

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 74-4000

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 .0134 cubic feet per second of water from Dry Creek, tributary to Lake Creek with point of diversion in SW $\frac{1}{4}$ 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 purposes with a priority of May 1, 1967; the place of use is the NW $\frac{1}{4}$ 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 April 25 and May 2.

4-25-2tc

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RECEIVED
MAY 6 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 No. 74-4000

_____ 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 4-25, 19 68 and ending with the issue dated 5-2, 19 68

Jerry G. Rosin

Subscribed and sworn to before me, this 2nd

day of May, 19 68

Bessie J. Gardner

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

Publication Fee \$ 7.44

74-4000

bill submitted 5-6-68

INTER-DEPARTMENT MEMO — 1

FROM

Glen Saxton

DATE

2-12-85

TO

File 74-400 D

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superceded by decree.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.

WJ
SIGNATURE

Identification No. 74-4000

Claim No. 42429

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 Herbert Armstrong
post office address Lemhi, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 Township 17N
Range 23E B.M. located on dry creek
(name of source)
tributary to Lake creek 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>0.0134</u>	c.f.s. or	acre feet
_____	amount: _____	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 sprinkler irrigation period of use from 1 May to 1 Oct. (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 metal drum connected to pine; placed over spring.; 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 _____
_____;

74-4000

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]

_____ 1 _____

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, with natural drainage being
into dry creek on land owned by petitioner.

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)

Herbert H. Emery
(Signature of Claimant)

State of ~~Idaho~~ Utah

County of Cache

ss.

On this 8th day of April 19 68, 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 February 13, 1971

For Department Use Only

Received by ef Date 4-9-68

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Dem Date 4-11-68

Fee received by ef Date 4-11-68 Fee \$ 10⁰⁰

Approved for publication by KS 4-23-68

Published in Republic - Dates 4-25-68
Standard 5-2

11,4000

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:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<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.

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R. KEITH HIGGINSON
State Reclamation Engineer
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STATE OF IDAHO }
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Subscribed and sworn to before me, this **2nd** day of **May**, 19 **68**

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

Publication Fee \$ **7.44**

bill submitted 5-6-68

74-4000

- DATA ENTRY -

Record

Present Owner: _____

5. 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: *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</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SW SE</u>	<u>4</u>	<u>17N</u>	<u>23E</u>		

[illegible]

pl 118 79

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
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):

July 10, 1970

Mr. G. H. Neyman
P. O. Box 52
Gibbonsville, Idaho 83463

Dear Mr. Neyman:

C We are enclosing a copy of claim to water right No. 75-4000. This claim to a water right file is in connection with a water right established by diversion and use. This is simply a person's statement as to what his water right is; the department does not make conformation of this type of right.

O We will file your letter of June, 1970, as an acception to the claim this man has filed. The matter of facts as to whether or not a water right was established under this claim will be decided by the court at a later date.

If you care to file any additional evidence that would substantiate your point of view, the file is an open file, and you may file additional acceptions if you desire.

P Please contact us if we can be of any further assistance.

Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enc: copy of claim No. 74-4000

74-4000

June 1 - 1970 75-4000

RECEIVED

JUN 5 1970

Department of Reclamation

R Keith Higginson State
Reclamation engineer Bonneville

Dear Mr Higginson see in the Record
Book of the Salmon River Maurice
Wisher has made application to file
on water from a spring on my
mining claim here at Gibbonsville
in Lyman Gulch.

it is my spring and water my
own and I have used and use water
for several years since 1962

he Mr Wisher states to you he
has a Priority of Jan 10 - 1960
which is all wrong he has no
Priority what so ever has never
used any water from that spring
to date. I don't think you should
grant this filing as it is mine
by usage right since 1962

Please check this filing and advise
me, yours Respectfully, R. K. Higginson.
P.O. Box 52 Gibbonsville

May 16, 1968

Re: Claim No. 74-4000

Herbert Armstrong
Lemhi,
Idaho

Dear Mr. Armstrong:

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. 74-4000.

Enclosed is your receipt No. 763 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 763

C
O
P
Y

74-4000

April 17, 1968

Re: Claim No. 74-4000
Herbert 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 letter)
Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

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_____ has filed a claim to a water right
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cubic feet per second ~~acre~~ feet of water from Day Creek, tributary to
Lake Creek with point of diversion in SW¹SE¹, 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 purposes
_____ with a priority of May 1, 1967
_____; the place of use is the NW¹SE¹, sec. 4,
T. 17 N, R. 23 E, B.M.

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of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

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4/23

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