

Claim No. 13 4015

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 Wesley S. Nash (name of claimant)
of Weston, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Bear River;

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 drain
and waste water
- (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>1.6 cfs</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount		Use		Period of Use: From		To	
Amount		Use		Period of Use: From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

- (3) Total quantity of water claimed: 1.6 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) August 11, 1950

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)
SW 1/4 NE 1/4, Sec. 13 Twp. 16S Rge. 38E B.M. County of Franklin
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. ditches and small pond for overnight storage

- (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	
16S	38E	13			40	40													80

Total No. of acres 80

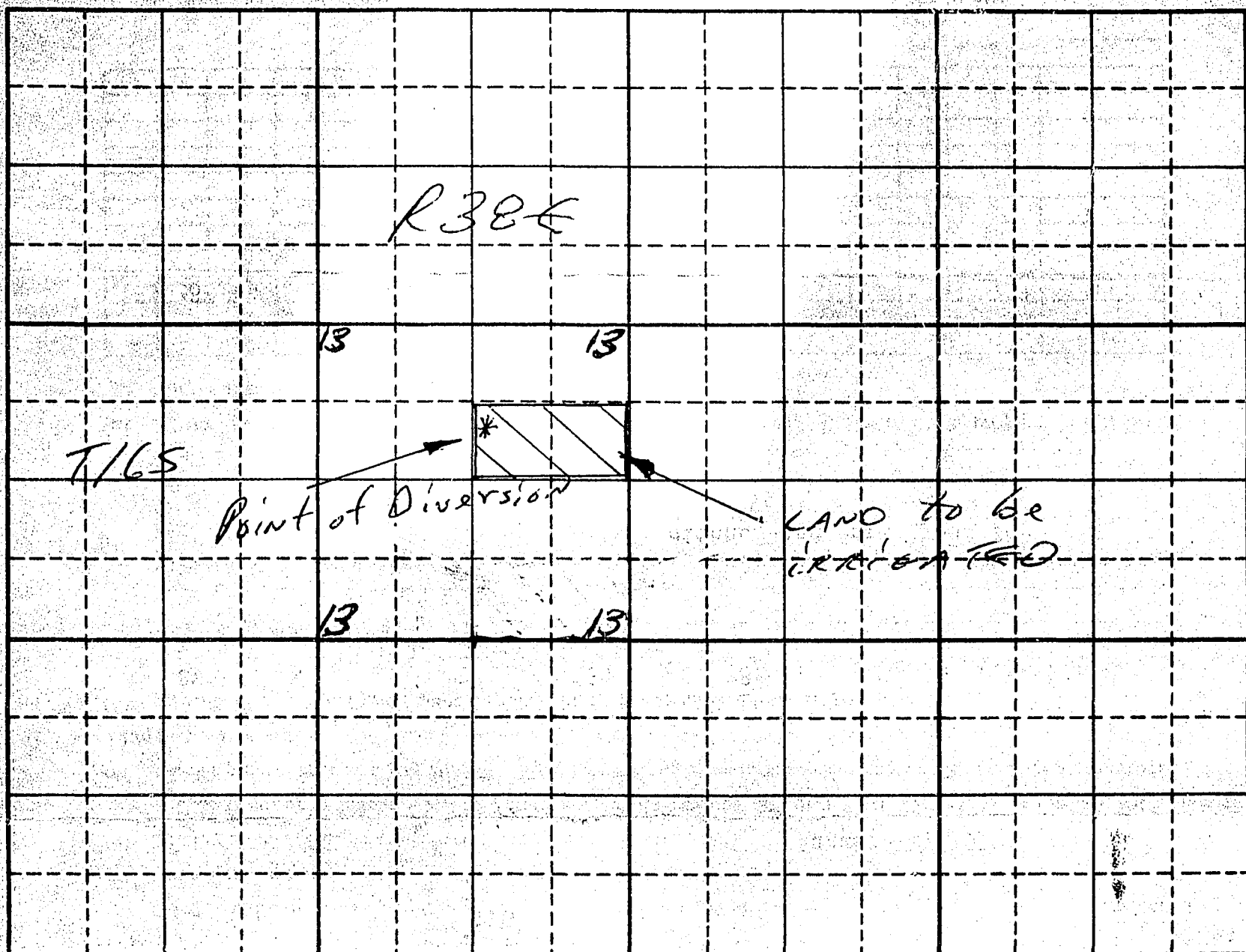
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

MICROFILMED

RECORDED

(8) Remarks This claim is based upon permit 21652/13-2158 issued to D.
Ariel Nash. The paperwork necessary to have a license issued
was not done although the terms of the permit were otherwise met.



Scale: 1/2 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 Franklin 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 3rd day of June, 19 74.

Wesley S. Nash
(Claimant)

Connie Westover
Notary Public
Residing at Preston, Idaho

My commission expires 7/25/74

Received by AB Date 6-27-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by AB Date 27 June 74 claimant by: _____
\$10.00 fee received by AB Date 6-28-74
Approved for publication by AB-8/12/74 _____
Published in Preston Citizen _____
Dates 7/1 + 7/18/74 _____

No. 2688

AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 12 1974

STATE OF IDAHO,
County of Franklin

ss.

Department of Water Resources
Eastern District Office

J. Stalter Ross

being duly sworn,

deposes and says:

That he is the Co-publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

July 11, 19 74, and ending
with the issue of July 18, 19 74

Fees, \$ 12.21

Subscribed and sworn to before me this 6 day
of August, 19 74

De Ann P. Hedder

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78

RECEIVED

AUG 8 1974

Department of Water Resources

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4015

Notice is hereby given that Wesley S. Nash, Weston, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from an unnamed drain tributary to the Bear River with point of diversion in the SW 1/4 NE 1/4, Sec. 13, T. 16S, R. 38E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 80 acres with a priority of August 11, 1950; the place of use is within the SW 1/4 NE 1/4, Sec. 13, T. 16S, R. 38E, 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.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho, on July 11 and July 18, 1974.

Legal No. 2688 - Pub. July 11 and 18, 1974.

13-4015

INTER-DEPARTMENT MEMO — 1

DATE June 27, 1974

FROM Western District

TO Eastern District

SUBJECT Map

RECEIVED

JUL 1 1974

Department of Water Administration
Northern District Office

The map shows lands irrigated as S $\frac{1}{2}$ SE $\frac{1}{4}$. This was probably an accident on the claimant's part but should be investigated before advertising.

OK NCY 7/5/74

13-4015

Quinn

SIGNATURE

July 5, 1974

C
Mr. Wesley S. Nash
Weston,
Idaho 83286

O
Dear Mr. Nash:

Attached herewith is Departmental Receipt No. 14932 in the amount of \$10.00 for your claim to a water right which was received in this office under the above date.

P
Any further correspondence or questions concerning this application or any future filings should be directed to this office. All processing is done through this office and it would save time if you would correspond with us instead of our Boise Office.

Y
Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

Attachment

13-4015

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4015

Notice is hereby given that Wesley S. Nash,
Weston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.6 cubic feet per second ~~acre feet per annum~~
of water from an unnamed drain tributary to the Bear River
with point of diversion in the SW¹/₄NE¹/₄, Sec. 13, T. 16S, R. 38E, B.M.,
Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the
irrigation of 80 acres
with a priority of August 11, 1950;
the place of use is within the S¹/₂NE¹/₄, Sec. 13, T. 16S, R. 38E, 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.

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on July 11 and July 18, 1974.

Handwritten:
JH-1
CB
CB-A

MICROFILMED

July 5, 1974

RE: Claim to a Water Right No. 13-4014 - ERHARDT
" " " " " No. 13-4015 - NASH
Application for Permit No. 13-7079 - YOUNGMAN

The Preston Citizen
Box 389
Preston, Idaho 83263

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,

NORMAN C. YOUNG
District Engineer

NCY:CB

Enc: Legal Notice (3)

Bill submitted 8-12-74 by MB

MICROFILMED

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4015

Notice is hereby given that Wesley S. Nash, Weston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from an unnamed drain tributary to the Bear River with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 16S, R. 38E, B.M., Franklin County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 80 acres with a priority of August 11, 1950; the place of use is within the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, T. 16S, R. 38E, 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.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on July 11 and July 18, 1974.

Legal No. 2688 — Pub. July 11 and 18, 1974.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 29, 1974

Re: Claim to a Water Right No. 13-4014 Erhardt
" " " No. 13-4015 Nash
Application for Permit No. 13-7079 Youngman

The Preston Citizen
Box 389
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with each of the above referenced applications. The legal notices were to have been published in your paper on July 11 and July 18, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

UNRECORDED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 12, 1974

Re: Claim to a Water Right No. 13-4015

Mr. Wesley Nash
Weston
Idaho 83286

Dear Mr. Nash:

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,

NORMAN C. YOUNG
District Engineer

NCY:MB

Enc: Copy of claim

MICROFILMED

RECEIVED

JAN 14 1975

Department of Water Resources
Eastern District Office

Jan 13 - 1975

Dear Mr. Kenneth Carlson

Would you please put this copy of
letter paper of my Dad R. Earl Mack
in my file of the water claim I had
lost June 1974. No - 134015.

Thank you Weely Sevak

January 15, 1975

RE: Claim to a Water Right No. 13-4015

Mr. Wesley S. Nash
Weston
Idaho 83286

Dear Mr. Nash:

We are in receipt of the affidavit which you submitted to this office on January 13, 1975. I have read the affidavit and it is not clear to me whether you are submitting it in support of your claim or as an exception against the claim filed by Mr. McKay.

Because affidavits are submitted as evidence for future court proceedings, it is important that the issues they present be very clearly stated. For this reason, I am returning your affidavit and a blank form in case you wish to rewrite it to clarify its intent. We have included the copy of the Application for Permit No. 21652/13-2158 in the name of D. Ariel Nash in your claim file as you requested.

If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

Enclosures

Address all communications to

(Form No. 1)

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 29364

Permit No. 21652

District No. _____

JAN 14 1975

Department of Water Resources
Eastern District Office

1. Name of applicant: D. Ariel Nash

Post office address Weston County Franklin State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: 1.6

2. Quantity of water claimed: 2 second feet _____ cubic feet per second

3. Source of water supply: Waste from irrigation drainage, and drainage from marsh land
in SW $\frac{1}{4}$ of Sec 12 and the NW $\frac{1}{4}$ of Sec. 13 Twp. 16 S. Range 38 E.B.M.
which is tributary of _____

4. Location of point of diversion: North 1056 feet distant from the Southwest corner
of Northeast quarter
of Section 13 T. 16 S R. 38 E., B.M., and is in the Northwest corner of Southwest
quarter of Northeast quarter
of Section 13 T. 16 S R. 38 E., B.M., County of Franklin

5. Water is to used for: Irrigation and has been used on my land for past 20 years

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____

T. _____ R. _____, B.M., in the _____ of Section _____ T. _____ R. _____, B.M.

(b) Amount of power generated: _____ H.P., under _____ feet head

(c) Water is to be returned to _____ at a point _____ feet

distant from the _____ corner of Section _____ T. _____ R. _____, B.M. in the

_____ of Section _____ T. _____ R. _____, B.M.

7. Estimated cost of works: \$500.00

8. Kind of works: ditches-
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet;
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)
feet; material used in dam _____

10. Size of headgate: Width _____ feet; Height _____ feet

11. Ditch. Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

Approval of State Reclamation Engineer

21652

The number of this permit is

AUG 11 1950

Recorded in Book 77 Page 21652 approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed before

Work to begin on or before October 11, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 11, 1953

The whole of said work to be completed on or before August 11, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before August 11, 1955

Witness my hand this 11th day of August, 1950.

Mark R. Kulp
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS Governor of the State of Idaho,

and J. D. "CY" PRICE Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 11th day of August, 1950

Countersigned
By J. D. "CY" PRICE
Secretary of State.

STATE OF IDAHO
By C. A. Robins
Governor

No. 21652

PERMIT

Date of first receipt at office of State
Reclamation Engineer

10:30 A.M. Aug. 10, 1950

Returned to applicant for correction

Corrected application received

Fees \$

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or fraction thereof .25

affidavit apply for Papers to make final
in Proj

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

JAN 14 1955

Department of Water Resources
Eastern District Office

October 4, 1955

Re: Permit No. 21652

To Mr. D. Ariel Nash

Weston, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21652 to appropriate the public waters of the State of Idaho, have not been complied with as to Completion of works August 11, 1955

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 21652 is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 21652 claims the use of 1.6 cubic feet per second of the waters of an un-named stream (waste water) with point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 16 South, Range 38 East, B. M. and was approved August 11, 1950

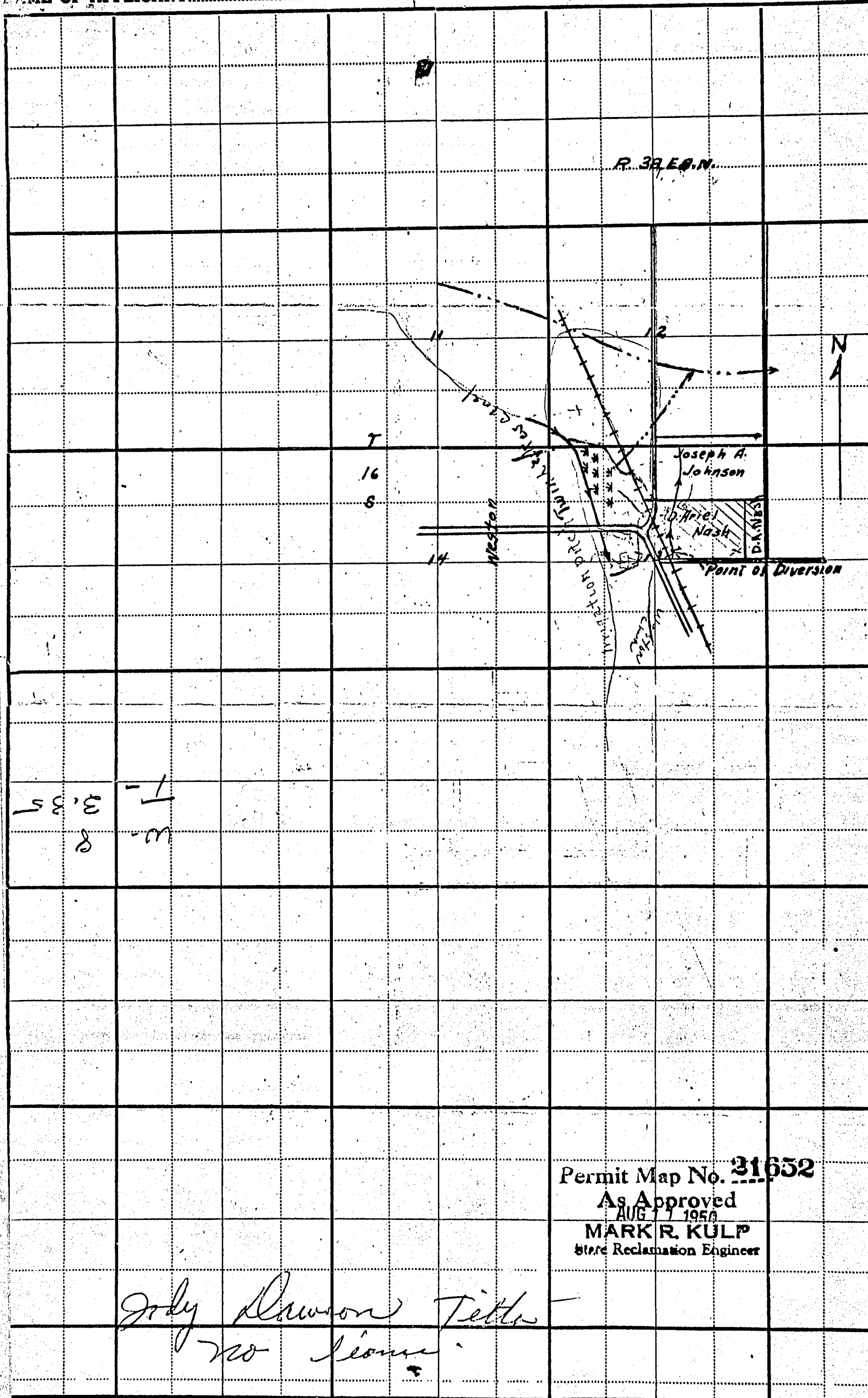
In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 4th day of October, 1955

Mark R. Kulp

State Reclamation Engineer.

By Assistant.

Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

- storage only
16. (a) Is reservoir to be used? Small reservoir for over night/ (If so, fill in (b) and (c) below.)
- (b) Name of reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: This filing is supplemental to the existing water rights, and the water
has been used on this land for twenty years or more

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Harold Nash
Applicant

By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO } ss.
County of _____

On this _____ day of _____, 194____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that _____ executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires _____

