

RECEIVED

MAY 14 1971

Department of Water Administration

STATE OF IDAHO,) ss.
COUNTY OF ADA)

Georgene Davis

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho

Statesman for Two weekly consecutive insertions, beginning with the issue of May 6, 19 71, and ending with the issue of May 13, 19 71.

Georgene Davis

Subscribed and sworn to before me this 13th day of May, 19 71.

John A. Young
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF CLAIM TO
A WATER RIGHT

No. 63-4089

Notice is hereby given that Herbert Nitz, Route 2, Meridian, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 3N, R. 1E, B.M., Ada County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of December 18, 1960; the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 3N, R. 1E, 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
Pub. May 6, 13, 1971.

63 4089

Identification No. 2
Claim No. 63-4089
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 Herbert Nitz
post office address Route #2, Meridian, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 31 Township 3 N
Range 1 E B.M. located on Ground Water
(name of source)
tributary to _____ in Ada 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:
December 18, 1960 amount: .03 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 Domestic period of use from Jan. 1 to Dec. 31 (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 _____

 - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 289 feet; diameter of well is 6 inches; type of pump is Universal Deep Prime
capacity of pump is _____ g.p.m.; name and address of well driller is Orvil Hardin
_____ ;

63 4089

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

Where water is used for domestic or municipal purposes give number of families served one

[illegible]

State of Idaho }
County of Adair } ss.

Herbert Nitz
Claimant

ay of April, 1921

Notary Public
Residing at

Residing at 1200 E. 12th Ave

For Department Use Only

Prelim. check by 120 Date 4-20-71

Fee received by 21 Date 4/20/77 Fee \$ 10.00

Approved for publication by D

Published in Idaho Statesman Dates 5-6 & 5-13, 1971 63 4089
at Boise, Idaho

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.

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Administration

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James A. Young

Notary Public for Idaho, Residing at Boise, Idaho

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WATER RIGHT NUMBER 63-4089

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 26

ACT
ION

N OWNER LAST NAME - NITZ
N ADDRESS LINE 1 - RT. 2

FIRST NAME - HERBERT

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

CITY - MERIDIAN

STATE - ID ZIP CODE - 83642

N DIVERSION POINT - SENE 31 03N 01E
N FROM - 01-01 TO - 12-31

PRIORITY - 12-18-1960 COUNTY - ADA

TOTAL DIV. RATE - .0300CFS

N USE - DOMESTIC
N USE - DOMESTIC

USE DIV. RATE - .0300CFS

PLACE OF USE - TWN 03N RNG 01E SEC 31 TRACT SENE

IDENT. NO. 63-4089

WATER RIGHT
DATA ENTRY LOG[illegible]

- DATA ENTRY -

New No.

1. Original Owner:

2. Address: 67.2

3. City: Meridian

State: ID

Zip: 83642

4. A. Source of Water: *QW*

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 12-18-1960

D. County: 01

E. Total Diversion Rate: 03

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
SENE	31	3N	1E		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for 1 purposes. Amount .03
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

11679

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

May 27, 1971

Re: Claim to a Water Right No. 63-4089

Mr. Herbert Nitz
Route #2
Meridian, Idaho 83642

Dear Mr. Nitz:

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

63 4089

April 28, 1971

Re: Claim No. 63-4089 - Herbert Nitz
Application No. 63-7414 - John Aldape
" " 63-7415 - Headquarters Ranch
" " 63-7416 - Wirt M. Klinger
" " 63-7417 - Marvin S. &/or Irene Jeppesen
" " 63-7418 - Vansal C. &/or Carmon Baker

Idaho Statesman
Box 2640
Boise, Idaho 83701

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 our 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,

Donald W. McKidowney
Appropriation Supervisor

63 4089

Bill submitted 5-19-71 by de

DWM:DR
Enc: Legal notices (6)

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R. KEITH HIGGINSON

Director

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