

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 16 day of Dec., 1971, and the last publication being on the 23 day of Dec., 1971;

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 23 day of Dec., 1971.

Laura Schaefer
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT

No. 55 - 4001

Notice is hereby given that Ernie Bahem, Jordan Valley, Oregon, has filed a claim to a water right established by diversion and application to beneficial use of 0.70 cubic feet per second of water from Deer Creek, tributary to Boulder Creek with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 7 S., R. 4 W., B. M., Owyhee County.

The water is claimed to be used from April 1 to November 1 for the irrigation of 160 acres with a priority of April, 1953; the place of use is within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 7 S., R. 4 W., B. M.

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 Nugget, Marsing, Idaho, on December 16 and December 23, 1971.

55 4001

Identification No. _____
Claim No. 55-4001
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 Ernie Bahem
post office address Jordan Valley, Oregon

2. The point of diversion is in NW ¼ of NE ¼ Section 2 Township 7S
Range 4W B.M. located on Deer Creek
(name of source)
tributary to Boulder 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 1953 amount: .70 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to November 1 (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 _____
_____, length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet, explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Originally dirt dam,
changed to sprinkler irrigation with pump from creek - tractor PTO supplies power
for pump

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_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? No if yes, give the name of the ditch _____
The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered_____

7. Where water is used for domestic or municipal purposes give number of families served _____
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_____

9. Remarks please explain any details of your claim which you feel need clarification or additional explanation

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 affiants knowledge.

Sworn to before me this 26 day of November, 1971

Ernie Bohan
Claimant

Notary Public
Residing at: 1111 1st St.

My commission expires 2-18-74

For Department Use Only

Received by KL Date 11-26-71

Exception filed by:

Forwarded to
claimant by,

Date _____

Prelim. check by ALB Date 11-26-71

Fee received by Date 11-26-71 Fee \$ 10.00 # 8534

Approved for publication by _____

Published in Owyhee Nugget Dates 12-16 & 12-23-71

55 47 1

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.

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

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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 25 day of Dec, 1971.

L. L. L. L.
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

NOTICE OF CLAIM TO A WATER RIGHT

No. 55-4001

Notice is hereby given that Ernie Bahem, Jordan Valley, Oregon, has filed a claim to a water right established by diversion and application to beneficial use of 0.70 cubic feet per second of water from Deer Creek, tributary to Boulder Creek with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 7 S., R. 4 W., B. M., Owyhee County.

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R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, Idaho, on December 16 and December 23, 1971.

55 4001

January 7, 1972

Re: Claim to a Water Right No. 55-4401
" " " " " " 55-4402

Ernie Bahem
Jordan Valley, Oregon

Dear Mr. Bahem:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. 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: Copies of claims

55-4001

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



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

December 9, 1971

Re: Application No. 02-7089 - Robert Flynn
Claim No. 55-4000 - Ernie Bahen
" " 55-4001 - Ernie Bahen

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 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,

Fred Eisenbarth
Appropriation Examiner

FR:cr

Enc: Legal Notices

all submitted 12-24-71 CR

55 4001

NOTICE OF CLAIM TO A WATER RIGHT

No. 55-4001

Notice is hereby given that Ernie Bahem, Jordan Valley, Oregon

has filed a claim to a water right established by diversion and application to beneficial use of 0.70 cubic feet per second ~~more or less~~ of water from Deer Creek, tributary to Boulder Creek with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 7S, R. 4W, B.M., Owyhee County

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R. KEITH HIGGINSON

Director

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