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Identification No. _____

Claim No. 85-4009

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 Edward C. Herr
post office address Star Route, Grangeville, Idaho 83530
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 35 Township 30 N
Range 3 E B.M. located on An unnamed creek
(name of source)
tributary to South Fork Clearwater River 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:
September 26, 1967 amount: 0.01 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 Domestic period of use from January 1 to December 31 (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 Concrete and Rock
with 1½" pipeline to house; length is 6 feet; height is 4.5 feet;
width at bottom is 0.67 feet; width at top is 0.67 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 _____
_____;

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[illegible]

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]

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? _____ 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 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 _____

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.

(Date) _____

State of Idaho

County of Idaho } ss.

On this 17th day of MARCH 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Edward C. New
(Signature of Claimant)

Notary Public residing at Bozeman, Idaho

My commission expires 7-7-73

For Department Use Only

Received by Deer Date 3-24-70

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Deer Date 3-24-70

Fee received by ej Date 3-24-70 Fee \$ 10⁰⁰

Approved for publication by D

Published in Idaho County Dates 4-9+16-70

See Press

85-4009

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.

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 9th day of April 1967, and the last publication on the 16th day of April 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 10th day of April 1967

..... Robert C. Hester Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4009

Notice is hereby given that Edward G. Star Route, Grangeville, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an unnamed creek, tributary to So. Fork of Clearwater River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 30 N, R. 3 E, B. M., Idaho County; the water is claimed to be used from January 1 to December 31 for domestic purposes with a priority of Sept. 26, 1967; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 30 N, R. 3 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 Idaho County Free Press, Grangeville, Idaho, on April 9, and April 16, 1970. a9-16

85-4009

ACT
IDN

N OWNER LAST NAME - HERR

FIRST NAME - EDWARD C.

N ADDRESS LINE 1 - STAR RT.

N CITY - GRANGEVILLE

STATE - ID ZIP CODE - 83530

N SOURCE - UNNAMED STREAM

TRIBUTARY OF - CLEARWATER RIVER, SOUTH FORK

N STAGE - STATRY CLM

PRIORITY - 09-26-1967 COUNTY - IDAHO

TOTAL DIV. RATE - .0100CFS

N DIVERSION POINT - SENE 35 30N 03E

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

USE DIV. RATE - .0100CFS

N USE - DOMESTIC

PLACE OF USE - TWN 30N RNG 03E SEC 35 TRACT SENE

3/79

IDENT. NO. 85-4009

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 -

Ord No.

New No.

1. Original Owner: Edward C. Herr

Present Owner: _____

2. Address: Star Rt.

3. City: Grangeville State: ID Zip: 83530

4. A. Source of Water: unnamed stream

B. Tributary of: Clearwater River, South Fork

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: 9-26-1967

D. County: 49

E. Total Diversion Rate: .01

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):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
SE NE	35	30 ^N	3 ^E		

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

from 1-1 to 12-31 for A purposes. Amount .01
(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

8. Use Code: D

[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):

May 1, 1970

Re: Claim to a Water Right No. 85-4009

C
O
P
Y
Mr. Edward C. Herr
Star Route
Grangeville, Idaho 83530

Dear Mr. Herr:

The Department of Reclamation 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. 4357

85-4009

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 85-4009

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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 Idaho County Free Press, Grangeville, Idaho, on April 8, and April 16, 1970.

29-16

85-4009

April 1, 1970

Re: Claim to a Water Right No. 85-4009 - Edward C. Herr
Application for Permit No. 85-7017

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 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 the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notices (2)

Bill submitted

A-21-70

ds

85-4009

NOTICE OF CLAIM TO A WATER RIGHT

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Grangeville, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 0.01
cubic feet per second ~~acre/foot~~ of water from an unnamed creek, tributary to
So. Fork of Clearwater River with point of diversion in the SE¹/4NE¹/4
Sec. 35, T. 30N, R. 3E, B.M., Idaho County; the water is
claimed to be used from January 1 to December 31 for domestic
purposes with a priority of Sept. 26, 1967
; the place of use is within the SE¹/4NE¹/4
Sec. 35, T. 30N, R. 3E, B.M.

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of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho County Free Press, Grangeville, Idaho,
on April 9 and April 16, 1970.

KH.

85-4009