

Claim No. 13 4025

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 Leon G. Nuffer
(name of claimant)
of Dayton, Idaho, 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) Five Mile Creek
tributary to, Bear River

- (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 1.57 CFS Use irrigation Period of Use: From April 15 To October 15
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: 1.57 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) May 1, 1960

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 1/4 SW 1/4, Sec. 13 Twp. 155 Rge. 38 E 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. Pumped from the creek with a 25 HP pump, approximately 1,000 gal per minute in conjunction with water license No. 22931 - then is conveyed in a 10 inch pipe east approximately 135 rods then in a ditch east 40 rods, then south 80 rods thence east 162 rods into a gravity flow sprinkler system.

- (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.

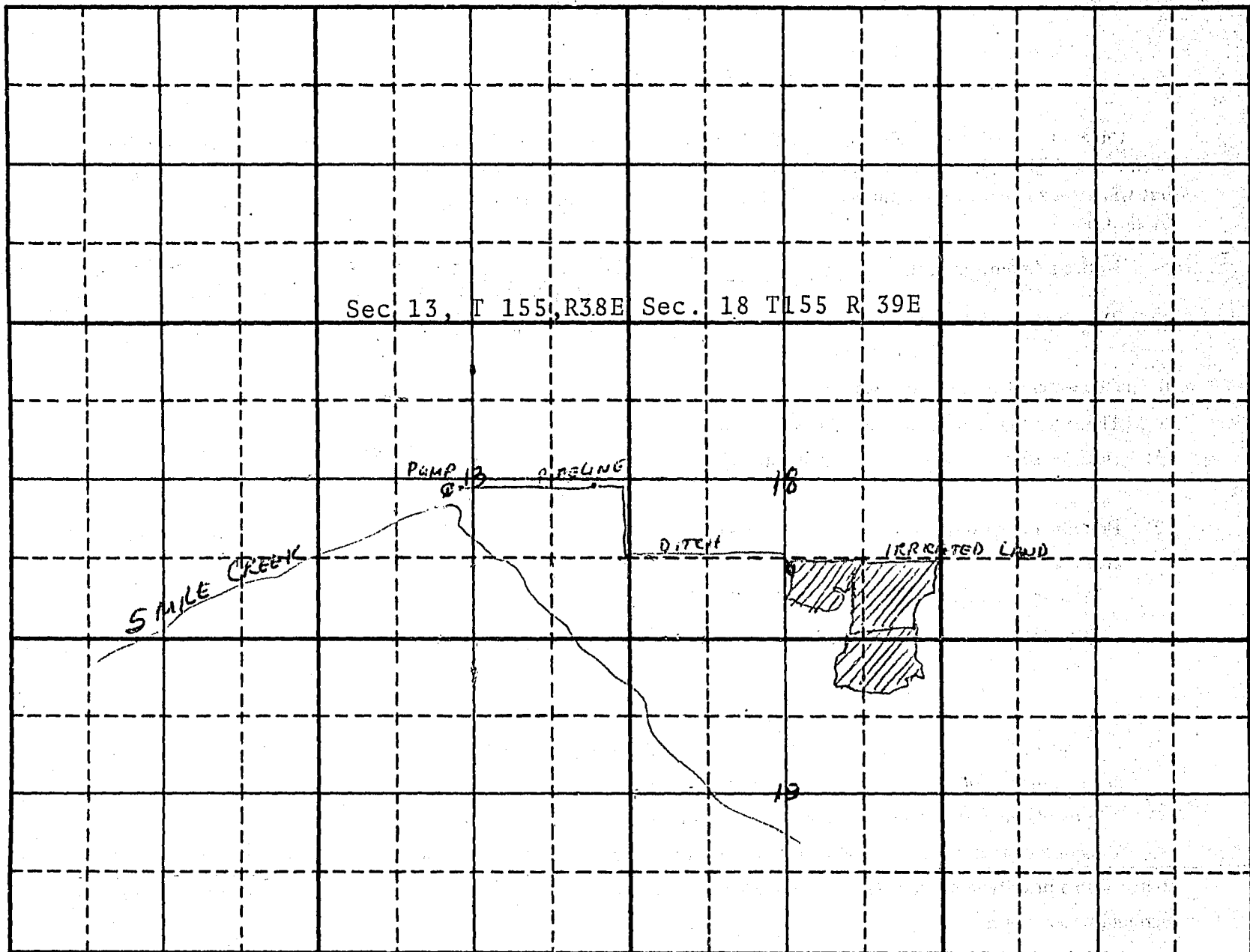
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
155	39E	18															23	34	57.0
155	39E	19	15	6.8															21.8

Total No. of acres 78.8

- 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

(8) Remarks See attached copy of easement obtained from neighbor in 1963 to Convey Water. A different ditch was used from 1960 to 1963.



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 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 18 day of February, 1975.

Leon H. Muffer
(Claimant)

[Signature]
Notary Public

Residing at Preston, Idaho

My commission expires 8/8/76

For Department Use Only

Received by <u>MB</u>	Date <u>2-27-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[Signature]</u>	Date <u>2-27-75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>2-27-75</u>			
Approved for publication by <u>[Signature]</u>	Date <u>4-02-75 #4119</u>			
Published in <u>Preston Telegram</u>				
Dates <u>3/06 + 3/13/75</u>				

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Hatter 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

March 6, 19 75, and ending

with the issue of March 13, 19 75

Fees, \$ 12.58

Subscribed and sworn to before me this 31 day

of March, 19 75.

D. Ann D. Seddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

RECEIVED

APR 2 1975

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4025

Notice is hereby given that Leon G. Nuffer, Dayton, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.57 cubic feet per second of water from Five Mile Creek tributary to Bear River with point of diversion in the NE 1/4 SW 1/4, Sec. 13, T. 15S, R. 38E, B.M., Franklin County.

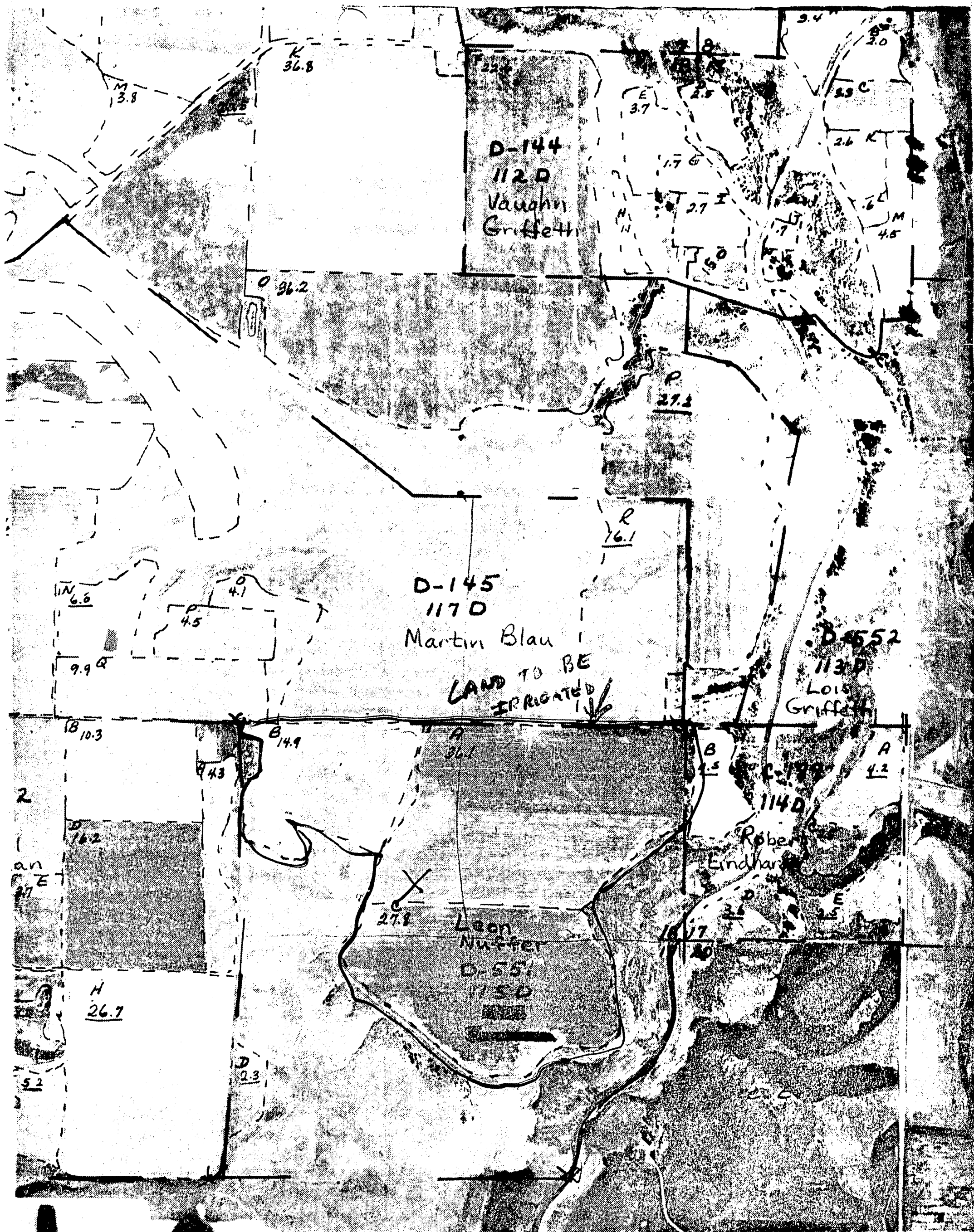
The water is claimed to be used from Apr. 15 to Oct. 15 for the irrigation of 78.8 acres with a priority of May 1, 1960; the place of use is within the S 1/2 SE 1/4, Sec. 18, N 1/2 NE 1/4, Sec. 19, T. 15S, R. 39 E, B.M.

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 March 6 and March 13, 1975.

Legal No. 2829 — Pub.
March 6, 13, 1975.



D-144
112 D
Vaughn
Griffith

D-145
117 D
Martin Blau

LAND TO BE
IRRIGATED

D-552
113 D
Lois
Griffith

Leon
Nuffer
D-551
115 D

D-172
114 D

Robert
Lindhard

H
26.7

D
2.3

K
36.8

M
3.8

E
3.7

C
2.5

K
2.6

M
4.5

O
36.2

P
27.3

R
16.1

N
6.6

O
4.1

P
4.5

Q
9.9

B
10.3

B
14.9

A
36.1

B
4.5

A
4.2

2

an
E
27

D
16.2

C
27.8

D
16.7

E
2.5

52

J. DENNIS (J. D.) WILLIAMS

ATTORNEY & COUNSELOR AT LAW

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. D. WILLIAMS

LOWELL D. CASTLETON
LAW INTERN

TELEPHONE:
(208) 852-2680

February 24, 1975

Idaho Department of Water Resources
Eastern District
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

FEB 25 1975

Department of Water Resources
Eastern District Office

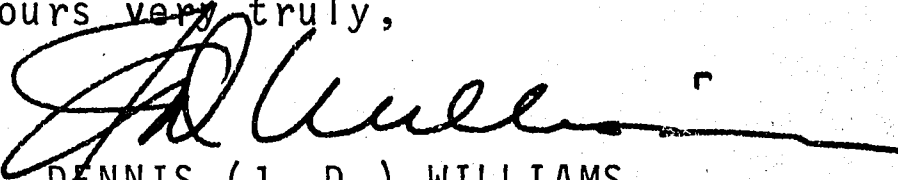
Re: Claim to Water Right of Leon G. Nuffer

Dear Sirs:

Enclosed please find a completed Claim to a Water Right to be filed for Leon G. Nuffer, Dayton, Idaho. Also, enclosed is the filing fee of \$10.00.

If any additional information is necessary in this matter, would you please so advise.

Yours very truly,


J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/jp

Enc.

February 25, 1975

C
Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

P
Enclosed please your check No. 92-171 in the amount of \$10.00 and the Claim to a Water Right in the name of Leon G. Nuffer. The claim form as submitted is in complete form. However, the signature and stamp of the Notary is missing.

Please have it signed and returned to this office with the \$10.00 filing fee at your earliest convenience.

Very truly yours,

Y
LOREN O. HOLMES
Assistant to the
District Engineer

LOH:mb

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

February 25, 1975

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Enclosed please your check No. 92-171 in the amount of \$10.00 and the Claim to a Water Right in the name of Leon G. Nuffer. The claim form as submitted is in complete form. However, the signature and stamp of the notary is missing.

Please have it signed and returned to this office with the \$10.00 filing fee at your earliest convenience.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:mb

Enclosures

P.S. Sorry for the oversight!

RECEIVED FEB 26 1975

February 28, 1975

RE: Claim to a Water Right No. 13-4025 - Nuffer

Mr. J. Dennis Williams
Attorney at Law
24 North State
Preston, Idaho 83263

Dear Mr. Williams:

Attached herewith is departmental receipt No. 4119 in the amount of \$10.00
for the above referenced claim to a water right.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC: CW

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4025

Notice is hereby given that Leon G. Nuffer,

Dayton, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.57 cubic feet per second ~~XXXXXX~~
of water from Five Mile Creek tributary to Bear River

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 15S, R. 38E, B.M.,
Franklin County

The water is claimed to be used from Apr. 15 to Oct. 15 for the
irrigation of 78.8 acres

with a priority of May 1, 1960 ;
the place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 19, T. 15S,
R. 39E, 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 March 6 and March 13, 1975.

Handwritten:
CW-2
CW-2

February 28, 1975

RE: Claim to a Water Right No. 13-4025 - NUFFER

Preston Citizen
Box 472
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,

RONALD D. CARLSON
District Engineer

RDC:CW

Enc: Legal Notice

Bill submitted

4-2-75

by

MB

March 24, 1975

C
RE: Claim to a Water Right No. 13-4025 Nuffer
Application for Permit No. 13-7102 Wheatley
" " " No. 13-7103 Ralphs

O
Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

P
Would you please submit an affidavit of publication and certified bill in connection each of the above referenced applications. The legal notices were to have been published in your paper on March 6 and March 13, 1975.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Y
RONALD D. CARLSON
District Engineer

RDC:MB

April 2, 1975

RE: Claim to a Water Right No. 13-4025

Mr. Leon G. Nuffer
Dayton,
Idaho 83232

Dear Mr. Nuffer:

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 contact this office.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

Enc: Copy of Claim