

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 21 consecutive weeks, the first publication being on the 19 day of April, 1979, and the last publication being on the 26 day of April, 1979;

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 26 day of April, 1979.

Leona L. Hawes
NOTARY PUBLIC

My commission expires 9-10-79

(SEAL)

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:

51 - 4016
STAHN, CHESTER C. & / or PHYLLIS E.
STAR RT. B, BOX 175, BRU-
EAU, ID 83604
Source: GROUNDWATER
Priority Date: 01/01/1949
Amount: 0.04 CFS
Diversion Point: SWNW Sec 33 T 06S R 05E, OWYHEE Co.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: SWNW Sec. 33 T 06S R 05E
Diversion Means: WELL, MOTOR, & PUMP

55 - 4022
WROTEN, BOB
BOX 317, JORDAN VALLEY, OR 97910
Source: LONE TREE CREEK tributary to JORDAN CREEK
Priority Date: 06/01/1927
Amount: 1.20 CFS
Diversion Point: LOT 04 Sec 10 T 07S R 06W, OWYHEE Co.
Use: IRRIGATION (1.20 CFS) from 04/01 to 11/01
STOCKWATER (0.16 CFS) from 01/01 to 12/31
Place of Use: LOT 01 (NE-NE) LOT 02 (SENE) LOT 03 (NESE) LOT 04 (SESE) Sec 10 T 07S R 06W FOR 60 ACRES
Diversion Means: HEAD-GATE & DITCH
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 83705.
C. STEPHEN ALLRED, Director
Published 4/19 & 4/26/79, in the Owyhee Nugget, Marsing, Owyhee County, Idaho 83639.

02
K
5/8/79

RECEIVED

APR 27 1979

Department of Water Resources
Western Regional Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Chester C. &/or Phyllis E. Stahn
(name of claimant)
 of Star Rt. B, Box 175, BrunEAU, ID, claims a right to the diversion and beneficial use of
(mailing address)
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) groundwater
 _____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed
- | | | | | |
|----------------------------------|--|---------------|---------------------------------------|-------------------|
| Amount <u>0.04</u> | Use <u>Domestic</u> | Period of Use | From <u>Jan. 1</u> | To <u>Dec. 31</u> |
| Amount _____ | Use _____ | Period of Use | From _____ | To _____ |
| Amount _____ | Use _____ | Period of Use | From _____ | To _____ |
| <small>(cfs, gpm or a/f)</small> | <small>(dom., irri, stock, etc.)</small> | | <small>(both dates inclusive)</small> | |
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or 18 gallons per minute.
- (4) Priority claimed (the date water was first applied to beneficial use) January, 1949

A claim is not acceptable on a ground-water source with a priority later than March 29, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW 1/4 NW 1/4, Sec 33 Twp. 6S Rge. 5E B. M. County of Cwyhee
 Additional points of diversion _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 3 hp motor, pump to house.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	5E	33							X										

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: House, lawn, garden

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

RCE 51E

TWP 12S

* PD 4
Plot 4

33

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.

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.

Chuck C. Stahr
(Claimant)

My commission expires 6-15-1981

Received by KK Date 4/10/79 Exception filed by _____ Forwarded to _____ Date _____
Prelim. check by ig Date 4/10/79 claimant by: _____
~~\$10.00~~ fee received by 20.00 Date 1/30/89
Approved for publication by _____
Published in Owyhee Nugget
Dates 4/19 & 4/26/79

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;

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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 26 day of April, 1979.

James L. Hawes
NOTARY PUBLIC

My commission expires 4-16-79

(SEAL)

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:
51 - 4016
STAHN, CHESTER C. & / or PHYLLIS E.
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EAU, ID 83604
Source: GROUNDWATER
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Amount: 0.04 CFS
Diversion Point: SWNW Sec 33 T 06S R 05E, OWYHEE Co.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: SWNW Sec. 33 T 06S R 05E
Diversion Means: WELL, MOTOR, & PUMP
55 - 4022
WRITEN, BOB
BOX 317, JORDAN VALLEY, OR 97910
Source: LONE TREE CREEK tributary to JORDAN CREEK
Priority Date: 08/01/1927
Amount: 1.20 CFS
Diversion Point: LOT 04 Sec 10 T 07S R 06W, OWYHEE Co.
Use: IRRIGATION (1.20 CFS) from 04/01 to 11/01
STOCKWATER (0.10 CFS) from 01/01 to 12/31
Place of Use: LOT 01 (NE-NE) LOT 02 (SENE) LOT 03 (NESE) LOT 04 (SESE) Sec 10 T 07S R 06W FOR 60 ACRES
Diversion Means: HEAD-GATE & DITCH
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 32 S. Cole Road, Idaho 83705.
C. STALLRED, Director
Published 4/26/79, in the Owyhee Marsing, Owyhee County, Idaho 83639.

RECEIVED

APR 27 1979

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Claim
Application No. 51-4016

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RWH 4-11-79

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RWH 4-11-79

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) KK 012

Affidavit of Publication received (date) 5/8/79

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By [Signature] Date 5/11/79

Sherl L. Chapman

CONSULTANT

4706 FAIRVIEW AVENUE / BOISE, IDAHO 83704 / PHONE 375-6131

May 14, 1979

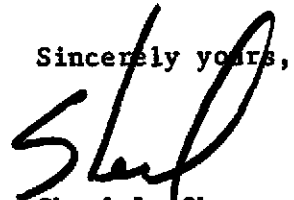
Mr. Dave Shaw, Regional Supervisor
Western Division
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Dear Dave:

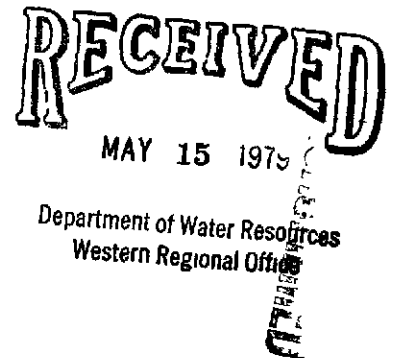
Enclosed you will find a letter and affidavit from Mr. I. E. Glineski, Jr., regarding claim to water right #51-4016. Please accept Mr. Glineski's statement and include it in the file on the claim to water right as an objection to the continued unauthorized utilization of the pump which apparently is located upon land owned by someone other than the applicant.

If you have any questions regarding this matter, please feel free to contact me at any time.

Sincerely yours,


Sherl L. Chapman
Consultant

SLC:kje
enclosures



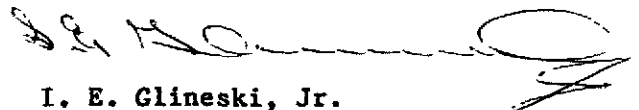
Route B, Box 177
Bruneau, Idaho 83604
May 7, 1979

Mr. Dave Shaw, Regional Supervisor
Western Division
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Dear Mr. Shaw:

Enclosed you will find an affidavit registering an exception to claim to water right #51-4016 in the name of Chester C. and/or Phyllis E. Stahn. This claim, as listed in the Owyhee Nugget newspaper, is for ground water in the amount of 0.04 cfs from a well, pump, and motor located in the SW/4 NW/4, Sec. 33, T6S, R5E. While the affiant does not contend that water has not been used beneficially from this well for the purposes described, at the present time there is contention that the well is not upon the property owned by Mr. and Mrs. Stahn. I am at present negotiating for purchase of the adjoining property and it appears that the well, pump, and motor is on the property presently being negotiated for purchase rather than the property of Mr. & Mrs. Stahn. Since a legal survey has not yet been conducted, it is impossible to tell whether or not the apparent property line is in fact at its proper location and if Mr. and Mrs. Stahn own the well. Since this question is yet to be resolved, it is the purpose of this affidavit to provide exception to the claim for water right based upon this premise. Please include this letter and affidavit in your file on claim to water right #51-4016 for reference at a later date during any potential adjudication.

Sincerely yours,



I. E. Glineski, Jr.

IEG:kje
enclosure

Marie L. Corban print name

IN THE MATTER OF:)

Claim to Water Right #51-4016)

AFFIDAVIT

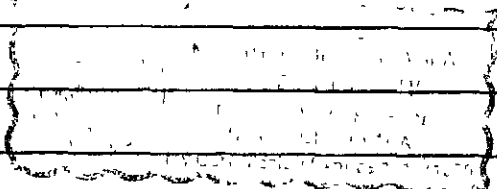
State of Idaho)

County of Owyhee)

I. E. Glineski, Jr.

being first duly sworn,

deposes and says: That he is presently negotiating for purchase of land upon which
are located several wells tapping the aquifers normal to the area and which lies
adjacent to property owned by Mr. Chester C. and/or Phyllis E. Stahn. Based upon the
apparent property line, the well included in claim #51-4016 as a point of diversion
in the name of Chester C. and/or Phyllis E. Stahn is located upon the property affiant
is presently negotiating to purchase. Affiant is unaware of any contractual agreement,
oral or otherwise, allowing partial or whole ownership of the well, pump, and motor
located on the property in question. While no contention is made of the fact that
water may have been used for beneficial purposes from this well during the period
described within the body of the claim, affiant wishes to object to allowance or
authorization of any physical possession, utilization, or modification of the well
until a legal survey is completed and the boundary lines of the properties are legally
established. If the well is found to be on the property to be purchased by the affiant,
he reserves the right to modify the pumping system, well or other appurtenances as he
sees fit in the lawful operation of his property.



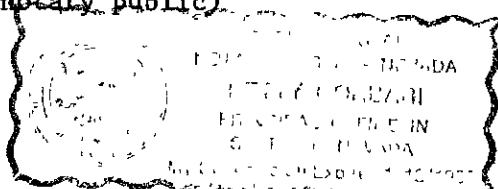
Marie E. Carlson present owner.
5/9/79

Betty Carlson
(signature)

Subscribed and sworn to before me this 9 day of May 1979

Betty Carlson
(notary public)

Residing at Unid House Nevada
My commission expires 11/12/80





DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

May 21, 1979

I. E. Glineski, Jr.
Route B. Box 177
Bruneau, ID 83604

RE: Claim to a Water Right No. 51-4016
In the Name of Chester C. &/or Pyhlis E. Stahn

Dear Mr. Glineski:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation the right claimed, since Section 42-244 Idaho Code states in part the following:

"At anytime after the filing of a claim, 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 Water Resources 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."

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

Very truly yours,

DAVID B. SHAW
Western Regional Supervisor

DBS:kk

cc: Sherl L. Chapman

ED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

MAY 16, 1979

CHESTER C. STAHN
PHYLLIS E. STAHN
STAR RT. B, BOX 175
BRUNEAU

ID 83604

RE: Claim No. 51-4016

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

APRIL 12, 1979

Owyhee 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 MAY 7, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

RECEIVED
MAY 15 1979



STAHN, CHESTER C. &/or PHYLLIS E.

STAR RT. B, BOX 175, BRUNEAU, ID 83604

Source: GROUNDWATER

Priority Date: 01/01/1949

Amount: 0.04 CFS

Diversion Point: SWNW Sec 33 T 06S R 05E, ONYHEE Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNW Sec 33 T 06S R 05E

Diversion Means: WELL, MOTOR, & PUMP

May 22, 1979

RE: Claim to a Water Right No. 51-4016

Chester &/or Phyllis E. Stahn
Star Rt. B, Box 175
Bruneau, ID 83604

Dear Mr. & Mrs. Stahn:

Enclosed is a copy of an exception filed by I. E. Glineski, Jr., of Bruneau, in connection with the above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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 Water Resources 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."

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

Sincerely,

DAVID B. SHAW
Western Region Supervisor

DBS:kk

Enclosure