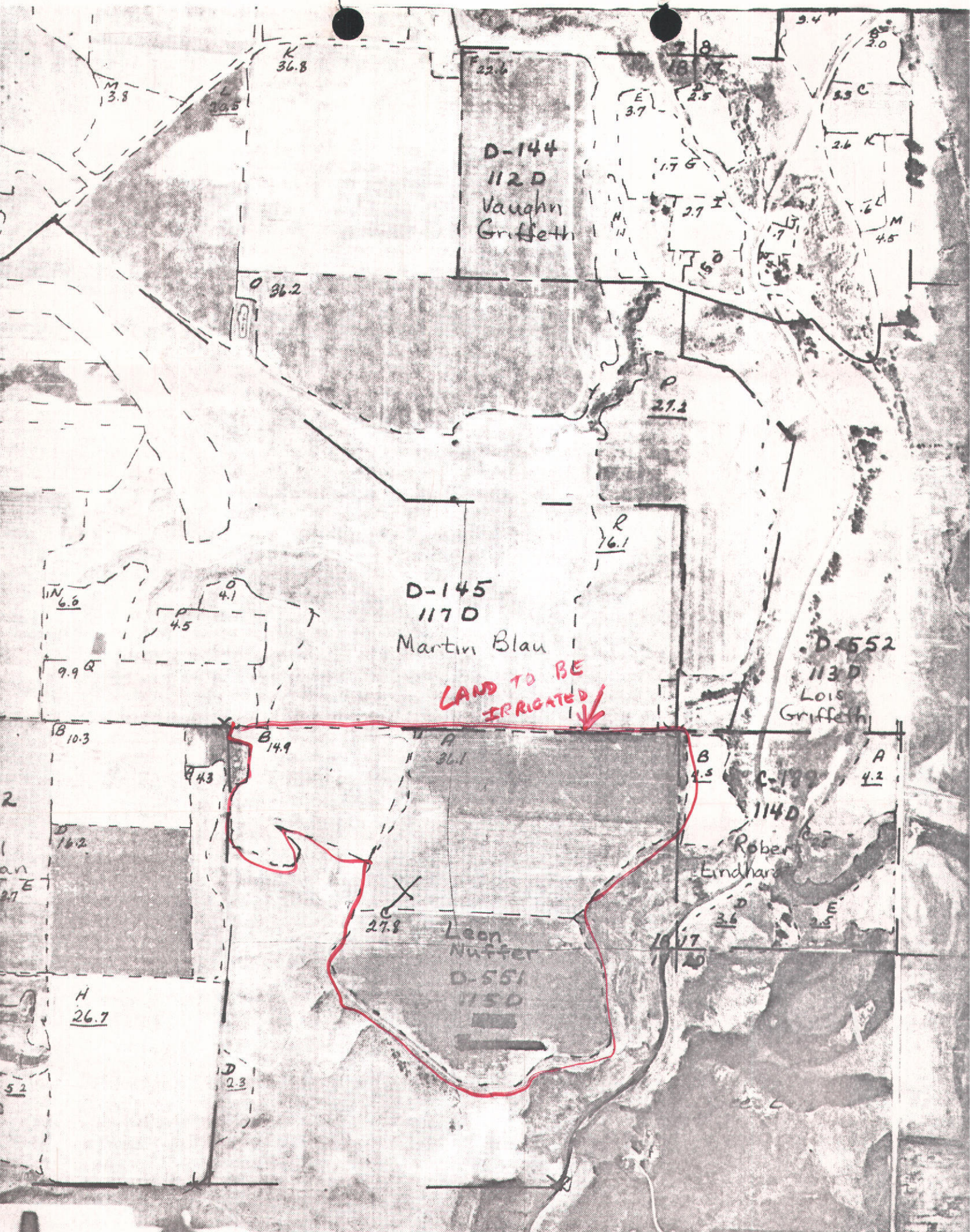




D-144
1120
Vaughn
Griffith

D-145
1170
Martin Blau

LAND TO BE
IRRIGATED

D-552
1130
Lois
Griffith

Leon
Nuffer
D-551
1150

Robert
Einhart

C-129
1140

A
4.2

D
3.6

E
2.5

B
4.5

16.17
11.40

K
36.8

M
3.8

L
20.5

F
22.6

E
3.7

D
2.5

C
2.0

K
2.6

M
4.5

O
36.2

P
27.1

R
16.1

N
6.6

O
4.1

P
4.5

Q
9.9

B
10.3

B
14.9

Q
4.3

D
16.2

H
26.7

D
2.3

S
2

EASEMENT

This indenture, made this 19th day of April, 1963, between Martin Blau and wife Albertine G. Blau of Dayton, County of Franklin, State of Idaho, the parties of the First part, and Leon G. Nuffer, of Dayton, County of Franklin, State of Idaho, the party of the second part

WITNESSETH: That for and in consideration of the sum of \$1.00, paid by the party of the second part, receipt whereof is hereby acknowledged, the first parties do hereby grant, bargain, sell, and convey unto the second party, its successors and assigns, forever, a right-of-way easement in and over that certain real property situated in Preston, County of Franklin, State of Idaho, to-wit:

162 rod Ditch easement commencing at the SW corner of Lot 3, Section 18, Township 15 South, Range 39 East, Boise Meridian, and running along the South side of lot 3, NE1/4SW1/4 and the NW1/4SE1/4.

The party of the second part is hereby given the privilege of installing a ditch thru the above described right-of-way and the right of ingress and egress for that purpose. After installation is completed, the party of the second part may likewise enter in and upon the said premises for the purpose of making necessary repairs, but to damage the parties of the first part as little as possible, and to replace any gates or fences removed by the party of the second part or its agents in doing such work. The party of the second part is to pay the parties of the first part for any damage done in making such repairs.

Witness the hands of the parties of the first part affixed hereto the day and year first above written.

STATE OF IDAHO
County of Franklin ss

On this 19 day of April, 1963 before me Ted B. Larsen, a Notary Public in and for the State of Idaho, personally appeared Martin Blau and his wife Albertine G. Blau, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ted B. Larsen
Notary Public, Preston, Idaho

MICROFILMED

CLAIM TO A WATER RIGHT

Notice is hereby given that Leon G. Nuffer
(name of claimant)

The extent and nature of said claim is as follows:

- (4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1960

(5) A) Point of diversion: (give location of point where water is diverted from its source)

Additional points of diversion:

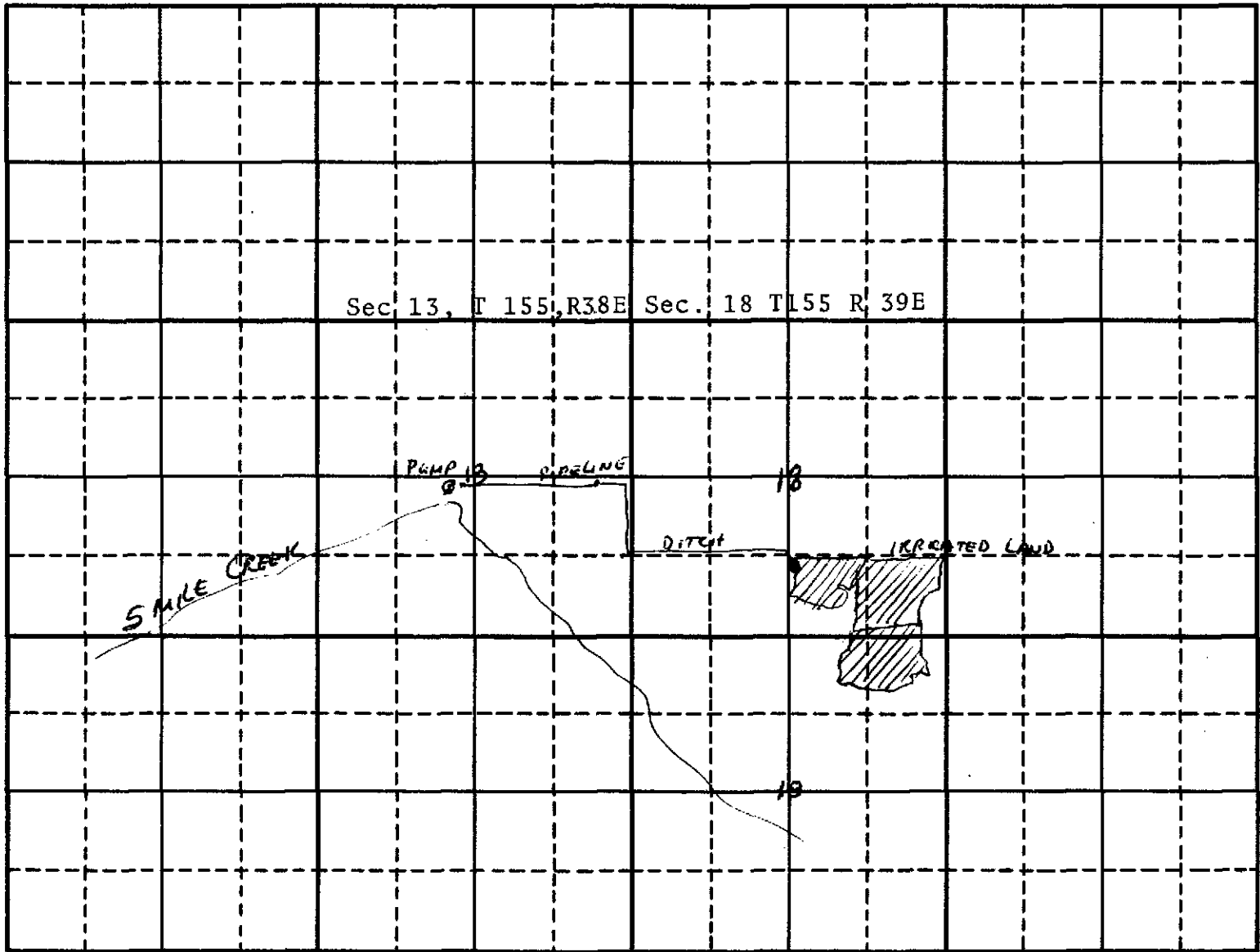
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

Total No. of acres 78.8

(7) If you are claiming water as a member of an organization, list name of organization: N/A

MICROFILMED

(8) Remarks See attached copy of easement obtained from neighbor in 1963 to Convey Water. A different ditch was used from 1960 to 1963.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Franklin) 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 18 day of February

Leon H. Huffer
(Claimant)
John W. Miller
Notary Public
Residing at Preston, Idaho

My commission expires 8/8/76

For Department Use Only			
Received by <u>MB</u>	Date <u>2-27-75</u>	Exception filed by:	Forwarded to
Prelim. check by <u>JH</u>	Date <u>2-27-75</u>	claimant by:	Date
\$10.00 fee received by <u>20.00</u>	Date <u>2-27-75</u>		
Approved for publication by <u>CW 4-02-75 #4119</u>			
Published in <u>Preston Citizen</u>			
Dates <u>3/06 & 3/13/75</u>			

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Matthew Ross

being duly sworn,

deposes and says:

That he is the Co-publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 6, 19 75, and ending

with the issue of March 13, 19 75

J. Matthew Ross

Fees, \$ 12.58

Subscribed and sworn to before me this 31 day

of March, 19 75.

D. Ann D. Seddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

RECEIVED

DEPARTMENT OF LAND RESOURCES
BUREAU OF LAND SURVEY

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4025

Notice is hereby given that Leon G. Nuffer, Dayton, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.57 cubic feet per second of water from Five Mile Creek tributary to Bear River with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 15S, R. 38E, B.M., Franklin County.

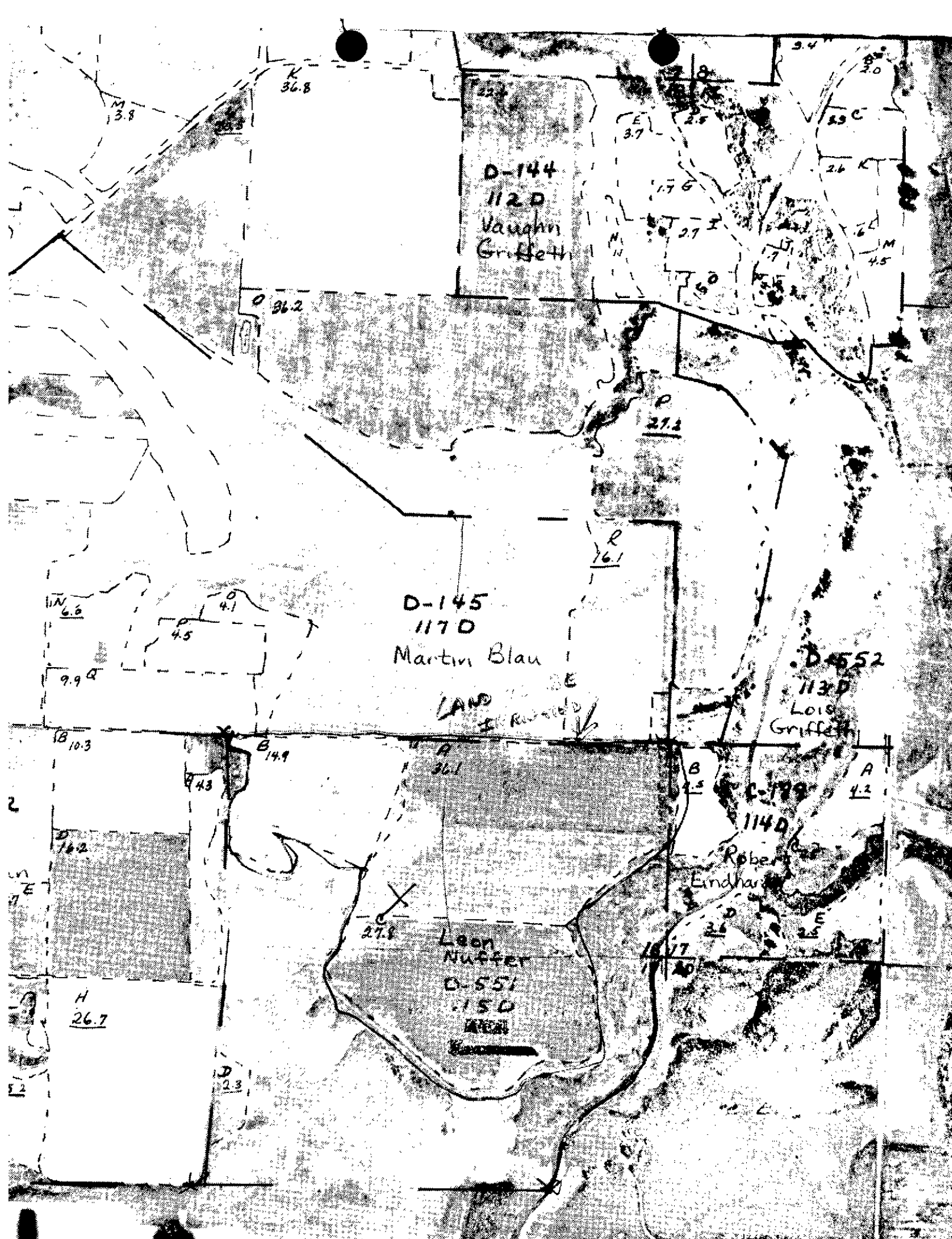
The water is claimed to be used from Apr. 15 to Oct. 15 for the irrigation of 78.8 acres with a priority of May 1, 1960; the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, T. 15S, R. 39 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 6 and March 13, 1975.

Legal No. 2829 — Pub.
March 6, 13, 1975.



EASEMENT

This indenture, made this 19th day of April, 1963, between Martin Blau and wife Albertine C. Blau of Dayton, County of Franklin, State of Idaho, the parties of the First part, and Leon G. Nuffer, of Dayton, County of Franklin, State of Idaho, the party of the second part

WITNESSETH: That for and in consideration of the sum of \$1,000, paid by the party of the second part, receipt whereof is hereby acknowledged, the first parties do hereby grant, bargain, sell, and convey unto the second party, its successors and assigns, forever, a right-of-way easement in and over that certain real property situated in Preston, County of Franklin, State of Idaho, to-wit:

162 rod Ditch easement commencing at the SW corner of Lot 3, Section 18, Township 15 South, Range 39 East, Boise Meridian, and running along the South side of lot 3, NE1/4SW1/4 and the NW1/4SE1/4.

The party of the second part is hereby given the privilege of installing a ditch thru the above described right-of-way and the right of ingress and egress for that purpose. After installation is completed, the party of the second part may likewise enter in and upon the said premises for the purpose of making necessary repairs, but to damage the parties of the first part as little as possible, and to replace any gates or fences removed by the party of the second part or its agents in doing such work. The party of the second part is to pay the parties of the first part for any damage done in making such repairs.

Witness the hands of the parties of the first part affixed hereto the day and year first above written.

STATE OF IDAHO
County of Franklin ss

On this 19 day of April, 1963, before me Ted B. Larsen, a Notary Public in and for the State of Idaho, personally appeared Martin Blau and his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ted B. Larsen
Notary Public, Preston, Idaho

WATER RIGHT NUMBER 13-4025

ACT

ION

N OWNER LAST NAME - NUFFER

N SOURCE - FIVE MILE CREEK

N STAGE - STAIRY CLM

N DIVERSION POINT - NESW 13 15S 38E

N FROM - 04-15 TO - 10-15

N USE - IRRIGATION

N USE - IRRIGATION

N REMARKS - AC. IRR.=78.8.

FIRST NAME - LEON G.

CITY - DAYTON

TRIBUTARY OF - BEAR RIVER

PRIORITY - 05-01-1960

COUNTY - FRANKLIN

STATE - ID

ZIP CODE - 83232

TOTAL DIV. RATE - 1.5700CFS

USE DIV. RATE - 1.5700CFS

PLACE OF USE - TWN 15S RNG 39E SEC 18 TRACT SWSE

PLACE OF USE - TWN 15S RNG 39E SEC 19 TRACT NWNE

AC 43 TRACT SESE

AC 15 TRACT NWNE

AC 24

AC 06

April 2, 1975

RE: Claim to a Water Right No. 13-4025

Mr. Leon G. Nuffer
Dayton,
Idaho 83232

Dear Mr. Nuffer:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 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 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 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 contact this office.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

Enc: Copy of Claim

MAILED

March 24, 1975

RE: Claim to a Water Right No. 13-4025 Nuffer
Application for Permit No. 13-7102 Wheatley
" " " No. 13-7103 Ralphs

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection each of the above referenced applications. The legal notices were to have been published in your paper on March 6 and March 13, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

February 28, 1975

RE: Claim to a Water Right No. 13-4025 - NUFFER

Preston Citizen
Box 472
Preston, Idaho 83263

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 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Bill submitted

4-2-75

by

MB

Enc: Legal Notice

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4025

Notice is hereby given that Leon G. Nuffer,

Dayton, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.57 cubic feet per second ~~2074 cubic feet per second~~

of water from Five Mile Creek tributary to Bear River

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 15S, R. 38E, B.M.,

Franklin County

The water is claimed to be used from Apr. 15 to Oct. 15 for the
irrigation of 78.8 acres

with a priority of May 1, 1960;

the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, T. 15S,
R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho

on March 6 and March 13, 1975.

*Dec 11 1975
CW-A*

February 28, 1975

RE: Claim to a Water Right No. 13-4025 - Nuffer

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Attached herewith is departmental receipt No. 4119 in the amount of \$10.00 for the above referenced claim to a water right.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 25, 1975

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Enclosed please your check No. 92-171 in the amount of \$10.00 and the Claim to a Water Right in the name of Leon G. Nuffer. The claim form as submitted is in complete form. However, the signature and stamp of the notary is missing.

Please have it signed and returned to this office with the \$10.00 filing fee at your earliest convenience.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:mb

Enclosures

A.S. Sorry for the oversight!

MICROFILMED

RECEIVED FEB 26 1975

February 25, 1975

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Enclosed please your check No. 92-171 in the amount of \$10.00 and the Claim to a Water Right in the name of Leon G. Nuffer. The claim form as submitted is in complete form. However, the signature and stamp of the notary is missing.

Please have it signed and returned to this office with the \$10.00 filing fee at your earliest convenience.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:mb

Enclosures

RECEIVED
FEB 27 1975
DISTRICT ENGINEER

J. DENNIS (J. D.) WILLIAMS

ATTORNEY & COUNSELOR AT LAW

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

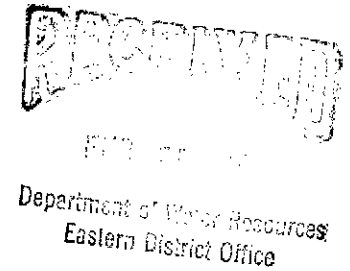
J. D. WILLIAMS

LOWELL D. CASTLETON
LAW INTERN

TELEPHONE:
(208) 852-2680

February 24, 1975

Idaho Department of Water Resources
Eastern District
1515 Lincoln Road
Idaho Falls, Idaho 83401



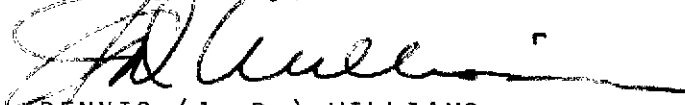
Re: Claim to Water Right of Leon G. Nuffer

Dear Sirs:

Enclosed please find a completed Claim to a Water Right to be filed for Leon G. Nuffer, Dayton, Idaho. Also, enclosed is the filing fee of \$10.00.

If any additional information is necessary in this matter, would you please so advise.

Yours very truly,


J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/jp

Enc.