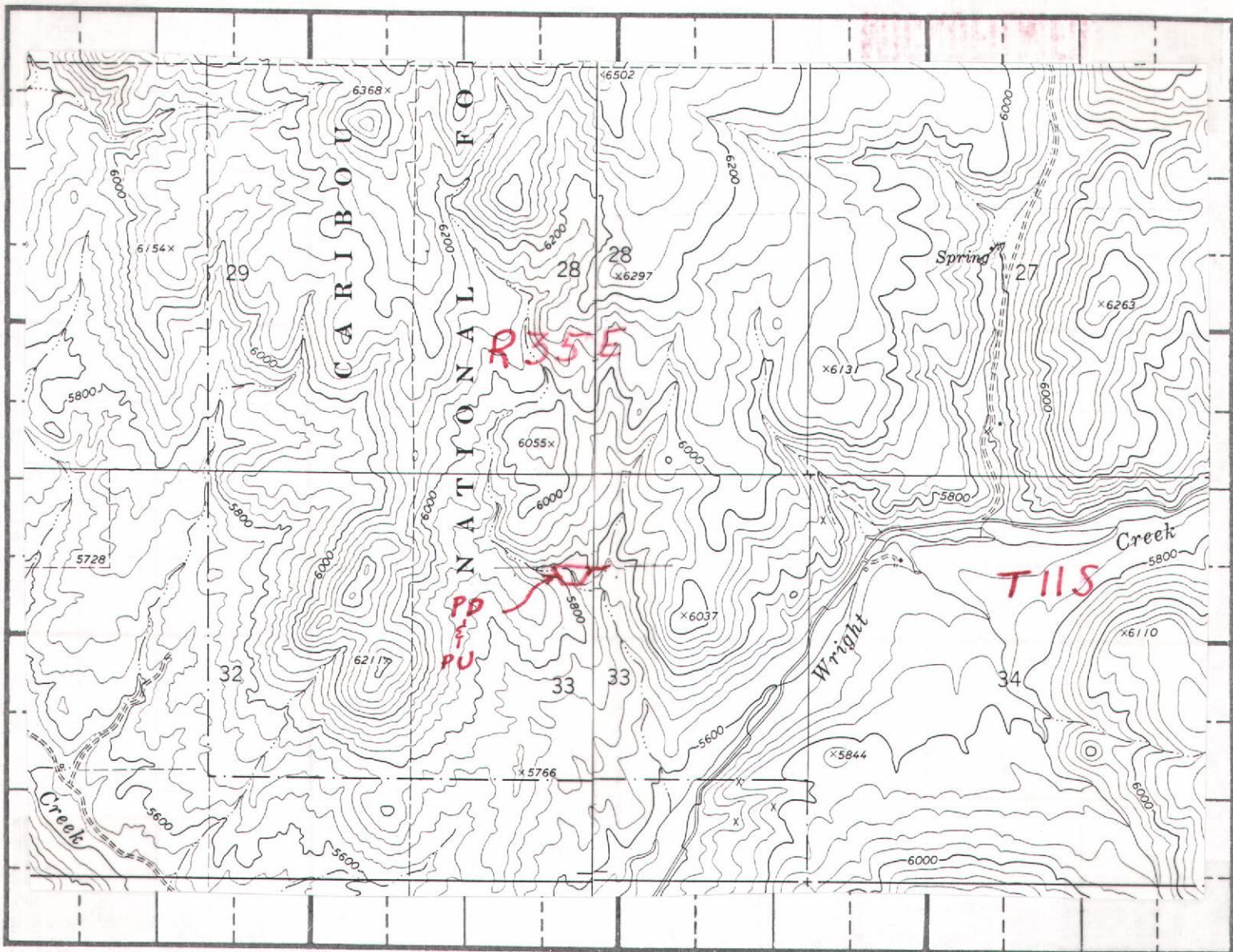


- (8) Remarks The head of the spring slid down hill on to property now owned by DeVon Daniels. Through agreement with George Daniels Sr. the fence line was altered to create access for the claimants cattle to water while grazing on their forest allotment.



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 BINGHAM) 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.

Farrell S. Daniels
Thelma C. Daniels
(Claimant)

Sworn to before me this 16th day of June, 19 88.

Ronald H. [Signature]
Notary Public
Residing at Fork, Idaho

My commission expires 2/14/92

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MAR 16 1989

FOR DEPARTMENT USE ONLY

Received by <u>RDC</u>	Date <u>6-16-88</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>PRM</u>	Date <u>6-17-88</u>		claimant by:	
<u>\$30.00</u> fee received by <u>de</u>	Date <u>6-16-88</u> # <u>E000418</u>			
Published in <u>ID Enterprise</u>	St. John Irrig. <u>cw</u>			<u>2-16-89</u>
Dates <u>7-7 + 7-14-88</u> / re-ad <u>7-21 + 7-28-88</u>	<u>DeVon & Ina J. Daniels</u>			

RECEIVED

JUL 22 1988

Department of Water Resources
Eastern District Office

IN THE MATTER OF

Claim to a Water Right

No. 15-04196

affidavit and Protest

Farrell T. Daniels and Thelma C. Daniels

*State of Idaho) ss.
County of Oneida)*

Devon Daniels and Ina J. Daniels the rightfull owners of
the following property NESENW Sec 33 T 11SR35E Oneida County
Idaho takes exception and protest the above claim.

We have no record of any agreement between Farrell T. Daniels
and Thelma C. Daniels with either my father George B. Daniels Jr
or my grndafather George Daniels Sr.

My father ,mother and grandfather are all deceased.

We have had no one approach us on any agreement pertaining
to the use of any of the said water.

We were told by your department that no individual could
place a claim within our property, if this is the case,
Farrell and Thelma Daniels have no right whatever to any
such claim.

MAR 18 1989

STATE OF IDAHO
County of Oneida, ss.

Devon Daniels
Devon Daniels
8095 N. 100 E Ogden, Ut. 84414
Ina J. Daniels
Ina J. Daniels

Subscribed & sworn to before me this 22nd day of July, 1988.

Charles Williams
Notary Public for Idaho

RECEIVED

JUL 26 1988

Department of Water Resources
Eastern District Office

IN THE MATTER OF:)

Claim to a Water Right)
No. 15-04196)

THELMA C. DANIELS and)
FARRELL T. DANIELS)

AFFIDAVIT AND PROTEST

STATE OF IDAHO)
: ss.
COUNTY OF ONEIDA)

DAVID DESCHAMPS, being first duly sworn deposes and says:

That he is the Secretary of the St. John Irrigating Company of Oneida County, Idaho, and makes this Affidavit and Protest for and in behalf of said Company.

That the claim of Thelma C. Daniels and Farrell T. Daniels, 577 Bannock Street, Malad City, Idaho, 83252, No. 15-04196 to .020 c.f.s. of water for stockwater from Little Wright's Creek, a tributary of Wright's Creek and tributary to Little Malad River is without right and wrongful in that the St. John Irrigating Company is the rightful owner of all of the waters of said the Little Malad River for irrigation purposes with a priority dating back to 1894.

DATED this 25th day of July, 1988.

THE ST. JOHN IRRIGATING COMPANY

By:

David Deschamps
David Deschamps, Secretary

SUBSCRIBED and SWORN to before me this 25th day of July, 1988.

RECORDED

MAR 16 1989

E. L. Scott

Notary Public for Idaho
Residing at Malad City, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Farrell T. and Thelma C. Daniels

(Name of Claimant)

577 Bannock St., Malad, ID 83252

(Mailing Address)

Telephone No. 766-4425

(Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1953

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Little Wright's Creek tributary to Wright's 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.02 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>6/1</u>	To <u>10/15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.02 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE1/4 SE 1/4 NW 1/4, Sec. 33 Twp. 11S Rge. 35E B.M., County of Oneida

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. Describe any changes in the system and give the date of the change.

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	35E	33								S									

No. of acres

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

instream stock watering

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MAR 16 1989

NOTE: Include here the type and number of stock watered:

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

No 1058

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Oneida

Sandra Struhs

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of 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 7, 1988, and ending

with the issue of July 14, 1988

Sandra Struhs

Fee \$35.36

Subscribed and sworn to before me this 29th day

of July, 1988.

Don Hawkin
Notary Public, Residing at Malad, Idaho

My Commission Expires 5-8, 1991

Water Rights

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created by diversion and beneficial use:

15-04195

JONES, MARCUS M.
P.O. BOX 5572
POCATELLO, ID 83202
Source: GROUNDWATER
Diversion Pt:

NESENE Sec 17 T 14S R 36E
Use: IRRIGATION
Priority Date 6/15/1988
In: T14S R36E S17

SWNE SENE NESE
71.0 ACRES TOTAL

15-04196

DANIELS, THELMA O.
DANIELS, FARRELL T.
577 BANNOCK ST.
MALAD, ID 83252
Source: LITTLE WRIGHT'S CREEK
Tributary: WRIGHT'S CREEK
Diversion Pt:

NESENE Sec 33 T 11S R 35E
Use: STOCKWATER (.020 CFS)
Priority Date 6/16/1988
In: T11S R35E S33 SENW

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON,
Director

7-7-1988 T2
No. 1058

RECEIVED

AUG 3 1988

Department of Water Resources
Eastern District Office

MICROFILMED

MAR 16 1989

No 1060

AFFIDAVIT OF PUBLICATION

Water Rights

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created by diversion and beneficial use:

15-04198
JONES, MARCUS M.
P.O. BOX 5572
POCATELLO, ID 83202
Source: GROUNDWATER
Diversion Pt: NESENE Sec 17 T 14S R 36E
Use: IRRIGATION
Priority Date: 4/1/1953
T14S R36E S17
71.0 ACRES TOTAL
SWNE SENE NESE

STATE OF IDAHO, }
County of Oneida } ss.

Sandra Struhs

being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of 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 21, 19 88, and ending
with the issue of July 28, 19 88

Sandra Struhs

Fee \$ 35.36

Subscribed and sworn to before me this 29th day

of July, 19 88

Mar. Hawkins

Notary Public, Residing at Malad, Idaho

My Commission Expires 5-8, 19 91

15-04198
DANIELS, FARELL T.
577 BANNOCK ST.
MALAD, ID 83252
Source: LITTLE WRIGHT'S CREEK
Tributary: WRIGHT'S CREEK
Diversion Pt: NESENE Sec 33 T 11S R 36E
Use: STOCKWATER (020 CFS)
Priority Date: 5/1/1953
T11S R36E S33 SENW
Exceptions to a claim may be filed with the Director, Dept. to Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.
R. KEITH HIGGINSON, Director
7-21-28-1988 T2
No. 1060

AUG 3 1988

Department of Water Resources
Eastern District Office

MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

JULY 27, 1988

THELMA C. DANIELS
FARRELL T. DANIELS
577 BANNOCK ST.
MALAD, ID 83252

Re: Claim No. 15-04196

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

MICROFILMED

MAR 16 1989

INTER-DEPARTMENT MEMO — 1

FROM

Deena Green

DATE 7-14-88

TO

file 15-4196 & 15-4195

SUBJECT

Claim was advertised incorrectly on 7-7 & 7-14-88
due to our error. Telephoned Sandra Struks^{at ID Enterprise} today to
run again on 7-21 & 28, with the corrected priority
date of 5-1-1953 & send affidavit by 8-8.

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MAR 16 1989

SIGNATURE

State of Idaho
Department of Water Resources

Distributed for Staffing	INITIAL <u>dg</u>	DATE <u>6-17-88</u>
Submitted for Advertising	<u>Net</u>	<u>6-20-88</u>

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: FRM

Right Number 15-4196 Applicant FABELL & THELMA DANIELS

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

☒ W.D. NA

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By HWJ Date 2-17-89

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 2-22-89

protest date
7-25-88

re-ad
protest date
8-8-88

RECEIVED
FEB 22 1989

Department of Water Resources

February 16, 1989

RE: Claim to a Water Right No. 15-4196

Farrell T. & Thelma C. Daniels
577 Bannock Street
Malad, ID 83252

Dear Claimants:

Enclosed please find a copy of the exceptions filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW
Enclosure

MICROFILMED

MAR 16 1989

February 16, 1989

RE: Claim to a Water Right No. 15-4196 DANIELS

David Deschamps, Secretary
St. John Irrigating Co.
P.O. Box 145
Malad, ID 83252

Dear Mr. Deschamps:

We have received the exception dated July 25, 1988, against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department---Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

MAR 16 1989

February 16, 1989

RE: Claim to a Water Right No. 15-4196 DANIELS

Devon Daniels
Ina J. Daniels
3095 N. 100 E.
Ogden, UT 84414

Dear Mr. & Mrs. Daniels:

We have received the exception dated July 22, 1988, against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.--

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

JULY 27, 1988

THELMA C. DANIELS
FARRELL T. DANIELS
577 BANNOCK ST.
MALAD, ID 83252

Re: Claim No. 15-04196

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

MICROFILMED

MAR 16 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

JUNE 29, 1988

THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 25, 1988.

Yours truly,

Deena Green
Secretary

Encl.

MAILED
MAR 16 1989

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created
by diversion and beneficial use:

RECORDED

MAR 16 1989 .

15-04196

DANIELS, THELMA C.
DANIELS, FARRELL T.
577 BANNOCK ST.
MALAD, ID 83252

Source: LITTLE WRIGHT'S CREEK

Tributary: WRIGHT'S CREEK

Diversion Pt: NESENW Sec 33 T 11S R 35E

Use: STOCKWATER (.020 CFS)

Priority Date: 6/16/1988

In: T11S R35E S33 SENW

MICROFILMED

MAR 16 1989

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director

Published 7/07/1988 & 7/14/1988

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MAR 16 1989