

No Color  
Documents  
In File

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 James W. Madson &/or John G. Madsen  
(Name of Claimant)  
Rt. #1, Box 190, Malad City, Idaho 83252 Telephone No. 766-2712  
(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) May, 1900

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)  
Kent Canyon- Co-op Canyon Stream tributary to Little Malad River

(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, gpd, AFA) |             | (Domestic, Irrigation, Stock, Etc.) |                   | (Both dates inclusive)           |                  |
|-----------------|-------------|-------------------------------------|-------------------|----------------------------------|------------------|
|                 |             |                                     |                   | (Mo., Day)                       | (Mo., Day)       |
| Quantity        | <u>4.00</u> | Use                                 | <u>Irrigation</u> | Period of Use From <u>Apr. 1</u> | To <u>Nov. 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               |

(4) 4.00 TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NE ¼ SW ¼, Sec. 13 Twp. 13S Rge. 35E B.M., County of Oneida

Additional points of diversion:  
SE ¼ NE ¼, Sec. 24, T. 13S, R. 35E

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.  
2 ditches which come together to make one ditch to place of use

(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 |       |
| 13S | 35E | 26   |     |     |     |     |     |     |     |     |     |     | 40  | 40  |     |     |     |     | 80    |
|     |     | 35   |     |     |     |     | 40  | 40  | 40  | 40  | 40  | 40  |     |     |     |     |     |     | 240   |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 320

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:

MICROFILMED

\_\_\_\_\_

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.

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.

day of

Notary Public  
Residing at \_\_\_\_\_

2/15/1983

Forwarded to  
Date

|                         |                  |      |  |
|-------------------------|------------------|------|--|
| Received by             | Sam.             | Date |  |
| Prelim. check by        | Sam. H.          | Date |  |
| \$50.00 fee received by | Kay              | Date |  |
| Published in            | Idaho Enterprise |      |  |
| Dates                   | 12/4 & 12/11/80  |      |  |

~~12/4 & 12/11/80~~

# AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 12

Department of Water Resources  
Eastern District Office

STATE OF IDAHO, }  
County of Oneida } ss.

Carole A. Hummell

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 December 4, 1980, and ending

with the issue of December 11, 1980  
Carole Hummell

Fee \$ 17.60

Subscribed and sworn to before me this 11th day

December, 19 80.

Cindy Williams  
Notary Public, Residing at Malad, Idaho

My Commission Expires June, 19 81

NOTICE OF CLAIM  
TO WATER RIGHTS  
NOTICE IS HEREBY GIVEN  
that the following claim to water  
right has been established by  
diversion and application to  
beneficial use:

No. 15-4065

MADSON, JAMES W.  
MADSEN, JOHN G.  
RT. 1, BOX 190, MALAD CITY,  
ID 83252

Source: KENT CANYON  
STREAM tributary to LITTLE  
MALAD RIVER

CO-OP CANYON STREAM  
tributary to LITTLE MALAD  
RIVER

Priority Date: 05-01-1900

Amount: 4.00 CFS

Diversion Point: NESW Sec. 13  
T 13S R 35E SENE Sec. 24 T 13S  
R 35E, ONEIDA Co.

Use: IRRIGATION (4.00 CFS)  
from 04-01 to 11-01

Place of Use: SWSW SESW Sec.  
26 T 13S R 35E NENW NWNW  
SWNW SENW NESW NWSW  
Sec. 35 T 13S R 35E FOR 320  
ACRES

Diversion Means: DITCHES.

Any exception to any claim of  
water right may be filed with the  
Director of the Idaho Depart-  
ment of Water Resources, 150  
Shoup Ave., Idaho Falls, Idaho  
83401.

C. STEPHEN ALLRED  
Director

Published 12-04 & 12-11-80.

12-4-11 t2

Lines: 40

MULTI-CAM

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JOHN K.

Right Number 15 4065 Applicant James W. Madsen a/or John G. Madsen.

NOTE: 15-4065 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.
- 12/22

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 12-23-1980.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Mauve Date 1/6/81

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83401  
(208) 525-7161

DECEMBER 22, 1980

JAMES W. MADSON  
JOHN G. MADSEN  
RT. 1 BOX 190  
MALAD CITY

ID 83252

RE: Claim No. 15-4065

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

**MICROFILMED**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83401  
(208) 525-7161

NOVEMBER 26, 1980

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 DECEMBER 22, 1980.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

MICROFILMED

## NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 12/04 & 12/11/80.

**MICROFILMED**

15-4065-

MADSON, JAMES W.  
MADSEN, JOHN G.

RT. 1 BOX 190, MALAD CITY, ID 83252

Source: KENT CANYON STREAM tributary to LITTLE MALAD RIVER  
CO-OP CANYON STREAM tributary to LITTLE MALAD RIVER

Priority Date: 05/01/1900

Amount: 4.00 CFS

Diversion Point: NESW Sec 13 T 13S R 35E SENE Sec 24 T 13S R 35E,  
ONEIDA Co.

Use: IRRIGATION (4.00 CFS) from 04/01 to 11/01

Place of Use: SWSW SESW Sec 26 T 13S R 35E NENW NWNW SWNW SENW NESW NWSW  
Sec 35 T 13S R 35E FOR 320 ACRES

Diversion Means: DITCHES.

MICROFILMED

Sheet No 14

IN THE PROBATE COURT  
of the County of Oneida, State of Idaho

In the Matter of the Estate of ) Petition to Determine  
John Madson, deceased ) Heirship

To the Honorable the Probate Court of the County of Oneida,  
State of Idaho: The petition of Ann A. Madson, widow of John  
Madson, deceased, respectfully shows:

That the said John Madson died intestate at Malad, Idaho  
on July 28, 1930. That he was a resident of the County of  
Oneida, State of Idaho at the time of his death, and that he  
left estate in said County of Oneida consisting of the follow-  
ing described real property, to-wit:

The South half of the Southwest quarter of Section 26,  
and the Northwest quarter, and the North half of the South-  
west quarter of Section 35, and the Southwest quarter of  
the Northeast quarter, and the West half of the Southeast  
quarter of Section 34, Township 13 South, Range 35 East,  
Boise Meridian; also 1/3 of the waters of Kents Canyon  
and Coop Hollow; and the following described personal  
property, to-wit: 3.5 shares of the Capital Stock of the  
St John Irrigating Co.

that said property was the community property of deceased and  
your petitioner, Ann A. Madson, who is his surviving wife, and  
his sole heir at law as to all of said property, and she is now  
the owner of the same in fee simple.

That the following children of deceased and your petitioner,  
his wife, are as follows: Hattie M. Knight, John G. Madson,  
James W. Madson, Orville L. Madson, Elva Williams, Rex Madson,  
Grant Madson, Parke Madson, Orlan Madson and Amelia Madson, all  
over 21 years of age, are also heirs at law of said deceased.

That no application has been made in the State of Idaho for  
the appointment of an administrator of the Estate of said deceased  
by any one, heir, creditor, or otherwise; that more than two (2)  
years have elapsed since the death of the said decedent.

Wherefore your petitioner prays that a day may be appointed  
for hearing this application, and that upon said hearing this  
Court determine the time of the death of said decedent, his heirs  
and their degree of kinship to him and the right of descent of  
the real property belonging to said decedent, and for such other  
or further order as may be lawful and meet in the premises.

Dated March 23, 1946

/s/ Ann A. Madson, Petitioner

MICROFILMED