

RECEIVED

OCT 12 1970

Department of Water Administration

AFFIDAVIT OF PUBLICATION

..... Gary D. Cash being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 1st day of October, 1967, and the last publication on the 8th
day of October, 1967, and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this 8th day
of October, 1967

Richard C Hatch, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 85 - 4013

Notice is hereby given that Richard L. and Viola L. Roby, Route 2, Box 9, Kamiah, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.15 cubic feet per second of water from an unnamed stream, tributary to Lawyers Creek with point of diversion in the NE1/4NW1/4 Sec. 15, T. 33 N., R. 3 E., B. M., Idaho County.

The water is claimed to be used from May 1 to Oct. 15 for irrigation and from Jan. 1 to Dec. 31 for stock water and domestic purposes with a priority of Jan. 1, 1936 (.06 cfs) and May 9, 1936 (.09 cfs); the place of use is within the NW1/4NW1/4 Sec. 14, and NE1/4NE1/4 Sec. 15, T. 33 N., R. 3 E., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho, on October 1 and October 8, 1970. OI-8

85 4013

85-4013
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 Richard L Roby and Viola L Roby
post office address RT 2 Box 9 Kamiah Idaho 83536
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 15 Township 33 N R3 E BM
Range R3 E BM B.M. located on unnamed (name of source)
tributary to Lawyers Creek in Idaho 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:

Domestic 1-1-1936 amount: .02 c.f.s. or _____ acre feet
Stock Water 1-1-1936 amount: .04 c.f.s. or _____ acre feet
Irrigation 5-9-1936 amount: .09 c.f.s. or _____ acre feet
Total claimed .15 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 to 12-31 (both dates inclusive)
use Stock Water period of use from 1-1 to 12-31 (both dates inclusive)
use Irrigation period of use from 5-1 to 10-15 (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 _____

Spring Water; 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 _____

4X4X6 Deep Concrete Collection Tank
Second Tank 3' Concrete Ring 6 Feet Deep

- 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 _____

85 4013

_____; if so, give dates and explain _____

- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. same size pipe since installed
3/4 inch

- 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 _____

- [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? YES-TWO ^{PIPE} If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) 1/2 WATER AVAILABLE FROM SOURCE

6. Where water is used for stock watering, give number of each kind of stock watered Horses - CATTLE
40 Head of CATTLE 3 Horses

7. Where water is used for domestic or municipal purposes give number of families served 2
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 Domestic - Irrigation - Lawn - Orchard
Stock

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The water used from this source has been in
existence and used on this place several years
before we purchased this property

A Tract of land described as Beginning at a point 7.42 chains
West of the Northeast corner of Section 15, Twp. 33 N. R. 3 EBM Thence
East 7.42 chains Northeast on a line between Sections 10 and 15 to the corner
of Sec. 10, 11, 14, and 15, in said Township and Range Thence east on a line
between Sec. 11, and 14 a distance of 20.35 chains, Thence South 10 chains
Thence West 20.35 chains to a point 10 chains South of the Northeast
corner of Sec. 15, in said Township and Range, Thence West 7.42
chains, Thence North 10 chains to the place of Beginning, containing
27.77 acres, More or Less According to Survey

State of Idaho
County of Lewis } 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 14 day of July, 1970.

Richard L. Roly
Claimant

Merveta R. McDonald
Notary Public

Residing at Karnish Idaho

My commission expires 11-15-71

9-14-70

7-15-70

For Department Use Only

Received by <u>ej</u>	Date <u>6-25-70</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ej</u>	Date <u>9-14-70</u>		claimant by:	
Fee received by <u>ej</u>	Date <u>9-15-70</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>ej</u>				
Published in <u>Idaho County</u>	Dates <u>10-1 & 10-8, 1970</u>			
<u>Free Press</u>				<u>85-4013</u>

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.

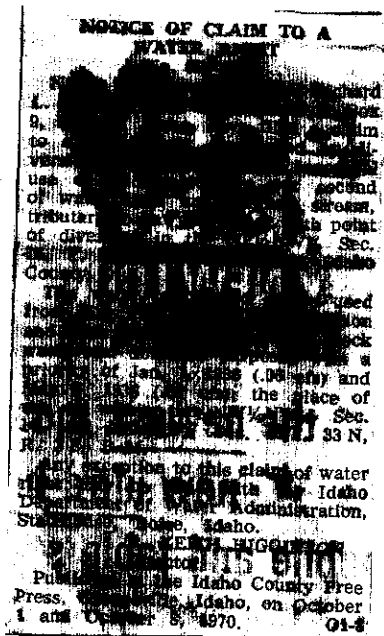
The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

1

25-11-70

10-18-70

AFFIDAVIT OF PUBLICATION



..... Gary D. Cash being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 1st day of October, 1967, and the last publication on the 8th
day of October, 1967, and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Gary D. Cash

Subscribed and sworn to before me this 8th day
of October, 1967

Richard C. Hatch, Notary Public

for State of Idaho, residing at Grangeville, Idaho.

4013

THIS INDENTURE, Made the 24 day of May in the year of our Lord one thousand nine hundred and Fifty between R.L. Roby and Viola Roby, his wife

of Kamiah, County of Idaho State of Idaho part 100 of the first part, and

of Kamiah, County of Idaho State of Idaho the part 100 of the second part,

WITNESSETH, That the said part 100 of the first part, for and in consideration of the sum of DOLLARS of the United States, do by these presents GRANT, BARGAIN, SELL AND CONVEY, unto the said part 100 of the second part, and to their heirs and assigns, FOREVER, all that certain Real property situate in the County of Idaho and state of Idaho, and bounded and described as follows, to wit:

A tract of land described as Beginning at a point 7.42 chains west of the northeast corner of Section 15, Twp. 33 N. R. 3 E.B.M., thence east 7.42 chains on a line between sections 10 and 15, to the corner of sections 10, 11, 14 and 15, in said township and range; thence east on a line between sections 11 and 14 a distance of 20.35 chains; thence south 10 chains; thence west 20.35 chains to a point 10 chains south of the northeast corner of Section 15, said township and range; thence west 7.42 chains; thence north 10 chains to the place of beginning, containing 27.77 acres, more or less according to the survey.

85 4013

October 27, 1970

Re: Claim to a Water Right No. 85-4013

Richard L. and Viola L. Roby
Route 2, Box 9
Kamiah, Idaho 83636

Dear Richard & Viola Roby:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 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. 5141

85 4013

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 22-4223**

CR224 Notice is hereby given that Richard
S. Kamiah, Idaho, have filed a claim
to a water right established by di-
version and application to beneficial
use of 0.15 cubic feet per second
of water from an unnamed stream,
tributary to Lawyers Creek with point
of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.
18, T. 33 N, R. 3 E, B. M., Idaho
County.

The water is claimed to be used
from May 1 to Oct. 15 for irrigation
and from Jan. 1 to Dec. 31 for stock
water and domestic purposes with a
priority of Jan. 1, 1936 (.06 cfs) and
May 9, 1936 (.09 cfs); the place of
use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.
14, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T. 33 N,
R. 3 E, B. M.

Any exception to this claim of water
right may be filed with the Idaho
Department of Water Administration,
Statehouse, Boise, Idaho.

R. KEITH BRIDGEMAN
Director

Published in the Idaho County Free
Press, Grangeville, Idaho, on October
1 and October 8, 1936. OI-3

*Correction
pursuant to order
of 10-1-70
made
to call
again*

September 23, 1970

Re: Claim No. 85-4013 - Richard L. & Viola L. Roby

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

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 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,

Dorian Clay
Appropriation Examiner

DC:DR
Enc: Legal notice

Bill submitted 10-14-70 By dr

85 4013

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4013

Notice is hereby given that Richard L. and Viola L. Roby, Route 2,
Box 9, Kamiah, Idaho, have
h/d/f filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.15 cubic feet per second akkk/ fkkk/
of water from an unnamed stream, ff tributary to Lawyers Creek
with point of diversion in the NE~~1~~4NW~~4~~ Sec. 15, T. 33N, R. 3E, B.M.,
Idaho County.

The water is claimed to be used from May 1 to Oct. 15 for irrigaiton
and from Jan. 1 to Dec. 31 for stock water and domestic purposes
with a priority of Jan. 1, 1936 (.06 cfs) and May 9, 1936 (.09 cfs) ;
the place of use is within the NW~~1~~4NW~~4~~ Sec. 14 and NE~~1~~4NE~~4~~ Sec. 15,
T. 33N, R. 3E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho,
on October 1 and October 8, 1970.

K/H

85 4013

Dept of Reclamation

Hope this is in order. this time
as this is the third time this has
been sent in

Richard L. Reilly

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APR 11 1966

85 4073

July 22, 1970

Mr. Richard L. Roby
Route #2, Box 9
Kamiah, Idaho 83536

C Dear Mr. Roby:

We are herewith returning your personal check in the amount of \$10.00,
and claim to a water right, as we need some additional information before
O we can process it.

Please note under item 3a, that you have listed .09cfs for irrigation. If
this is the case, please fill out item 5a, listing the number of acres in
P each 40 acre subdivision, Section, Township, and Range.

Also, please note, under item 6, that you have failed to list the number of
horses and cattle that you supply water for.

Y As soon as you have made the necessary corrections, and re-submitted your
claim, we will begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/cm

Enclosure: personal check in the amount of \$10.00

85 4943

July 6, 1970

C
O
P
Y

Mr. Richard Roby
Route #2, Box 9
Kamiah, Idaho 83536

Dear Mr. Roby:

We are herewith returning your claims to a water right and three checks in the amount of \$10.00.

Please note on page two of the claims that you neglected to have them notarized. As soon as you have had this taken care of, resubmit the claims and the fees and we shall continue to process them.

If you should have any questions in this matter, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: three claims
three checks

85 4913

RECEIVED
JUNE 23-70

Department of Irrigation

Donald McEldaney
Dear Mr. McEldaney

Enclosed are the claim to water rights
filled out as you directed under of
case in Boise.

Mr. Aragon is also claiming the other
spring as he uses it for stockwatering
and it is about $\frac{1}{4}$ mile from the other
source of water in question.

Hope these are in order, and will
try to take care of the mining water
rights sometime in the future.

I thank you
Dick Roby

85 4013