

No Color
Documents
In File

Identification No. _____

Claim No. 85 4031

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 CECIL B. CARPENTER
post office address Bx. 123 Lapwai, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 4 Township 34 North
Range 4 West B.M. located on two springs off Sweetwater Creek
(name of source)
tributary to Clearwater River in Nez Perce 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:

(circa 1942) amount: 0.0178 c.f.s. or ----- acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.0178 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 January to 31 December (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 48 inch cylindrical spring box with 400 gallon storage capacity; length is _____ feet; height is _____ feet; width at bottom is _____ feet; with 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 _____
_____;

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 200 feet; diameter of pipe line is _____ inches; type of pipe 3/4" & 1 1/4" PVC; grade of pipe per 1000 feet is 2%. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____;
total capacity of reservoir is 400 gallons ~~feet~~; active capacity of reservoir is 400 gallons ~~feet~~;
year construction commenced _____; year completed _____; date first used 1942
period of storage is from 1 January to 31 December; is reservoir drained each year no;
is reservoir on or off stream off explain two springs within 200 feet of each other

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. NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.34 N., R. 4W.B.M.

has there been any enlargement of the reservoir since it was first built _____, 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? 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 1 family
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. This water used only for household needs and irrigation of family yard and garden.

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

State of Idaho }
County of Nez Perce } 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.

C. B. Carpenter
Cecil B. Carpenter
Claimant

Sworn to before me this 16 day of August, 1972.

Richard Wyatt

Richard Wyatt
Notary Public

Residing at Lewiston, Idaho

My commission expires JUNE 1974

For Department Use Only

Received by <u>WJF</u> Date <u>8-21-72</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>WJF</u> Date <u>8-22-72</u>	_____	claimant by: _____	_____
Fee received by <u>WJF</u> Date <u>8-21-72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>Lawton Tribune</u> Dates <u>8-31-72-9-7-72</u>	_____	_____	<u>05-10</u>

~~05-4921~~

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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

85 4081

PUBLISHER'S AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 28 1972

NOTICE OF CLAIM TO A WATER RIGHT No. 85-4031

Notice is hereby given that Cecil B. Carpenter, Box 123, Lapwai, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.0178 cubic feet per second of water from two springs off Sweetwater Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 34N, R. 4W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1942 the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 34N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

STATE OF IDAHO, }
County of Nez Perce }

ss.

Department of Water Administration
Coeur d'Alene District Office

DN Sinclair

, being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the Notice of Claim # 85-4031 attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a

Week for two consecutive weeks, the first publication thereof being on the 31st day of August, A. D. 19 72, and the last publica-

tion thereof being on the 7th day of September, A. D. 19 72, and said Notice of A Claim

was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

DN Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

8 day of Sept, 19 72

Norman W. Reid 8-28-72

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

85 4031

ACT
ION

N OWNER LAST NAME - CARPENTER

FIRST NAME - CECIL B.

N ADDRESS LINE 1 - P.O. BOX 123

N SOURCE - SPRINGS

CITY - LAPWAI
TRIBUTARY OF - SWEETWATER CREEK

STATE - ID ZIP CODE - 83540

N STAGE - STATRY CLM

PRIORITY - 06-01-1942 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - NESW 04 34N 04W

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 34N RNG 04W SEC 04 TRACT NESW

N REMARKS - 2 P/D IN NESW, S4, T34N, R4W.

3/79

IDENT. NO. 85-4031

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 85-4031
Old No. New No.

Record

1. Original Owner: Cecil B. Carpenter

Present Owner: _____

2. Address: P.O. Box 1233. City: Lapwai State: ID Zip: 835404. A. Source of Water: springsB. Tributary of: Sweetwater Creek5. 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: 6-1-1942D. County: 69E. 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>NE 8W</u>	<u>4</u>	<u>34N</u>	<u>4W</u>		

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

from 1-1 to 12-31 for 1 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 _____

from _____ to _____ for _____ purposes. Amount _____

111379

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. 2 P/D in NE SW, S4, B34N, R4W.
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):

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

September 14, 1972

Re: Claim to a Water Right No. 85-4031

Cecil B. Carpenter
Box 123
Lapwai, ID 83540

Dear Mr. Carpenter:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 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 a 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,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: copy of claim

bcc: State Office

85 4031

September 6, 1972

Re: Claim No. 85-4031

Cecil B. Carpenter
Box 123
Lapwai, ID 83540

Dear Mr. Carpenter:

Attached herewith is your receipt No. 8732 in the amount of \$10 for the filing fee
on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

85 4031

August 25, 1972

Re: Claim No. 85-4030 - Eddy L. Wylde
" " 85-4031 - Cecil B. Carpenter
" " 85-4032 - Barbara M. Benscoter

Lewiston Morning Tribune
505 "C" Street
Lewiston, ID 83501

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. 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,

Fred Eisenbarth
Water Resource Examiner
Northern District

Bill submitted 9-14-72 by CR

FE:CR

85 4031

Enc: "Notices (3)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4031

Notice is hereby given that Cecil B. Carpenter,

Box 123, Lapwai, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.0178 cubic feet per second ~~XXXXXX FEET PER SECOND XXXXXX~~

of water from two springs off Sweetwater Creek

with point of diversion in the NE 1/4, Sec. 4, T. 34N, R. 4W, B.M., Nez Perce
County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of 1942;

the place of use is within the NE 1/4, Sec. 4, T. 34N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho

on Aug. 31 and Sept. 7, 1972

85 4031

NOTICE OF CLAIM TO A WATER RIGHT
No. 85-4021

Notice is hereby given that Cecil B. Carpenter, Box 123, Lapwai, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.0178 cubic feet per second of water from two springs off Sweetwater Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 34N, R. 4W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1942 the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 34N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

O.K.
9-6-73
CR

1021

RECEIVED

AUG 22 1972

Department of Water Administration
Northern District Office

Box 123 Lapwai, Idaho
August 15, 1972

Idaho Department of Water admin.
Statehouse Annex #2
Boise, Idaho 83707

Dear Sir:

Enclosed is my filing fee of \$10.00 and an application for
water right on my property. Thank you.

Yours truly,

Benny Carpenter
Benny Carpenter

RECEIVED

AUG 21 1972

Department of Water Administration

85 4031

Identification No. _____

Claim No. 85 4031

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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(Please refer to the instructions on the back of this form)

1. Name of claimant CECIL B. CARPENTER
post office address Bx. 123 Lapwai, Idaho

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Range 4 West B.M. located on two springs off Sweetwater Creek
(name of source)
tributary to Clearwater River in Nez Perce 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:

circa 1942 amount: 0.0178 c.f.s. or ----- acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.0178 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 January to 31 December (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
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85 4031

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[illegible]

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

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State of Idaho

County of Nez Perce

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
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true to the best of the affiants knowledge.

C. B. Carpenter
Cecil B. Carpenter
Claimant

Sworn to before me this 16 day of August, 1972.

Richard Wyatt

Richard Wyatt
Notary Public

Residing at Lewiston, Idaho

My commission expires JUNE 1974

For Department Use Only

Received by <u>cl</u> Date <u>8-22-72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>cl</u> Date <u>8-22-72</u>	_____	_____	_____
Fee received by <u>cl</u> Date <u>8-21-72</u> Fee \$ <u>1.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>LEWISTON TRIBUNE</u> Dates <u>8-31-72-7-72</u>	_____	_____	_____

85 4021