

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 85-4025

Notice is hereby given that Albert C. Nuxoll, Greencreek, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from an Underground Spring with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 32N, R. 2E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of July 15, 1912; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T. 32N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on April 19 and April 26, 1972.
A19-26

_____ Gary D. Cash _____ being first duly sworn, says he is the _____ Office Manager _____ 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 _____ two _____ weeks, being published _____ two _____ times, the first publication being on the _____ 19th _____ day of _____ April _____, 19~~7~~2, and the last publication on the _____ 26th _____ day of _____ April _____, 19~~7~~2, 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.

_____ Gary D. Cash _____

Subscribed and sworn to before me this _____ 26th _____ day of _____ April _____, 19~~7~~2

_____ Richard C. Hatch _____, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

85 4025

Identification No. _____
Claim No. 25-4025
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 Albert C. Nuxoll
post office address Greencreek, Idaho 83533

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 18 Township 32N
Range 2E B.M. located on an Underground Spring
(name of source)

tributary to _____ in Idaho 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:

July 15, 1912 amount: 0.01 c.f.s. of ////////// acre/feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 0.01 c.f.s. of ////////// 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 January 1 to December 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 _____

Spring Spring
b. Underground water diverting works: is well flowing or pumped Flowing; depth of well is
5 feet; diameter of well is 60 inches; type of pump is None
capacity of pump is _____ g.p.m.; name and address of well driller is _____

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[Handwritten notes]

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]

interests in the ditch are (if known) _____

name of town supplied _____

[illegible]

County of Idaho } ss.

Albert C. Kuyself
Claimant

Kenneth B. Hink
Notary Public

My commission expires 4/26/72

Received by <u>uf</u> Date <u>3-31-72</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>ESB</u> Date <u>3-31-72</u>	_____	_____	_____
Fee received by <u>uf</u> Date <u>3/31/72</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by _____	_____	_____	_____
Published in <u>IDA. Civ. FREE PRESS</u> Dates <u>4-19+4-26-72</u>	_____	_____	_____

05 4975

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
		Total claimed:	1.2 c.f.s. or	_____	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.

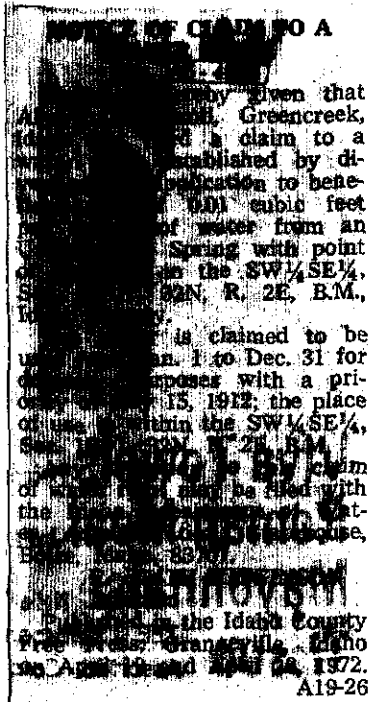
4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks 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.

AFFIDAVIT OF PUBLICATION



..... Gary D. Cash being first duly
sworn, says he is the Office Manager
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 two weeks,
being published two times, the first publication being
on the 19th day of April 1972.,
and the last publication on the 26th day of
..... April 1972 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.

..... Gary D. Cash

Subscribed and sworn to before me this 26th day
of April 1972

..... Richard C. Hatch Notary Public
for State of Idaho, residing at Grangeville, Idaho.

85 4025

- DATA ENTRY -

Record

1. Original Owner: Albert C. Nuxoll
- Present Owner: _____
2. Address: _____
3. City: Greenleaf State: CO Zip: 83533
4. A. Source of Water: spring
- B. Tributary of: _____
5. A. Stage (A,P,L,D,S,J): S
- B. Status (D,L,R,C,A,I,F - leave blank if valid): _____
- C. Priority Date: 7-15-1912
- D. County: 49
- E. Total Diversion Rate: .01
- 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): _____

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SW SE</u>	<u>18</u>	<u>32^N</u>	<u>2^E</u>		

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

[illegible]

8. Use Code: ~~FE~~ **D**

[illegible]

9. A. Decree Name:

B. Decree Date:

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

11. Other Uses (Non-irrigation explanatory information): *S/L increase + 40 images.*

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 9, 1972

Re: Claim to a Water Right No. 85-4025

Albert C. Nuxoll
Greencreek,
Idaho 83533

Dear Mr. Nuxoll:

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:CR

Enc: Copy of Claim

85 4025

NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4025

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Greencreek, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second ~~approx~~ of water from an Underground Spring

with point of diversion in the SW¹/₄SE¹/₄, Sec. 18, T. 32N, R. 2E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of July 15, 1912;

the place of use is within the SW¹/₄SE¹/₄, Sec. 18, T. 32N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~on or before~~

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho
on April 19 and April 26, 1972.

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WATER RIGHT
No. 85-4025**

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R. KEITH HIGGINSON
Director

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A19-26

O.K.
4-11-72
SL

85 4025

ALL KINDS
OF
COMMERCIAL
PRINTING
LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071

"PROMPT SERVICE"

STATEMENT

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED

PRINTERS AND PUBLISHERS

Grangeville, Idaho Apr. 26, 1972

State of Idaho
Dept. of Water Administration
Statehouse--Annex 2
Boise, Id 83707

DATE

INVOICE NO. / ITEMS

AMOUNT

Apr. 19-26 30 lines, 2 times--Not. Claim. #85-4025 \$ 11.10

"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."

IDAHO COUNTY FREE PRESS

BY: Gary D. Cash
Gary D. Cash, Office Mgr.

85 4025

April 7, 1972

Re: Claim No. 85-4025 - Albert C. Nuxoll

Idaho County Free Press
Box 267
Grangeville, Idaho 83530

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)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enc: Legal Notice

Bill submitted 5-4-72. d

85 4025

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 3, 1972

Albert C. Nuxoll
Greencreek,
Idaho 83533

Dear Mr. Nuxoll:

Attached herewith is your Receipt No. 8246 in the amount of \$ 10.00
for your claim to water right application

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

85 4025