

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4002

Notice is hereby given that Herb Armstrong, Lemhi Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.011 cubic feet per second of water from a spring with point of diversion in SE $\frac{1}{4}$ -SE $\frac{1}{4}$, sec. 4, T. 17 N, R. 23 E, B.M., Lemhi County; the water is claimed to be used from May 1 to October 1 for irrigation with a priority of May 1, 1967; the place of use is the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, sec. 4, T. 17 N, R. 23 E, B.M.

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 June 6 and June 13.

6-6-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

JUN 18 1968

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 OF CLAIM TO A WATER RIGHT # 74-4002

..... 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 two consecutive issues, commencing with the issue dated 6-6, 1968 and ending with the issue dated 6-13, 1968.

Jerry G. Rosin

Subscribed and sworn to before me, this 13th day of June, 1968

3-4-72

Bonnie J. Gardner

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

Publication Fee \$ 7.44

74-4/002

will submit H.R. 6-19-68

INTER-DEPARTMENT MEMO — 1

FROM

Glen Saxton

DATE

2-12-85

TO

File 74-4002

SUBJECT

PLEASE NOTE

This Claim to a Water Rt has been
superceded by decree. For a
description of the water right
see the same Ident No in the
case of The State of Idaho, plaintiff
v. S. Mary A. Adams et.al.

SIGNATURE

RECEIVED

APR 30 1968

Identification No. 74-4002
Claim No. 42529
Map No. _____

Department of Reclamation

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 Herbert Armstrong
post office address Lemhi, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 Township 17N
Range 23E B.M. located on disappearing spring-runs only short distance
(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:

<u>1 May 1967</u>	amount: <u>0.011</u>	c.f.s. or	_____	acre feet
<u>1 May 1967</u>	amount: <u>0.011</u>	c.f.s. or	_____	acre feet
_____	amount: _____	c.f.s. or	_____	acre feet
Total claimed _____ 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>sprinkler irrigation</u>	period of use from <u>1 May</u>	to <u>1 Oct.</u>	(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 dirt
_____; length is 2 feet; height is $\frac{1}{2}$ feet;
width at bottom is $\frac{3}{4}$ feet; with at top is $\frac{1}{2}$ 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 _____

74-4002

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]

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? 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 _____

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
Spring rises on land owned by petitioner, and sinks without reaching
any other body of water.

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.

April 8, 1968
(Date)

State of ~~Idaho~~ Utah } ss.
County of Cache

Herbert Pennington
(Signature of Claimant)

On this 8th day of April 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Geo. C. Heinrich
Notary Public residing at Logan, Utah

My commission expires Feb. 13, 1971

For Department Use Only

Received by if Date 4-9-68 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by if Date 5-16-68 Fee received by if Date 5-16-68 Fee \$ 10.00
Approved for publication by _____
Published in _____ Dates _____

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. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	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.

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4002

Notice is hereby given that Herb Armstrong, Lemhi Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.011 cubic feet per second of water from a spring with point of diversion in SE¼-SE¼, sec. 4, T. 17 N, R. 23 E, B.M., Lemhi County; the water is claimed to be used from May 1 to October 1 for irrigation with a priority of May 1, 1967; the place of use is the NE¼-SE¼, sec. 4, T. 17 N, R. 23 E, B.M.

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 June 6 and June 13.

6-6-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO }
County of Lemhi } ss.

JUN 18 1968

Department of Reclamation

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That the NOTICE OF CLAIM TO A WATER RIGHT # 74-4002

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Jerry G. Rosin

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Bonnie J. Gardner
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 7.44

74-4002

74-4002

ACT
ION

N OWNER LAST NAME - ARMSTRONG

FIRST NAME - HERBERT

CITY - LEMHI

STATE - ID ZIP CODE - 83465

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 05-01-1967 COUNTY - LEMHI

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SESE 04 17N 23E

N FROM - 05-01 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - .0200CFS

N USE - IRRIGATION

PLACE OF USE - TWN 17N RNG 23E SEC 04 TRACT NESE

AC 06

3/79

IDENT. NO. 74-4002

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]

- DATA ENTRY -

Old No.

New No. _____

1. Original Owner: Herbert Armstrong

Present Owner: _____

2. Address:

3. City: Lemhi State: ID Zip: 83465

4. A. Source of Water: *spring*

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):

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

C. Priority Date: 5-1-1967

D. County: 59

E. 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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	SE SE	4	17N	23E		

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

from 5-1 to 10-1 for A purposes. Amount .02
(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

f		to		for		purposes.	Amount
---	--	----	--	-----	--	-----------	--------

16 11979

17N	23E	4											6				6
-----	-----	---	--	--	--	--	--	--	--	--	--	--	---	--	--	--	---

B. Decree Date:

10. Remarks: A.

12. Other Rights for Same Use:

B. Date Permit Approved or Denied:

D. Hearing Date:

F. Proof Made (P or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

June 19, 1968

Re: Claim No. 74-4002

Robert Armstrong
Lewistown,
Idaho

Dear Mr. Armstrong:

Please be advised that your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 74-4002.

Enclosed is receipt No. 894 for the amount of \$20.00 for the filing fee of two claims. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McIlowney
Appropriation Examiner

DW:ks

Enclosure: Receipt No. 894

74-4002

May 27, 1968

Re: Claim No. 74-4002
Herb Armstrong

Recorder Hazald
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 can not 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 same has been paid.

(Do not sign this letter)

Signature of claimant

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DAM:ks

Enclosure: Legal Notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-7002

Notice is hereby given that Herb Armstrong, Lemhi, Idaho

_____ has filed a claim to a water right
established by diversion and application to beneficial use of 0.011

cubic feet per second acre feet of water from a spring

with point of diversion in Galena

~~sec. 4, T. 17 N., R. 23 E., E.M., Sanhi County~~; the water is

claimed to be used from May 1 to October 1 for irrigation

with a priority of May 1, 1967

_____ ; the place of use is the M. 1501, sec. 1, T. 17 N,
E. 23 E, B.M.

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, 446 Salmon, Idaho
on June 6 and June 13.

74-4002

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

May 9, 1968

RECEIVED

MAY 13 1968

Department of Reclamation

Re: Claim to a Water Right

Herbert Armstrong
Lemhi,
Idaho

Dear Mr. Armstrong:

We are returning your personal check in the amount of \$20.00 and your claim to a water right. Please be advised that in order for the department to accept and process your claims, we must have some additional information.

On your domestic claim, we must have under Item 3b, a period of use during each year that your domestic purposes are claimed. This would be a month and a day in the spring to a month and a day in the fall. The normal period claimed for this use is January 1 to December 31 of each year.

Inasmuch as your check covered both fees and we were required to return your irrigation claim also; however, it appears to be in proper order.

Please return both claims with the revision and your check for both and we will continue processing them. Please contact this department if we may be of any assistance.

Very truly yours,

A handwritten signature in dark ink, reading "Donald W. McEldowney". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Check for \$20.00
Claim to a Water Right (2)

74-4002

NOTICE OF CLAIM TO A WATER RIGHT

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R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Recorder-Herald, Salmon, Idaho 6/13
6 and June 13.

6-3-2tc