

PROOF OF PUBLICATION

AP 9-15-81

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;

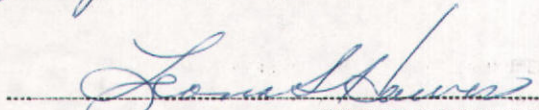
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 3 day of Sept., 1981, and the last publication being on the 10 day of Sept., 1981;

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.


PUBLISHER

Subscribed and sworn to before me this 10 day of

Sept, 1981.


NOTARY PUBLIC

My commission expires 9-10-84

(SEAL)

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

57 - 4058

OTTO, GLORIA W.
P. O. BOX 56, MURPHY, ID
83650

Source: SPRING tributary to
JORDAN CREEK

Priority Date: 01/01/1937

Amount: 0.07 CFS

Diversion Point: NWSE Sec
06 T 05S R 03W, OWYHEE
Co.

Use: IRRIGATION (0.04
CFS) from 05/15 to 10/15

INDUSTRIAL (0.01 CFS)
from 05/01 to 10/31

DOMESTIC (0.02 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec 06
T 05S R 03W FOR 2 ACRES

Diversion Means: TUNNEL,
FLUME, HEADGATE & COL-
LECTION BOX

Any exception to any claim of
water right may be filed with
the Director of the Idaho De-
partment of Water Resources,
92 S. Cole Road, Boise, Idaho
83709.

A. KENNETH DUNN,
Director.

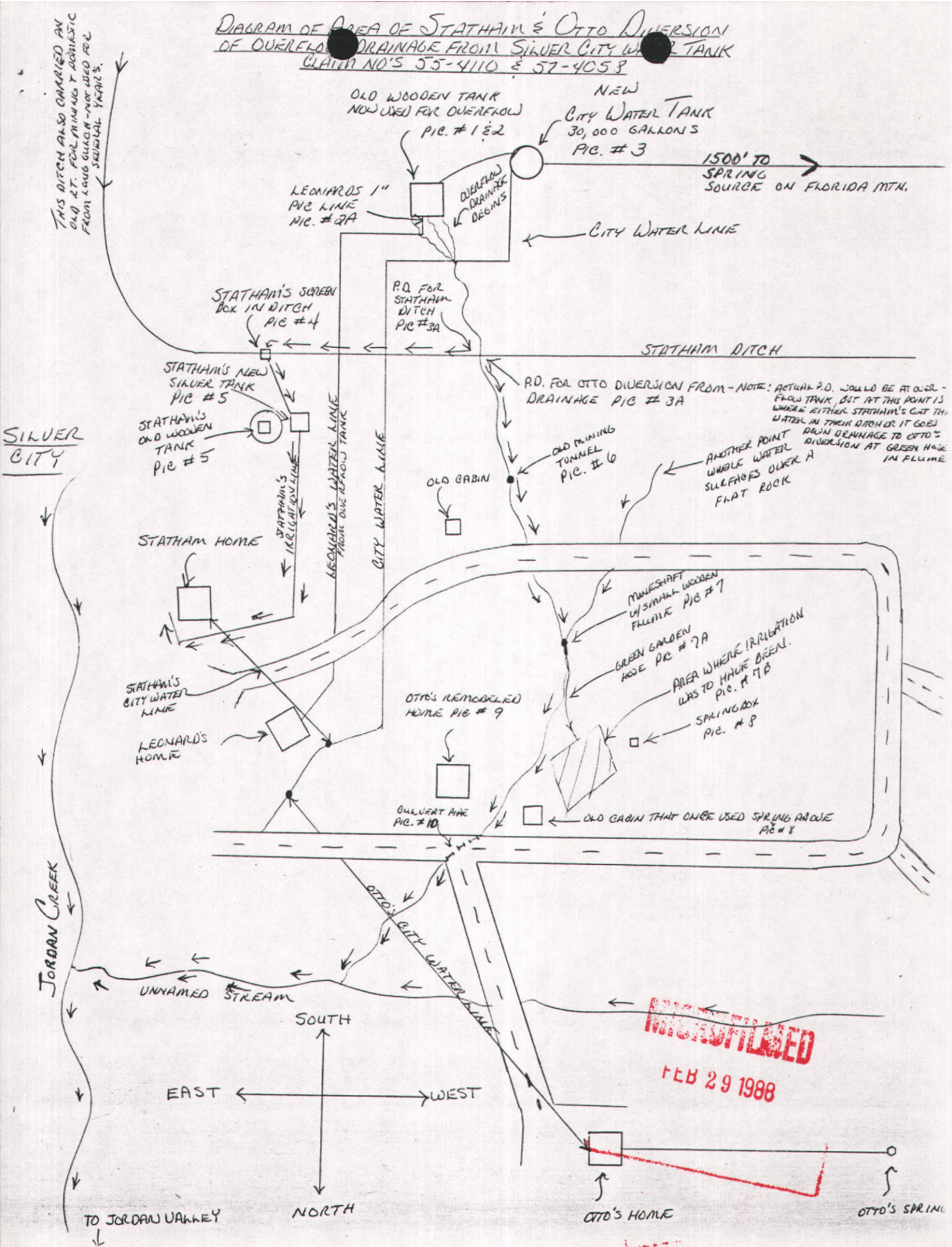
Published Sept. 3 and 10, 1981
in the Owyhee Nugget, Marsing,
Owyhee County, ID 83639.

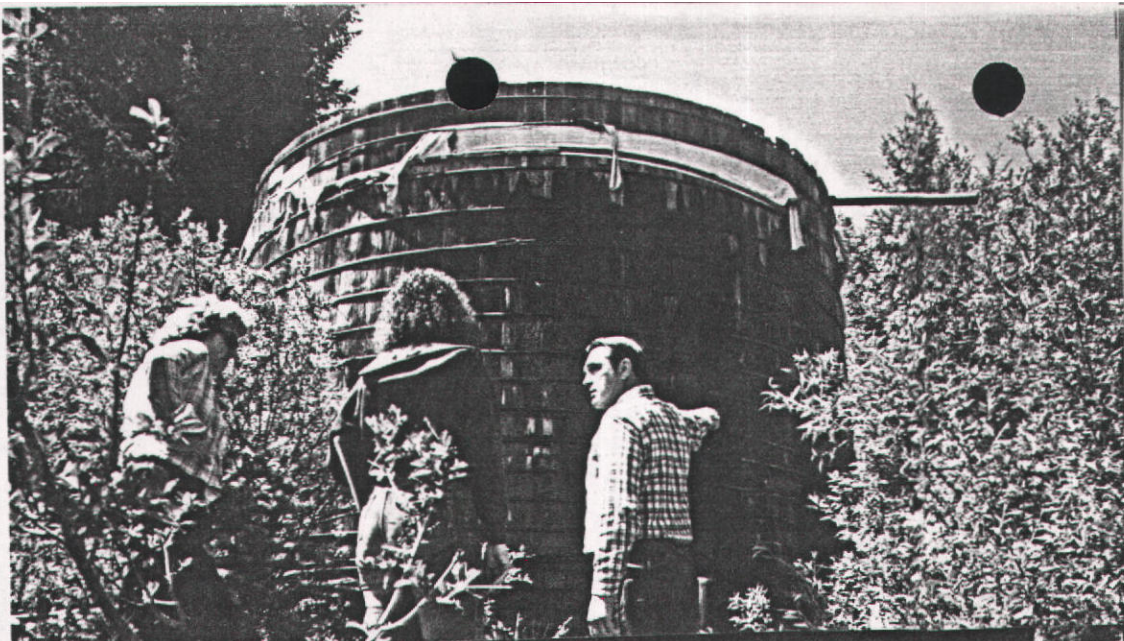
RECEIVED

SEP 15 1981

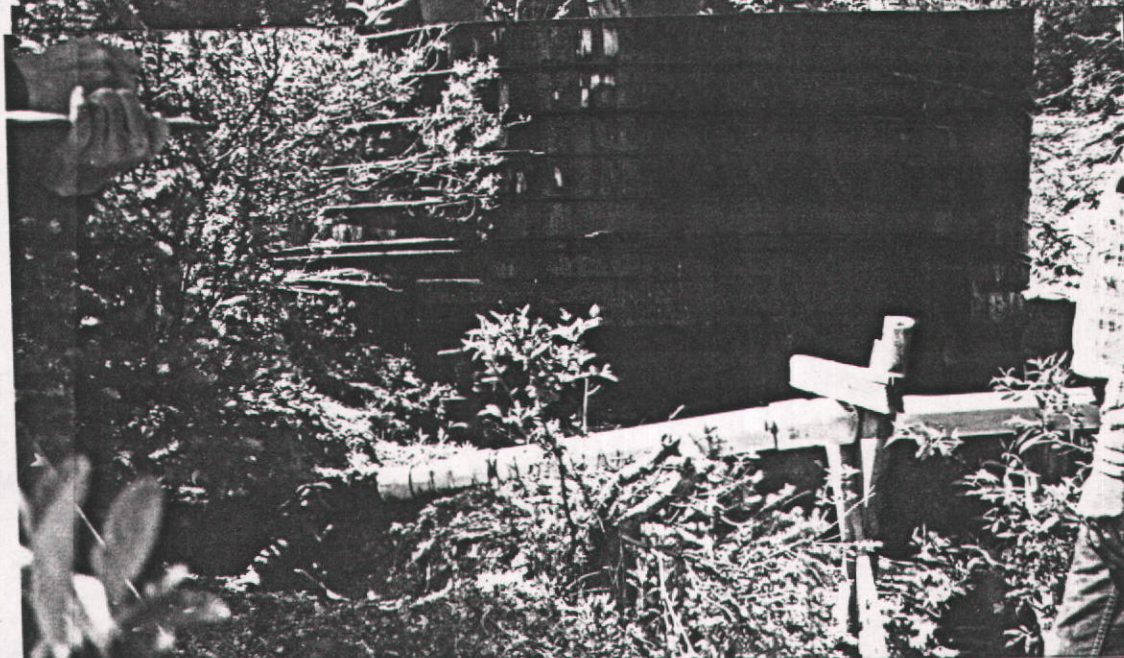
Department of Water Resources
Western Regional Office

DIAGRAM OF AREA OF STATHAM & OTTO DIVERSION
OF OVERFLOW DRAINAGE FROM SILVER CITY WATER TANK
CLAIM NO'S 55-4110 & 57-4058

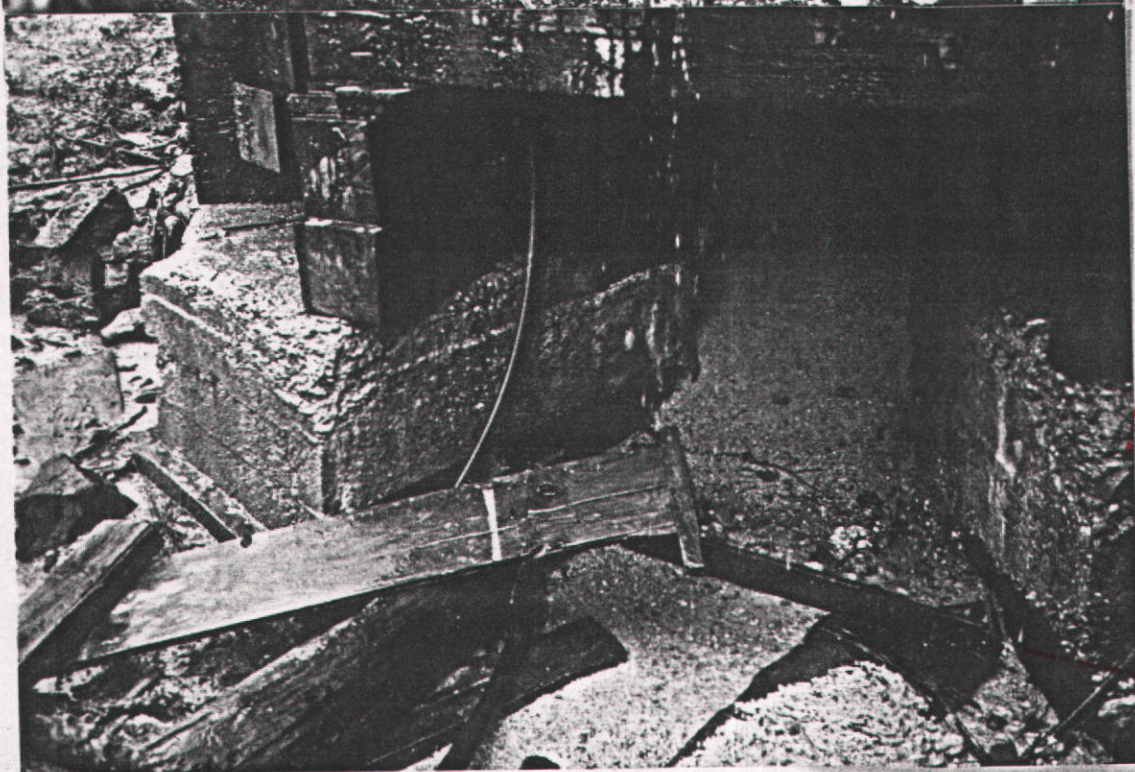




PICTURE
NO. 1 - OLD
WOODEN CITY
WATER TANK
NOW USED FOR
OVERFLOW
FROM NEW
TANK

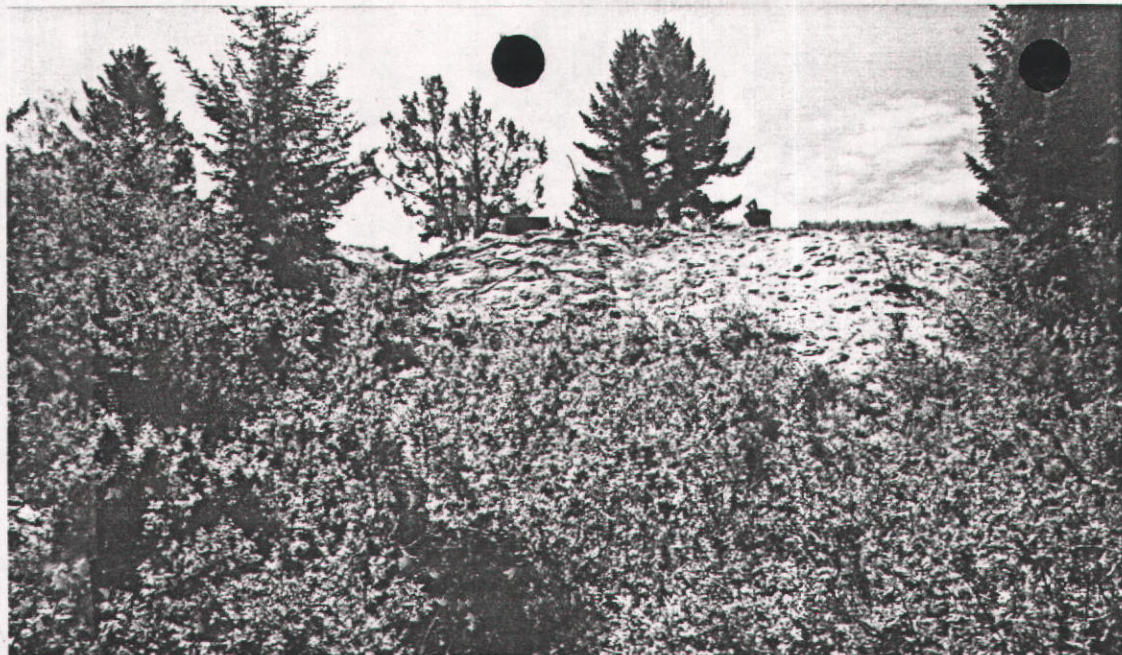


PICTURE NO.
2 - SHOWS
WHERE WATER
LEAKS FROM TANK
& FLOWS DOWN
DRAINAGE.

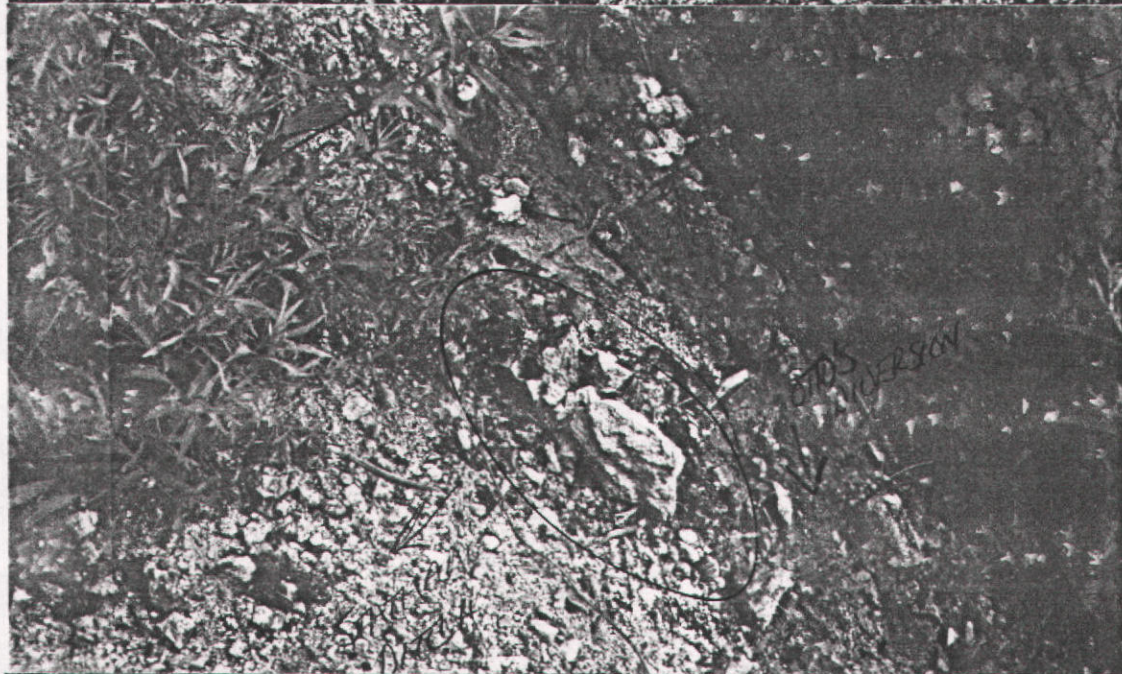


PICTURE NO.
2A SHOWS
1" PVC BLACK
WATERLINE TO
LEONARD'S
HOME.

RECORDED
FEB 29 1988



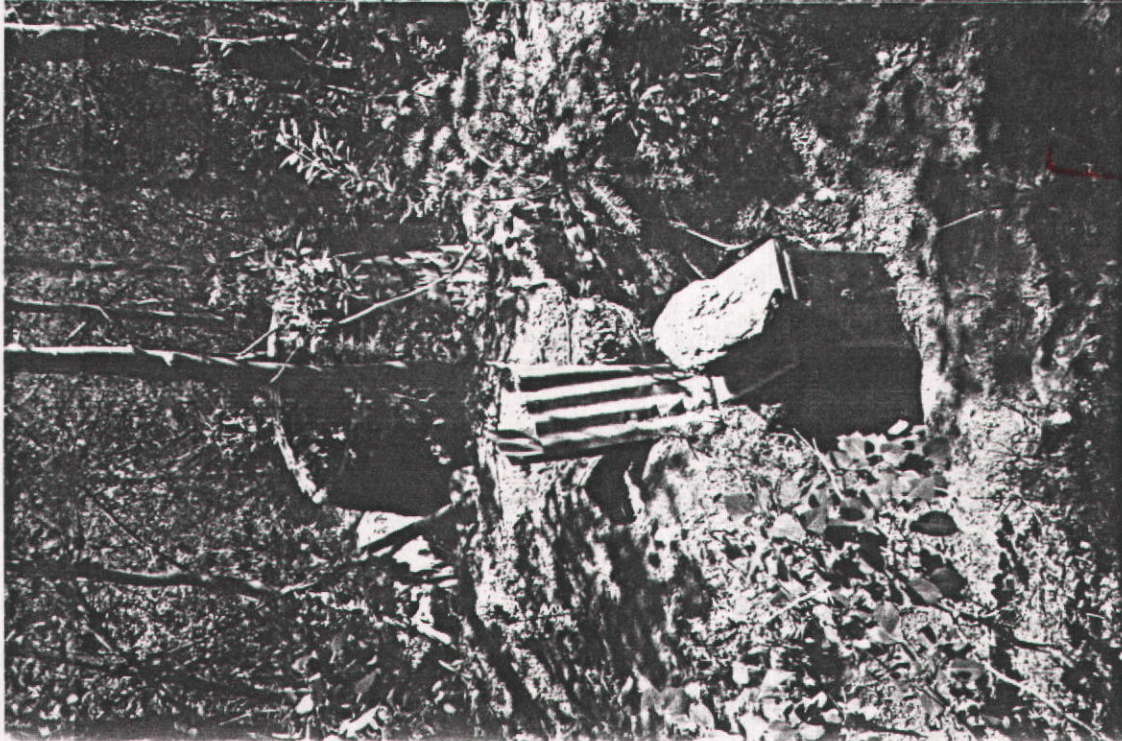
PICTURE NO. 3
NEW CITY
WATER TANK.



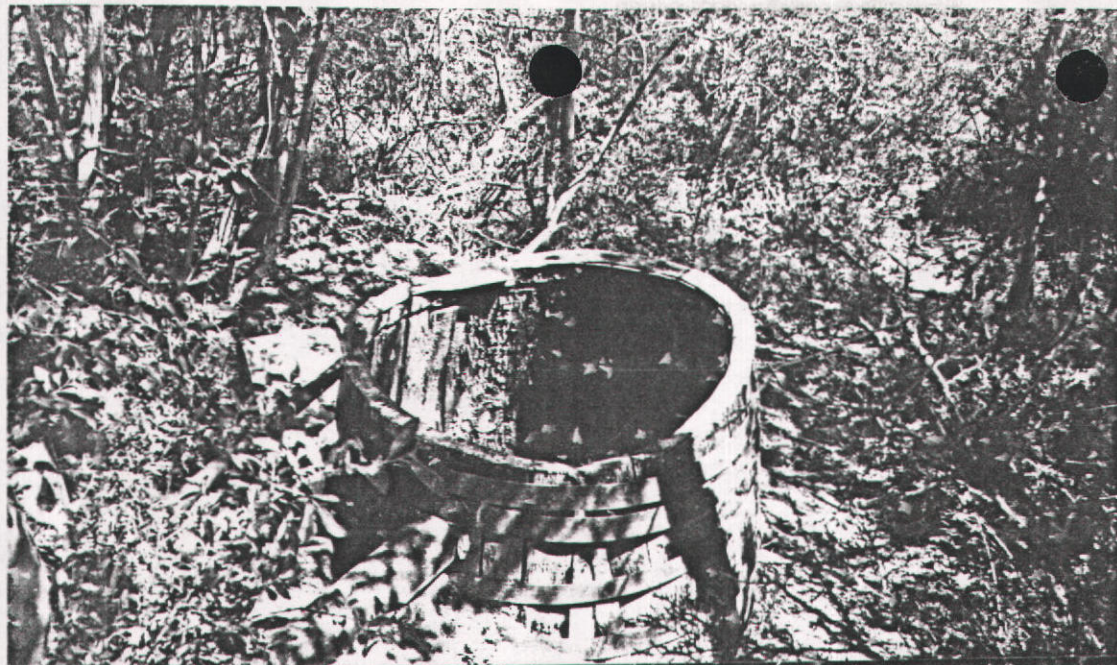
PICTURE NO.
3A IS WHERE
STATHAM'S DITCH
DIVERITS FROM THE
DRAINAGE AREA.
THE ROCK IS IN
STATHAM'S DITCH
ALLOWING THE FLOW
TO CONTINUE DOWN
TO OTTO'S PLACE
OF USE.

MICROFILMED

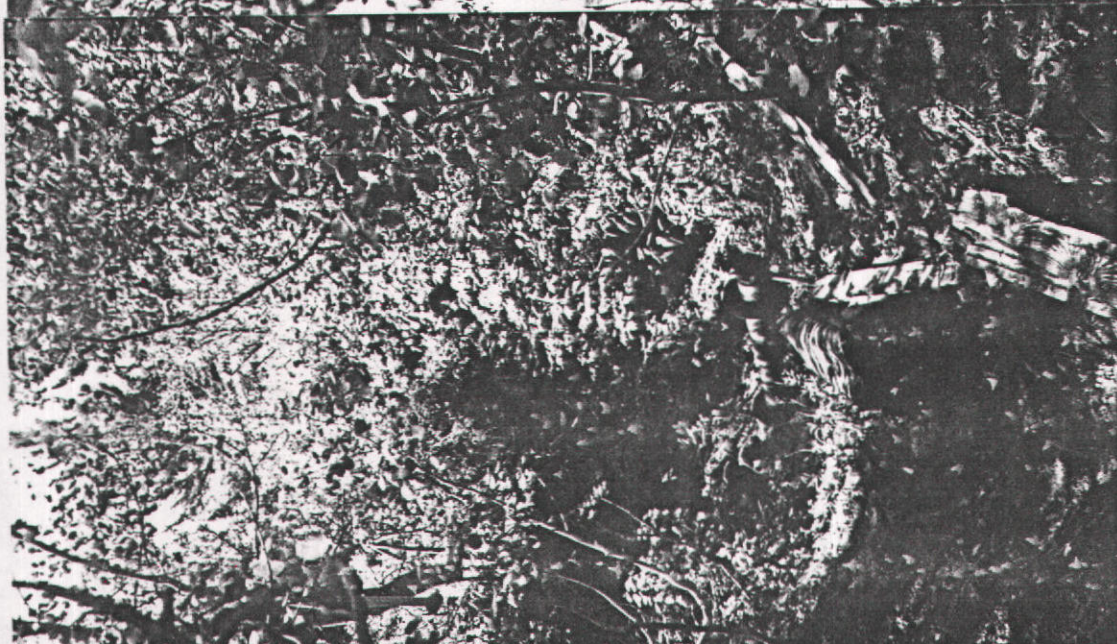
FEB 29 1988



PICTURE No. 4
IS STATHAM'S
SCREEN BOX IN
THEIR DITCH
WHICH ANROWS
WATER TO FLOW
INTO THEIR
STORAGE TANK.
CAN SEE THE NEW
SILVER TANK BE-
HIND WOODEN
ONE.



PICTURE NO. 5
STATHAM'S OLD
WOODEN STORAGE
TANK W/NEW
SILVER TANK IN
BACKGROUND



PICTURE NO. 6
OLD MINING
TUNNEL THRU
WHICH OVER-
FLOW DRAINS &
POSSIBLE SPRING
SOURCE ORIGINATES



PICTURE NO. 7
ANOTHER MINING
TUNNEL W/WOODEN
FLUME WHERE
MRS. OTTO PUTS
HER GREEN GAR-
DEN HOSE & IRRI-
GATION FROM.

MICROFILMED

FEB 29 1988



PICTURE NO. 7A

SMALL GREEN
GARDEN HOSE FROM
WOODEN FLUME TO
IRRIGATE OTTO'S
PROPERTY.



PICTURE NO. 7B
AREA WHERE
IRRIGATION WAS
TO HAVE BEEN.



PICTURE NO. 8

SMALL SPRING
WHICH WAS USED
IN OLD CABIN &
HAS BEEN USED
FOR CAMPERS,
& FRIENDS OF
THE OTTO'S.

RECORDED
FEB 29 1988



Picture No. 9

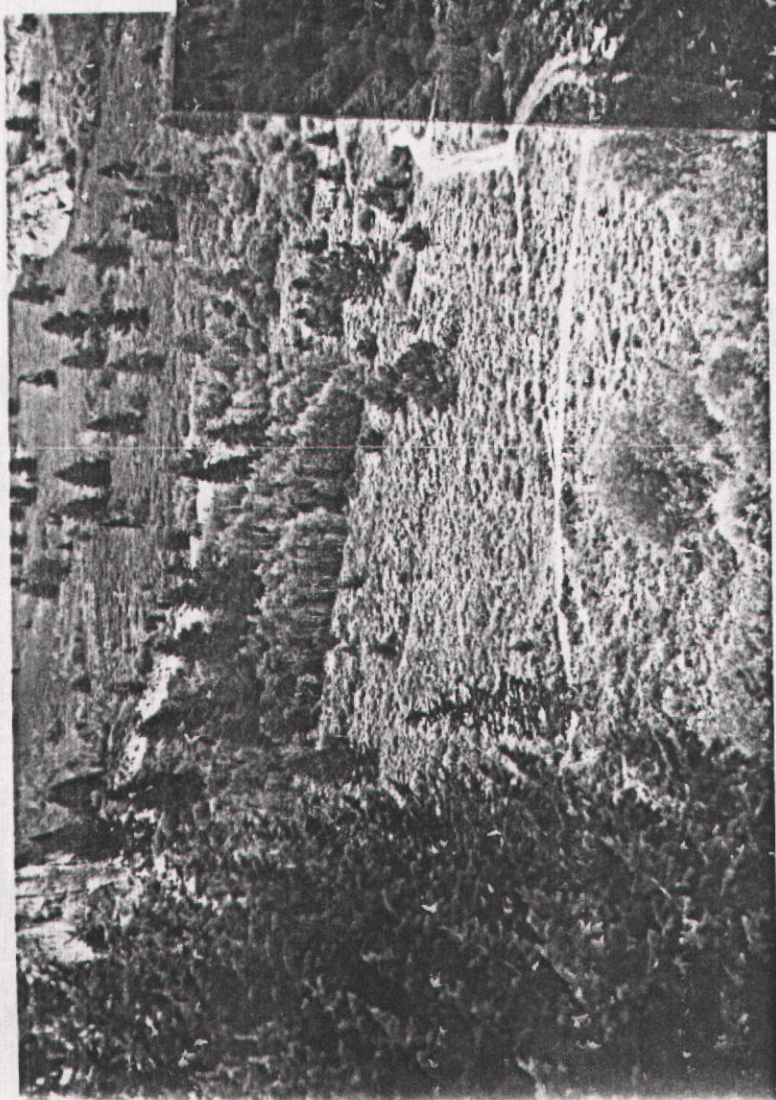
HOME OTTO'S
ARE RE-
MODELING.
NOTE WHERE
CONCRETE PIPE
IN ROAD IS. THE
OVERFLOW DRAIN-
AGE COMES FROM
← HERE & FLOWS
THROUGH PIPE
INTO UNN. STR.



Picture No. 10
LOOKING UP-
STREAM TO
WHERE OVER-
FLOW COMES
OFF OF THE
HILLSIDE AND
DRAINS INTO
CONCRETE PIPE

FEB 29 1988

PIC #1



OVERVIEW LOOKING NORTH FROM
SILVER CITY WATER TANK
TOWARDS THE SILVER CITY SPRING AREA (1ST PIC) AND OTTO'S HOME.
THE AREA IN PIC 2 & 3 BY OTTO'S HOME IN THE CIRCLE (3RD PIC).
OF THE ROAD IS WHERE IRRIGATION WAS TAKING PLACE. IT
DOES NOT APPEAR THAT THE GROUND HAS BEEN DEVELOPED.
WE WERE NOT SURE WHAT THE PURPOSE OF THE IRRIGATION
WAS.

PIC #2



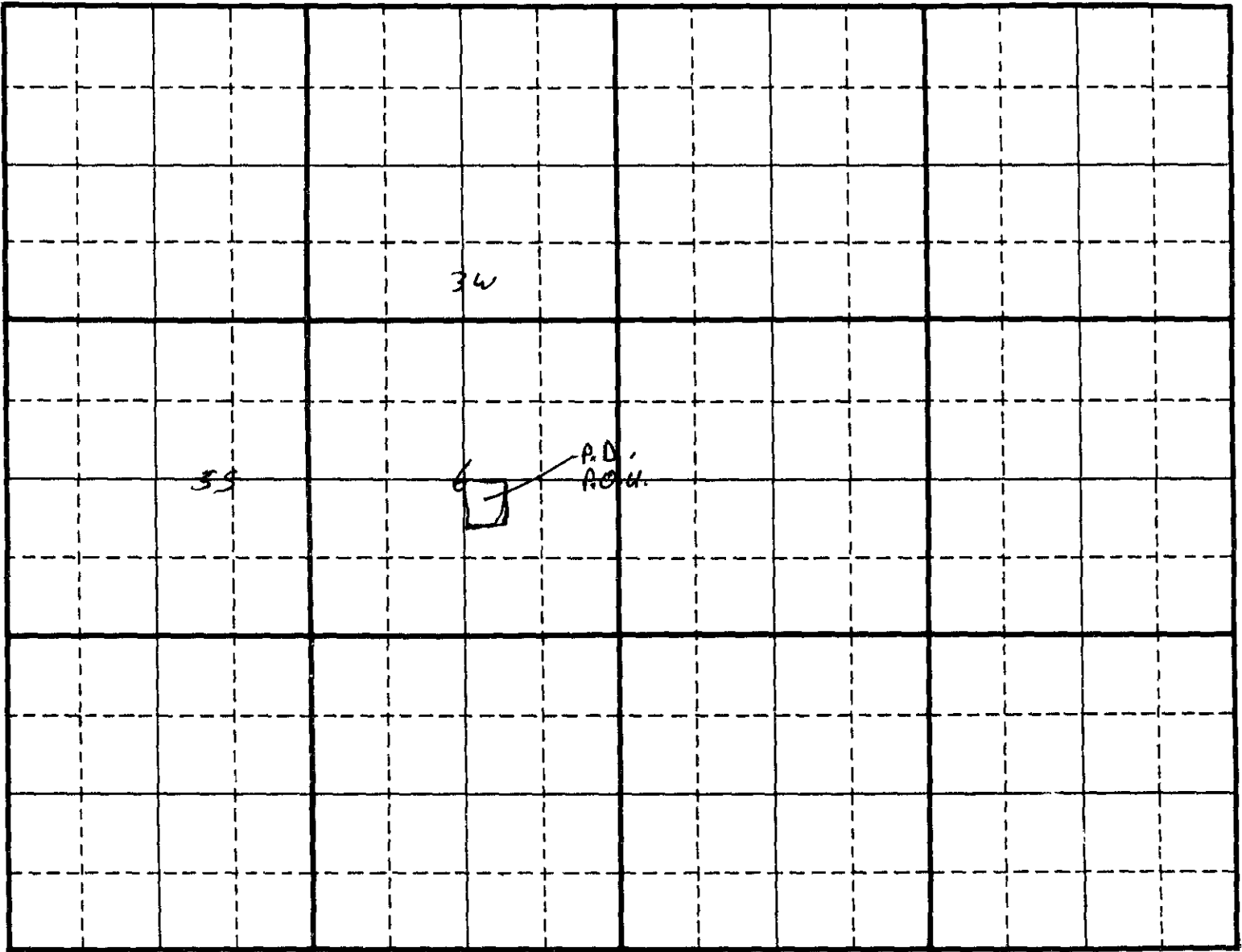
PIC #3

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

MICROFILMED

(8) Remarks _____



Scale 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) 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 affiant's knowledge.

Gloria H. Otto
(Claimant)

Sworn to before me this 24 day of August, 1981.

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

RECEIVED

Received by Cem Date 24 Aug 1981 Exception filed by _____ Date _____
Printed check by _____ Date _____
\$ _____ fee received by Cem Date 24 Aug 1981 # 19590
Published in Owyhee Nugget
Dates Sept 3-10, 1981

Forwarded to claimant by _____ Date _____

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;

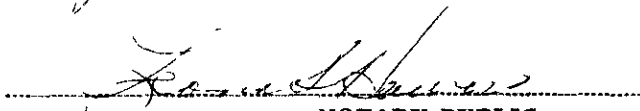
That the annexed notice was published in said newspaper once a week and every week for 2 consecutive weeks, the first publication being on the 3 day of Sept, 1981, and the last publication being on the 10 day of Sept, 1981;

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.


PUBLISHER

Subscribed and sworn to before me this 10 day of

Sept, 1981.


NOTARY PUBLIC

My commission expires 9-16-84

(SEAL)

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS
Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use.
ST - 1455
OTTO, GEORGE W.
P. O. BOX 88, MURPHY, ID 83650
Source: SPRING tributary to JORDAN CREEK
Priority Date: 01/01/1887
Amount: 0.07 CFS
Diversion Point: NWSE Sec 06 T 05S R 05W, OWYHEE Co.
Use: IRRIGATION (0.04 CFS) from 05/01 to 12/31
INDUSTRIAL (0.01 CFS) from 05/01 to 10/31
DOMESTIC (0.02 CFS) from 01/01 to 12/31
Place of Use: NWSE Sec 06 T 05S R 05W FOR 2 ACRES
Diversion Means: TUNNEL, FLUME, HEADGATE & COLLECTION BOX
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83706.
A. KENNETH BRANN, Director
Published Sept 1 and 10, 1981 in the Owyhee Nugget, Marsing, Owyhee County, Idaho.

RECEIVED

15 1981

Department of Water Resources
Western Regional Office

RECEIVED

NOV 19 1987

INTER-DEPARTMENT MEMO — 1

FROM

Steve Lester

DATE

11/18/87

TO

File 57-4058

Department of Water Resources

SUBJECT

This claim diverts and uses water in Silver City. No such,
there is definitely a basin 55 claim. I checked 55-4058 &
found that it is for Flint Cr. in 65-4W-519.

57-4058 needs a new number showing 55 basin
next available claim #

MICROFILMED

APR 04 1988

MICROFILMED

APR 11 1988

Steve Lester

SIGNATURE

RECEIVED
NOV 04 1987

MEMORANDUM

TO: File No.'s 55-4110 and 57-4058

Department of Water Resources

FROM: Jan Shurte

SUBJECT: On-site visit concerning water conflict between Statham's & Otto's

On July 15, 1987, I again visited Silver City at the request of Mr. & Mrs. Harold Statham per my letter of 6/25/87 (copy attached). At the time of this visit, the Statham's diversion, which had been diverting water on my previous visit, had been blocked off and water was flowing down for the Otto's diversion (Picture #3a). The diversions are from the old wooden city water tank (Picture #'s 1 & 2) which is now used as an overflow tank for the new city water tank (Pic. #3). There is a disagreement over the use of this water during the low water period of the summer. Mrs. Otto has a claim filed which she states is for the overflow from the city water tank. However, this claim lists, under the diverting works, that water flows out of a tunnel into a flume to headgate and collection box. This description describes another water source she uses also. This water source does have some of the overflow from the city water tank because it drains down the hill and into the tunnel, but when the overflow is gone there is still water coming out of the tunnel (Pic #7). It is really unimportant to the situation, however, that the claim may be for this spring rather than the overflow, because Mrs. Otto has proof that the overflow has been used for several years by her parents and then her. I believe she has consulted Sherl Chapman to straighten out her filings. But, the claim she states covers this overflow use is Claim No. 57-4058 with a priority date of 1937. The Statham's also have a claim No. 55-4110 which does describe the source as the overflow from the city water tank and they claim a priority date of 1935. Mrs. Otto believes her family's use began even before the 1937 date on the claim and is also proceeding to gather enough information to change her claim.

There are some items that we noticed in reference to the water use now occurring. (Erv Ballou accompanied me). Mrs. Otto states the water is used to irrigate a piece of ground which is west of an old home they are remodeling. However, at the time of our visit there was a green hose running out onto the area, but no actual yard, garden or pasture was seen (Pic. #7b). The green garden hose came from the flume area (Pic #7 & 7a). In talking with Mr. & Mrs. Statham, they state the water has not been used to irrigate that area since some people were camped and living up there in 1972 & 1973. There is also a spring located in the area northwest of the remodeled home which was used for domestic water for an old cabin, which is not now using the water (Pic. #8). Mr. Otto stated, however, that friends sometimes camp up there and use the spring. The main reason they want to keep these rights is to use them in the remodeled home for domestic (toilet flushing) and irrigation of the lawn they plan to put in. The Silver City water system does not supply irrigation water or toilet flushing during the low water periods. Both the remodeled home and Statham's home are on city water also.

It is important to note how the overflow drains downhill (see diagram). The overflow flows through an old mining tunnel (Picture #6), after Mr. & Mrs. Statham's diversion, then under the road, and out through the old mining tunnel with the flume (Pic. #7). It then flows on the surface and crosses the road below the remodeled home thru a culvert pipe into an unnamed stream which flows into Jordan Creek (Pic. #10). The small spring mentioned above, which is used for their friends camping, may be a part of this drainage, however, it is difficult to tell since it is off to the west from the direct drainage. There was water flowing at the spring at the time of our visit.

FEB 29 1988

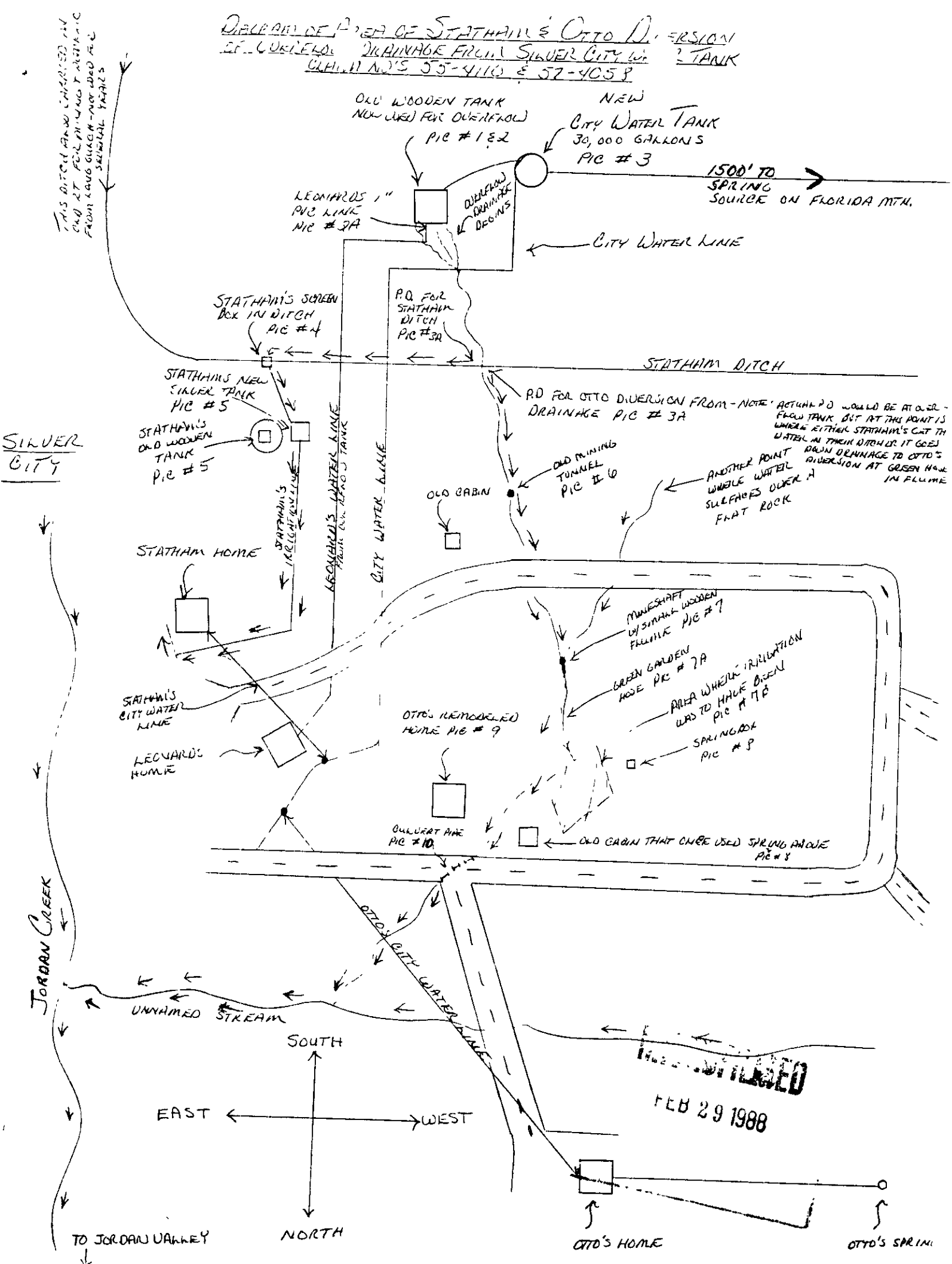
When Mrs. Otto's flow from the overflow is cutoff, she states there is not enough water to irrigate the small area previously mentioned(Pic. #7b). This area is not Mr. & Mrs. Otto's residence yard, they have their own spring(see diagram) which they use to supplement their city water in the summer. When Mr. Statham uses the overflow water he diverts it via a ditch system which appears to have been used for years also, see Picture #5. This is a picture of the old wooden tank which the Statham family had used to hold water which came from the overflow through their ditch and then through a screen(Pic. #4). This picture also shows the new silver storage tank that the Statham's have installed(to the left of the wooden tank). The wooden tank is now used for their overflow from the new silver tank. The Statham's use this water for irrigation around their home. The pipeline can be seen to their yard and irrigation was evident. Their yard and home have been there for quite sometime. It is impossible to tell just how long.

Since the Department cannot say who has the first right to the water, we suggested a possible solution may be to run a pipeline directly to the overflow tank and hook-up directly to the tank. In Picture #2a you can see a 1" PVC black line running from the overflow tank. This pipeline was put in by one of Mr. Statham's neighbors who diverts the water directly to his home for irrigation. It is interesting to note that Mr. Leonard has never filed a water right for this use and neither has he been talked to concerning his diversion by either the Statham's or Otto's. So, we suggested they do the same thing, and when the water runs out, it runs out for everyone. I have heard that the Statham's did install this pipe, however, Mrs. Otto is still working with Sherl Chapman on her problems. We informed everyone that an adjudication may be forthcoming and perhaps at that time their problems can be ironed out. Both parties realize that when the overflow is gone during the lowest time period, that the Silver City waterusers have no obligations to overflow water for their use.

MAILED

FEB 29 1988

DRAWING OF AREA OF STATHAM'S OTTO D. DIVERSION
OF LUKFIELD DRAINAGE FROM SILVER CITY, W. TANK
WHICH NO'S 55-4110 & 52-4058





PICTURE
NO. 1 - OLD
WOODEN CITY
WATER TANK
NOW USED FOR
OVERFLOW
FROM NEW
TANK

PICTURE NO.
2 - SHOWS
WHERE WATER
LEAKS FROM TANK
& FLOWS DOWN
DRAINAGE.

PICTURE NO.
2A SHOWS
1" PVC BLACK
WATERLINE TO
LEONARD'S
HOME.

FILED
FEB 29 1988

PICTURE NO 3
NEW CITY
WATER TANK.

PICTURE NO.
3A IS WHERE
STATHAM'S DITCH
DIVERITS FROM THE
DRAINAGE AREA.
THE ROCK IS IN
STATHAM'S DITCH
ALLOWING THE FLOW
TO CONTINUE DOWN
TO OTTE'S PLACE
USE.

RECORDED

FEB 29 1988

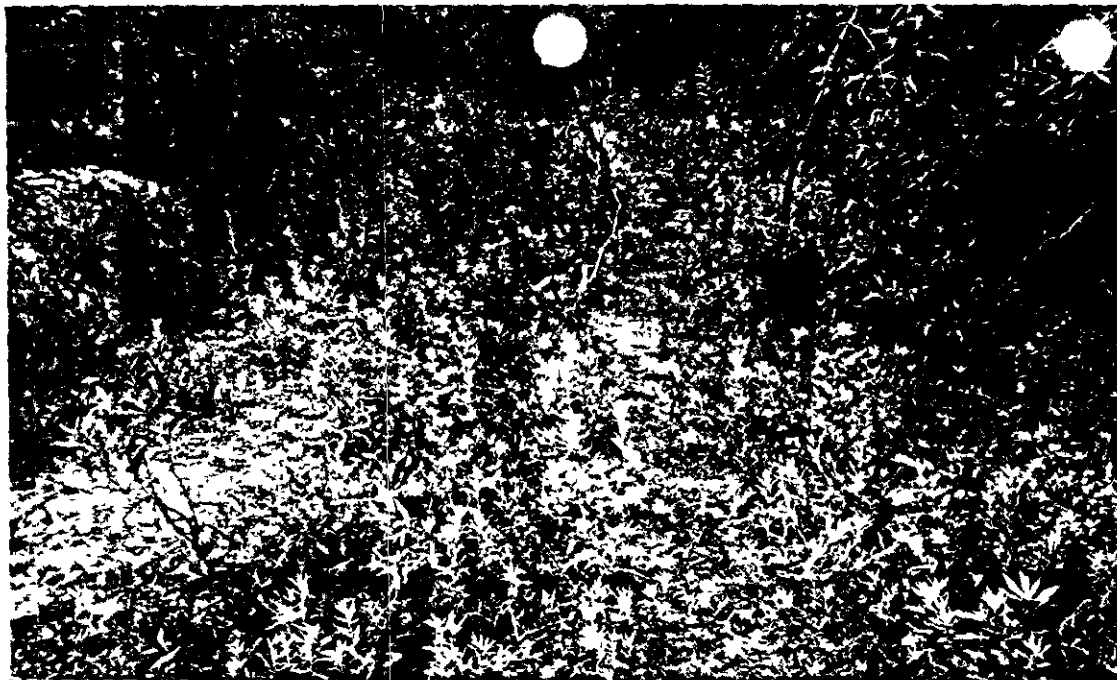
PICTURE No 4
IS STATHAM'S
SCREEN BOX IN
THEIR DITCH
WHICH ALLOWS
WATER TO FLOW
INTO THEIR
STORAGE TANK.
CAN SEE THE NEW
SILVER TANK BE-
HIND WOODEN
ONE



PICTURE NO 5
STATHAM'S OLD
WOODEN STORAGE
TANK WHERE
SILVER TANK IN
BACKGROUND

PICTURE NO. 6
OLD MINING
TUNNEL THRU
WHICH OVER -
FLOW DRAINS &
POSSIBLE SPRING
SOURCE ORIGINATES

PICTURE No. 7
ANOTHER MINING
TUNNEL WOODEN
FLUME WHERE
MRS OTTO PUTS
HER GREEN GAR-
DEN HOSE & IRRI-
GATION FROM.
FEB 29 1988



PICTURE NO. 7A

SMALL GREEN
GARDEN HOSE FROM
WOODEN FLUME TO
IRRIGATE OTTO'S
PROPERTY.



PICTURE NO 7B
AREA WHERE
IRRIGATION WAS
TO HAVE BEEN.

PICTURE NO. 8
SMALL SPRING
WHICH WAS USED
IN OLD CABIN &
HAS BEEN USED
FOR CAMPERS,
FEB 29 1988
THE OTTO'S



PICTURE NO. 9

HOME OTTO'S
ARE RE-
MODELING.

NOTE WHERE
CULVERT PIPE
IN ROAD IS. THE
OVERFLOW DRAIN
AGE COMES FROM
← HERE & FLOWS
THROUGH PIPE
INTO UNN. STR.

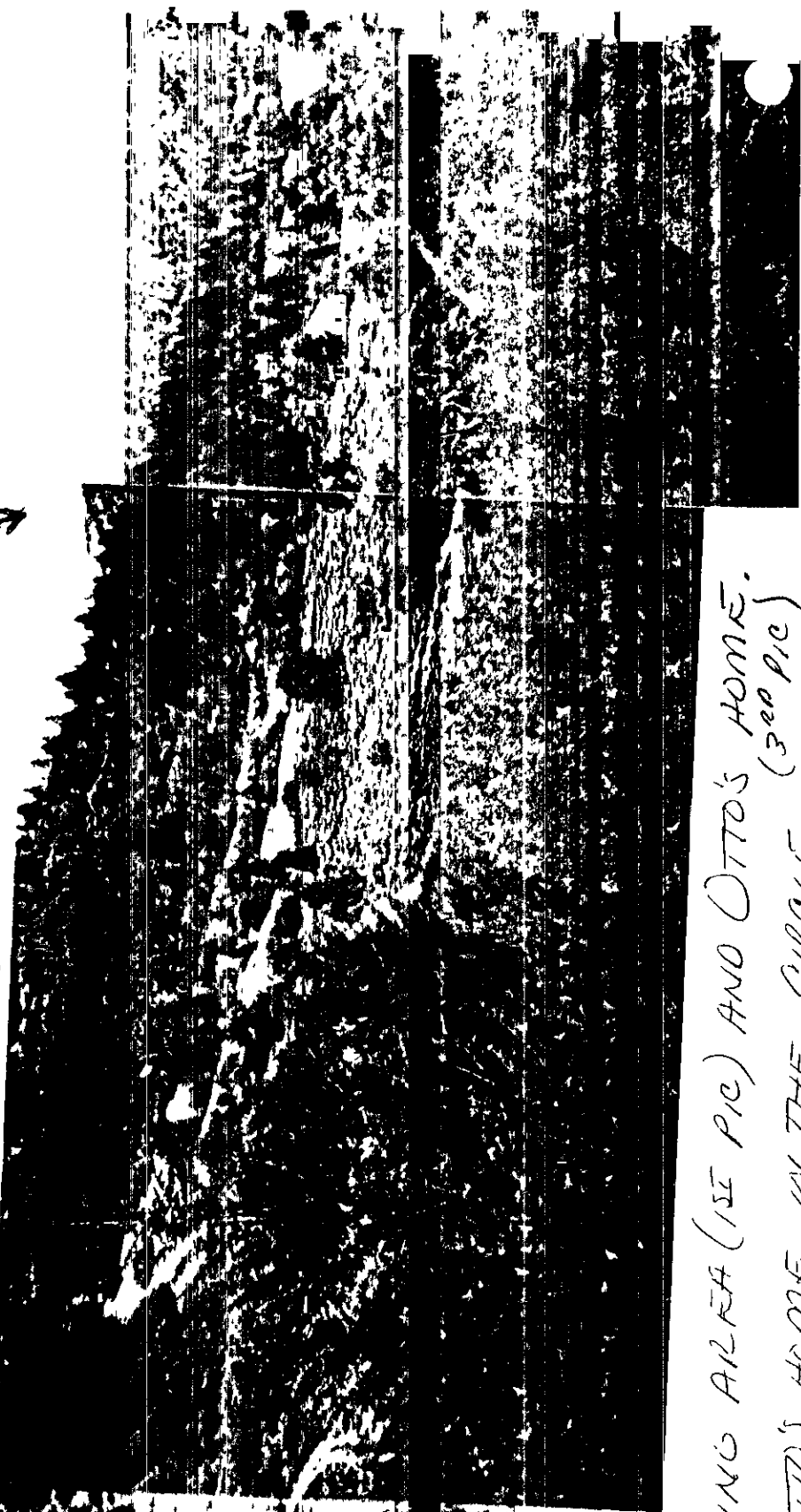


PICTURE NO 10
LOOKING UP-
STREAM TO
WHERE OVER-
FLOW COMES
OFF OF THE
HILLSIDE AND
DRAINS INTO
CULVERT PIPE
FEB 29 1988

PIC #1



PIC #2



OVERVIEW LOOKING NORTH, FROM
SILVER CITY WATER TANK
TOWARDS THE SILVER CITY SPRING AREA (1ST PIC) AND OTTO'S HOME.
THE AREA IN PIC 2 & 3 BY OTTO'S HOME IN THE CIRCLE (3RD PIC)
OF THE ROAD IS WHERE IRRIGATION WAS TAKING PLACE. IT
DOES NOT APPEAR THAT THE GROUND HAS BEEN DEVELOPED.
WE WERE NOT SURE WHAT THE PURPOSE OF THE IRRIGATION
WAS.

01 WATER RIGHT NUMBER - 57-4053		02 OLD (D) NUMBER -	
03001 - JTTD		LAST NAME	
06 ADD LINE 1 - P.O. BOX 56		04001 - GLORIA W.	
08 ADD LINE 3 -		07 ADD LINE 2 -	
12 STAGE - S STATUTORY CLAIM		09 CITY - MURPHY	
14001 - SOURCE		13 STATUS -	
15 DIVERSION MEANS -		15001 - JORDAN CREEK	
19 DIVERSION CAPACITY - .000		19 TOTAL DIVERSION RATE - .070	
21 WATER DISTRICT -		20 TOTAL DIVERSION VOLUME - .00	
22001 - NWSE 23001 - 06 24001 - 05S 25001 - 03W 26001 - 27001 -		28001 - 0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	
29 NON-IRRIGATION USE - I/MILLING OPERATION.		17 COUNTY - 73 OWYHEE	
30001 - 01 IRRIGATION		31001 - 05S 32001 - 03W 33001 - 05 34001 - NWSE 35001 - 02 36001 -	
PERIOD FROM		PERIOD TO	
37001 - 0515		38001 - 1015	
37002 - 0101		38002 - 1231	
37003 - 0501		38003 - 1031	
42 DECREE PLAINTIFF NAME -		43 DECREE DEFENDANT NAME -	
44001 -		REMARKS	
APPROVAL CONDITIONS: 45001 -		46 OTHER RIGHTS FOR SAME USE -	
47 PRIORITY		48 PROOF DUE	
49 PROOF MADE		50 APPROVE/DENIED	
51 PROTESTED		52 HEARING	
55 LICENSE		56 APPL RECEIVED	
57 FIELD EXAM MADE		58 DECREE	
59 START WORK		60 ORDER SHOW CAUSE	
63 TRANSFER/AMENDED		64 DLE/CAREY ACT	
65 FLAG_1		66 FLAG_2	
67 FLAG_3		68 FLAG_4	

WRR100
57-4058

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

- - - - -		D A T E S	- - - - -	U A T E S	- - - - -	F L A G S	- - - - -
53	VERIFIED	-	61	DATE_1	-		
54	LAST UPDATE	- 16-DEC-1985	62	DATE_2	-		

VERIFIED AMS

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

September 18, 1981

Idaho State Health Department
450 W. State St.
Boise, Idaho 83720

Re: 65-12455

Dear Sirs:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the application, please contact this office.

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:jp

Enc:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

SEPTEMBER 23, 1981

GLORIA W. OTTO
P.O. BOX 56
MURPHY

ID 83650

RE. Claim No. 57-4058

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

52-4058-

OTTO, GLORIA W.

P.O. BOX 56, MURPHY, ID 83650

Source SPRING tributary to JORDAN CREEK

Priority Date: 01/01/1937

Amount. 0.07 CFS

Diversion Point. NWSE Sec 06 T 05S R 03W, Owyhee Co.

Use IRRIGATION	(0.04 CFS)	from 05/15 to 10/15
INDUSTRIAL	(0.01 CFS)	from 05/01 to 10/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NWSE Sec 06 T 05S R 03W FOR 2 ACRES

Diversion Means: TUNNEL, FLUME, HEADGATE & COLLECTION BOX

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

AUGUST 27, 1981

Dwvhee Nusset
Marsing, ID 83639

Gentlemen

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 21, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

A. KENNETH DUNN

Director

lished 9/3 & 9/10/81.

MICROFILMED