

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 13 day of February, 1975, and the last publication being on the 20 day of February, 1975;

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 20 day of Feb, 1975.

Leona Schaefer
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

RECEIVED

FEB 24 1975

FEB 24 1975

NOTICE OF CLAIM TO A WATER RIGHT

No. 55 - 4016

Notice is hereby given that GENE D. MCDANIEL, Jordan Valley, OR has filed a claim to a water right established by diversion and application to beneficial use of 8.26 cubic feet per second of water from Cow Creek trib. to Cow Lakes with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 3 S., R. 6 W., B. M. Owyhee County.

The water is claimed to be used from April 1 to Nov. 1 for irrigation of 410 acres and from Jan. 1 to Dec. 1 for stockwater with a priority of April 1, 1865; the place of use is within the SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 6 W., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, ID on February 13, 1975, and February 20, 1975.

MICROFILMED

ok - yg - 2-24-75

[illegible]

OK - 7/9 - 2-24-75

STATEMENT

Depar. of Water Resources

In the Matter of

The Notice of Claim of Water Right by Gene D. McDaniel,
#55-4016

TO: R. Keith Higginson, Director
Idaho Department of Water Resources
State House
Boise, Idaho 83720

The following is a statement of Omer Stanford, who under oath,
states as follows:

That Omer Stanford is age 81 years and resides at Jackson Creek in Owyhee County, Idaho. That he has lived in the Cow Creek of Owyhee County, Idaho and Malheur County, Oregon for all of his life except approximately 2 1/2 years (1912 to 1914 when he lived in Canada) and his parents resided in or around Cow Creek and Owyhee County, Idaho, and that he has on many occasions participated in and observed the use of water from Cow Creek upon the lands claimed to be irrigated by the claim of Gene D. McDaniel, above referred to.

That the ranch that Mr. McDaniel now owns was formerly known as the Knight Ranch.

From my own knowledge and from overhearing conversations of my parents and their parents and other long-time residents of the area, the Knight Ranch was never irrigated in 1865 as is stated in the claim for water right by Mr. McDaniel. The first time the portion of the Knight Ranch located in Owyhee County was irrigated from the waters from Cow Creek was approximately 1916. At that time, upon the portion of the lands lying East and North of Cow Creek in Owyhee County, Idaho, there was an irrigation ditch constructed by Grover Knight to take water out of Cow Creek. The head of the ditch was above the lane on what is now known as the "Dick Maloy Forty". The number of acres irrigated in this area amounted to approximately 300 acres, and there was a meadow from which hay was taken at that time. There has been no expansion in the number of acres irrigated in this area since that date.

That portion of the McDaniel property lying West of Cow Creek in Owyhee County has never been irrigated. Approximately 1916, Grover Knight caused a ditch to be built and constructed to irrigate this property by one Dutch Edwards. After the ditch was constructed, it was not usable because of the elevation of the ditch with respect to the Creek.

R. Keith Higginson
May 2, 1975
2

That no other portion of the Knight Ranch in Owyhee County has been irrigated from the waters of Cow Creek, except as above set forth.

That the season for irrigation of lands in Cow Creek generally extends from approximately April 1st of each year until approximately July 15th in accordance with my experience and observation of irrigation of lands from Cow Creek over many years.

Omer Stanford
Omer Stanford

Subscribed and sworn to before me this 5 day
of May, 1975.

[Signature]
Notary Public for Idaho
Residing at Callahan
My commission expires 7-8-75

(SEAL)

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of Canyon)

COMES NOW, CHARLES E. MAHER, JR. and MARY C. MAHER
and after being duly sworn, depose and state that we object to
and hereby make exception to that certain claim to a water right
bearing claim number 55-4016 filed with the State of Idaho,
Department of Water Resources on or about January 31, 1975. The
Affiants make this exception because among other possible errors,
the priority date claim of April 1, 1865 is erroneous and incorrect
and the priority date claimed should be several years after April 1,
1865. Further, the total number of acres of 410 acres to be served
is erroneous and incorrect and the acreage should be much less.
Also, the Affiants question the amount of water claimed and the
period or periods of use as well as the land to which the water is
to be applied, the points of diversion, and the water resources.

DATED this 10th day of June, 1975.

Charles E. Maher, Jr.
Charles E. Maher, Jr.

Mary C. Maher
Mary C. Maher

SUBSCRIBED and SWORN to before me, the undersigned,
this 10th day of June, 1975.

Thanda R. Sharpton
Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)

AFFIDAVIT.

MICROFILMED

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 13 day of February, 1975, and the last publication being on the 20 day of February, 1975;

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 20 day of Feb, 1975.

Lorna Shawee
NOTARY PUBLIC

My commission expires 4-10-76

(SEAL)

NOTICE TO A WATER RIGHT No. 55 - 4016

Notice is hereby given that GENE D. MCDANIEL, Jordan Valley, OR has filed a claim to a water right established by diversion and application to beneficial use of 8.26 cubic feet per second of water from Cow Creek trib. to Cow Lakes with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, T. 3 S., R. 6 W., B. M. Owyhee County. The water is claimed to be used from April 1 to Nov. 1 for irrigation of 410 acres and from Jan. 1 to Dec. 1 for stockwater with a priority of April 1, 1865; the place of use is within the SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 3 S., R. 6 W., B. M. Owyhee County. Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON,
Director.

Published in the Owyhee Nugget, Marsing, ID on February 13, 1975, and February 20, 1975.

ak - 79 - 2-24-75

RECEIVED

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERRY

SEP 19 1975

ATTORNEYS AT LAW
1024 BELMONT STREET
P. O. BOX 729

Department of Water Resources

CALDWELL, IDAHO
83605

TELEPHONE
459-1541
AREA CODE 208

S. BEN DUNLAP
HERBERT W. RETTIG
RICHARD ROSENBERRY
KENNETH D. ROBERTS

September 18, 1975

SEP 19 1975

Mr. Robert W. Hamilton
Supervisor of Water Distribution
Department of Water Resources
State House
Boise, Idaho 83720

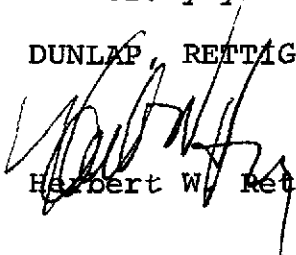
Re: Claim to a Water Right No. 55-4016, McDaniel

Dear Sir:

I understand that a new or amended claim is going to be filed in behalf of Mr. McDaniel with reference to the above matter. Would you please forward me a copy of any additional filings which may be made in connection with this claim.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERRY


Herbert W. Rettig

HWR:ng

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERRY

ATTORNEYS AT LAW
1024 BELMONT STREET

P O BOX 729
CALDWELL, IDAHO
83605

S BEN DUNLAP
HERBERT W RETTIG
RICHARD ROSENBERRY
KENNETH D ROBERTS

TELEPHONE
459-1541
AREA CODE 208

July 22, 1975

Mr. Kenneth H. Foit, P.E.
Western District Engineer
Department of Water Resources
State House
Boise, Idaho 83720

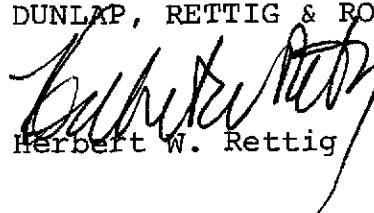
Re: Claim to a Water Right No. 55-4016 -
Gene D. McDaniel

Dear Mr. Foit:

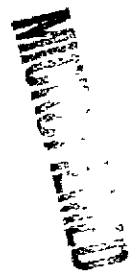
I am in receipt of your letter of July 21, 1975. In checking my file, it would appear that I failed to send you a duplicate copy of one affidavit, and that perhaps the other documents sent you were not in affidavit form. If these discrepancies result in the fact that these documents will not be considered as part of the file, I would appreciate your advising me and I will then have them reduced to the proper form and send them to you. If they will be included in the file, please let me know.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERRY


Herbert W. Rettig

HWR:ng



November 17, 1975

Mr. Herbert W. Rettig
Dunlap, Rettig & Rosenberry
P.O. Box 729
Caldwell, Idaho 83605

Re: Claim # 55-4016, McDaniel

Dear Mr. Rettig:

With reference to the above claim filed by Mr. McDaniel on water rights and your letter of November 14th to us requesting any additional filings by Mr. McDaniel, please be advised that we have no record of any additional filing or amended claims.

If we can be of further assistance, please advise.

Sincerely yours,

Marcia L. Brown
Records Supervisor

mlb

RECORDED

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERRY

ATTORNEYS AT LAW
1024 BELMONT STREET
P O BOX 729

CALDWELL, IDAHO
83605

S BEN DUNLAP
HERBERT W RETTIG
RICHARD ROSENBERRY
KENNETH D ROBERTS

TELEPHONE
459-1541
AREA CODE 208

November 14, 1975

RECEIVED

NOV 17 1975

Department of Water Resources

Department of Water Resources
State House
Boise, Idaho 83720

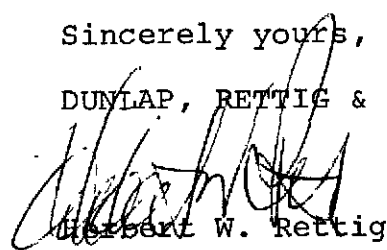
Re: Claim to a Water Right No. 55-4016, McDaniel

Gentlemen:

There was a claim of water right filed in behalf of Mr. McDaniel, and this office prepared an objection to that claim in behalf of certain claimants. My clients have since advised me there has perhaps been an amended claim of water right or some other action taken by Mr. McDaniel. I would appreciate your sending me copies of any additional items which may have been filed in behalf of Mr. McDaniel so that I may properly respond to them.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERRY


Herbert W. Rettig

HWR:ng



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

August 11, 1975

Re: Claim to a Water Right No. 55-4016 - Gene D. McDaniel

Don Ferris
Cow Creek
Jordan Valley, ID

Dear Mr. Ferris:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

" At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence on said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Sincerely,

RECEIVED

RECEIVED
MAY 1 1975
D. DEPARTMENT OF WATER RESOURCES

PROTEST AGAINST CLAIM TO WATER RIGHT

State of Idaho)
 : ss.
County of Canyon)

Don Ferris, being first duly sworn upon his oath does depose and say: That he makes this protest against the claim to a water right filed by Gene D. McDaniel of Jordan Valley, Oregon, filed January 1, 1975, with the State of Idaho Department of Water Resources, wherein he claims 8.26 cubic feet of water per second from Cow Creek, upon the grounds and for the reasons as follows:

1. That said amount of water is not available for claim.
2. That the claimed priority date is false.
3. That the number of irrigated acres and the legal description therefor is in fact false and in fact includes land outside the State of Idaho.
4. That other water users of the waters in question have prior rights thereto by reason of application and beneficial use prior to that of the said claimant, including the undersigned.

Dated this 28th day of April, 1975.

Don Ferris
Don Ferris

Subscribed and sworn to before me this 28th day of April, 1975.

John E. Williams
Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

August 11, 1975

Re: Claim to a Water Right No. 55-4016

Herbert W. Rettig
Dunlap, Rettig & Rosenberry
Attorney's at Law
P.O. Box 729
Caldwell, ID 83605

Dear Mr. Rettig:

We are returning the Protest against a Claim to a Water Right No. 55-4016, submitted in behalf of Jerry O. & Jeff L. Stanford as it is not in affidavit form. Please make the necessary corrections, have it notarized and return it to us.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

Enclosure

EXCEPTION TO CLAIM OF WATER RIGHT

In the Matter of

The Notice of Claim of Water Right by Gene D. McDaniel,
#55-4016

JERRY P. STANFORD and JEFF L. STANFORD hereby file the following Exception to the Claim of Water Right filed by Gene D. McDaniel pertaining to waters of Cow Creek in Owyhee County, Idaho. They both are owners of property adjacent to the property owned by Mr. McDaniel, and have lived in the Cow Creek area and have been familiar with the use of waters for irrigation and stock water from Cow Creek for a period of at least 35 years. That the lands belonging to Mr. McDaniel and his predecessors in title located in Owyhee County which have been irrigated with waters from Cow Creek only amount to approximately 900 acres, and this has been the case since the undersigned have been familiar with the property. The irrigation season varies, depending upon the snow and rain received in the surrounding water shed, but that for purposes of irrigation, it generally ends on or about July 15th of each year.

The undersigned further except to the claim of beneficial use of 8.26 CFS made by Mr. McDaniel. Such amount is in excess of the actual amount of water taken and used by Mr. McDaniel.

Jerry P. Stanford
Jerry P. Stanford

Jeff L. Stanford
Jeff L. Stanford

RECEIVED
MAY 1 1975
Department of Water Resources

PROTEST AGAINST CLAIM TO WATER RIGHT

State of Idaho)
 : ss.
County of Canyon)

Don Ferris, being first duly sworn upon his oath does depose and say: That he makes this protest against the claim to a water right filed by Gene D. McDaniel of Jordan Valley, Oregon, filed January 1, 1975, with the State of Idaho Department of Water Resources, wherein he claims 8.26 cubic feet of water per second from Cow Creek, upon the grounds and for the reasons as follows:

1. That said amount of water is not available for claim.
2. That the claimed priority date is false.
3. That the number of irrigated acres and the legal description therefor is in fact false and in fact includes land outside the State of Idaho.
4. That other water users of the waters in question have prior rights thereto by reason of application and beneficial use prior to that of the said claimant, including the undersigned.

Dated this 28th day of April, 1975.

Don Ferris
Don Ferris

Subscribed and sworn to before me this 28th day of April, 1975.

Don Williams
Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)

EXCEPTION TO CLAIM OF WATER RIGHT

In the Matter of

The Notice of Claim of Water Right by Gene D. McDaniel,
#55-4016

JERRY P.^D STANFORD and JEFF L. STANFORD hereby file *9/2/8*
the following Exception to the Claim of Water Right filed by
Gene D. McDaniel pertaining to waters of Cow Creek in Owyhee
County, Idaho. They both are owners of property adjacent to
the property owned by Mr. McDaniel, and have lived in the Cow
Creek area and have been familiar with the use of waters for
irrigation and stock water from Cow Creek for a period of at
least 25 years. That the lands belonging to Mr. McDaniel
and his predecessors in title located in Owyhee County which
have been irrigated with waters from Cow Creek only amount to
approximately 250 acres, and this has been the case since the
undersigned have been familiar with the property. The irri-
gation season varies, depending upon the snow and rain received
in the surrounding water shed, but that for purposes of irri-
gation, it generally ends on or about July 15th of each year.

The undersigned further except to the claim of be-
neficial use of 8.26 CFS made by Mr. McDaniel. Such amount
is in excess of the actual amount of water taken and used by
Mr. McDaniel.

Jerry P. Stanford

Jerry P. Stanford

Jeff L. Stanford

Jeff L. Stanford



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

July 21, 1975

Re: Claim to a Water Right No. 55-4016

Gene D. McDaniel
Jordan Valley, OR

Dear Mr. McDaniel:

In reference to the above claim, the enclosures are copies of exceptions filed by Leon Weeks, Jerry D. Stanford and Jeff L. Stanford, in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:jg

Enclosures



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

July 21, 1975

Re: Claim to a Water Right No. 55-4016 - Gene D. McDaniel

Mr. Leon R. Weeks
Weeks, Yost, White & Ahrens
112 - 9th Ave. South
Nampa, ID 83651

Dear Mr. Weeks:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime after filing a claim under the provisions of the section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

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

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:jg



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

July 21, 1975

Re: Claim to a Water Right No. 55-4016 - Gene D. McDaniel

Dunlap, Rettig & Rosenberry
Attorneys at Law
1024 Belmont Street
P.O. Box 729
Caldwell, ID

Attention: Herbert W. Rettig

Dear Mr. Rettig:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:jg

LAW OFFICES OF
DUNLAP, RETTIG & ROSENBERY
ATTORNEYS AT LAW
1024 BELMONT STREET
P. O. BOX 729
CALDWELL, IDAHO
83605

S BEN DUNLAP
HERBERT W RETTIG
RICHARD ROSENBERY
KENNETH D ROBERTS

July 14, 1975

RECEIVED
JUL 15 1975
Department of Water Resources
TELEPHONE
459-1541
AREA CODE 208

Department of Water Administration
State House
Boise, Idaho 83720

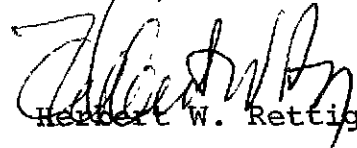
Re: Claim of Water right - Gene D. McDaniel
#55-4016

Gentlemen:

Enclosed herewith are two statements which we want to file
in the above application as opposing the claim of water
right filed by Mr. McDaniel.

Sincerely yours,

DUNLAP, RETTIG & ROSENBERY


Herbert W. Rettig

HWR:ng

Enc.

WEEKS, YOST, WHITE & AHRENS, P.A.

ATTORNEYS AT LAW
112 9TH AVENUE SOUTH
NAMPA, IDAHO 83651

LEON R. WEEKS
WILLIAM F. YOST
TERRENCE R. WHITE
EDWARD D. AHRENS

May 28, 1975

P.O. BOX 85
DEPT. OF WATER RESOURCES
TELEPHONE 488-9272

Idaho Department of Water Resources
STATEHOUSE
Boise, Idaho 83720

Attention L. Glen Saxton

Re: Claim #55-4016

Gentlemen:

This is to advise you that our clients, Mr. and Mrs. Charles E. Maher, through Mrs. Maher, consulted this office this date concerning the above referenced claim of Gene D. McDaniel which was evidently filed with the Idaho Department of Water Resources on approximately January 31, 1975.

Mr. and Mrs. Maher who own real property in the State of Oregon, which real property is definitely affected by this claim, intend to object and make exception to the claim through this law firm.

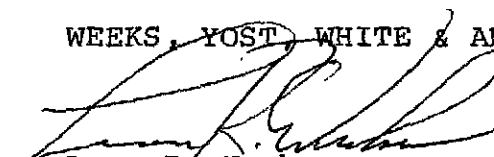
This is to further advise that I am drafting the exception at this time and will obtain the signatures of the Mahers in the next few days, and I will then lodge the affidavit of the exception with your department.

A hearing will probably be required in this matter, although, depending on the future actions of Mr. McDaniel, I cannot state that a hearing is a necessity at this point in my investigation. I hereby request that the Department definitely consider a hearing, however.

If you have any questions, please feel free to contact this office by telephone or in writing. I do request that you keep me apprised of all developments with reference to claim #55-4016. Thank you for your expected courtesy and cooperation.

Very truly yours,

WEEKS, YOST, WHITE & AHRENS, P.A.



Leon R. Weeks

LRW:wrs

cc: Mr. and Mrs. Charles Maher

June 24, 1975

Mr. Leon R. Weeks
Weeks, Yost, White & Ahrens
112 - 9th Ave. South
Nampa, Idaho 83651

Re: Claim No. 55-4016 - Gene D. McDaniel

Dear Mr. Weeks:

This office acknowledges receipt of the exception filed in behalf of Mr. & Mrs. Charles E. Maher in connection with the above referenced claim to a water right. Following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department--Corrections--.....

.....
. At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and the Department is not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

Mr. & Mrs. Maher's exception ~~will~~ be placed in our file and made a matter of record.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

bc: Western District Office

June 24, 1975

Re: Claim to a Water Right No. 55-4016

Mr. Gene D. McDaniel
Jordan Valley,
Oregon 97910

Dear Mr. McDaniel:

Enclosed herewith is a copy of the exception filed by Mr. & Mrs. Charles E. Maher in connection with your claim to a water right. Following is a quote from the provisions of the Kiaho Code under which your claim has been filed:

42-225b. Recording of claims by department—Corrections—.....
.....
. At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Kiaho Legislature and the Department is not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights. The exception will be placed in our file and made a matter of record.

If you have any questions regarding this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enc: Copy of exception

bc: Western District Office
Enc: Copy of exception

WEEKS, YOST, WHITE & AHRENS, P.A.

ATTORNEYS AT LAW
112 9TH AVENUE SOUTH
NAMPA, IDAHO 83651

LEON R. WEEKS
WILLIAM F. YOST
TERRENCE R. WHITE
EDWARD D. AHRENS

P. O. BOX 95
TELEPHONE 466-9272

June 11, 1975

Mr. L. Glen Saxton
IDAHO DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Re: Claim No. 55-4016

Dear Mr. Saxton:

Enclosed herewith, in reference to the above
entitled matter, are the original and two copies of
Affidavit of exception on behalf on my clients,
Mr. and Mrs. Charles E. Maher.

Thank you for your assistance.

Very truly yours,

WEEKS, YOST, WHITE & AHRENS, P.A.



Leon R. Weeks

LRW:wrs

cc: Mr. and Mrs. Maher

May 29, 1975

Re: Claim No. 55-4016 (Jean D. McDaniel)

Leon R. Weeks
Weeks, Yost, White & Ahrens, P.A.
Attorneys at Law
112 9th Avenue South
Nampa, ID 83651

Dear Mr. Weeks:

This office acknowledges receipt of your letter dated May 28, 1975, in which you indicate you intend to file an exception to the above referenced claim on behalf of your clients, Mr. & Mrs. Charles E. Maher.

Please be advised that there are no provisions in the Idaho Code by which the Department may hold a hearing with regard to a protested claim. The filing of a claim does not confirm a water right but only records and preserves the information for such time the right may be determined in an adjudication or civil action proceeding. Section 42-225b does provide, however, that the Department will forward a copy of an exception to the claimant.

If this office can be of any further assistance, please contact us.

Sincerely,

S

L. Glen Saxton
Water Resource Analyst

LGS:rb



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

March 4, 1975

Gene D. McDaniel
Jordan Valley, OR

Re: Claim to a water right no. 55-4016

Dear Mr. McDaniel:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 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 a 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 may be of further assistance, please feel free to call upon us.

Sincerely,

Kenneth H. Foit
KENNETH H. FOIT, P.E.
Western District Engineer

MICROFILMED

KHF: jg

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise Idaho 83707
(208) 384 2215
Western District Office



Water Right Administration
Water Resources Planning
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

February 7, 1975

Owyhee Nugget
Marsing, ID
83639

Re: Application for Water Permit No. 02-7171, Max L. Christensen
02-7173, West Indian Cove Water Co., Inc.
Claim to a Water Right No. 55-4016, Gene D. McDaniel
57-4014, Gene D. McDaniel

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. 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)

Bill submitted
OK - yg - 2-24-75

enc. 1

NOTICE OF CLAIM TO A WATER RIGHT

No. ~~55-4016~~

Notice is hereby given that ~~GENE D. MCDANIEL~~

~~Jordan Valley, OR.~~

has filed a claim to a water right established by diversion and application
to beneficial use of ~~8.26~~ cubic feet per second ~~acre feet of water~~
from ~~Cow Creek trib to Cow Lakes~~

with the point of diversion in the ~~SE $\frac{1}{4}$, Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35,~~

~~T. 3 S, R. 6 W, B.M. Owyhee County~~

The water is claimed to be used from ~~April 1 to Nov. 1 for Irrigation~~ of 410A.
for ~~XXX and Jan. 1 to Dec. 1 for stockwater~~

with a priority of ~~April 1, 1865~~;

the place of use is within the ~~SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27,~~

~~NE $\frac{1}{4}$, NE $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 3 S, R. 6 W,~~

~~B.M.~~

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the ~~Owyhee Nugget, Marsing, ID~~
on ~~Feb. 13, 1975~~ and ~~Feb. 20, 1975~~

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