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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Murray C. Nichols (name of claimant)
of 140 N. 1st West, Preston, Idaho 83263, claims a right to the diversion and beneficial use of (mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
North Canyon Creek, tributary to,
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>0.04</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.03</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>May 1</u> | To | <u>Nov. 15</u> |
| Amount | <u>2.00</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 2.07 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 11-16-1915

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 13 Twp. 12S Rge. 42E B.M. County of Bear Lake
Additional points of diversion: NW¼SE¼, Sec. 13, T. 12S, R. 42E, B.M.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 2" dia. pipe, ¼ mile main ditch and laterals

- (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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	42E	13													40	40	10	10	100

Total No. of acres 100

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
100 beef cattle and single family domestic

- (7) If you are claiming water as a member of an organization, list name of organization: _____

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2. War

A hand-drawn map on a grid. The grid consists of solid lines forming a 10x10 grid of squares, with dashed lines forming a 20x20 grid of smaller squares. In the lower-left quadrant, the word "Township" is written in a cursive script, with the number "125" written below it. To the right of this text, a small rectangle is drawn, spanning two grid squares. Inside this rectangle are two asterisks (*). Above the rectangle, the number "12" is written.

State of Idaho)
) ss.
County of Bonneville)

Murray C. Nichols
(Claimant)

Notary Public

My commission expires March 21, 1979

Received by OW Date 3-18-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ARK Date 3/18/77 claimant by: _____
\$10.00 fee received by OW Date 3-18-77 _____
Approved for publication by Mr. 4-14-77 #6459 _____
Published in News Examiner _____
Dates Mar. 31 & Apr. 2-1977 _____

Dated at Paris, Idaho this 12th day of May, 1966.

Anos B. Hulme, Recorder

By Ruby B. Hulme Deputy

Station from called
about 10:00 AM
Court House. Be
called 12 May 66

Sec. 13

Hyrum Wixom Pat 3-23-01	Emily S. Pat. 10-22-04	William Crisley Pat 11-16-15
Joseph M. Wixom 10-27-05	Thomas S. Pat 2-21-01	
Horacio Pat 5-3-07	Wixom	

13
25

John H. Miles
11-15-05

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren M. Thompson
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; 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 31, 1977, and ending
with the issue of April 7, 1977

Fees, 14.87

Subscribed and sworn to before me this 12 day

of April, 1977
Loren M. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-405

Notice is hereby given that Murray C. Nichols, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.07 cubic feet per second of water from unnamed springs tributary to North Canyon Creek with point of diversion in the NE¼SE¼, NW¼SE¼, Sec. 13, T. 12S, R. 42E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and from May 1 to Nov. 15 for stockwatering purposes for 100 beef cattle and from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of Nov. 16, 1915; the place of use is within the SE¼, Sec. 13, T. 12S, R. 42E, 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.

Director

Published in the News-Examiner, Montpelier, Idaho on March 31 and April 7, 1977.

M31-A7

01 WATER RIGHT NUMBER - 11-4058

02 OLD (D) NUMBER -

03001 - NICHOLS LAST NAME

04001 - MURRAY C. FIRST NAME

05001 - C ORIG. OWNER

06 ADD LINE 1 - 140 N. 1ST W.

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - PRESTON

10 STATE - ID 11 ZIP - 83263

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE

14001 - SPRINGS

15001 - NORTH CANYON CREEK

TRIBUTARY OF

16 DIVERSION MEANS -

17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 2.070

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT DIVERSION POINTS RFLG STREAM INDEX FIELDS

22001 - NESE 23001 - 13 24001 - 12S 25001 - 42E 26001 - 27001 - 28001 - 0 100.0 171.0 10.0 0.0 0.0 0 0 6.3

22002 - NWSE 23002 - 13 24002 - 12S 25002 - 42E 26002 - 27002 - 28002 - 0 100.0 171.0 10.0 0.0 0.0 0 0 6.6

29 NON-IRRIGATION USE - S/100 RANGE D/1 HOME.

USE CODE / USE TWN PLACE OF USE SEC TRACT ACRES LOT

30001 - 01 IRRIGATION 31001 - 12S 32001 - 42E 33001 - 13 34001 - NESE 35001 - 40 36001 -
30002 - 01 IRRIGATION 31002 - 12S 32002 - 42E 33002 - 13 34002 - NWSE 35002 - 40 36002 -
30003 - 01 IRRIGATION 31003 - 12S 32003 - 42E 33003 - 13 34003 - SWS 35003 - 10 36003 -
30004 - 01 IRRIGATION 31004 - 12S 32004 - 42E 33004 - 13 34004 - SESE 35004 - 10 36004 -

TOTAL ACRES: 100

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0401 38001 - 1101 39001 - 01 IRRIGATION 40001 - 2.000 41001 - 0.00
37002 - 0501 38002 - 1115 39002 - 04 STOCKWATER 40002 - 0.030 41002 - 0.00
37003 - 0101 38003 - 1231 39003 - 43 DOMESTIC 40003 - 0.040 41003 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

	PRIORITY	D A T E S		D A T E S	F L A G S	
47	PRIORITY	16-NOV-1915	55	LICENSE	63	TRANSFER/AMENDED
48	PROOF DUE		56	APPL RECEIVED	64	DLE/CAREY ACT
49	PROOF MADE		57	FIELD EXAM MADE	65	FLAG_1
50	APPROVE/OENIED		58	DECREE	66	FLAG_2
51	PROTESTED		59	START WORK	67	FLAG_3
52	HEARING		60	ORDER SHOW CAUSE		
53	VERIFIED		61	DATE_1		
54	LAST UPDATE	13-NOV-1981	62	DATE_2		

3/1/86
VERIFIED JKN

IDENT. NO. 11-41058

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 111-4058
OTd No. _____ New No. _____

Record

1. Original Owner: Murray C. Nichols

Present Owner: _____

2. Address: 140 N. 1st W.3. City: Preston State: Id Zip: 832634. A. Source of Water: Springs
B. Tributary of: North Canyon 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: 11-16-1915D. County: 07E. Total Diversion Rate: 2.07

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>NESE</u>	<u>13</u>	<u>12S</u>	<u>42E</u>	_____	_____
	<u>NWSE</u>	<u>13</u>	<u>12S</u>	<u>42E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 4-1 to 11-1 for A purposes. Amount 2.
(cfs or AG-FT/yr)from 5-1 to 11-15 for S purposes. Amount .03from 1-1 to 12-31 for D purposes. Amount .04

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use code: A

9. A. Decree Name:
B. Decree Date:

11. Other Uses (Non-irrigation explanatory information):
5/100 range 0/1 some -

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):

April 18, 1977

RE: Claim to a Water Right No. 11-4058

Mr. Murray C. Nichols
140 N. 1st W.
Preston, Idaho 83263

Dear Mr. Nichols:

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 call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 7, 1977

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

RE: Claim to a Water Right No. 11-4058 and Application for Permit No. 11-7107
MURRAY C. NICHOLS

Mr. Farrell W. Neilson, President
Ovid Irrigation Company
Ovid, Idaho 83260

Dear Mr. Neilson:

We are returning your letter of protest submitted against the granting of the above referenced claim to a water right and application for permit.

While you have the right to protest the granting of a permit, your protest must indicate the reasons you object to its approval. The Department can receive protests and hold administrative hearings if the protest is based on one of the four following reasons:

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

If you wish to resubmit a protest, please do so before April 18, 1977.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it before April 18, 1977, to assist us in rapid processing.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enclosure
cc: Fast Flow Irrigation Co

March 24, 1977

RE: Application for Permit No. 11-7106 WALKER
11-7107 NICHOLS
11-7108 NELSON
11-7109 WALLENTINE
11-7110 "
Claim to a Water Right No. 11-4058 NICHOLS

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

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
Supervisor,
Eastern Region

Bill submitted 4-14-77 by CW

RDC:CW

Enc: Legal Notice (6)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4058

Notice is hereby given that Murray C. Nichols,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.07 cubic feet per second ~~XXXXXX FEET PER SECOND XXXXXX~~
of water from unnamed springs tributary to North Canyon Creek
with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E,
B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
for one family and from May 1 to Nov. 15 for stockwatering purposes for 100 beef
cattle and from Apr. 1 to Nov. 1 for the irrigation of 100 acres
with a priority of Nov. 16, 1915;
the place of use is within the SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E, 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.

~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the News-Examiner, Montpelier, Idaho
on March 31 and April 7, 1977

*the J.
the A.*