

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4001

Notice is hereby given that Herbert Armstrong, Lemhi Idaho has filed a claim to a water right established by diversion and application to beneficial use of .011 cubic feet per second of water from a spring with point of diversion in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, sec. 3, T. 17 N, R. 23 E, B.M., Lemhi County; the water is claimed to be used from April 1 to March 31 for domestic use with a priority of April 1, 1967; the place of use is in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, sec. 3, 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 WATER RIGHT NO. 74-4001

_____ 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.

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

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

Publication Fee \$ 7.44

74-4001

INTER-DEPARTMENT MEMO — 1

FROM

Min Gayton

DATE

2-12-85

TO

File 74-4001

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superceded by decree.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. 74-4001

Claim No. 42528

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 SW $\frac{1}{4}$ of N7 $\frac{1}{4}$ Section 3 Township 17N
Range 23E B.M. located on spring rises and sinks on Govt. land.
(name of source)
tributary to _____ 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:

7 April 1967 amount: 0.011 c.f.s. or _____ acre feet
1 April 1967 amount: 0.067 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 Domestic period of use from Mo Day to Mo Day (both dates inclusive)
use Domestic period of use from 1 April to 31 March (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 3 feet; height is 1 feet;
width at bottom is 1 feet; width 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 _____

74-4001

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_____

[illegible]

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 One
name of town supplied Ranch residence

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

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)

(Signature of Claimant)

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

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.

Notary Public residing at Logan, Utah

My commission expires February 13, 1971

For Department Use Only

Received by es Date 4-9-68

Exception filed by:

Forwarded to
claimant by:

Date _____

Prelim. check by SKL Date 5-16-68

Fee received by ef Date 5-16-68 Fee \$ 10.⁰⁰

Approved for publication by:

Published in _____ Dates _____

14001

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4001

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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

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Jerry G. Rosin

Subscribed and sworn to before me, this 13th day of June, 19 68

3-11-72

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

Publication Fee \$ 7.44

Rec'd 7/1/68 11:00 AM 60-11168

74-4001

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

Old No. _____

New No. _____

1 74-4001

Record

1. Original Owner: Herbert Armstrong

Present Owner: _____

2. Address: P.O. Box 43. City: Lemhi State: ID Zip: 834654. A. Source of Water: spring

B. Tributary of: _____

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: 4-1-1967D. 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): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SWNW</u>	<u>3</u>	<u>17N</u>	<u>23E</u>		

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

from 8-1 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 _____

11879

17N

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

12. Other Rights for Same Use:

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

74-4001

November 12, 1971

Mr. Herbert Armstrong
Post Office Box #4
Lemhi, Idaho 84365

Dear Mr. Armstrong:

Pursuant to your letter of November 9, 1971, with the enclosed copy of the Application for Permit dated March 6, 1968, we have researched our files and have found Claim to Water Right No. 74-4001, covering this use of public water.

To the best of our knowledge, the application form you submitted was not accepted by this Department, in that it was not the correct form for your intended purpose. Pursuant to this action, you filed a claim to a water right with the Department, numbered 74-4001, dated April 9, 1968, to cover your domestic use of spring water, and claimed a priority of April 1, 1967, for 0.11 cubic feet per second of water.

If you feel that these findings are in error, please contact this office at your earliest convenience.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

74-4001

R 1202

74-4000

4002

4001

RECEIVED

NOV 10 1971

Department of Water Administration

Box 4
Lemhi, Idaho
84365

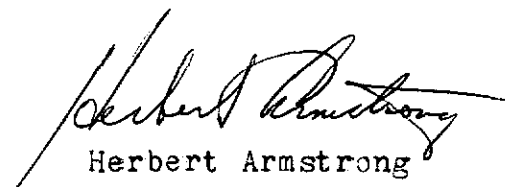
11/9/71

Idaho State
Dept. of Reclamation
Boise
Idaho

Gentlemen:

Am enclosing copy of Application for permit to appropriate the public waters of State of Idaho. Would you please fill in when the permit was approved as well as permit number Etc:.

Sincerely


Herbert Armstrong

74-4001

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO
FOR FARMSTEAD, DOMESTIC, OR STOCK WATERING PURPOSES
BY THE UNITED STATES DEPARTMENT OF THE INTERIOR

Application No. D _____

Permit No. D _____

District No. _____

RECEIVED
MAR 6 1968
9:00 a
Department of Reclamation

1. Name of Applicant Herbert Armstrong
2. Post Office Address Box 4, Lemhi, Idaho
3. Quantity of water claimed 2/3 gallon per minute 0.0014 0.04 cu ft. per sec.
(Not to exceed 0.1 second foot or 15 acre feet)
4. Source of water supply spring
(Spring, well, unnamed stream, small lake, snow, or runoff)
5. Location of point of diversion N 32° 10' E 455.0 feet distant from the W 1/4 corner of Section 3,
Twp. 17N, Rge. 23E, B.M., and is in the SW 1/4 of the NW 1/4 of Section 3, Twp. 17N, Rge. 23E, B.M.
in the County of Lemhi
6. Location of point of use 1512 feet distant from the W 1/4 corner of Section # 3,
Twp. 17N, Rge. 23E, B.M., and in the NW 1/4 of the NW 1/4, Sec. 3, Twp. 17N, Rge. 23E
7. Water to be used for culinary purposes
8. Estimated cost of works \$350.00
9. Kind of works buried pipe
(Reservoir, dam, ditch, flume, pipe, etc.)
10. Size 3/4 inch
(Headgate, ditch, flume, pipe, etc.)
11. Time required to apply water to proposed use three months
12. If reservoir is used, fill in the following in addition to the above questions:
- (a) Height of dam _____ feet: Length at top _____ feet.
- (b) Material from which dam is constructed _____
(earth, concrete, timber, rock)
- (c) The outlet of the proposed reservoir is located _____ feet from the _____ corner of
Section _____, Twp. _____, Rge. _____, B.M.

60 0.01111 gal per sec.
6666
60
66

REMARKS:

Spring is located on land owned by the U. S. Govt. Water
sinks without reaching any other body of water.

Applicant _____

Agent _____

74-4001

Approval of State Reclamation Engineer

The number of this permit is D_____.

Recorded in Book _____ Page D _____ Approved _____

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

Completion of Works and Beneficial Use of Water appropriated in accordance herewith, to be made on or before_____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, _____ Governor of the State of Idaho,
and _____ Secretary of State of the State of Idaho, have caused this instrument
to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed,
this _____ day of _____, 19____.

Countersigned:

STATE OF IDAHO

By _____ Secretary of State.

By _____ Governor.

No. D _____	
PERMIT	
Date of first receipt at office of State Reclamation Engineer _____	
Returned to applicant for correction _____	
Corrected application received _____	
Fees \$ _____	
STATE OF IDAHO LICENSE AND CERTIFICATE OF WATER RIGHT	
Water License No. D _____	
TO _____	
Source of Supply _____	
Amount _____	Sec. Feet _____
Place of Use _____	
Purpose _____	
Date of Priority _____	
Recorded _____	
In Book _____	of Licenses, Page _____

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. D_____ Priority_____ Amount_____

This is to certify that _____ of _____, _____
made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of _____
_____ under Use Permit No. D _____, and that said right to the use of said waters
has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of
Idaho and entered of record in Volume D _____ of Licenses, at page D _____, on the _____
day of _____, 19____.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described as provided by the laws of Idaho.

WITNESS THE SEAL and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this _____ day of _____, 19____.

State Reclamation Engineer.

741-4001

NOTICE OF CLAIM TO A WATER RIGHT 744001

Notice is hereby given that Herbert Armstrong, Lemhi, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second of water from a spring with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 3, T. 17 N, R. 23 E, B.M., Lemhi County; the water is claimed to be used from April 1 to March 31 for domestic use with a priority of April 1, 1967; the place of use is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 3, 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.

64-212

June 19, 1968

Re: Claim No. 74-4001

Herbert Armstrong
Lemhi,
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. 74-4001.

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. McElldowney
Appropriation Examiner

DWL:ks

Enclosure: Receipt No. 894

C
O
P
Y

74-4001

June 3, 1968

Re: Claim No. 74-4001
Herbert Armstrong

The Recorder-Herald
Salmon,
Idaho 83467

Gentlemen:

Please be advised that we have received the galley proof submitted by your newspaper for our review. In checking the proof we notice that in the heading of the notice you have omitted the Claim Number. The heading should read as follows:

NOTICE OF CLAIM TO A WATER RIGHT

Claim No. 74-4001

Thank you for your consideration and help.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DAM:ks

74-4001

May 27, 1968

Re: Claim No. 74-4001
Herburt Armstrong

Recorder-Herald
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. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Legal Notice

74-4001

NOTICE OF CLAIM TO A WATER RIGHT

No. 74-4001

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claimed to be used from April 1 to March 31 for domestic use
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74-4001