

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 75-4000**

Notice is hereby given that Maurice L. Usher, Gibbonsville, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Cyanide Gulch (spring), tributary to No. Fk. Creek of the Salmon River with point of diversion in Homestead Entry Survey No. 54, T. 25N, R. 20E, B.M., Lemhi County (unsurveyed); the water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of Jan. 10, 1960; the place of use is within Homestead Entry Survey No. 54, T. 25N, R. 20E, B.M. (unsurveyed).

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in The Recorder-Herald, Salmon, Idaho, on May 21 and May 28, 1970.

5-21-2tc

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 TO CLAIM WATER RIGHT (Ushor)

..... 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 two consecutive issues, commencing with the issue dated 5-21, 1970 and ending with the issue dated 5-28, 1970.

Subscribed and sworn to before me, this 28th

day of May, 1970.

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

Publication Fee \$ 8.16

75-4000

Identification No. _____

Claim No. 75-4000

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Maurice L. Usher
post office address Gibbonsville, Idaho 83463
2. The point of diversion is in SEE REMARKS $\frac{1}{4}$ of _____ Township _____
Range _____ B.M. located on Cyanide Gulch Spring
(name of source)
tributary to NORTH Fork Creek OF THE SALMON RIVER 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:

JAN 10 1960 amount: .02 c.f.s. or _____ acre feet
(month - day - year)
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .02 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. 1 to Dec. 31 (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 Small spring that fills a $\frac{1}{4}$ inch pipe.; length is _____ feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ 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 _____

75-4000

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_____

[illegible]

Total number of acres to be irrigated _____

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

approximately in unsurveyed
T. 25 N., R. 20 E., of
the Boise Meridian,
Idaho.

The spring is 700 FT
N.E. of Corner NO. 1,
Homestead entry ~~that~~ survey
NO. 54, Sect No 4-77 ~~Idaho~~
March 4, 1909. Homestead
entry NO. 06518, dated July
30, 1909. Hailley Land
District, Idaho.

RECEIVED

MAY 4 1970

75-4000

Department of Interior

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 ONE name of town supplied Gibbonsville

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 the point of diversion is approximately in unsurveyed T. 25 N, R. 20 E, of the Boise Meridian, Idaho. The spring is 700 feet N.E. of Corner No. 1, Homestead entry survey No. 54, list No. 4-77 dated March 4, 1909. Homestead entry no. 06518 dated July 30, 1909, Hailey Land District, Idaho.

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 28th day of April, 1970

Maurice L. Fisher
Claimant

Ida R. Mackis
Notary Public

Residing at Gibbonsville, Id. 83463

My commission expires May, 22, 1971

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>g</u>	<u>5-4-70</u>			
Prelim. check by <u>BM</u>	Date <u>5-7-70</u>			
Fee received by <u>g</u>	Date <u>5-7-70</u>	Fee \$ <u>10⁰⁰</u>		
Approved for publication by <u>D</u>				
Published in <u>Recorder -</u>	Dates <u>5-21-28-70</u>			

75 4000

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

Affidavit of Publication

RECEIVED

NOTICE OF CLAIM TO A WATER RIGHT No. 75-4000

Notice is hereby given that Maurice L. Usher, Gibbonsville, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from Cyanide Gulch (spring), tributary to No. Fk. Creek of the Salmon River with point of diversion in Homestead Entry Survey No. 54, T. 25N, R. 20E, B.M., Lemhi County (unsurveyed); the water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of Jan. 10, 1960; the place of use is within Homestead Entry Survey No. 54, T. 25N, R. 20E, B.M. (unsurveyed).

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in The Recorder-Herald, Salmon, Idaho, on May 21 and May 28, 1970.

5-21-2tc

STATE OF IDAHO }
County of Lemhi } ss.

JUN 6 1970

Department of Reclamation

JERRY G. ROSIN

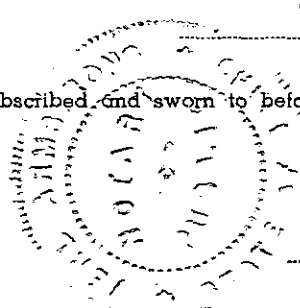
being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the NOTICE TO CLAIM WATER RIGHT (Usher)

_____ 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 two consecutive issues, commencing with the issue dated 5-21, 1970 and ending with the issue dated 5-28, 1970.

Subscribed and sworn to before me, this 28th

day of May, 1970.



Jerry G. Rosin

Neil Armstrong

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

Publication Fee \$ 8.16

75-4000

WATER RIGHT NUMBER 75-4000

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 113

ACT
ION

N OWNER LAST NAME - USHER

FIRST NAME - MAURICE L.

CITY - GIBBONSVILLE

STATE - ID ZIP CODE - 83463

TRIBUTARY OF - CYANIDE GULCH

N SOURCE - SPRING

N STAGE - STATRY CLM

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

PRIORITY - 01-10-1960

COUNTY - LEMHI

TOTAL DIV. RATE -

.0200CFS

N REMARKS - P/D & P/U H.E.S. 54 & 06518, T15N, R20E.

USE DIV. RATE -

.0200CFS

141215 US-2

Moore Business Forms, Inc. 20

SP2201-AM

ACT

ION

L REMARKS - P/D & P/U H.E.S. 54 & 06518, T25N, R20E.

IDENT. NO. 75-4000

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

WATER RIGHT
DATA ENTRY LOG[illegible]

Can't locate P/D on
map.

P/D + P/U are entered
wrong under remarks—
should read T 2.5 N
instead of T 15 N

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

75-4000

Identification No.

OTd No.

New No.

1 ~~74-4608~~

Record

1. Original Owner: Herbert C. Armstrong
Maurice L. Alsher
Present Owner: _____

2. Address: .

3. City: Gibbonsville State: ID Zip: 834634. A. Source of Water: springB. Tributary of: Cyanide Gulch5. 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: 1-10-1960D. County: 59E. Total Diversion Rate: .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):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
-------	------	------	------	-----------	--------

See remarks

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

from 1-1 to 12-31 for D purposes. Amount .02
(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 _____

8. Use Code: *see remarks*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *P/D* + *P/U* H.E.S. 54 + 06518, T15N, R20E.
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):

May 13, 1970

Re: Claim to a Water Right No. 74-4004 -- Hanes Creek Cattle & Horse Assn.
75-4000 - Maurice L. Usher

Recorder-Herald
Box 310
Salmon, Idaho 83467

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Legal notices (2)

75-4000

NOTICE OF CLAIM TO A WATER RIGHT

No. 75-4000

Notice is hereby given that Maurice L. Usher, Gibbonsville,
Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 0.02
cubic feet per second ~~acre~~ feet of water from Cyanide Gulch (spring), tributary to
No. Fk. Creek of the Salmon River with point of diversion in the Homestead Entry
Survey No. 54, T. 25N, R. 20E, B.M., Lemhi County / (unsurveyed); the water is
claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
with a priority of Jan. 10, 1960
; the place of use is within Homestead
Entry Survey No. 54, T. 25N, R. 20E, B.M. (unsurveyed)
.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Recorder-Herald, Salmon, Idaho,
on May 21 and May 28, 1970.

xx.

75-4000

June 9, 1970

Re: Claim to a Water Right No. 75-4000

Mr. Maurice L. Usher
Gibbonsville, Idaho 83436

Dear Mr. Usher:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

Enclosures: Copy of claim
Receipt No. 4589

75-4000

Maurice Usher
Gibbonsville, Idaho 83463

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 MAURICE L. USHER
post office address GIBBONSVILLE IDAHO
2. The point of diversion is in _____ 1/4 of _____ 1/4 Section _____ Township Gibbonsville
Range _____ B.M. located on Cyanite Gulch
(name of source)
tributary to Hes #54 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: no day year 1960 amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .02 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 1-1 1960 to 12-31 1969 (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 Small Spring
That Fills A 1/4 INCH PIPE; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ 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 _____
_____;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

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 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 ONE 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

THIS SPRING IS ON UNSURVEYED LAND, THE ONLY BEARINGS I HAVE ARE THESE T 25N R 20E OF THE BOISE MERIDIAN. IT IS 1200 FEET FROM HIGHWAY 93 ABOUT 900 FEET FROM HES# 54. THE SPRING FLOWS ABOUT 1/4 PIPE FULL. I HAVE A WOODEN BAWSEN AT THE SPRING WITH 300 HUNDRED OF PLASTIC PIPE DOWN TO A 500 HUNDRED GALLON TANK, THEN 700 HUNDRED MORE PLASTIC PIPE DOWN TO THE HOUSE, THIS SPRING HAS BEEN USED BY THIS HOMESTEAD EVER SINCE 1900 OFF AND ON, BECAUSE THE PROBLEM OF IT FREEZING IN THE WINTER. IT IS BETTER KNOWN AS CANYON GULCH SPRING.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

6-4-69
(Date)

Mona Vehr
(Signature of Claimant)

State of Idaho }
County of Lemhi } ss.

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

Notary Public residing at _____

My commission expires _____

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by:
<u>lf</u>	<u>5-4-70</u> <u>12-2-69</u>		
Prelim. check by	<u>DA</u>		
Fee received by	Date	Fee \$	
Approved for publication by			
Published in	Dates		

INSTRUCTIONS

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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.~~
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 - 6, 7, & 8. Describe any other uses of water.
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Maurice Usher
Gibbonsville, Idaho 83463