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AUG 19 2020

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Lex C. Firth
(Name of Claimant)Mailing Address: 616 W 1500 S Malad Idaho 83252Telephone No: 208-766-3431 Email: lex.firth@hotmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use)
- Aug 10, 1958

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
-
- ground water
- tributary to
- Bear River Valley Aquifer

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>.73</u>	Use <u>Irrigation</u>	Period of Use From <u>May 1</u> to <u>Oct 1</u>
Quantity <u>.73</u>	Use <u>Annular</u>	Period of Use From <u> </u> to <u> </u>
Quantity <u>.03</u>	Use <u>Stock</u>	Period of Use From <u>Jan 1</u> to <u>Dec 31</u>
Quantity <u> </u>	Use <u> </u>	Period of Use From <u> </u> to <u> </u>

- 4.
- .76
- TOTAL QUANTITY USED.
-
- (cfs or af)

5. A) Location of point of diversion is
- See Attached: Exhibit A
-
- Sec.
- 22
- Township
- 15
- Range
- 36 E
- B.M.,
- Oneida
- County; additional points of diversion, if any:
-

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

A 15 ~~hp~~ hp overhead electric pump which feeds a 6" irrigation pipe.
Historically this operated a pressurized handline system.
Most Recently and currently it is utilized as an open discharge/flood irrigation system.
In 2014 a 1 hp submersible pump was installed in the same well to service a home and water trough for stock water.
The property has recently been sold that surrounds the home and 12 acres. It was placed in the deed an easement to this well. The well is located on Tim Bathers property.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	36	22									3			5		10	10	8.7	36.7
15	36	22																5	
15	36	22									3			5		10	10	8.7	36.7
15	36	22																S	

TOTAL ACRES 36.7

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

In 2014 a 1 hp pump was placed in well to
service a home and stock water.

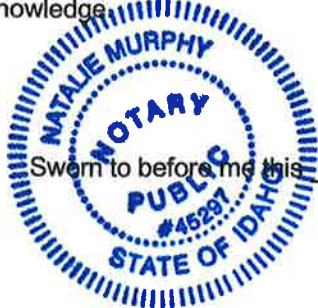
NOTE: Include here the type and number of stock watered: 150 hd beef cattle

7. Remarks: Historically the well water serviced all acreage in the
SE ¼. The property has recently been split and I am
only applying for irrigation use on the stated 36.7 acres.
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
 County of Ontida) ss.

SUPERCEDED

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



Lee Faith
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 17 day of August, 2020.

Natalie Murphy
 Notary Public
 Residing at: Malad, ID
 My commission expires: 09/06/2023

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
 Prelim. check by _____ Date _____
 Fee \$1,000.00 Receipt # E046201
 Receipt prepared by dx dh Date 8/19/2020

Published in _____
 Publication dates _____
 Publication checked by _____ Date _____
 Exceptions filed by _____

SUPERCEDED
15-7473

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	36E	22															8.7	28	36.7
15S	36E	22																S	

TOTAL ACRES 36.7

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

In 2014 a 1 hp pump was placed in well to service a home and stock water.

NOTE: Include here the type and number of stock watered: 150 hd beef cattle

7. Remarks: Historically the well water serviced all acreage in the SE ¼. The property has recently been split and I am only applying for irrigation use on the stated 36.7 acres.
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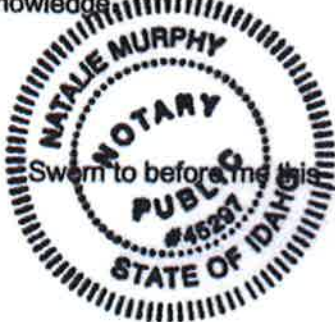
State of Idaho)
County of Oneida)

ss. **AMENDED**

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OCT 23 2020

Department of Water Resources
Eastern Region

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Lee Fith

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 17 day of August, 2020.

Natalie Murphy

Notary Public

Residing at Malden, ID

My commission expires: 09/06/2023

Received by M HOLLIDAY Date 10/20/2020
Prelim. check by _____ Date _____
Fee \$ 1000.00 Receipt # E046201
Receipt prepared by dx dh Date 8/19/2020

FOR DEPARTMENT USE ONLY
Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

15-7473 **AMENDED**

Exhibit "A"

PARCEL 1

A parcel of land located in the South half of the Southeast quarter (S1/2SE1/4) of Section 22, Township 15 South, Range 36 East, Boise Meridian, Oneida County, Idaho and more particularly described as follows:

Beginning at the Southeast corner of said Section 22, from which the Southwest corner of Section 22 bears North 89° 22' 51" West 5304.70 feet;

Thence North 89° 22' 51" West 34.29 feet along the South line of said Section 22 to the True Point of Beginning;

Thence continuing North 89° 22' 51" West 1615.99 feet to a point on the East right of way line of the Malad Branch of the Oregon Short Line Railroad;

Thence North 03° 03' 03" East 1313.60 feet along the said East right of way line to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173", set on the North line of the said S1/2SE1/4;

Thence South 89° 22' 52" East 1018.29 feet along the said North line of the S1/2SE1/4 to a 5/8" rebar with cap;

Thence South 00° 03' 23" West 908.02 feet to a 5/8" rebar with cap;

Thence South 89° 56' 37" East 529.05 feet to a 5/8" rebar with cap set on the West right of way fence line of Old Highway 191;

Thence South 00° 03' 23" West 409.67 feet along the said West right of way fence line, and its extension, to the True Point of Beginning.

Subject to the public right of way on 6000 South Street.

RESERVING AN EASEMENT DESCRIBED AS FOLLOWS: IRRIGATION EASEMENT ON PARCEL 2

FOR THE OWNER OF PARCEL 1

An easement for access, use, maintenance, and inspection of irrigation equipment located in the South half of the Southeast quarter (S1/2SE1/4) of Section 22, Township 15 South, Range 36 East, Boise Meridian, Oneida County, Idaho and more particularly described as follows:

Beginning at the Southeast corner of said Section 22, from which the Southwest corner of Section 22 bears North 89° 22' 51" West 5304.70 feet;

Thence North 89° 22' 51" West 34.29 feet along the South line of said Section 22;

Thence North 00° 03' 23" East 409.67 feet along the West right of way fence line, and its extension, of Old Highway 191 to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173", the True Point of

Beginning;

Thence North 89° 56' 37" West 15.00 feet;

Thence North 00° 03' 23" East 95.92 feet to a point on a fence line;

Thence South 87° 50' 54" East 15.01 feet along the said fence line to a point on the said West right of way fence line of Old Highway 191;

Thence South 00° 03' 23" West 95.37 feet along the said West right of way fence line to the True Point of Beginning.

Lex C. Firth

Write a description for your map.

[Redacted]
[Redacted]
[Redacted] 1
[Redacted]
[Redacted] total per [Redacted]

Irrigated
Acreage
36.7 ac

Attended plots taken looking east in 1961

Stock Water Trough

Domestic water uses

old irrigation main line

Point of Diversion

S Old Hwy 191

6000S

Google Earth

© 2020 Google



800 ft

15-7473

The photo I, Tim Bethers, have provided to Lex Firth is without question taken prior to the winter of 1961. My mother, Lois Tovey Bethers, took the photo upon returning from a 24 month ecclesiastical mission which she served from 1959 through the 1st week of October 1961. She used a 35mm slide type camera which produces a physical photo on a cardboard framed slide. Because of the other photos taken before and after this particular photo, I know that it was taken in the above mentioned time frame. The photo provided was physically taken from the SE1/4 of Township 15, Range 35, Section 22. I know this because of the buildings in the background. I still have the original photo/slide and verify here now that his copy is of the actual photo described and was taken in the time frame explained.

A handwritten signature in cursive script, reading "Tim Bethers", written over a horizontal line.

Tim Bethers

STATE OF Idaho
COUNTY OF: ONEIDA

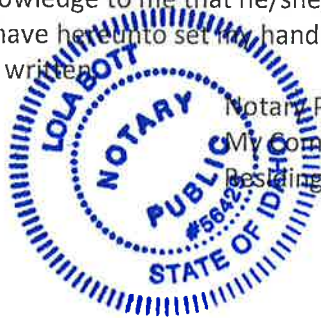
On this 1 day of September in the year 2020, before me

Lola Bott

Personally appeared Tim Bethers

Known or identified to me, to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledge to me that he/she/they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public: Lola Bott

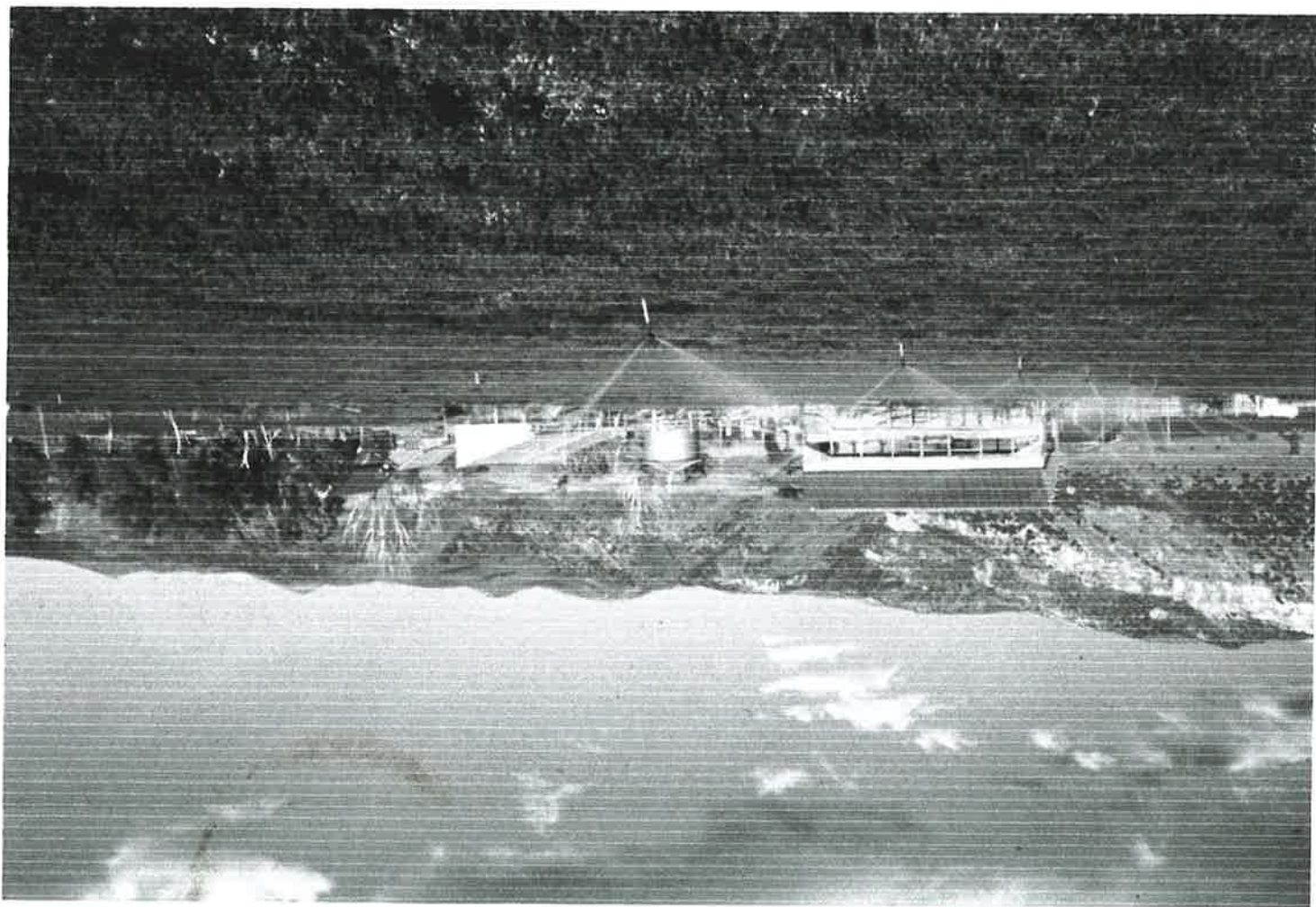
My Commission Expires: October 31, 2022

Residing at: Malad ID.

15-7473

15-7473

Photo taken in the fall of 1961 by
Lois Tovey (Bethers), daughter of Dan Tovey,
whom owned and constructed and stated well.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 12, 2020

LEX C FIRTH
616 W 1500 S
MALAD, ID 83252

RE: Claim No. 15-7473

Dear Applicant(s):

The Department of Water Resources has received your claim to a water right. Please refer to the claim number referenced above in all future correspondence regarding this claim.

A legal notice of this claim has been prepared and is scheduled for publication in the IDAHO ENTERPRISE on 11/5/2020 and 11/12/2020. The filing and advertising of this claim does not confirm the validity of any water rights.

Please contact this office if you have any questions regarding the claim.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 28, 2020 3:57 PM
To: Idaho Enterprise (enterprisenews@atcnet.net)
Subject: Legal Notice for Idaho Enterprise
Attachments: 15-7473 Idaho Enterprise.docx

LEGAL NOTICE DEPARTMENT
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY, ID 83252

RE: Claim to a Water Right N. 15-7473

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 11/23/2020. Your cooperation is appreciated.

Sincerely,

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

The following claim has been filed based on diversion and beneficial use of water:

15-7473

LEX FIRTH

616 W 1500 S

MALAD CITY, ID 83252-6593

Point of Diversion: GROUND WATER SESE, Sec. 22, Twp 15S, Rge 36E, B.M. ONEIDA County

Source: Ground Water

Use: IRRIGATION

05/01 to 10/01

0.73 cfs

Use: STOCKWATER

01/01 to 12/01

0.03 cfs

Total Diversion: 0.76 cfs

Priority Date: 08/10/1958

Place of Use: IRRIGATION

T15S R36E Sec 22 SWSE SESE

STOCKWATER

T15S R36E Sec 22 SESE

For additional information concerning the property location, contact Eastern Region office at (208)525-7161; or for a full description of the rights, please see <https://research.idwr.idaho.gov/apps/WaterRights/StatutoryClaims>. Exceptions to a claim may be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718.

Gary Spackman, Director Published on