in Book B of Water Rights page 448.
Apparently the formerly recorded point of diversion location was in error.

County of Lemhi } ss.

On this 26th day of Feb. 19 71, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Tyle Glen Saxton
Notary Public residing at Salmon, Idaho

My Commission expires 14 July 1974

For Department Use Only

Received by <u>ij</u>	Date <u>3-1-71</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ij</u>	Date <u>3-2-71</u>		claimant by:	
Fee received by <u>ij</u>	Date <u>3/2/71</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>ij</u>				
Published in <u>Recorder-Herald</u>	Dates <u>3-18 & 3-25, 1971</u>			
<u>at Salmon, Idaho</u>				

7A 11007

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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

March 21.
Received from John Damm
Five
as per water assessment of
under
F. M. Cracker.

\$39.00 Nov 10 189
Received from John Damm
Thirty Nine Dollars
as per water payment
under
O. L. Dyer

Feb 10 1890
Received from John Damm
Twenty Dollars
as per water payment
under
O. L. Dyer

Feb. 1971

Carmen Creek

Real Property of Stanley Daniels
Carmen, Idaho

PT. of DIV. in NE⁺NW⁺
Sec. 2, T22N, R22E

Carmen Cr. Road

2 1/2 mi. to U.S. 93 N

T22N, R22E, BM

75-4002

Scale 1"=660'

Affidavit of Publication

NOTICE OF CLAIM TO A WATER RIGHT No. 75-4002

Notice is hereby given that Stanley C. Daniels, Carmen, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second, of water from Carmen Creek, tributary to the Salmon River, with point of diversion in the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 2, T. 22N, R. 22E, B.M., Lemhi County.

The water is claimed to be used from April 1 to November 1 for irrigation purposes with a priority of Aug. 30, 1893 (1.7 cfs) and April 7, 1902 (.8 cfs); the place of use is within the W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; T. 22N, R. 22E, B.M.

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

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, on March 18 and March 25, 1971.

3-18-2tc

STATE OF IDAHO }
County of Lemhi } ss.

Department of Water Administration

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 a Water Right- No. 75-4002

_____ 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 March 18, 1971 and ending with the issue dated March 25, 1971

Jerry G. Rosin
_____ twenty fifth

Subscribed and sworn to before me, this _____ day of March, 1971

Verl Armstrong

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

Publication Fee \$ 7.92

75-4002

ACTION

N OWNER LAST NAME - DANIELS FIRST NAME - STANLEY C.
N CITY - CARMEN STATE - ID ZIP CODE - 83462
N SOURCE - CARMEN CREEK TRIBUTARY OF - SALMON RIVER
N STAGE - STAIRY CLM PRIORITY - 08-03-1893 COUNTY - LEMHI TOTAL DIV. RATE - 2.5000CFS
N DIVERSION POINT - NENW 02 22N 22E
N FROM - 04-01 TO - 11-01 USE - IRRIGATION USE DIV. RATE - 2.5000CFS
N USE - IRRIGATION PLACE OF USE - TWN 22N RNG 22E SEC 10 TRACT NWSW AC 30 TRACT SWSW AC 06
N USE - IRRIGATION PLACE OF USE - TWN 22N RNG 22E SEC 09 TRACT SESE AC 29
N REMARKS - PRIORITIES ARE 8-30-1893 OF 1.7 CFS & 4-7-1902 OF .8 CFS.
N AC. IRR.=65.3.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

Old No.

New No.

1 75-4002

Record

1. Original Owner: Stanley C. Daniels

Present Owner: _____

2. Address: _____

3. City: Carmen State: ID Zip: 834624. A. Source of Water: Carmen CreekB. Tributary of: Salmon River5. A. Stage (A,P,L,D,S,J): J

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

C. Priority Date: 8-3-1893D. County: 59E. Total Diversion Rate: 2.5

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>NE NW</u>	<u>2</u>	<u>22N</u>	<u>22E</u>		

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

from 4-1 to 11-1 for A purposes. Amount 2.5
(cfs or AG-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 _____

1711979

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Priorities: 8-30-1893 of 1.7cfs & 4-7-1902 of .8cfs.
B. Ac. in. = 65.3.
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):

April 7, 1971

Re: Claim to a Water Right No. 75-4002

Mr. Stanley C. Daniels
Carmen, Idaho 83462

Dear Mr. Daniels:

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.

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

75-4002

March 10, 1971

Re: Claim No. 75-4002

The Recorder-Herald
P.O. Box 310
Salmon, Idaho 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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,

75-4002

Donald W. McEldowney
Appropriation Supervisor

DWM/DR
Enc: legal notice

*Bill submitted
4-7-71
ds*

O.K.
3-17-71
S.O.

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WATER RIGHT
No. 75-4002**

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

R. KEITH HIGGINSON
Director

Published in The Recorder-Herald, Salmon, Idaho, on March 18 and March 25, 1971.

3-18-2tc

75-4002

NOTICE OF CLAIM TO A WATER RIGHT

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with a priority of Aug. 30, 1893 (1.7 cfs) and April 7, 1902 (.8 cfs); the place of use is within the W¹/₂SW¹/₄, Sec. 10; SE¹/₄SE¹/₄, Sec. 9; T. 22N, R. 22E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Recorder Herald, Salmon, Idaho, on March 18 and March 25, 1971.

75-4002

24

March 2, 1971

Stanley C. Daniels
Carmen,
Idaho 83462

Dear Mr. Daniels:

Attached herewith is Departmental Receipt No. 5707 in the amount of
\$10.00 for Claim application,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

75-4002