

7/28 - 8/4/83

Published in

\$30.00 fee received by

Received by  
Assist by HCS

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

06/10/83

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Exception filed by:
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Forwarded to  
claimant by:

Date \_\_\_\_\_

FOR DEPARTMENT USE ONLY

My commission expires

6-51-83

Notary Public  
Residing at

(Claimant)

Sworn to before me this 13<sup>th</sup> day of \_\_\_\_\_

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.

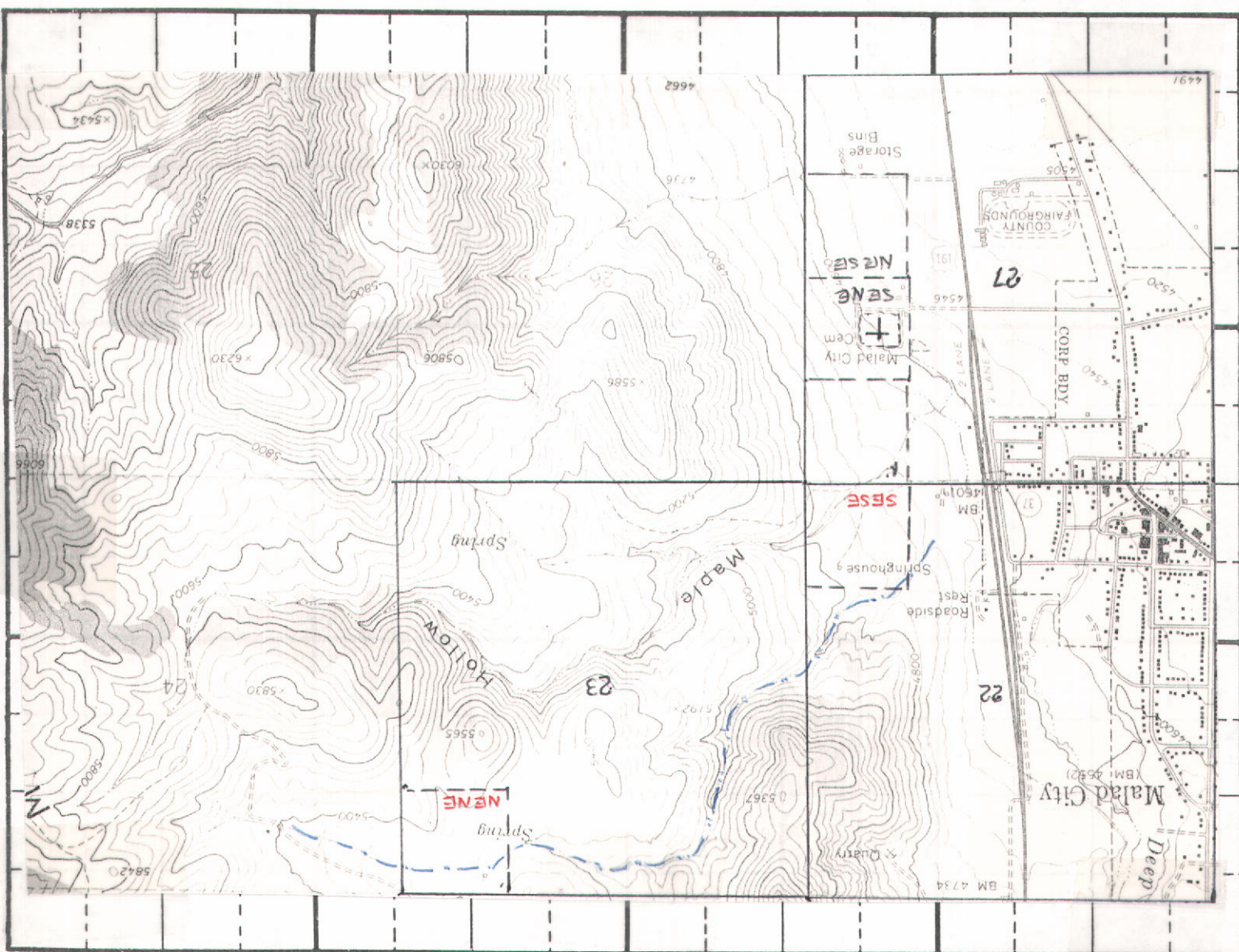
State of Idaho

SS.

County of Orange

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.

~~Scale: 2 inches equal 1 mile.~~

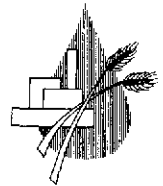


(8) Remarks



JUN 16 1983

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



Department of Water Resources  
Eastern District Office

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 City of Malad (Name of Claimant)  
59 Bannock St. Malad, ID 83252 Telephone No. 766-4755  
(Mailing Address) (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) December 1, 1908

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)  
Spring tributary to Deep 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>0.11cfs</u> | Use <u>Irrigation</u>               | Period of Use From <u>4-1</u>  | To <u>10-1</u> |
| Quantity | <u>0.11cfs</u> | Use <u>Stock</u>                    | Period of Use From <u>10-1</u> | To <u>5-1</u>  |
| Quantity |                | Use                                 | Period of Use From             | To             |
| Quantity |                | Use                                 | Period of Use From             | To             |
| Quantity |                | Use                                 | Period of Use From             | To             |

(4) 0.11cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NE 1/4 NE 1/4, Sec. 23 Twp. 14S Rge. 36E B.M., County of Oneida  
Additional points of diversion: Rediversion at reservoir SE 1/4 SE 1/4 Sec. 22 T14S, R 36E.

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. Collection box at spring and 2 inch pipeline to reservoir in Sec. 22. Irrigation is for city cemetary. Stockwater is rented during winter.

(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.

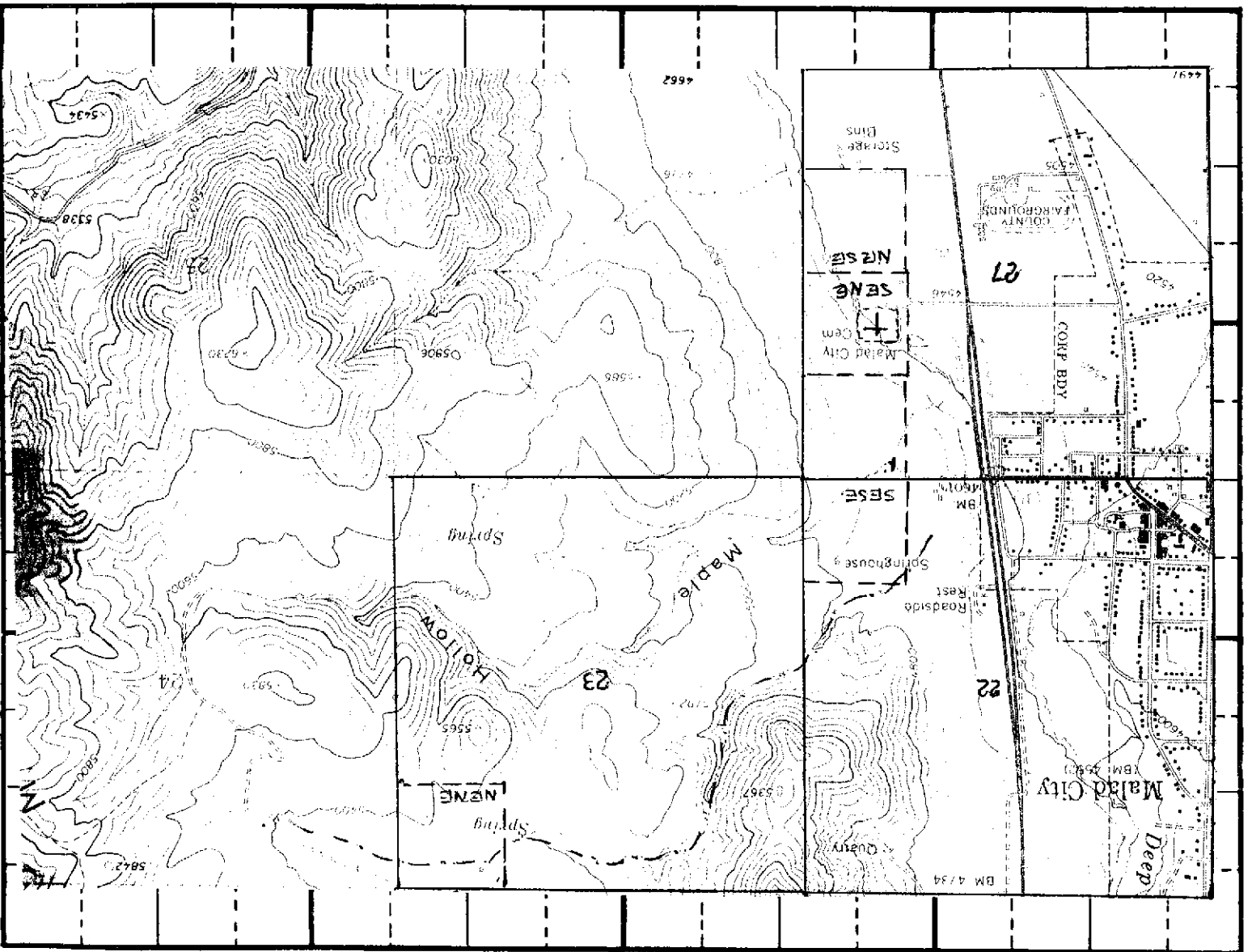
| T   | R   | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |     |      | 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 |       |
| 14S | 36E | 27   |        |        |        | 5      |        |        |        |        |        |        |        |        | X      |        |        |        | 5     |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres 5

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

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:



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 *Blaine*

) 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.

Sworn to before me this *13<sup>th</sup>* day of *June*, 19 *83*.  
(Claimant) *John Thomas*

Notary Public  
Residing at *Mald, Idaho*  
*James E. Lewis*

My commission expires *6-15-83*

FOR DEPARTMENT USE ONLY

Assist by HWS  
Received by *WLS* Date *6-16-83*  
Prelim. check by *WLS* Date *6-20-83*  
\$30.00 fee received by *WLS* Date *6/20/83 #30965*  
Published in *Idaho Enterprise* Dates *7/28 & 8/4/83*  
Forwarded to claimant by: Date  
Exception filed by: Date  
Claimant by: Date

# AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 9 1983

Department of Water Resources  
Eastern District Office

STATE OF IDAHO, }  
County of Oneida } ss.

Geri H. Daniels 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 27, 1983, and ending with the issue of August 3, 1983

Geri H. Daniels  
Fee \$ 18.20

Subscribed and sworn to before me this 5th day of August, 1983.

[Signature]  
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19    

**NOTICE OF CLAIMS TO WATER RIGHTS**  
The following claim(s) have been filed on water right(s) created by diversion and beneficial use:  
CITY OF MALAD, ID 83252  
59 BANNOCK ST., MALAD, ID 83252  
Source: SPRING trib. to DEEP CREEK  
Priority Date: 12-01-1908  
Diversion Pt: NENE Sec 23 T 14S R 36E  
Use: IRRIGATION (0.11 CFS)  
STOCKWATER (0.11 CFS)  
In: SENE NESE Sec 27 T 14S R 36E

**FOR 5 ACRES**  
CITY OF MALAD, ID 83252  
59 BANNOCK ST., MALAD, ID 83252  
Source: SPRING trib. to DEEP CREEK  
Priority Date: 09-01-1910  
Diversion Pt: NWNE Sec 10 T 14S R 36E  
Use: MUNICIPAL (8.00 CFS)  
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.  
KEN DUNN, Dir.  
Published 7-27 & 8-3-83.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

AUGUST 15, 1983

MAILING LABEL

CITY OF MALAD  
59 BANNOCK ST.  
MALAD

ID 83252

RE: Claim No. 15-4165

Dear Claimant:

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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this 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.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

RECEIVED  
AUG 30 1983  
Department of Water Resources

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number

15 4165

Applicant

City of Maled

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Aug 26, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

8/30/83

Aug 15, 1983

kw

June 9, 1983

City of Malad  
59 Bannock St.  
Malad, ID 83252

Dear Mayor Thomas:

Enclosed are the Malad City claims to a water right and check #92-86 for \$60.00. There were some items that had to be modified on the claims.

I have also enclosed the new claim forms. On claim "A" you should put an "x" in part 6 in that  $\frac{1}{2}$  of  $\frac{1}{2}$  that the stock use water. I included the approximate acreage of the cemetery which is necessary when claiming irrigation use.

Please review the claims and if they are correct, sign and have them notarized. You should send your claims and the \$60.00 fee to this office so they arrive prior to June 30, 1983.

If you have any questions, please call me.

Sincerely,

HAROLD W. JONES  
Sr. Resource Agent

HWJ:bp

Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

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150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

JULY 20, 1983

The Idaho Enterprise  
P. O. Box 205  
Malad City, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 AUGUST 15, 1983.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

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

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

KEN DUNN, Dir.

Published 7/28 & 8/4/83.

15-4165-

CITY OF MALAD

59 BANNOCK ST., MALAD, ID 83252

Source: SPRING trib. to DEEP CREEK

Priority Date: 12/01/1908

Diversion Pt: NENE Sec 23 T 14S R 36E

|                 |            |
|-----------------|------------|
| Use: IRRIGATION | (0.11 CFS) |
| STOCKWATER      | (0.11 CFS) |

In: SENE NESE Sec 27 T 14S R 36E FOR 5 ACRES