

NOTICE OF CLAIM
TO A WATER RIGHT
No. 57-4006

Notice is hereby given that A. J. Nation, Route 1, Homedale, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second of water from Succor Creek, tributary to the Snake River with point of diversion in the NE¼-NW¼, Sec. 11, T. 23S, R. 46E, W.M., Malheur County, Oregon.

The water is claimed to be used from March 15 to Oct. 15 for the irrigation of 100 acres with a priority of 1885; the place of use is within the SW¼NE¼, S½-NW¼, N½SW¼, NW¼SE¼, Sec. 14, T. 3N, R. 6W, B.M., Owyhee County, Idaho.

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 Owyhee Chronicle, Homedale, Idaho on Aug. 19 and Aug. 26, 1971.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
COUNTY OF OWYHEE) ss.

I, Everett A. Colley, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the printer or publisher of THE OWYHEE CHRONICLE, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said THE OWYHEE CHRONICLE has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice NOTICE OF CLAIM TO A WATER RIGHT
No. 57-4006

of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in two (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

August 19, 1971

August 26, 1971

(Signed)

Everett A. Colley
26th day of August

Subscribed and sworn to before me this

A. D., 19 71

Evelyn S. Colley

Notary Public in and for the State of Idaho,
residing at Homedale, Idaho.

My commission expires 2-6, 19 72

57 4006

Identification No. _____
Claim No. 57-40061
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-223a, 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 A. J. NATION
post office address Route #1, Homedale, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 11 Township 23S
Range 46E W.M. located on Succor Creek
(name of source)
tributary to Snake River in Malheur County, Oregon.
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:

<u>1885</u>	amount: <u>2.0</u>	c.f.s. or	acre feet	^{see} <u>57-7046</u>
	amount:	c.f.s. or	acre feet	⁰⁻⁴⁶
	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 <u>irrigation</u>	period of use from <u>March 15</u> to <u>October 15</u>	(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 dam
_____ ; length is 35 feet; height is 3 1/2 feet;
width at bottom is 8" plus apron with at top is 8" ~~xxx~~; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known no increase but structure has been rebuilt
 - 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 _____

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? yes If yes, give the name of the ditch unnamed. The other users and their respective interests in the ditch are (if known) Harold Markley approximately 1/2; Charles Fritz approximately 1/4; and applicant approximately 1/4.

6. Where water is used for stock watering, give number of each kind of stock watered 50 to 100
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 The water was not taken thru the reservoir until 1970. Prior to that time it was used without taking it thru a reservoir

State of Idaho

County of Oneida

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 17th day of December, 1970

A J Nation

Claimant A. J. Nation

Richard B. Eismann

Notary Public Richard B. Eismann

Residing at Homedale, Idaho

My commission expires June 1, 1974

For Department Use Only

Received by <u>ji</u>	Date <u>2-21-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Debra</u>	Date <u>2-24-71</u>			
Fee received by <u>ji</u>	Date <u>2/24/71</u>	Fee \$ <u>10.⁰⁰</u>		
Approved for publication by <u>ji</u>				
Published in <u>Oneida Chronicle</u>	Dates <u>8-19-70-26-71</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</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<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.

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 A. J. NATION

post office address Route #1, Homedale, Idaho

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 11 Township 23S

Range 46E ^W B.M. located on Succor Creek

(name of source)

tributary to Snake River in Malheur County, Oregon

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:

1885 amount: _____ 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 March 15 to October 15 (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 dam

_____ ; length is 35 feet; height is 3 1/2 feet;

width at bottom is 8" plus apron ~~bank~~ with at top is 8" ~~bank~~; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known no increase but structure has been rebuilt

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 _____

- _____
- _____
- _____
- _____

- if feeder canal is used give maximum carrying capacity 4 c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions NE 1/4 SW 1/4 and NW 1/4 SE 1/4
Section 14, T3N, R6W, B. M.

- [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? yes If yes, give the name of the ditch unnamed. The other users and their respective interests in the ditch are (if known) Harold Markley approximately 1/2; Charles Fritz approximately 1/4; and applicant approximately 1/4.

6. Where water is used for stock watering, give number of each kind of stock watered 50 to 100
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 The water was not taken thru the reservoir until 1970. Prior to that time it was used without taking it thru a reservoir

State of Idaho

County of wyke

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 17th day of December, 1970.

A. J. Nation

Claimant A. J. Nation

Richard B. Eismann

Notary Public Richard B. Eismann

Residing at Homedale, Idaho

My commission expires June 1, 1974

For Department Use Only

Received by <u>[Signature]</u> Date <u>12-21-70</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by _____ Date _____	_____	_____	_____
Fee received by _____ Date _____ Fee \$ _____	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in _____ Dates _____	_____	_____	_____

27 4000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, **Everett A. Colley**, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the **printer** or publisher of **THE OWYHEE CHRONICLE**, a newspaper of general circulation printed and published weekly, on Thursday of each and every week, in the City of Homedale and County of Owyhee and State of Idaho.

3. That the said **THE OWYHEE CHRONICLE** has been printed and published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice **NOTICE OF CLAIM TO A WATER RIGHT**
No. 57-4006

of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not in a supplement thereto, in said newspaper, in **two** (consecutive) calendar weekly issue(s) of said newspaper, on the following date(s):

August 19, 1971

August 26, 1971

(Signed)

Everett A. Colley

Subscribed and sworn to before me this **26th** day of **August**

A. D., 19 **71**

Evelyn S. Colley

Notary Public in and for the State of Idaho,

residing at **Homedale**, Idaho.

My commission expires **2-6**, 19 **72**.

September 9, 1971

Re: Claim to a Water Right No. 57-4006

A. J. Nation
Route #1
Homedale, Idaho 83628

Dear Mr. Nation:

The Department of Water Administration 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

57 4006

March 29, 1971

Re: Claim No. 57-4006

Mr. A. J. Nation
Route # 1
Homedale, Idaho 83628

Dear Mr. Nation:

As of this date, we have not received a reply to our March 8, 1971 correspondence. Before we can continue with the processing of your application, we must receive from you, a notarized statement verifying 2 cubic feet per second as a rate of diversion under item #3a of your claim.

Your prompt attention to this matter will be appreciated.

As soon as we are in receipt of this verification, we shall continue with the processing of your claim.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

57 4006

March 8, 1971

Re: Claim No. 57-4006

Mr. A. J. Nation
Route # 1
Homedale, Idaho 83628

Dear Mr. Nation:

We are of a recent opinion that once the department has received a claim to a water right, we cannot alter it in any way unless we receive from you, a notarized statement verifying 2 c.f.s. as a rate of diversion under item #3a of your claim.

As soon as we are in receipt of your verification, we shall continue with the processing of your claim ~~to~~ water right.

We are sorry for any inconvenience we may have caused you.

We are enclosing a copy of your claim for your convenience in this matter.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CM

Enc: copy of above referenced claim

57 4006

August 10, 1971

Re: Claim No. 57-4006 - A. J. Nation

Owyhee Chronicle
20 East Idaho Ave.
Homedale, Idaho 83628

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 our 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,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 9-1-71 By ds

DWM:CR

Enc; Legal Notice

57 4006

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 57-4006**

Notice is hereby given that A. J. Nation, Route 1, Homedale, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 20 cubic feet per second of water from Succor Creek, tributary to the Snake River with point of diversion in the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 11, T. 23S, R. 46E, W.M., Malheur County, Oregon.

The water is claimed to be used from March 15 to Oct. 15 for the irrigation of 100 acres with a priority of 1885; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ -NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 3N, R. 6W, B.M., Owyhee County, Idaho.

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 Owyhee Chronicle, Homedale, Idaho on Aug. 19 and Aug. 26, 1971.

O.K.
8-20-71
B.B.

Requested Proof
B.B.

57 4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4006

Notice is hereby given that A. J. Nation, Route #1,

Homedale, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 2.0 cubic feet per second ~~acre feet~~ of water from Succor Creek, tributary to the Snake River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 23S, R. 46E, W.M.,
Malheur County, Oregon.

The water is claimed to be used from March 15 to Oct. 15 for the
irrigation of 100 acres
with a priority of 1885;
the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14,
T. 3N, R. 6W, B.M., Owyhee County, Idaho

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 Owyhee Chronicle, Homedale, Idaho
on Aug. 17 and Aug. 24, 1971
19 26

February 25, 1971

Richard B. Eismann
Attorney at Law
P. O. Box 36
Homedale, Idaho 83628

Dear Mr. Eismann:

Attached herewith is Departmental Receipt No. 5672 in the amount of
\$10.00 for Claim application in the name of A. J. Nation,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

57 4006

TELEPHONE 337-3135
AREA CODE 208

RICHARD B. EISMANN

ATTORNEY AT LAW

HOMEDALE, IDAHO

February 22, 1971

POST OFFICE BOX 36
ZIP CODE 83628

State of Idaho
Department of Water Administration
Attention: Mr. Donald W. McEldowney
Statehouse--Annex 2
Boise, Idaho 83707

Re: Claim to water right-A. J. Nation.

Dear Mr. McEldowney:

Enclosed herewith please find the claim to water right together with one copy thereof and my check in the sum of \$10.00.

Please file the claim to water right, stamp your filing data on the copy and return the copy to me.

Attached is the letter of December 22, 1970 signed by Dorian Clay for your handy reference. You will recall that you and I conversed about this in your office sometime ago and it was agreed that it would be re-submitted. If there is any question, please drop me a note and I will swing by the office and talk to you and your counsel.

Thank you very much.

Very truly yours,



Richard B. Eismann
RBE/imp
Enclosure:

57 4006



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

December 22, 1970

Re: Claim to a Water Right - A. J. Nation
Application for Permit

Mr. Richard B. Eismann
Attorney at Law
Post Office Box # 36
Homedale, Idaho 83628

Dear Mr. Eismann:

We are returning the application for permit, claim to a water right, and your personal check #92-300 in the amount of \$20.00, as we have several questions that need clarification before we could process either of these forms. If, in fact, the point of diversion on the above referenced claim is in Oregon, then this department would have no interest in that claim. If you find that the point of diversion is in Idaho, and you re-submit the claim, then there will be a \$10.00 filing fee.

In reviewing the above referenced application, it appears to be in order. However, the filing fee for 2 cubic feet per second of water will be \$25.00.

We wish to advise you that it would take approximately six to eight weeks to process either of these forms. Once they have been processed, and properly recorded, we will send the applicant the approved copies. We are enclosing five each of the above referenced forms for your use.
If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Dorian Clay
Appropriation Examiner

DC:cm

Enc: application for permit form
claim to a water right form
check #92-300 (\$20.00)
five application for permit forms
five claim to a water right forms

57 4006