

T 27 N R 1E

[illegible]

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)
) ss.
County of Idaho)

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.

Franklin W. Taylor
(Claimant)

Sworn to before me this 23rd day of April, 1977 (Claimant)

Neva Shuck
Notary Public

Notary Public
Residing at White Bird

My commission expires January 23, 1980

For Department Use Only

Received by Y Date 4-25-77
Prelim. check by W.H.M. Date 4/25/77
\$10.00 fee received by CS Date 4-25-77
Approved for publication by C
Published in _____
Dates _____

Exception filed by: _____ Forwarded to _____ Date _____
claimant by: _____

claimant by:

MICROFILMED

MAR 03 1988

RECEIVED
MAY 19 1977

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 79-4052**

Notice is hereby given that FRANKLIN W. TAYLOR Star Route White Bird, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.28 cubic feet per second of water from Deer Creek trib. Salmon River with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 T27N-R1E B.M., Idaho County.

The water is claimed to be used from Jan 1 to Dec 31 for stockwater purposes and from May 1 to Oct 1 for irrigation of 3.5 acres with a priority date of May 20, 1971; the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18 T27N-R1E B.M.

Any exception to this claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED
Director

Published in the Idaho County Free Press, Grangeville, ID on May 4, 1977 and May 11, 1977.

M 4-11

AFFIDAVIT OF PUBLICATION

Nona Donaldson being first duly
Office Manager
sworn, says he is the
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for ²..... weeks,
being published ²..... times, the first publication being
on the^{4th}..... day of^{May}....., 197⁷.,
and the last publication on the^{11th}..... day of
.....^{May}..... 197⁷.; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this^{11th}..... day
of^{May}....., 197⁷.....

Marilyn J. Stolley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



MICROFILMED

MICROFILMED

MAR 03 1988

WILLIAM J. DEE
POST OFFICE BOX 128
GRANGEVILLE, IDAHO 83530
PHONE: 208 - 983-0250

Attorneys for Affiant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

In The Matter Of The Claim

To A Water Right,

OF FRANKLIN W. TAYLOR, NO. 70-4052

AFFIDAVIT

79-4052

STATE OF IDAHO)

County of (ID#100)

FRANK SOPIN, being first duly sworn, upon his oath deposes and says:

That he is eighty-one (81) years of age, and that he has been personally acquainted with the ranch now owned by Harry Robinson, and the area hereinafter more particularly described, located in Idaho County, Idaho, as follows, to-wit:

The Northeast quarter of the Northeast quarter (NE1/4NE1/4) of Section eighteen (18) in the Southeast quarter of the Northwest quarter (SE1/4NW1/4) of Section seventeen (17) North Range one (1) E.B.M.

That for as long as he can remember, since he was a little child he has known the owners of such property, which presently is Harry Robinson as well as the predecessors of Harry Robinson, all of whom have used the water from Deer Creek as well as the South Fork of Deer Creek, is now commonly known as the "East Fork" of Deer Creek, by the old timers. That your affiant was raised by John Hadorn, who at one time, before the turn of the century, owned such land;

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1 that your affiant knows that all the water from Deer Creek and the
2 said "South Fork" of Deer Creek, now commonly known as the "East
3 Fork", as the same runs through the land described, was utilized
4 for irrigation and stock purposes for many years by the owners
5 thereof, and was prior to the use of any one else in the area on said
6 Deer Creek drainage, and your affiant knows that Harry Robinson,
7 and his predecessors in interest, have a prior right for the use of
8 such water, and all of the same over, any individuals that may claim
9 this use.

10 DATED this 24th day of May, 1977.

11
12
13
14 SUBSCRIBED AND SWORN TO before me this 24th day of May, 1977.

Frank E. Tott
FRANK E. TOTTE

William J. Dee
Notary public in and for
the State of Idaho;
Residing in *Strangerville*
therein.

W. C. MACGREGOR JR.
ATTORNEY AT LAW
STRANGERVILLE, IDAHO 83850

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RECORDED
MAR 03 1988

1 W. C. MACGREGOR, JR.
416 WEST MAIN
GRANGEVILLE, IDAHO 83530
2 PHONE: 208 - 983-1740

3 WILLIAM J. DEE
POST OFFICE BOX 128
GRANGEVILLE, IDAHO 83530
4 PHONE: 208 - 983-0250

5 Attorneys for Affiant

6
7
8 IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
9 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

10)
11 In The Matter Of The Claim)
12 To A Water Right,) AFFIDAVIT
13 OF FRANKLIN W. TAYLOR, NO. 70-4052)

14)
15 STATE OF IDAHO)
16 County of IDAHO)
SS

17 ARCHIE HADORN, being first duly sworn upon his oath deposes
18 and says:

19 That he is eighty-one (81) years of age, and that he has been
20 personally acquainted with the ranch now owned by Harry Robinson,
21 and the area hereinafter more particularly described, located in
22 Idaho County, Idaho, as follows, to-wit:

23 The Northeast quarter of the Northeast quarter (NE1/4NE1/4)
24 of Section eighteen (18) in the Southeast quarter of the
25 Northwest quarter (SE1/4NW1/4) of Section seventeen (17)
North Range one (1) E.B.M.

26 That for as long as he can remember, since he was a little
27 child, he has known the owners of such property, which presently is
28 Harry Robinson as well as the predecessors of Harry Robinson, all of
29 whom have used the water from Deer Creek as well as the South Fork
30 of Deer Creek, is now commonly known as the "East Fork" of Deer
31 Creek, by the old timers. That your affiant's father at one time,
32 before the turn of the century, owned such land; that your affiant

1 knows that all the water from Deer Creek and the said "South Fork"
2 of Deer Creek, now commonly known as the "East Fork", as the same
3 runs through the land described, was utilized for irrigation and
4 stock purposes for many years by the owners thereof, and was prior
5 to the use of any one else in the area on said Deer Creek drainage,
6 and your affiant knows that Harry Robinson, and his predecessors in
7 interest, have a prior right for the use of such water, and all of
8 the same over, any individuals that may claim this use.

9 DATED this 24th day of May, 1977.

11 Archie Hadorn
12 ARCHIE HADORN

13 SUBSCRIBED AND SWORN TO before me this 24th day of May, 1977.

14 William J. De
15 Notary Public in and for
16 the State of Idaho;
17 Residing in Bozeman
18 therein.

W. C. MACGREGOR, JR.
ATTORNEY AT LAW
GRANGEVILLE, IDAHO 83530

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MAR 03 1988

John Hancock

A. H. Falkington

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM FORREST

MAR 12 1981

DATE MAR. 10, 1981

TO ~~ROBERTA G.~~ Jim

Department of Water Resources

SUBJECT

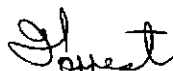
CLM. 79-4052

FRANKLIN W. TAYLOR.

THIS CLAIM IS FOR A PRIORITY DATE FOR SURFACE WATER FOR 5/20/1971.
THIS WOULD, IF TRUE, BE AN INCORRECT FILING. TO FILE A CLAIM ON THIS THE PRIORITY
MUST BE PRIOR TO 5/20/1971.

WOULD YOU CHECK THE DOCUMENTS TO SEE IF THEY COINCIDE WITH WHAT HAS BEEN ENTERED
IN THE COMPUTER? IF SO INITIATE WHATEVER ACTION IS NECESSARY?

NO ACTION REQUIRED



SIGNATURE

UNPROFILING

A 10x10 grid with dashed lines. A small square is drawn at the intersection of the 4th column and 3rd row, with the number 18 written to its right. Above this square, the number 7 is written in the 4th column, 2nd row. The numbers 18 and 7 are handwritten.

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.

MAR 03 1988

RECEIVED

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM
TO A WATER RIGHT**
NO. 79-4052

Notice is hereby given that
FRANKLIN W. TAYLOR
Star Route White Bird, ID
has filed a claim to a water
right established by
diversion and application to
beneficial use of 0.28 cubic
feet per second of water
from Deer Creek trib.
Salmon River with the point
of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 7 T27N-R1E B.M., Idaho
County.

The water is claimed to be
used from Jan 1 to Dec 31 for
stockwater purposes and
from May 1 to Oct 1 for
irrigation of 3.5 acres with a
priority date of May 20, 1971;
the place of use is within the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec 18 T27N-R1E B.M.

Any exception to this claim
of water right may be filed
with the Director of the
Idaho Department of Water
Resources, 92 South Cole
Road, Boise, Idaho 83705.

C. STEPHEN ALLRED
Director

Published in the Idaho
County Free Press,
Grangeville, ID on May 4,
1977 and May 11, 1977.

M 4-11

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly

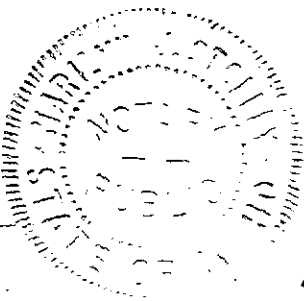
Office Manager

sworn, says he is the
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2..... weeks,
being published 2..... times, the first publication being
on the 4th..... day of May....., 197.....7.....,
and the last publication on the 11th..... day of
.....May..... 197.....7.....; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 11th..... day
of May....., 197.....7.....

Marilyn J. Staley Notary Public
for State of Idaho, residing at Grangeville, Idaho.



*2/17/77
JEB*

MICROFILMED

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MAR 03 1988

1 W. C. MACGREGOR, JR.
2 416 WEST MAIN
3 GRANGEVILLE, IDAHO 83530
4 PHONE: 208 - 983-1740

5 WILLIAM J. DEE
6 POST OFFICE BOX 128
7 GRANGEVILLE, IDAHO 83530
8 PHONE: 208 - 983-0250

9 Attorneys for Affiant

10
11 IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
12 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

13 In The Matter Of The Claim)
14)
15 To A Water Right,) AFFIDAVIT
16)
17 OF FRANKLIN W. TAYLOR, NO. 70-4052)

18 79-4052

19 STATE OF IDAHO)
20)
21 County of IDAHO)

22 FRANK SOFTN, being first duly sworn, upon his oath deposes
23 and says:

24 That he is eighty-one (81) years of age, and that he has been
25 personally acquainted with the ranch now owned by Harry Robinson,
26 and the area hereinafter more particularly described, located in
27 Idaho County, Idaho, as follows, to-wit:

28 The Northeast quarter of the Northeast quarter (NE1/4NE1/4)
29 of Section eighteen (18) in the Southeast quarter of the
30 Northwest quarter (SE1/4NW1/4) of Section seventeen (17)
31 North Range one (1) E.B.M.

32 That for as long as he can remember, since he was a little child
33 he has known the owners of such property, which presently is Harry
34 Robinson as well as the predecessors of Harry Robinson, all of whom
35 have used the water from Deer Creek as well as the South Fork of
36 Deer Creek, is now commonly known as the "East Fork" of Deer Creek,
37 by the old timers. That your affiant was raised by John Hadorn,
38 who at one time, before the turn of the century, owned such land;

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MAR 03 1988

1 That your affiant knows that all the water from Deer Creek and the
2 said "South Fork" of Deer Creek, now commonly known as the "East
3 Fork", as the same runs through the land described, was utilized
4 for irrigation and stock purposes for many years by the owners
5 thereof, and was prior to the use of any one else in the area on said
6 Deer Creek drainage, and your affiant knows that Harry Robinson,
7 and his predecessors in interest, have a prior right for the use of
8 such water, and all of the same over, any individuals that may claim
9 this use.

10 DATED this 24th day of May, 1977.

11
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13 FRANK BOTTEN

14 SUBSCRIBED AND SWORN TO before me this 24th day of May, 1977.

15
16 William J. Dee
17 Notary public in and for
18 the State of Idaho;
19 Residing in Strangerville
20 therein.
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W. C. MACGREGOR JR.
ATTORNEY AT LAW
STRANGERVILLE, IDAHO 83420

MICROFILMED

MAR 03 1988

1 W. C. MACGREGOR, JR.
2 416 WEST MAIN
3 GRANGEVILLE, IDAHO 83530
4 PHONE: 208 - 983-1740

5 WILLIAM J. DEE
6 POST OFFICE BOX 128
7 GRANGEVILLE, IDAHO 83530
8 PHONE: 208 - 983-0250

9 Attorneys for _____ Affiant _____

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

11 In The Matter OF The Claim)

12 To A Water Right,)

13 OF FRANKLIN W. TAYLOR, NO. 70-4052)

AFFIDAVIT

15 STATE OF IDAHO)

16 County of IDAHO)

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26 North Range one (1) E.B.M.

26 That for as long as he can remember, since he was a little
27 child, he has known the owners of such property, which presently is
28 Harry Robinson as well as the predecessors of Harry Robinson, all of
29 whom have used the water from Deer Creek as well as the South Fork
30 of Deer Creek, is now commonly known as the "East Fork" of Deer
31 Creek, by the old timers. That your affiant's father at one time,
32 before the turn of the century, owned such land; that your affiant

MAR 03 1988

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2 of Deer Creek, now commonly known as the "East Fork", as the same
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4 stock purposes for many years by the owners thereof, and was prior
5 to the use of any one else in the area on said Deer Creek drainage,
6 and your affiant knows that Harry Robinson, and his predecessors in
7 interest, have a prior right for the use of such water, and all of
8 the same over, any individuals that may claim this use.

9 DATED this 24th day of May, 1977.

11
12 Archie Hadorn
ARCHIE HADORN

13 SUBSCRIBED AND SWORN TO before me this 24th day of May, 1977.

14 William J. De
15 Notary Public in and for
16 the State of Idaho;
17 Residing in Borgman
18 therein.
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W. C. MACGREGOR, JR.
ATTORNEY AT LAW
BRIDGEVILLE, IDAHO 83420

MICROFILMED

MAR 03 1988

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

June 9, 1977

RECEIVED
JUN 13 1977

Department of Water Resources
Western Regional Office

State of Idaho
Dept. of Water Resources
92 South Cole Road
Boise, Idaho 83705

Re: Claim to Water Right No. 79-4052
Franklin W. Taylor

Claim to Water Right
Harry Robinson

Dear Sir:

A short while ago, as attorneys for Harry Robinson, we filed objections to the above claim to water right of Franklin W. Taylor. Enclosed you will find copies of two affidavits which we would appreciate your attaching to our objections as supporting data in the objections we have filed to the Franklin W. Taylor claim to water right.

Yours very truly,

William J. Dee
WILLIAM J. DEE

WJD:jv
Enclosures
cc: Harry Robinson

MICROFILMED

MAR 03 1988

WILLIAM J. DEE
Post Office Box 128
Grangeville, Idaho 83530
Phone: 208 - 983-0250

W. C. MacGREGOR, JR.
416 West Main
Grangeville, Idaho 83530
Phone: 208 - 983-1740

RECEIVED

MAY 19 1977

Attorneys for Affiant

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

In the Matter of the Claim)
to a Water Right,) OBJECTIONS AND EXCEPTIONS
of FRANKLIN W. TAYLOR, NO. 79-4052.) TO CLAIM

STATE OF IDAHO)
County of Idaho) ss.

HARRY ROBINSON, being first duly sworn, upon his oath deposes
and says:

WHEREAS, your affiant is a resident and land owner in Idaho
County, Idaho, his mailing address being White Bird, Idaho 83554;
that he and his wife, ANITA ROBINSON, are owners in the community
of the following described property, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) and the Southeast
Quarter (SE $\frac{1}{4}$), Section Eight (8), Township
Twenty-seven (27) North, Range One (1), E.B.M., and

WHEREAS, a certain FRANKLIN W. TAYLOR, of Star Route, White
Bird, Idaho, did, on or about May 4, 1977, file a claim to a water
right, being NO. 79-4052, the same being on file with the Department
of Water Resources, State of Idaho, pursuant to 42-225(a), Idaho
Code, and

WHEREAS, the alleged and purported claim is for the beneficial
use of 0.28 cubic feet per second of water from Deer Creek, a

Page One
OBJECTIONS AND EX-
CEPTIONS TO CLAIM

MAR 03 1988

1 tributary of Salmon River, with the point of diversion in the
2 Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section Seven
3 (7), Township Twenty-seven (27) North, Range One (1) E.B.M., Idaho
4 County, Idaho, and

5 WHEREAS, the water is allegedly claimed to be used from
6 January 1 to December 31 for stockwater purposes and from May 1
7 to October 1 for irrigation of 3.5 acres with a priority date of
8 May 20, 1971, and the place of use is within the Southwest Quarter
9 of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section Seven (7), and the
10 Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section
11 Eighteen (18), Township Twenty-seven (27) North, Range One (1),
12 E.B.M., and

13 WHEREAS, your affiant and his predecessors in interest have
14 since prior to 1895 appropriated to a beneficial use all the
15 water from Deer Creek and the claimed water right of Franklin W.
16 Taylor is subsequent to the recorded water right of your affiant, and

17 WHEREAS, the aforesaid water right was duly attested and
18 sworn to and noticed according to the statutes of the State of Idaho
19 by John Hadorn, and duly recorded on June 15, 1895, by the said
20 John Hadorn, a copy of which is attached hereto as Exhibit "A", and

21 WHEREAS, the water right is on the "South Fork" of Deer
22 Creek, which is now commonly known as the "East Fork" of Deer
23 Creek, and

24 WHEREAS, the property above described was owned by your
25 affiant's predecessor in interest, John Hadorn, and was in turn
26 acquired by your affiant's father, S. N. ROBINSON, in fee simple
27 in approximately 1927, and your affiant and his wife inherited the
28 said property upon the death of said S. N. Robinson some time in the
29 year 1945, and has owned the property ever since, and

30 WHEREAS, your affiant and predecessors in interest have con-
31 tinuously applied to a beneficial use all the water in Deer Creek
32

MAR 03 1988

1 for irrigation of approximately thirty (30) acres located on the
2 above described property,

3 NOW, THEREFORE, your affiant, for himself and his wife,
4 ANITA ROBINSON, and their successors in interest, hereby objects
5 and excepts to the claim of water right of the said FRANKLIN W.
6 TAYLOR, NO. 79-4052, for the following reasons and on the following
7 grounds:

8 1. That the recorded water right of your affiant has
9 been used continuously since prior to 1895 by your
10 affiant, his predecessors in interest, and will be
11 used by his successors in interest, and is a prior,
12 valid, legitimate and subsisting water right on all
13 the water of Deer Creek since prior to 1895.

14 2. That the said Franklin W. Taylor has never, to
15 the knowledge of your affiant or his predecessors
16 in interest, applied water to a beneficial use from
17 Deer Creek; that your affiant is informed and be-
18 lieves and upon such information and belief alleges
19 the fact to be that the only application, if any, to
20 a beneficial use, ever done by the said applicant,
21 Franklin W. Taylor, is from a small draw which is
22 tributary to Deer Creek; that, as aforesaid, your
23 affiant's water right is prior and existing to that
24 of applicant's on all the water of Deer Creek.

25 3. That the said application and published notice
26 by the applicant, Franklin W. Taylor, is deficient
27 in that it does not properly, adequately and legally
28 establish applicant's alleged and purported points of
29 diversion.

30 4. That your affiant further denies that the applicant
31 is watering or irrigating any 3.5 acres and is speci-
32 fically not watering from the waters of Deer Creek,
but if watering at all, it is from the aforesaid tri-
butary down the draw.

WHEREFORE, your affiant prays that these exceptions and
objections be filed and a copy forwarded to the purported claimant,
Franklin W. Taylor, pursuant to Section 42-225(b) of the Idaho Code.

Harry Robinson
HARRY ROBINSON

Subscribed and sworn to before me this 19th day of May, 1977.

MICROFILMED

MAR 03 1988

Carol B. Hartsema
Notary Public in and for the
State of Idaho; Residing at
Grangeville, therein.

Page Three
OBJECTIONS AND EX-
CEPTIONS TO CLAIM

Water for record

Notice of Water Right

Notice is hereby given that I, John Nadon, of Idaho County, State of Idaho, do hereby claim the water flowing in the South Fork of Deer Creek, Idaho County, State of Idaho to the extent of two hundred (200) cubic feet of water per second.

The place of diversion of said water, is at a point ^{about} 300 yards from and above the mouth of the gulch where said South Fork of said Deer Creek empties into said Deer Creek.

Said water is claimed for irrigating purposes for a certain and farming to be used on the ranch of said John Nadon, located on unsurveyed Government land on said Deer Creek at mouth of said South Fork in Idaho County, State of Idaho. The length of said ditch used in conveying said water is about 900 yards, running in the direction of North and East and crossing said Deer Creek.

Said ditch is already constructed and is used to conduct the water already claimed under an appropriation of two cubic inches of water ^{under the laws and has never been} which is now asserted to exist, and the effect of this notice is, not to waive same in any respect, but to make it a matter of record, to the amount claimed in this notice.

John Nadon
County of Idaho

John Nadon

John Nadon, being first duly sworn, deposes and says that he is of lawful age and is the claimant of the water right mentioned in the foregoing notice, and ~~that~~ whose name is subscribed thereto. That the statements in the said notice are true and that the original notice, of which the foregoing is a true copy was posted in a conspicuous place at or near the place of intended diversion as provided by law on the 15th day of June 1895 at 9 o'clock A.M.

John Nadon

Subscribed and sworn to before me
the 11th day of July, 1895

A. W. Ackington, County Recorder
Filed for record June 15, 1895 at 8:20 A.M. at request of John Nadon
A. W. Ackington

MICROFILMED

MAR 03 1988

MICROFILMED

MAR 03 1988

CERTIFICATE

STATE of IDAHO
County of Idaho

I, Bob J. Waite, County Recorder in and for said County and State, do hereby certify that the foregoing is a full, true and correct copy of the instrument it purports to be, together with the endorsements thereon, as the same appears of record in my office as

Instrument No. Bb-2-Page 13

WITNESS my hand and official seal, this 17 day of May

19 77 at Grangeville, Idaho.

Bob J. Waite

BOB J. WAITE

for Clara Hunsbeck Deputy

May 26, 1977

Re: Claim to a Water Right No. 79-4052

C
O
P
Y

Franklin W. Taylor
Star Route
White Bird, ID 83554

Dear Mr. Taylor:

Enclosed is a copy of an exception filed by William J. Dee and W. C. MacGregor, Jr., attorneys for Harry Robinson in connection with the above referenced claim as provided by Chapter 2, Section 42-225b of the Idaho Code, which 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..."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

Enc.

MICROFILMED

MAR 03 1988

May 26, 1977

Re: Claim to a Water Right No. 79-4052
(Franklin W. Taylor)

C
O
P
Y

Harry Robinson
White Bird,
Idaho 83554

Dear Mr. Robinson:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The following is a portion of Section 42-225b, Idaho Code related to the filing of a claim to a water right:

"... 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. . ."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for conformation or final censorship of the described claim.

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: William J. Dee, Attorney
W. C. MacGregor, Jr.

MICROFILMED

MAR 03 1988

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 79

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

(1) W/HM 4/25/77

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) W/HM 4/25/77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) y OK

Affidavit of Publication received(date) 5-17-77

(12) y _____

Final date for protests N/A

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 W/HM

Date 5-23-77

APPROVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

May 24, 1977

Re: Claim to a Water Right No. 79-4052

Franklin W. Taylor
Star Route
White Bird, Idaho 83554

Dear Mr. Taylor:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-225a 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.

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.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS: rf

Enclosure

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MAR 03 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Cecil D. Anderson
Governor

R. Keith Higginson
Director

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

April 29, 1977

Re: Notice of Claim to a Water Right No. 79-4052 -- Franklin W. Taylor

Idaho County Free Press
Box 267
Grangeville, ID

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. 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)

Please send the affidavit of publication and publication billing to this office before May 23, 1977.

Sincerely,

Bill submitted
5-17-77
y

MICROFILMED

MICROFILMED

MAR 03 1988

NOTICE OF CLAIM TO A WATER RIGHT

NO. 79-4052

Notice is hereby given that FRANKLIN W. TAYLOR

Star Route White Bird, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.28 cubic feet per second ~~XXXXXX~~ XXXXXX of water
from Deer Creek trib. Salmon River

with the point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 T27N-R1E B.M., Idaho

County

The water is claimed to be used from Jan 1 to Dec 31
for stockwater purposes and from May 1 to Oct 1 for irrigation of 3.5
acres

with a priority date of May 20, 1971;

the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 18

/ T27N-R1E B.M.

Any exception to this claim of water right may be filed with the Direc-
tor of the Idaho Department of Water Resources, 92 South Cole Road, Boise,
Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Idaho County Free Press, Grangeville, ID
on May 4, 1977 and May 11, 1977

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MAR 03 1988

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

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

April 26, 1977

Franklin W. Taylor
Star Route
White Bird, Idaho 83554

Dear Mr. Taylor:

Enclosed is your Receipt No. 7628 in the amount of \$ 10.00
for a claim to a water right which was received in
this office on April 25, 1977.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure

MICROFILMED

MAR 03 1988

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19-4052

March 30, 1977

Franklin W. Taylor
Star Route
White Bird, ID 83554

Dear Mr. Taylor:

Your letter dated March 17, 1977 indicates that you have been using water from Deer Creek for many years. You indicate that you would like to file on this water right.

Since the water has been used so long on your lands, it seems unlikely that you would want to file an application for permit to appropriate public waters. If you did so, you would receive a 1977 priority date on your use of water. This would make your water right junior to any filed prior to yours. If, however, you were to have the courts adjudicate the water rights on Deer Creek you would retain the early priority date which is probably one of the first rights on the creek. You would need to be prepared to show the courts the amount of water used, the lands irrigated and when it was first used. You can also file a Claim to a Water Right with this office, but the "claim" would have no effect on your right to the use of water. It would simply record your statement and any statements from others you might submit.

At the conference that will be held in connection with the Harry Robinson Application for Permit you will be allowed the opportunity to show that you have used the water from Deer Creek. If an agreement at the conference can't be reached on use of the Deer Creek water, a formal hearing will be held and this department will then make a decision on whether or not Mr. Robinson's application will be approved. Either side could appeal our decision to the district court.

We are enclosing forms for use in filing a Claim to a Water Right in the event you wish to file a claim on the water you have been using. The filing fee for the claim is \$10.00 which you must send along with it.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:rf

Enc.

MICROFILMED

MAR 03 1988

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