

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

RECEIVED

JUN 28 2006

Department of Water Resources
Eastern Region

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 Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)
5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2808
(Mailing Address) (Zip Code)

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) July 3, 1893

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)
Dry Pine Canyon Springs tributary to Samaria Creek

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>2.0 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>04/01</u>	to <u>11/01</u>
Quantity <u>.01 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>05/01</u>	to <u>09/01</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 2.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 28 Township 15 South Range 35 East 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.

Diversion at spring and 4 miles of open ditch used for irrigation.

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
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle - 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below spring.

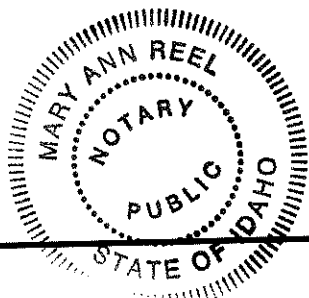
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
 County of Oneida) ss.

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.

David Reel
 David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this 25 day of June, 2004.



Mary Ann Reel
 Notary Public
 Residing at: Oneida Co Malad Id.

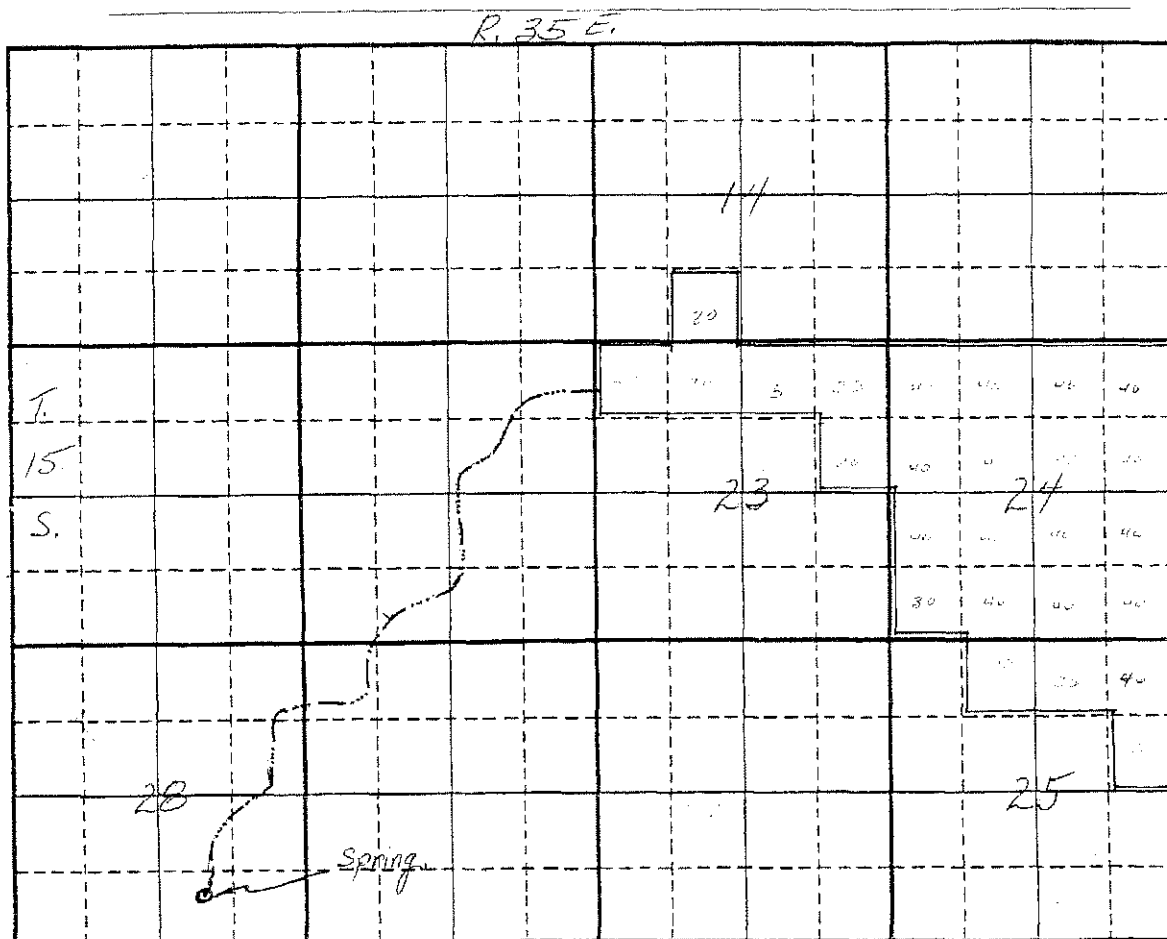
My commission expires: June 15, 2012

FOR DEPARTMENT USE ONLY

Received by _____ Date 6/28/06
 Prelim. check by _____ Date _____
 Fee 50 Receipt # EO 37017
 Receipt prepared by SL Date 7/14/06

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

(8) Remarks _____



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 ONEIDA) 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 affiant's knowledge.

SAMARIA WATER & IRRIGATION CO.

Sworn to before me this 16th day of December

Sarah J. Hall President
(Claimant)

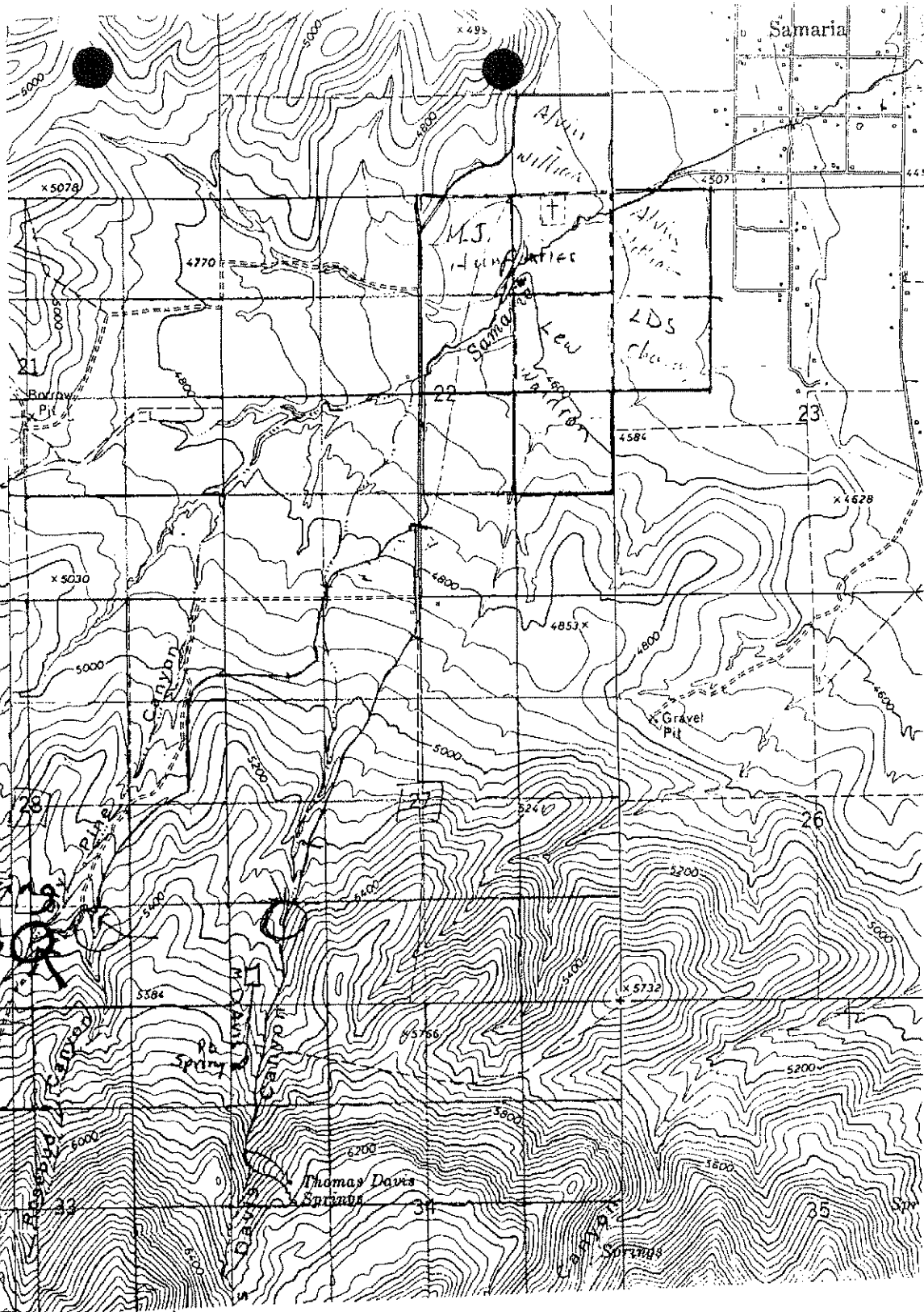
19 80

Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by EW Date 12/19/80 Exception filed by: _____ Date _____
Prelim. check by J.K. Date 12-22-80 Forwarded to claimant by: _____
\$0.00 fee received by EW Date 12/22/80 # 16/30
Published in Idaho Enterprise
Dates 12/15/81



Dry Pine Spring
P.D. →

T. 15 S.
T. 16 S.

1658
R. 35 E.

(SAMARIA)
3568 III SE

CONFIDENTIAL

The S. & S. W. M. & I. Co

To

The S. W. and I. Co

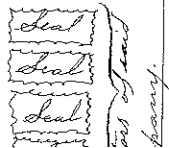
SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty dollars lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same waters duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claims and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances. To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written,

Signed, Sealed and Delivered } Richard Morse
in the Presence of } James Thomas
Daniel J. Williams } Daniel E. Price
10 10 10



State of Idaho } ss.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samara Precinct, Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel E. Price, David Bowen and Jeremiah A. Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantors therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand this day and year in this certificate first above written.

Davis T. Davis

Justice of the Peace
Samara Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 27th A.D. 1893 at 3²⁰ P.M.

C. T. Hoors

Recorder of Oneida Co

Notice of Water Right } Thomas Davis
James Thomas } Canyon

To all whom these presents may come & meeting:

Be it known that James Thomas, Richard Morse, Daniel E Price, John E Price, William R. Thomas, Daniel J. Williams, Jeremiah H. Williams, William Jones, & David Bowen, of Samaria, Cassia County, Idaho, do hereby publish and declare, as legal notice to all the world,

I. That they have a legal right to the use, possession and control of and claim one hundred and fifty inches of water of Thomas Davis Canyon $2\frac{1}{2}$ miles South West of Samaria in said County and State, measured under a four inch pressure and flowing at the point of diversion, which point of diversion is described as follows: at a point on the East side of said Canyon about one fourth mile below the mouth of said canyon.
II. That the special purpose for which said water is to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use, is on the land of the appropriators herein, situated North and North East from said point of diversion and situated along the ditch conducting the water mentioned herein.

III. That we intend to divert it from said Thomas Davis Canyon by means of a ditch of the following dimensions and carries or conducts _____ inches of water from said canyon a ditch 2 feet wide and $1\frac{1}{2}$ feet deep.

Witness our hands at Samaria, Idaho, July 3rd 1893.

James Thomas
Richard Morse
Locators Daniel E Price
John E Price

William R Thomas
Daniel J. Williams
Jeremiah H. Williams
William Jones
David Bowen

State of Idaho } ss.
County of Cassia }

Richard Morse being first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim and the persons whose names are subscribed thereto as appropriators and claimants he knows, and also knows the contents of said instrument and that the same is true and correct.

Richard Morse.

Subscribed and sworn to before me this 3rd day of July 1893.

Seal

C. F. Stone
U.S. Circuit Court Commissioner

State of Idaho } ss.
County of Cassia }

Daniel E Price being duly sworn says that he is one of the appropriators named herein, that the foregoing is a true copy of the notice posted at point designated therein on the 3rd day of July 1893.

Daniel E Price.

Subscribed and sworn to before me this the 3rd day of July 1893.

Seal

H. R. Evans Notary Public

Recorded at the request of Stone & Evans

July 5th 1893 at 25 minutes past 10 AM

C. F. Stone U.S. Circuit Court Commissioner