

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 not applicable

7. Where water is used for domestic or municipal purposes give number of families served not applicable
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 Not applicable

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.

November 13, 1968
(Date)

Joe Pennick
(Signature of Claimant)

State of Idaho }
County of Canyon } ss.

On this 13th day of November 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~ they) executed the same.

Debra R. Kelly
Notary Public residing at Caldwell, Idaho

My commission expires 7-8-69

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>df</u>	<u>12-6-68</u>			
Prelim. check by <u>Debra</u>	Date <u>12-6-68</u>			
Fee received by <u>df</u>	Date <u>12-13-68</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>df</u>	Date <u>12-23-68</u>			
Published in <u>Owyhee</u>	Dates <u>1-2-69</u>			
<u>Rugget</u>	<u>1-9-69</u>			

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } S.S.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 2 day of January, 1969, and the last publication being on the 9 day of January, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 10 day of Jan., 1969.

Lena S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECL. ENGR.	
DEPUTY	
WATER RIGHTS	
APP. DP	
DISC	
ADJ	
INVESTIGATION	
WELLS	
LANDS	
ACCOUNTING	
FILE	
RETURN TO	
RECORD	

RECEIVED

JAN 14 1969

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT No. 57-4002

Notice is hereby given that J. S. Fenwick, 1644 Rimview Drive, Caldwell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 9.48 cubic feet per second of water from Succor Creek, tributary of Snake River, with point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 3 S., R. 6 W., B. M., Owyhee County; the water is claimed to be used from April 1 to September 15 for irrigation with a priority of April 1, 1908; the place of use is SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, And all of Lots 1 and 2, Sec. 14, T. 3 S., R. 6 W., 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 Owyhee Nugget, Marsing, Idaho on January 2 and January 9, 1969.

57 4002

RECEIVED

FEB 20 1969

SCHROEDER, DENNING & HUTCHENS

LAWYERS

W. F. SCHROEDER
D. S. DENNING, JR.
JOHN N. HUTCHENS

February 19, 1969

Department of Reclamation

AREA CODE 503
PHONE 473-3141
P. O. BOX 776
VALE, OREGON 97918

RECL. ENGR.	
DEPUTY	
WATER RIGHTS	
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DIST	
ADJ	
INVESTIGATION	
WELLS	
WMS	
ACCOUNTING	
FILE	
RETURN TO	
RECORDS	

State of Idaho
Reclamation Department
614 State Street
Boise, Idaho

Re: Application of J. S. Fenwick Claim 57-4002

Gentlemen:

Enclosed herewith is Affidavit executed
by Frank Baltzor pertaining to the above matter.

Please acknowledge receipt of this Affi-
davit.

Very truly yours,

W F Schroeder
W. F. SCHROEDER
SCHROEDER, DENNING & HUTCHENS

WFS:mr

Enc.

57 4002

SCHROEDER, DENNING & HUTCHENS
LAWYERS

W. F. SCHROEDER
D. S. DENNING, JR.
JOHN N. HUTCHENS

AREA CODE 503
PHONE 473-3141
P. O. BOX 776
VALE, OREGON 97918

January 31, 1969

RECEIVED

FEB 3 1969

Department of Reclamation

Mr. Keith Higgenson, Director
Idaho Bureau of Reclamation
Capitol Building
Boise, Idaho 83701

Re: J. S. Fenwick Application

Dear Mr. Higgenson:

On behalf of Baltzor Cattle Company we wish
to submit an Affidavit with the application of J.
S. Fenwick.

Will you please send a photocopy of that
application so that we can make the appropriate
references in the Affidavit to be submitted.

Very truly yours,

W. F. Schroeder
W. F. SCHROEDER *mr*
SCHROEDER, DENNING & HUTCHENS

WFS:mr

RECL. ENGR.	
DEPUTY	
WATER RIGHTS	
APPROP.	
DIST.	
ADJ.	
INVESTIGATION	
WELLS	
DAMS	
✓ ACCOUNTING	
FILE	
RETURN TO	
RECORD	

57 4002

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 23, 1968

Re: Application no. 57-7028-Oliver M. Cox
Claim no. 57-4002 - J. S. Fenwick

Owyhee Nugget
Marsing, Idaho

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 can not 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4002

Notice is hereby given that J. S. Fenwick, 1644 Rimview Drive, Caldwell, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 9.48 cubic feet per second of water from Succor Creek, tributary of Snake River, with point of diversion in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 3 S., R. 6 W., B. M., Owyhee County; the water is claimed to be used from April 1 to September 15 for irrigation with a priority of April 1, 1908; the place of use is SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, And all of Lots 1 and 2, Sec. 14, T. 3 S., R. 6 W., 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 Owyhee Nugget, Marsing, Idaho on January 2 and January 9, 1969.

57 4002

RECEIVED

DEC 6 1968

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERY
ATTORNEYS AT LAW
914 MAIN STREET
P. O. BOX 729
CALDWELL, IDAHO
83605

Department of Reclamation

TELEPHONE
459-1541
AREA CODE 208

S. BEN DUNLAP
HERBERT W. RETTIG
RICHARD ROSENBERY

December 5, 1968

	RECL. ENGR.	
	DEPUTY	
	WATER RIGHTS	
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	FILE	
	RETURN TO	
	RECORD	

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Re: J. S. Fenwick, Water Filing

Dear Mr. McEldowney:

Enclosed herewith find the corrected Claim to a Water Right in behalf of my client, Mr. Fenwick.

I believe I have corrected the matters which you suggested in your letter of November 20th, and I would request that you file the same and proceed accordingly. Our check for \$10.00 covering the filing fees is enclosed.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERY

Herbert W. Rettig
Herbert W. Rettig

HWR/mf
Enclosure - ch. \$10.00

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4002

Notice is hereby given that J. S. Fenwick, 1644 Riverview Drive,
Caldwell, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 9.48
cubic feet per second ~~acre-feet~~ of water from Succor Creek tributary
of ~~Snake~~ Snake River with point of diversion in SW/4SW/4, Sec. 14,
T. 3 S., R. 6 W., B. M., Owyhee County; the water is
claimed to be used from April 1 to September 15 *for irrigation*
with a priority of April 1, 1908
; the place of use is SE/4NW/4, NE/4SW/4,
And all of Lots 1 and 2, Sec. 14, T. 3 S., R. 6 W.,
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 Owyhee Nugget, Marsing, Idaho
on January 2 and January 9, 1969.

Identification No.

Claim No.

Map No.

57-4002

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 J. S. FENWICK
post office address 1644 Rimview Drive, Caldwell, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 14 Township 3 South
Range 6 West B.M. located on Suecor Creek
(name of source)
tributary to Snake River in Owyhee 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:

April 1, 1908 amount: 9.48 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 Irrigation period of use from April 1 to Sept. 15 ^{depending on avail-} (both dates inclusive) ability
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 Cement Dam
_____ ; length is 45 feet; height is 4 feet;
width at bottom is 3 feet; width at top is 3 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 _____
_____ ;

57 4002

Water is measured through a headgate rectangular in shape and three feet across.

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 _____
none

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 not applicable

7. Where water is used for domestic or municipal purposes give number of families served not applicable 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 Not applicable

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.

November 13, 1968
(Date)

Joe Fennick
(Signature of Claimant)

State of Idaho }
County of Canyon } ss.

On this 13th day of November 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) executed the same.

[Signature]

Notary Public residing at Caldwell, Idaho

My commission expires 7-8-69

For Department Use Only

Received by dy Date 12-6-68

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by Deur Date 12-6-68

Fee received by ef Date 12-13-68 Fee \$10.00

Approved for publication by JP Date 12-23-68

Published in Owyhee Dates 1-2-69
Nugget 1-9-69

57 4002

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.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
		Total claimed:	<u>1.2 c.f.s.</u> 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Deposition of J. S. Fenwick

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
County of Malheur) ss

JESS STRODE of Vale, Oregon, being first duly sworn, deposes and says:

That he resides in and about Vale, Malheur County, Oregon.
That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2: all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each year since 1908 he has observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the said land. That I have personally observed the waters from said creek being diverted and flowing in the irrigation ditches located on the said property and the application of such water since said date to the growing of hay crops on said property.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

1 Dated this 8 day of October, 1968.

2
3
4 Jess Strode
5 Jess Strode

6 Subscribed and sworn to before me this 8 day of _____
7 October, 1968.

8
9 Marjorie Frappone
10 Notary Public for
11 Residing at
12 My commission expires: 5-5-72

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32 (SEAL)

DUNLAP, RITTIG & ROSENBERY
Attorneys at Law
914 Main Street
Caldwell, Idaho

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
) SS
County of Malheur)

S. K. SKINNER, of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in and about Jordan Valley, Malheur County, Oregon. That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2; all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That I have on many occasions in each year since 1908 personally observed the described lands and the use being made thereof by Mr. Emery and its subsequent owners and occupiers.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each of the years since 1908 I have observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the above described land for the useful purpose of irrigating hay crops grown and harvested thereon.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

1 Dated this 27th day of September 1968.

2
3 S. K. Skinner
4 S. K. Skinner

5 Subscribed and sworn to before me this 27th day of _____
6 September, 1968.
7

8 Hubert W. Peltz
9 Notary Public for Idaho
10 Residing at Caldwell
My commission expires: 7-8-69

11 (SEAL)

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DUNLAP, RETTIG & ROSENBERY
Attorneys at Law
914 Main Street
Caldwell, Idaho

Department of Agriculture Department of Reclamation

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF OREGON)
County of Malheur) ss

HUGH H. SCOTT of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in and about Jordan Valley, Malheur County, Oregon. That for many years immediately last past he has been continuously familiar with the following described land located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2: all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That the above said property is now owned by J. S. Fenwick of Caldwell, Idaho, and that he has been familiar with the said land since the year 1908 when the land was first occupied by Albert Emery.

That I have on many occasions in each year since 1908 personally observed the described lands and the use being made thereof by Mr. Emery and its subsequent owners and occupiers.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands. That in each of the years since 1908 I have observed that waters flowing in the natural channel of the said Succor Creek have been diverted from the said stream and appropriated and applied to the above described land for the useful purpose of irrigating hay crops grown and harvested thereon.

That the appropriation and use of said waters as aforesaid, has generally begun about April 1 of each year and continued so long as sufficient water remained in the creek for diversion; the length of time of appropriation use varied from year to year depending upon the water supply, and some years went as late as the month of September.

DUNLAP, BETTIG & ROSENBERY
Attorneys at Law
914 Main Street
Caldwell, Idaho

1 Dated this 23rd day of September, 1968.

2
3 Hugh H. Scott
4 Hugh H. Scott
5

6 Subscribed and sworn to before me this 23rd day of _____
7 September, 1968.
8

9 Hubert W. Petty
10 Notary Public for Idaho
11 Residing at Caldwell
12 My commission expires: 7-8-69

13 (SEAL)

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DUNLAP, RETTIG & ROSENBERRY
Attorneys at Law
914 Main Street
Caldwell, Idaho

DEC 6 1968

NOV 18 1968

Department of Reclamation Department of Reclamation

AFFIDAVIT IN SUPPORT OF CLAIM FOR WATER RIGHT

STATE OF IDAHO)
County of Canyon) ss

E. C. FENWICK, of Jordan Valley, Oregon, being first duly sworn, deposes and says:

That he resides in Jordan Valley, Malheur County, Oregon.

That he is familiar with the following described property located in Owyhee County, Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; and Lots 1 and 2; all in Section 14, Township 3 South, bearing 6 West of the Boise Meridian, Owyhee County, Idaho.

That I lived within approximately three (3) miles of the said property for twenty-four years until 1926. That during that period and the period continuously since 1926 I have observed and actually been in and upon the said property and inspected the same.

That the natural channel of Succor Creek, which is a natural stream, flows through the said lands and has done so ever since I first became acquainted with the said property.

That the first occupant of the said land was Albert Emery and that in 1908 he constructed a rock dam across the natural channel of Succor Creek about four feet in height and thereby diverted and conducted water from said stream through ditches constructed by him, and applied to hay crops grown upon the said lands.

That the said Albert Emery and the subsequent owners and occupiers up to the ownership of J. S. Fenwick, continuously during those years used and appropriated water from said creek to the irrigation of hay crops grown and harvested thereon, utilizing the same ditches constructed by Mr. Emery.

That J. S. Fenwick purchased the land in 1946 and utilized the same irrigation works each year to apply and appropriate water from said stream to the growing of hay crops upon the said land.

1 That in and about the year 1950 the said J. S. Fenwick
2 removed the said rock dam across the said stream and constructed
3 the cement dam four feet in height in its place, which has been
4 used each year ever since in diverting waters from the natural
5 channel of the said stream for application to the said lands in
6 the same manner and for the same beneficial purposes as set forth
7 above. That the change in the diversion works has not resulted
8 in an increase or decrease in the amount of waters diverted from
9 said stream and applied as aforesaid.

10 That the appropriation and use of the waters from said
11 stream as aforesaid, has generally begun about April 1 of each
12 year and continued so long as sufficient waters remained in the
13 creek for diversion; that the length of time of such appropriation
14 and use varied from year to year depending on the water supply and
15 in some years, appropriation lasted into the month of September.

16 Dated this 24 day of October, 1968.

17 E. C. Fenwick
18 E. C. Fenwick
19

20 Subscribed and sworn to before me this 24 day of _____
21 October, 1968.

22 Margaret Frappone
23 Notary Public for Idaho
24 Residing at Caldwell, Idaho
25 My commission expires: 5-5-72
26
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(SEAL)

FEB 22 1969

AFFIDAVIT

Department of Reclamation

STATE OF OREGON)
County of Malheur) ss

Frank Baltzor, being first duly sworn upon his oath, deposes and says:

I live on a ranch near Jordan Valley, Oregon, I am more than 55 years old and have lived in that area during all of my lifetime. My father lived in that area for many years preceding my birth. I am in the ranching business and I have extensive real property holdings. I know and have known properties in that area for many years. Part of my holdings are in the State of Idaho and I know and have known for many years properties in the State of Idaho near the Oregon border in the area of Jordan Valley, Oregon.

J. S. Fenwick has made application for a water right for irrigation upon the following described real property:

Sec. 14, Twp. 3 S., R. 6 W. B. M., Idaho:
SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 1 and 2.

I know and have known this tract for many, many years.

This property was purchased by Mr. Fenwick in 1946. Prior to that time for at least 20 years, there was absolutely no use of any irrigation water made upon this land nor was there any water application pertaining to this land. During this extensive period, the land was in brush and was not cultivated at all. This land was first deeded to Albert Emery, then to the McCloud Brothers. The balance of the unit was in Oregon where the house had been located before its destruction by fire.

Furthermore, there is not 173 irrigable acres (the number of acres applied for) upon this tract.

I make this Affidavit as a filing to the State of Idaho, Department of Reclamation, pertaining to Claim No. 57-4002 (J. S. Fenwick.)

Frank Baltzor

Subscribed and sworn to before me this 19th day of February, 1969

Margaret Ryan
Notary Public for Oregon
My commission expires 9/26/69

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 2 day of January, 1969, and the last publication being on the 9 day of January, 1969;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 10 day of Jan., 1969.

Leona S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT No. 57-4002

Notice is hereby given that J. S. Farnick, 1802 Blinn Drive, Caldwell, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 9.00 cubic feet per second of water from Sucoy Creek, tributary of Snake River, with point of diversion in SW 1/4, Sec. 14, T. 2 S., R. 10 W., E. 1 M., Owyhee County, Idaho. The water is claimed to be used from April 1 to September 30 for irrigation with a priority of April 1, 1900. The place of use is SW 1/4, NW 1/4, SW 1/4, and all 20 Lots 1 and 2, Sec. 14, T. 2 S., R. 10 W., E. 1 M.

Any exception to this claim of water right may be filed with the Department of Reclamation. R. KERRY HUGHESON, State Reclamation Engineer. Published in the Owyhee Nugget, Marsing, Idaho on January 2 and January 9, 1969.

57 4002

February 27, 1969

Re: Claim No. 57-4002
J. S. Fenwick

Mr. W. J. Schroeder
Schroeder, Denning & Hutchens
Attorneys at Law
P. O. Box 776
Vale, Oregon 97918

Dear Mr. Schroeder:

We are in receipt of your letter of February 19, 1969 and the affidavit filed as an exception to Claim No. 57-4002.

Under Section 42-225 a and b of the Idaho Code, the Department of Reclamation will forward a copy of your exception to the claimant, J. S. Fenwick, and shall file the original exception in the claim folder.

No further action in connection with claims or exceptions has been contemplated in the Idaho Statutes.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

57 4002

February 27, 1969

Re: Claim No. 57-4002

Mr. J. S. Fenwick
1644 Rimview Drive
Caldwell, Idaho

Dear Mr. Fenwick:

We are enclosing a copy of an exception filed in connection with your claim to a water right. Under existing Idaho Statutes, Section 42-225 a and b of the Idaho Code, the Department of Reclamation is authorized only to file the original exception along with your claim and to forward a copy of the exception to your attention. We do not have the authority under the existing statutes to proceed further with the evaluation of claims or exceptions.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Copy of exception

57 4002

FEB 20 1969

SCHROEDER, DENNING & HUTCHENS

LAWYERS

W. F. SCHROEDER
D. S. DENNING, JR.
JOHN N. HUTCHENS

February 19, 1969

Department of Reclamation

AREA CODE 503
PHONE 473-3141
P. O. BOX 776
VALE, OREGON 97918

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 20 1969	
FBI - PORTLAND	
CSA [initials]	

State of Idaho
Reclamation Department
614 State Street
Boise, Idaho

Re: Application of J. S. Fenwick Claim 57-4002

Gentlemen:

Enclosed herewith is Affidavit executed
by Frank Baltzor pertaining to the above matter.

Please acknowledge receipt of this Affidavit.

Very truly yours,

W F Schroeder

W. F. SCHROEDER
SCHROEDER, DENNING & HUTCHENS

WFS:mr

Enc.

SCHROEDER, DENNING & HUTCHENS

LAWYERS

W. F. SCHROEDER
D. S. DENNING, JR.
JOHN N. HUTCHENS

AREA CODE 503
PHONE 473-3141
P O BOX 776
VALE, OREGON 97918

February 7, 1969

NOT POSTAL

Mr. M. Russell Bosch
Administrative Assistant
State of Idaho, Dept. of Recl.
Statehouse-Annex 2
Boise, Idaho

Re: Claim No. 57-4002, J. S. Fenwick

Dear Mr. Bosch:

At the direction of your letter of February 5,
we are herewith enclosing \$1.00. Thank you.

Very truly yours,

SCHROEDER, DENNING & HUTCHENS

By: W. F. Schroeder
W. F. SCHROEDER *mr*

WFS:mr

Enc.

*Let #2650
mailed
2-10-69*

57 4002

February 5, 1969

Re: Claim No. 57-4002
J. S. Fenwick

W. F. Schroeder
Schroeder, Denning & Hutchens
P. O. Box 776
Vale, Oregon 97918

Dear Mr. Schroeder:

Enclosed please find a copy of the above numbered claim as requested by your letter of January 31, 1969.

There is a \$1.00 fee for the copy which you may remit to our office.

Very truly yours,

M. Russell Bosch
Administrative Assistant

MRB:dj
Enclosure

57 4002

SCHROEDER, DENNING & HUTCHENS
LAWYERS

W. F. SCHROEDER
D. S. DENNING, JR.
JOHN N. HUTCHENS

AREA CODE 503
PHONE 473-3141
P. O. BOX 776
VALE, OREGON 97918

January 31, 1969

RECEIVED

FEB 3 1969

Department of Reclamation

Mr. Keith Higgenson, Director
Idaho Bureau of Reclamation
Capitol Building
Boise, Idaho 83701

Re: J. S. Fenwick Application

Dear Mr. Higgenson:

On behalf of Baltzor Cattle Company we wish to submit an Affidavit with the application of J. S. Fenwick.

Will you please send a photocopy of that application so that we can make the appropriate references in the Affidavit to be submitted.

Very truly yours,

W. F. Schroeder
W. F. SCHROEDER
SCHROEDER, DENNING & HUTCHENS

WFS:mr

January 21, 1969

Re: Claim No. 57-4002

Mr. J. S. Fenwick
1644 Rimview Drive
Caldwell, Idaho

Dear Mr. Fenwick:

Please be advised that the Department of Reclamation has received and processed your claim to a water right. The information in your claim is filed under Claim No. 57-4002. Please refer to this number when adding or changing the information in your claim.

Enclosed is receipt No. 2401 in the amount of \$10.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Receipt No. 2401

cc: Mr. Herbert W. Rettig

57 4002

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 21, 1968

Re: Application no. 57-7028-Oliver M. Cox
Claim no. 57-4002 - J. S. Fenwick

Owyhee Nugget
Marsing, Idaho

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 can not 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Notice of Intent to Claim a Water Right
J. S. Fenwick, Applicant, has filed a claim to a water right established by diversion and application to beneficial use of 3.40 cubic feet per second of water from Suacor Creek, tributary of Snake River, with point of diversion in Section 14, T. 3 S., R. 8 W., E. 1 M., Owyhee County; the water is claimed to be used from April 1 to September 15 for irrigation with a priority of April 1, 1900. The place of use is SE 1/4, SW 1/4, and all of lots 1 and 2, Sec. 14, T. 3 S., R. 8 W., E. 1 M.
Any exception to the claim of water right may be filed with the Department of Reclamation.
R. Keith Higginson,
State Reclamation Engineer
Published in the Owyhee Nugget, Marsing, Idaho on January 2 and January 9, 1969.

57 4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4002

Notice is hereby given that J. S. Fenwick, 1644 Riverview Drive,
Caldwell, Idaho has filed a claim to a water right
established by diversion and application to beneficial use of 9.48
cubic feet per second ~~and~~ of water from Succor Creek tributary
of Snake River with point of diversion in SW1/4, Sec. 14,
T. 3 S., R. 6 W., B. M., Owyhee County; the water is
claimed to be used from April 1 to September 15 *for irrigation*
with a priority of April 1, 1908
; the place of use is SW1/4, NE1/4,
And all of Lots 1 and 2, Sec. 14, T. 3 S., R. 6 W.,
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 Owyhee Nugget, Marsing, Idaho
on January 2 and January 9, 1968.

RECEIVED

DEC 6 1968

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERY

ATTORNEYS AT LAW

914 MAIN STREET

P. O. BOX 729

CALDWELL, IDAHO

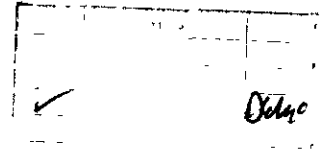
83605

S BEN DUNLAP
HERBERT W. RETTIG
RICHARD ROSENBERY

Department of Reclamation

TELEPHONE
459-1541
AREA CODE 208

December 5, 1968



Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Re: J. S. Fenwick, Water Filing

Dear Mr. McEldowney:

Enclosed herewith find the corrected Claim to a Water Right in behalf of my client, Mr. Fenwick.

I believe I have corrected the matters which you suggested in your letter of November 20th, and I would request that you file the same and proceed accordingly. Our check for \$10.00 covering the filing fees is enclosed.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERY

Herbert W. Rettig

HWR/mf
Enclosure - ch. \$10.00