

Claim No. 11 4058

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 Murray C. Nichols
(name of claimant)
of 140 N. 1st West, Preston, Idaho 83263, 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) unnamed springs
tributary to, North Canyon Creek
- (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 | <u>0.03</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>May 1</u> | To | <u>Nov. 15</u> |
| Amount | <u>2.00</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 2.07 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 11-16-1915

A claim is not acceptable on a ground-water source with a priority later than March 25, 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)
NE ¼ SE ¼, Sec. 13 Twp. 12S Rge. 42E B.M. County of Bear Lake
Additional points of diversion: NW ¼ SE ¼, Sec. 13, T. 12S, R. 42E, B.M.

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. 2" dia. pipe, ¼ mile main ditch and laterals

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	42E	13													40	40	10	10	100

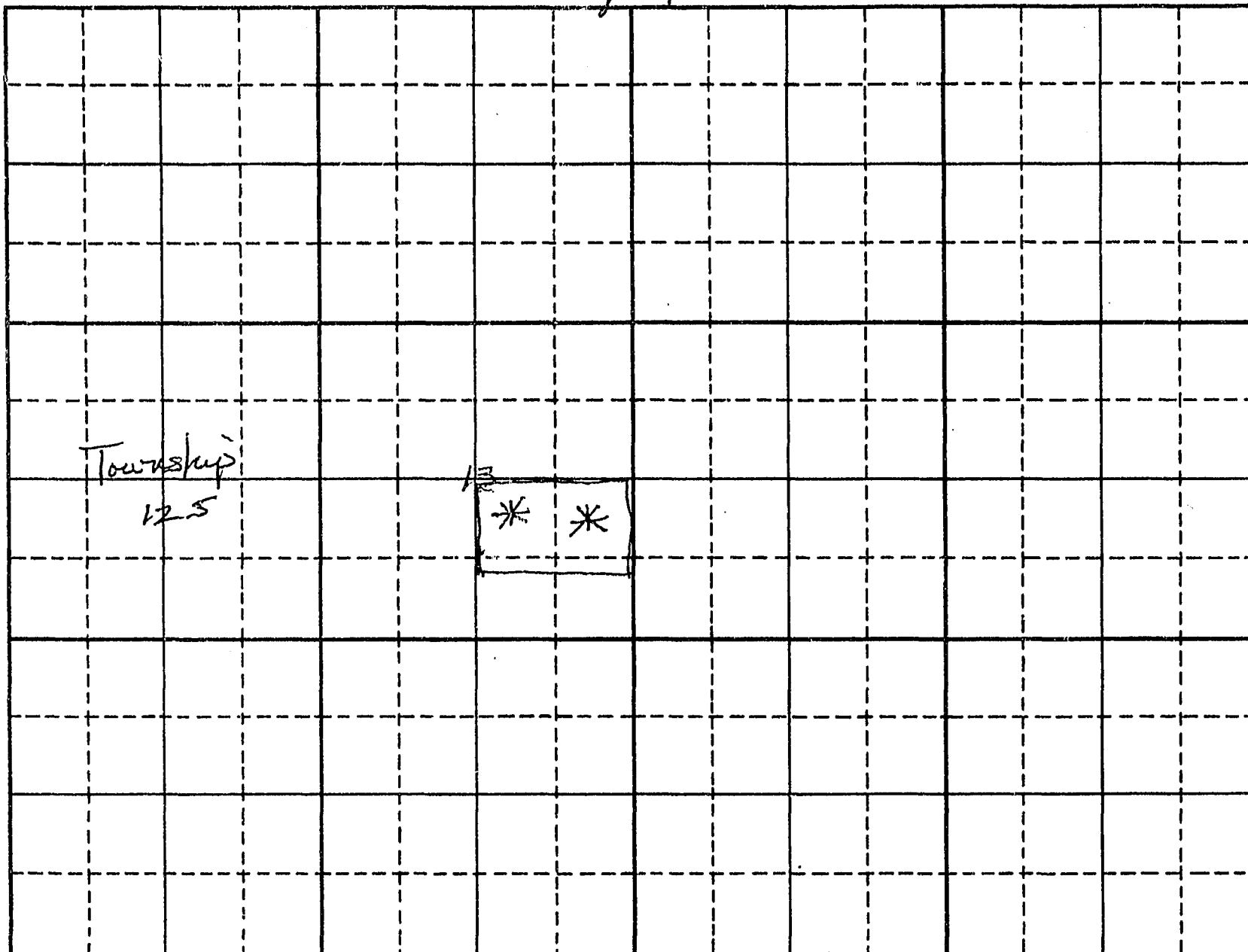
Total No. of acres 100

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 100 beef cattle and single family domestic

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

(8) Remarks There are 2 springs located within the two points of diversion

Range 42E



Scale: 2 inches equal 1 mile.

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)
County of Bonneville) 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 18th day of March, 19 77.

Murray C. Nichols
(Claimant)
Lauren O. Halverson
Notary Public

Residing at Idaho Falls, Id.

My commission expires March 21, 1979

For Department Use Only

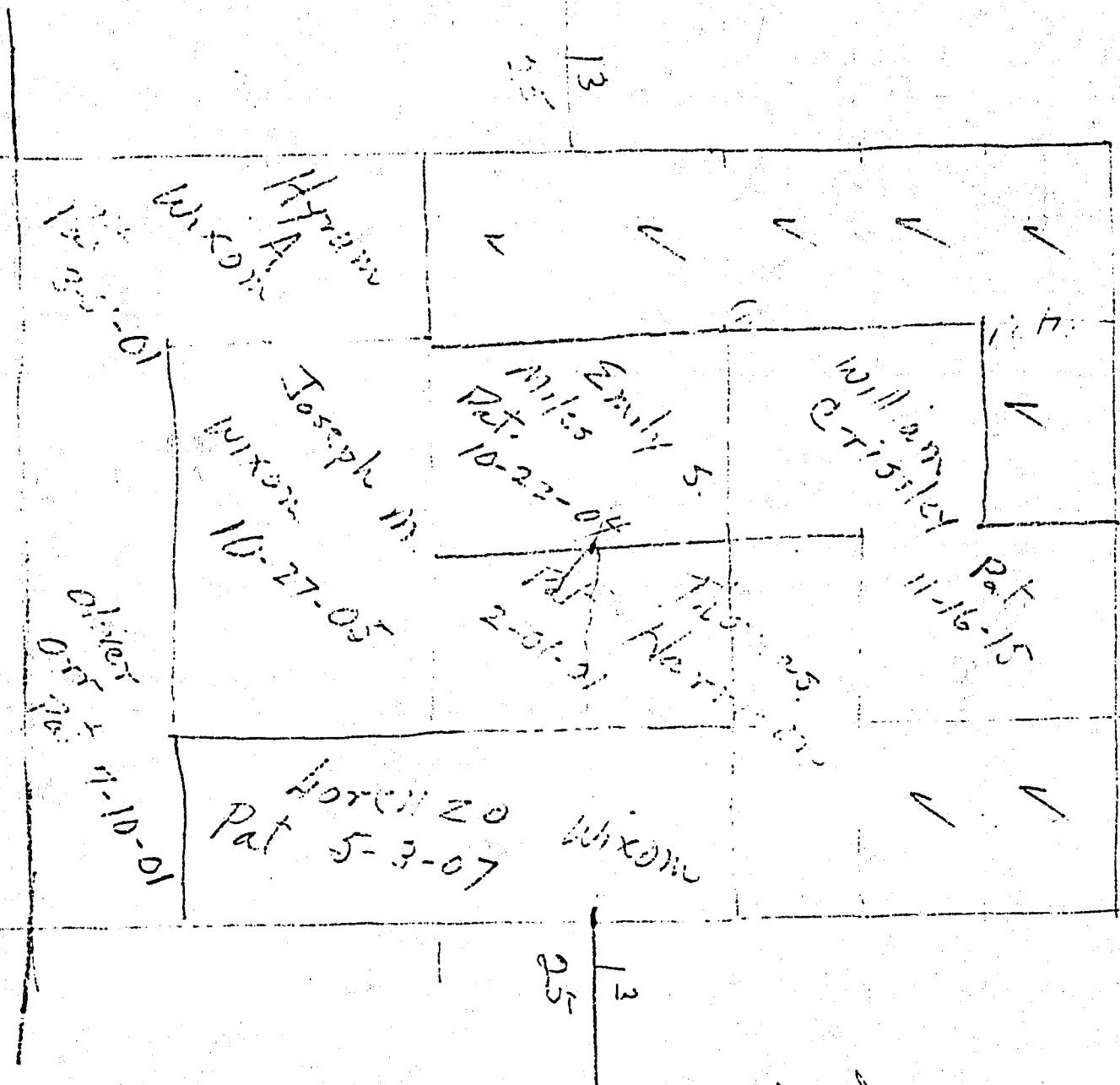
Received by <u>OW</u>	Date <u>3-18-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>3/18/77</u>		claimant by:	
\$10.00 fee received by <u>OW</u>	Date <u>3-18-77</u>			
Approved for publication by <u>The</u>	<u>4-14-77 #6459</u>			
Published in <u>Idaho Falls</u>				
Dates <u>Mar. 31 & Apr. 7, 1977</u>				

Dated at Paris, Idaho this 12th day of May, 1966.

Amos B. Hulme, Recorder

By Ruby B. Woodford Deputy

Sec. 13



Section from 1866
Lorenzo Wixom
12 May 66

Nº 566

RECEIVED

APR 14 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren M. Thompson
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 31, 1977, and ending
with the issue of April 7, 1977.

Fees, 14.87

Subscribed and sworn to before me this 12 day
of April, 1977.

Linda J. Thompson
Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13, 1979.

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT No. 11-4058

Notice is hereby given that Murray C. Nichols, Preston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.07 cubic feet per second of water from unnamed springs tributary to North Canyon Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and from May 1 to Nov. 15 for stockwatering purposes for 100 beef cattle and from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of Nov. 16, 1915; the place of use is within the SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

Director

Published in the News-Examiner, Montpelier, Idaho on March 31 and April 7, 1977.

M31-A7

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4058

Notice is hereby given that Murray C. Nichols,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.07 cubic feet per second ~~xxxxxx feet per second~~
of water from unnamed springs tributary to North Canyon Creek
with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E,
B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
for one family and from May 1 to Nov. 15 for stockwatering purposes for 100 beef
cattle and from Apr. 1 to Nov. 1 for the irrigation of 100 acres
with a priority of Nov. 16, 1915;
the place of use is within the SE $\frac{1}{4}$, Sec. 13, T. 12S, R. 42E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the News-Examiner, Montpelier, Idaho
on March 31 and April 7, 1977

*He. J.
He. G.*

March 24, 1977

RE: Application for Permit No. 11-7106 WALKER
11-7107 NICHOLS
11-7108 NELSON
11-7109 WALLENTINE
11-7110 "
Claim to a Water Right No. 11-4058 NICHOLS

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted

4-14-77 by CW

RDC:CW

Enc: Legal Notice (6)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Claim to a Water Right No. 11-4058 and Application for Permit No. 11-7107
MURRAY C. NICHOLS

Mr. Farrell W. Neilson, President
Ovid Irrigation Company
Ovid, Idaho 83260

Dear Mr. Neilson:

We are returning your letter of protest submitted against the granting of the above referenced claim to a water right and application for permit.

While you have the right to protest the granting of a permit, your protest must indicate the reasons you object to its approval. The Department can receive protests and hold administrative hearings if the protest is based on one of the four following reasons:

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

If you wish to resubmit a protest, please do so before April 18, 1977.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it before April 18, 1977, to assist us in rapid processing.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

Enclosure
cc: East Liberty Irrigation Co.

April 18, 1977

RE: Claim to a Water Right No. 11-4058

Mr. Murray C. Nichols
140 N. 1st W.
Preston, Idaho 83263

Dear Mr. Nichols:

The Department of Water Resources 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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim