

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 7 day of May, 1970, and the last publication being on the 14 day of May, 1970;

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 14 day of May, 1970.

Lois L. Shaver
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED

MAY 19 1970

Reclamation

NOTICE OF CLAIM TO A WATER RIGHT No. 57 - 4005

Notice is hereby given that E. LaVon King, Star Route, Marsing, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Little McBride Creek, tributary to Succor Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T. 2 S., R. 5 W., B. M., Owyhee County; the water is claimed to be used from April 1 to July 15 for irrigation and from Jan. 15 to April 1 for storage with a priority of April 1, 1946 (2.0 cfs) and April 1, 1958 (1.0 cfs); the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30; SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 1 S., R. 5 W., B. M. and within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5, T. 2 S., R. 5 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 May 7 and May 14, 1970.

57-4005

Identification No. _____
Claim No. 57-4005
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant E. LaVon King
post office address Star Route, Marsing, Idaho 83631

2 The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 5 Township 2 South
Range 5 West B.M. located on Little McBride Creek
(name of source)
tributary to Succor Creek 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, 1946 amount: 2 c.f.s. or _____ acre feet
April 1, 1958 amount: 1 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 3 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 July 15 (both dates inclusive)
use 80 ac. ft. storage / period of use from Jan. 15 to April 1 (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 rock
_____; length is 8 feet, height is 4 feet;
width at bottom is 6 feet, with at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
Ditch holds approx. 8 cfs

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 _____

57-4005

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-
-
-

- if feeder canal is used give maximum carrying capacity 8 c.f.s., if reservoir is off stream, describe location of reservoir by 40-acre subdivisions NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T 1 S, R 5 W, B.M.
Owyhee County, Idaho

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
approximately 60 acres added by leveling and better ditches and
better utilization of irrigation water from 1958 to 1960, however,
only 50 additional inches of water was used, making a total of 150 inch

Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

E. Laton King
Claimant

day of March, 19 70.
Laura J. Henderson
Notary Public

My commission expires 8/12/70

Received by <u>1</u>	Date <u>4-15-70</u>	Exception filed by _____	Forwarded to claimant by _____	Date _____
Prelim. check by <u>OK</u>	Date <u>Apr 15-70</u>	_____	_____	_____
Fee received by <u>1</u>	Date <u>4-15-70</u>	Fee \$ <u>10.00</u>	_____	_____
Approved for publication by <u>OK</u>	_____	_____	_____	_____
Published in <u>San Jose</u>	Dates <u>4-20 & 5-7, 1970</u>	_____	_____	_____
<u>Flaget</u>	<u>5-7-1970</u>			<u>57-400</u>

57-4005

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	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed.	<u>1.2 c.f.s.</u>	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.

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

Donald S. Mackinnon

Subscribed and sworn to before me this 13 day of April, 1970.

Joseph L. Mills
Notary Public for Idaho

Residing at *W. Millett*

My Commission expires *April 15, 1972*

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

Andrew Greeley Jr.

Subscribed and sworn to before me this 14th day of April, 1970.

Joseph W. Mills
Notary Public for Idaho
Residing at Boise

My Commission expires April 15, 1973

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

Georgia M. King

Subscribed and sworn to before me this 12 day of April, 1970.

Jack V. Mills
Notary Public for Idaho
Residing at Middletown

My Commission expires April 15, 1973

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

J. W. Stode

Subscribed and sworn to before me this 14th day of April, 1970.

Lucy McLean
Notary Public for Idaho
Residing at Baino

My Commission expires 5-25-71

57-4005

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

James E. Lawill

Subscribed and sworn to before me this 14th day of april, 1970.

Clinton L. Whiting
Notary Public for Idaho
Residing at Nampa

My Commission expires 16th april 1972

STATE OF IDAHO)
) ss.
COUNTY OF)

I, the undersigned, do hereby swear and depose that I know of my own certain knowledge that certain lands now owned by E. LaVon King and Georgia M. King and being located in Sections 30 and 31, Township 1 South, Range 5 West, B.M. and Sections 5 and 6, Township 2 South, Range 5 West, B.M., Owyhee County, Idaho, has been irrigated with 2 cfs of water from Little McBride Creek and Big McBride Creek since 1946, and an additional 1 cfs has been used since April 1, 1958; further that 80 acre feet of water from Little McBride Creek and Big McBride Creek has been stored each year since April, 1958.

E. LaVon King

Subscribed and sworn to before me this 13th day of April, 1970.

James E. Miller
Notary Public for Idaho
Residing at *Madison*

My Commission expires *April 15, 1973*

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 7 day of May, 1970, and the last publication being on the 14 day of May, 1970;

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 14 day of May, 1970.

John W. L. L. L.
NOTARY PUBLIC

My commission expires 12-1-72

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT No. 57 - 4005

Notice is hereby given that E. LaVon King, Star Route, Marsing, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Little McBride Creek, tributary to Succor Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T. 2 S., R. 5 W., B. M., Owyhee County; the water is claimed to be used from April 1 to July 15 for irrigation and from Jan. 15 to April 1 for storage with a priority of April 1, 1946 (2.0 cfs) and April 1, 1958 (1.0 cfs); the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30; SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 1 S., R. 5 W., B. M. and within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5, T. 2 S., R. 5 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 May 7 and May 14, 1970.

57 - 4005

May 25, 1970

Re: Claim to a Water Right No. 57-4005

C
O
P
Y

E. LaVon King
Star Route
Marsing, Idaho 83639

Dear Ms. King:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enc: Copy of claim

57-4005

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

May 19, 1970

Re: Claim to a Water Right No. 57-4005 - E. LaVon King

Owyhee Nugget
Marsing
Idaho 83639

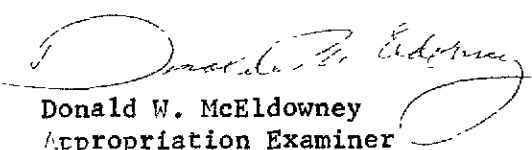
Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on April 30 and May 7, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,


Donald W. McEldowney
Appropriation Examiner

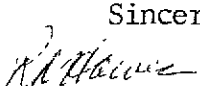
DWM:DR

5-20-70

This legal was published May 7--14 (We were not in the office Apr. 30 and therefore began the publication the following Thursday-May 7. The Apr. 30 issue of the Nugget was published before we received the notice.)

We have mailed the affidavit ^{and bill} ~~one gilling~~, along with those of two other legals, which you should have by now.

We hope this hasn't inconvenienced your office.

Sincerely,
 publisher

57-4005

May 19, 1970

Re: Claim to a Water Right No. 57-4005 - E. LaVon King

Owyhee Nugget
Marsing
Idaho 83639

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on April 30 and May 7, 1970.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

57-4005

April 22, 1970

Re: Claim to a Water Right No. 57-4005 - E. LaVon King

Owyhee Nugget
Marsing
Idaho 83639

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

57-4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 57-4005

Notice is hereby given that E. LaVon King, Star Route,
Marsing, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of 3.0
cubic feet per second ~~acre/feet~~ of water from Little McBride Creek,
tributary to Succor Creek with point of diversion in the NE¹/₄NW¹/₄ Sec.
5, T. 2S, R. 5W, B.M., Owyhee County; the water is
claimed to be used from April 1 to July 15 for irrigation and
from Jan. 15 to April 1 for / ^{storage} with a priority of April 1, 1946 (2.0 cfs)
and April 1, 1958 (1.0 cfs); the place of use is within the SE¹/₄NW¹/₄, E¹/₄SW¹/₄,
Sec. 30; SW¹/₄NE¹/₄, E¹/₄NW¹/₄, NE¹/₄SW¹/₄, N¹/₄SE¹/₄, SE¹/₄SE¹/₄, Sec. 31; SW¹/₄SW¹/₄, Sec. 32,
T. 1S, R. 5W, B.M. and within the NE¹/₄NE¹/₄, Sec. 6; N¹/₄NW¹/₄, Sec. 5, T. 2S, R. 5W, 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 April 30 and May 7, 1970.

x.14

57-4005