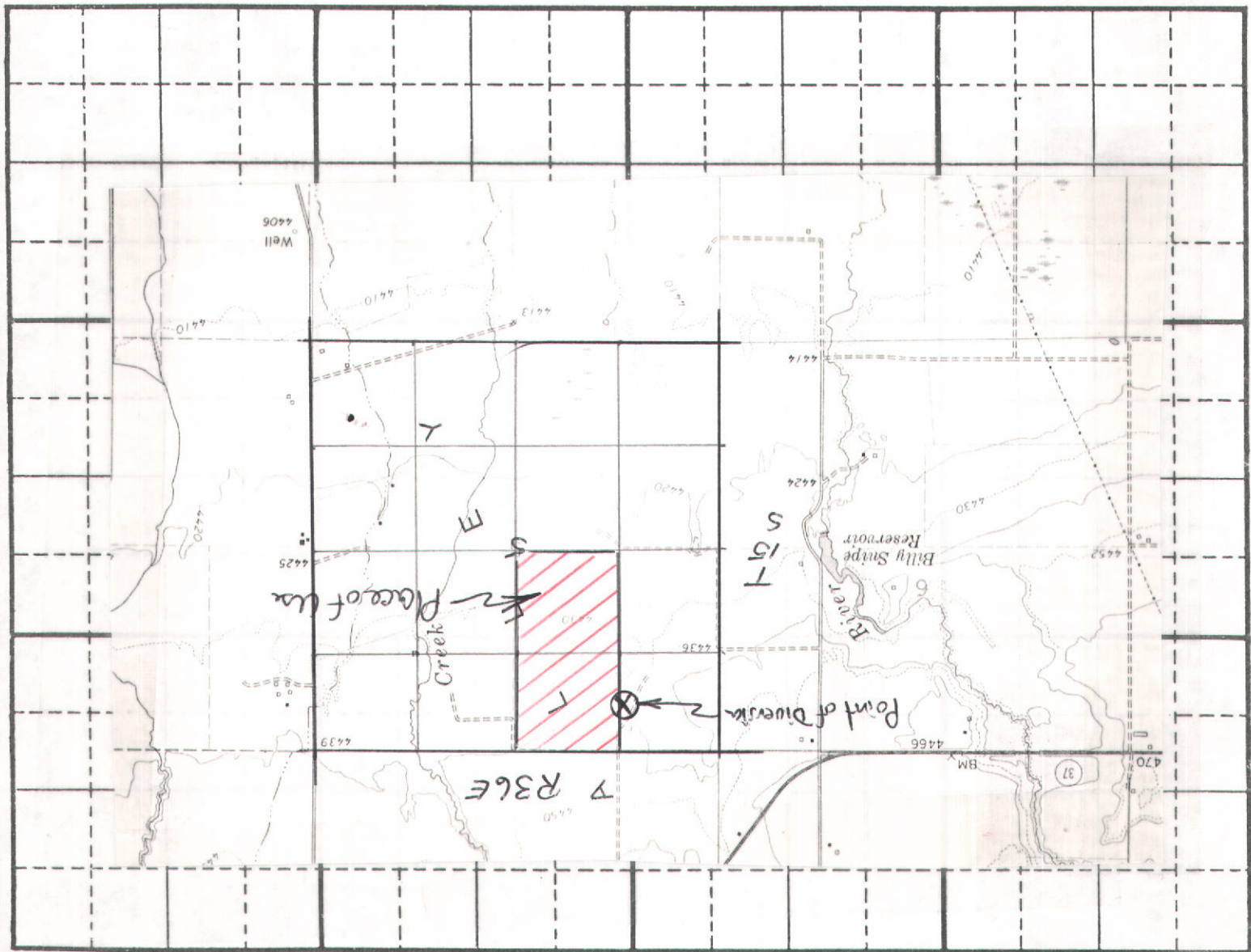


(8) Remarks This water is shared on a rotational basis between the claimant and Lyman J. Ipsen, Ruth A. Ipsen and Velma Ipsen. See attached agreement.



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 Bennett  
)  
) 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 25th day of May, 1983.  
Notary Public Shelli Ball,  
Residing at Shelli Ball, 184  
My commission expires 6-15-85

FOR DEPARTMENT USE ONLY  
Received by Kew Date 5-25-85  
Prelim. check by HWT Date 5-21-85  
\$30.00 fee received by BP Date 5-31-83 #26355  
Published in Idaho Enterprise 6/19, 6/16/83  
Dates

# AFFIDAVIT OF PUBLICATION

JUN 20 1983

Department of Water Resources  
Eastern District Office

STATE OF IDAHO, }  
County of Oneida } ss.

Joni S. 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 June 8, 19 83, and ending with the issue of June 15, 19 83.

Joni S. Daniels  
Fee \$ 48.75

Subscribed and sworn to before me this 15th day of June, 19 83.

Bar Newkirk  
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19     

**114 NOTICE OF CLAIMS TO WATER RIGHTS**  
The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

**15-4153**  
JONES, WALTER  
RFD BOX 17, MALAD, ID 83252  
Source: SPRING trib. to SINKS  
Priority Date: 06-01-1882  
Diversion Pt: NENW NWNW Sec 05 T 15S R 36E  
Use: IRRIGATION (1.60 CFS)  
In: NENW SENW Sec 05 T 15S R 36E  
FOR 79 ACRES

**15-4152**  
JONES, RAMONA &-or MARGARET  
179 N. MAIN, MALAD, ID 83252  
Source: GROUNDWATER  
Priority Date: 04-01-1918  
Diversion Pt: SWNW Sec 32 T 14S R 36E  
Use: IRRIGATION (0.02 CFS)  
DOMESTIC (0.06 CFS)  
In: SWNW Sec 32 T 14S R 36E

**15-4157**  
JONES, NAT &-or ADELE  
EVANS, DAVID  
346 E. 23RD, IDAHO FALLS, ID 83401  
Source: SPRING trib. to SINKS  
Priority Date: 07-01-1934  
Diversion Pt: NWSE Sec 02 T 14S R 36E  
Use: STOCKWATER (0.02 CFS)  
DOMESTIC (0.02 CFS)  
In: NESE NWSE Sec 02 T 14S R 36E

**15-4156**  
JONES, NAT &-or ADELE

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 Walter Jones (Name of Claimant)  
RFD Box 17, Malad, Idaho 83252 Telephone No. 776-2618  
(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) June 1, 1882

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 Sinks

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

| Quantity        | (cfs, af) | Use               | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive) |             |
|-----------------|-----------|-------------------|-------------------------------------|------------------------|-------------|
|                 |           |                   |                                     | (Mo., Day)             | (Mo., Day)  |
| <u>1.60 cfs</u> |           | <u>Irrigation</u> |                                     | <u>4-1</u>             | <u>11-1</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          |
| Quantity        |           | Use               |                                     | Period of Use From     | To          |

(4) 1.60 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NE 1/4 NW 1/4, Sec. 5 Twp. 15S Rge. 36E B.M., County of Oneida  
Additional points of diversion: NW 1/4 NW 1/4 Sec. 5, T. 15S, 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.  
Holding pond to ditches for flood irrigation and pump for 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 |       |
| 15S | 36E | 5    |        |        |        |        | 39     |        |        | 40     |        |        |        |        |        |        |        |        | 79    |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres 79

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

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:

This water is shared on a rotational basis between the claimant and Lyman J. Ipsen, Ruth A. Ipsen and Velma Ipsen. See attached agreement.



State of Idaho )  
County of Bonanza ) ss. )

Sworn to before me this 25th day of \_\_\_\_\_

John Ball/8

6-15-85

Q5157ED 8V  
Received by Kau  
Prelim. check by AWJ  
\$30.00 fee received by BP  
Published in Idaho Enterprise  
Dates 6/19; 6/16/58

Forwarded to \_\_\_\_\_  
Date \_\_\_\_\_  
Claimant by: \_\_\_\_\_

AGREEMENT

THIS AGREEMENT Made this 11 day of Dec. 1, 1976,  
by and between LORIN P. and WALTER JONES, INC., an Idaho Corporation  
doing business at Malad, County of Oneida, State of Idaho, herein-  
after called First Party, and LYMAN J. IPSEN, Jr., and RUTH A. IPSEN,  
his wife, and VELMA IPSEN, as an individual and as personal repre-  
sentative of the estate of her deceased husband, PARRY IPSEN, all of  
Malad, County of Oneida, State of Idaho, hereinafter called Second  
Party; WITNESSETH:

That First Party is the owner of the following described  
land situate in the County of Oneida, State of Idaho, particularly  
described as follows:

Lot 3 and the Southeast quarter of the Northwest  
quarter of Section 5, Township 15 South, Range 36  
East, Boise Meridian; also

Commencing at the Northeast corner of the Northwest  
quarter of the Southwest quarter of Section 32,  
Township 14 South, Range 36 East, Boise Meridian,  
thence running West 1 rod, thence South 161 rods,  
thence East 1 rod, thence North 161 rods, to point  
of beginning.

That Second Party is the onwer of the following described  
land situate in the County of Oneida, State of Idaho, particularly  
described as follows:

Commencing at a point 10 rods East of the Southwest

corner of Section 5, Township 15 South, Range 36 East,  
Boise Meridian, and running thence North 160 rods,  
thence East 150 rods to center of said Section 5,  
thence South 160 rods to Section line, thence West  
150 rods to the point of beginning.

AND, WHEREAS, the above described real properties are  
located at or near each other and,

WHEREAS, both parties to this agreement have from time  
to time been using waters from springs arising on or near said land;  
and

WHEREAS, the parties have had unhappy differences arise  
as to the ownership and the right and use of said waters herein-  
above described; and

MICROFILMED

WHEREAS, in forbearance of litigation, the parties have reached an agreement in regard to dividing said waters.

NOW, THEREFORE, IT is mutually agreed between the parties as follows:

This agreement shall constitute the division of and the use of the waters by each of the respective parties from the date of this contract. The agreed use and division of the waters shall be as follows, for each year hereafter:

|                              |              |
|------------------------------|--------------|
| March 1 to March 14          | First Party  |
| March 15 to 26               | Second Party |
| March 27 to April 9          | First Party  |
| April 10 to April 21         | Second Party |
| April 22 to May 5            | First Party  |
| May 6 to May 17              | Second Party |
| May 18 to May 31             | First Party  |
| June 1 to June 12            | Second Party |
| June 13 to June 26           | First Party  |
| June 27 to July 8            | Second Party |
| July 9 to July 22            | First Party  |
| July 23 to August 3          | Second Party |
| August 4 to August 17        | First Party  |
| August 18 to August 29       | Second Party |
| August 30 to September 12    | First Party  |
| September 13 to September 24 | Second Party |
| September 25 to October 9    | First Party  |
| October 10 to October 22     | Second Party |

After the watering season concludes, on October 22 of each year, it is further agreed that Second Party shall have the water after that date, in the even numbered years, and that the First Party shall have the right and use of the same in the odd numbered years.'

The parties hereby represent and state that this is a full and complete settlement of all rights, either may have

against the other in regard to the water and its use from said springs, and each of the parties, by these presents, releases the other from any claims or demands of any kind or character that either party may have against the other, prior to the date of this Agreement.

IT IS FURTHER AGREED between the parties that this Agreement shall be binding upon the heirs, personal representatives, successors or assigns of the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

FIRST PARTY:

LORIN P. and WALTER JONES, Inc.

Walter Jones  
By: President

Attest:

Betty Jones

SECOND PARTY:

Lyman J. Ipsen  
Lyman J. Ipsen

Ruth A. Ipsen  
Ruth A. Ipsen, His Wife

Velma A. Ipsen  
Velma Ipsen, as an individual and  
as Personal Representative of the  
estate of Parry Ipsen, deceased.

STATE OF IDAHO           )  
                                  ) ss.  
County of Oneida        )

On this 18th day of March, 1976, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Walter Jones and Betty Jones, known to me to be the President and Secretary respectively of LORIN P. and WALTER JONES, INC., and the persons whose names are subscribed to the above instrument, and acknowledged to me that they executed the same for and on behalf of the corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Handa Edwards  
Notary Public for Idaho  
Residing at: Malad, Idaho

STATE OF IDAHO       )  
                              ) ss.  
County of Oneida )

On this 18th day of March, 1976, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LYMAN J. IPSEN, Jr., RUTH A. IPSEN, his wife, and VELMA IPSEN, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that 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.

Harold Edwards  
Notary Public for Idaho  
Residing at: Malad, Idaho

State of Idaho, County of Oneida: ss. **#94577**  
I hereby certify that this instrument was filed for record at  
request of Mrs. Walter Jones at 5 minutes past 1  
o'clock P.M. this 22 day of Mar., 1976, in my office  
and duly recorded on Film as Inst. No. 94577  
Fee 4.00  
Allen H. Sweetser  
Ex-Officio Recorder  
By Melba Jones  
Deputy

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Oneida } ss.

Jean D. 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  
June 9, 1983, and ending  
with the issue of June 12, 1983

Fee \$ 48.00

Subscribed and sworn to before me this 15th day  
of June, 1983.

W. H. Nuckley  
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19    

JUN 20 1983

Idaho Department of Agriculture  
Eastern Idaho Office

**194 NOTICE OF CLAIMS  
TO WATER RIGHTS**  
The following claim(s) have been  
filed on water right(s) created by  
diversion and beneficial use:

**15-4153**  
JONES, WALTER  
RFD BOX 17, MALAD, ID 83252  
Source: SPRING trib. to SINKS  
Priority Date: 08-01-1882  
Diversion Pt: NENW NWNW Sec 05 T  
15S R 36E  
Use: IRRIGATION (1.60 CFS)  
In: NENW SENW Sec 05 T 15S R 36E  
FOR 79 ACRES

**15-4152**  
JONES, RAMONA &-or MARGARET  
179 N. MAIN, MALAD, ID 83252  
Source: GROUNDWATER  
Priority Date: 04-01-1918  
Diversion Pt: SWNW Sec 32 T 14S R 36E  
Use: IRRIGATION (0.02 CFS)  
DOMESTIC (0.06 CFS)  
In: SWNW Sec 32 T 14S R 36E

**15-4157**  
JONES, NAT &-or ADELE  
EVANS, DAVID  
346 E. 23RD, IDAHO FALLS, ID 83401  
Source: SPRING trib: to SINKS  
Priority Date: 07-01-1934  
Diversion Pt: NWSE Sec 02 T 14S R 36E  
Use: STOCKWATER (0.02 CFS)  
DOMESTIC (0.02 CFS)  
In: NESE NWSE Sec 02 T 14S R 36E

**15-4156**  
JONES, NAT &-or ADELE

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

JUNE 27, 1983

WALTER JONES  
RFD BOX 17  
MALAD

ID 83252

RE: Claim No. 15-4153

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

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 15 4153 Applicant Jones

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.

*June 27, 1983*

FINAL REGIONAL PROCESSING REVIEW:

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

By *Ernest Carlson* Date *June 28, 1983*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *RC* Date *7/12/83*

**RECEIVED**  
JUL 12 1983  
Department of Water Resources

*aw*

RECEIVED

15-4153

JONES, WALTER

RFD BOX 17, MALAD, ID 83252

Source: SPRING trib. to SINKS

Priority Date: 06/01/1982

Diversion Pt: NENW NWNW Sec 05 T 15S R 36E

Use: IRRIGATION (1.60 CFS)

In: NENW SENW Sec 05 T 15S R 36E FOR 79 ACRES