

Sheet No. 7

IN THE PROBATE COURT, ONEIDA COUNTY, IDAHO

IN THE MATTER OF THE ESTATE)
OF)
WILLIAM L. JOHN, DECEASED)

PETITION FOR LETTERS

Petition of Mary Ann John for letters of administration sets up that William L. John died in the County of Oneida, State of Idaho, on or about January 22nd, 1907, a resident of Oneida County, Idaho, leaving, among other property, 179 acres of land located at Gwenford, Oneida County, Idaho; $5\frac{1}{2}$ shares of water in the Samaria Irrigation Co., and 5 shares of water right out of twenty in the Little Malad River, in said County.

That the heirs of said deceased are; -Mary Ann John, widow, age 48; David E. John, son, aged 28; Henry E. John, son, aged 25; William L. John, son, aged 23; Esther E. John, daughter, aged 18; Ann L. John, daughter, aged 16; Mary M. John, daughter, aged 13, all residing in Gwenford, Oneida County, Idaho.

That due search has been made and no will could be found.

Dated February 3rd, 1915.

Filed February 3rd, 1915.

(Signed)-Mary Ann John

Petitioner.

.....
ORDER FOR NOTICE OF HEARING OF APPLICATION FOR LETTERS OF ADMINISTRATION.

Order of court setting said petition for hearing February 12th, 1915, at 2 o'clock P.M.

Ordered that notice thereof be given for at least ten days prior to said hearing by posting three notices in three public places in said County.

Dated February 3rd, 1915

Filed February 3rd, 1915, and recorded in Book-F, page 141.

(Signed)-Charles W. Ward

(Seal).

Probate Judge

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 9 1981

AMENDED

CLAIM TO A WATER RIGHT

AMENDED
Department of Water Resources

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 William Keith John

(Name of Claimant)

579 N. 200 W., Malad, ID 83252

(Mailing Address)

Telephone No. 766-4191

(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) April 1, 1880

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 Malad River tributary to Great Salt Lake/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>3.00 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>April 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) 3.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW 1/4 SW 1/4, Sec. 31 Twp. 14S Rge. 36E 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. headgates and ditches

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	36E	6							2	23									25

No. of acres 25

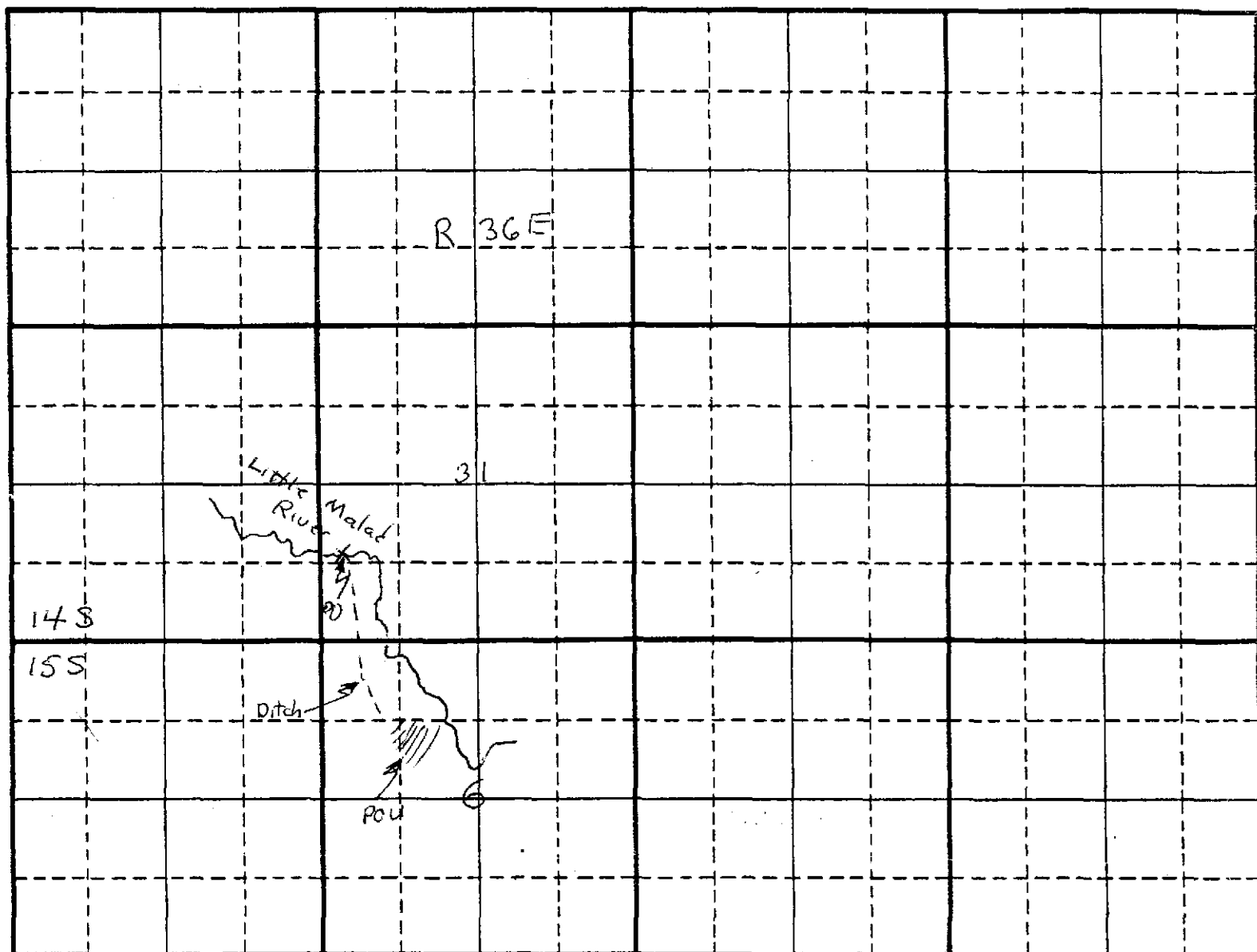
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

Thomas & John Reservoir Co. on Little Malad River

(8) Remarks Water Right is 5 shares out of 20 shares.



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 Cassida) 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 20th day of March, 1981.

(Claimant)
Carl S. Goss
Notary Public

Residing at Malad, Idaho

My commission expires life

FOR DEPARTMENT USE ONLY

Received by KW Date 3/31/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWS Date 4/2/81 _____
\$30.00 fee received by N/A Date #14940 _____
Published in Idaho Enterprise _____
Dates 7/31 + 8/7/80 _____

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 William Keith John (Name of Claimant)
579 N 200 W, Malad, Idaho 83252 (Mailing Address) Telephone No. 766-4191 (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) April 1, 1880

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 Malad River tributary to Great Salt Lake/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	3.00 cfs	Use	Irrigation	Period of Use From	Apr. 1	To	Nov. 1
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) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 31 Twp. 14S Rge. 36E 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.
headgates and ditches

(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	
15S	36E	6							2	23									25

No. of acres 25

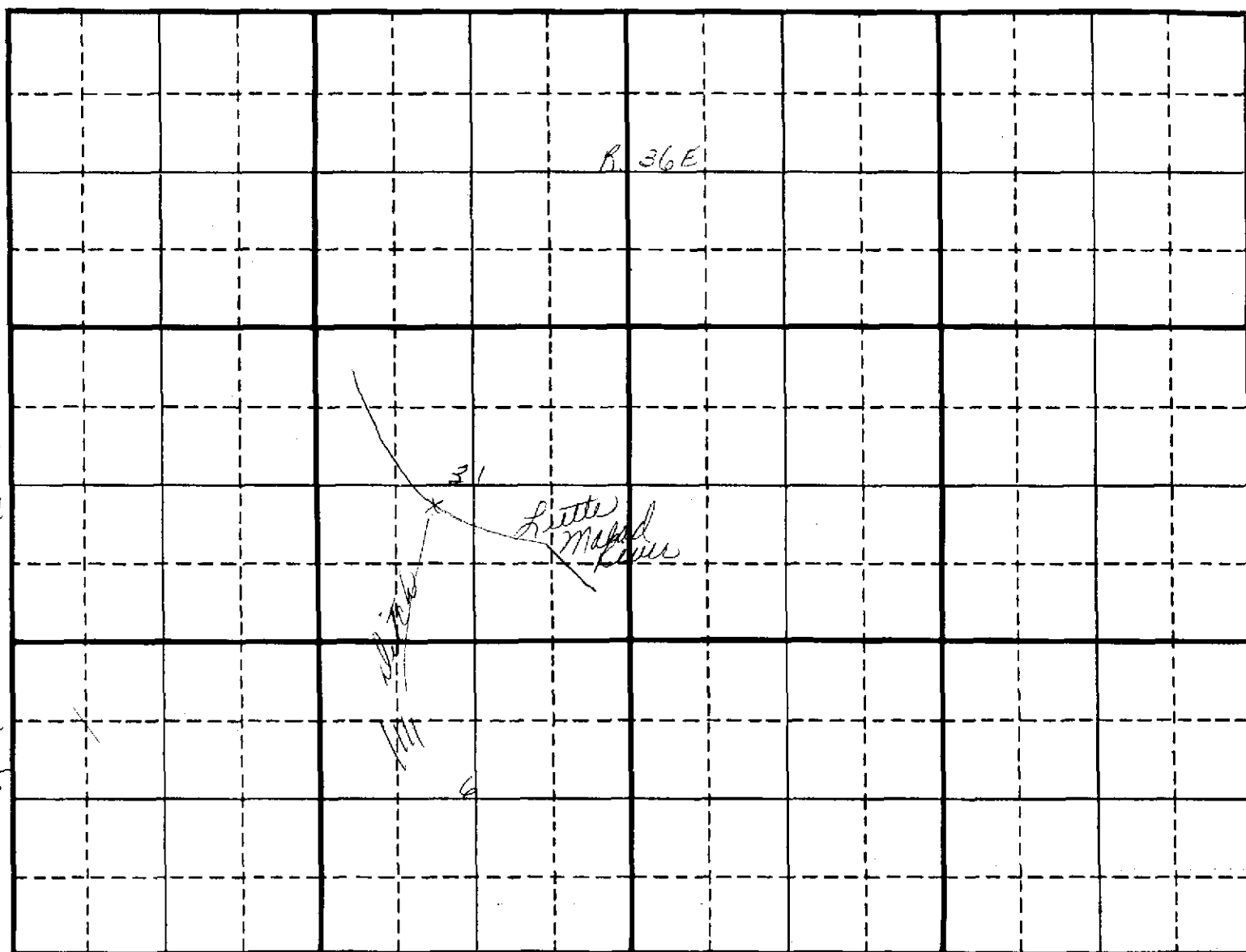
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:
Thomas & John Reservoir Co. on Little Malad River

AMENDED
MAY 20 1983

Remarks Water right is 5 shares out of 20 shares.



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.

County of

Sworn to before me this

7th day of

July

and says that he, she, they subscribe to the matters and facts therein are true.


(Claimant)

Notary Public
Residing at _____

X Funderburge
Mall & Co

My commission expires _____

Life

Received by KW
Prelim. check by HWT
\$20.00 fee received by KW
Published in Idaho Enterpr
Dates 7/31 & 8/7/80

Date 7/21/80
Date 7/21/80
Date 7/23/80

Exception filed by:

Forwarded to
claimant by:

Date _____

RECEIVED

AUG 8 1980

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Carole 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
July 31st, 1980, and ending

with the issue of August 7, 1980
Carole Hummell

Fee \$ 13.65

Subscribed and sworn to before me this 7th day

of August, 1980.

Cindy Williams
Notary Public, Residing at Malad, Idaho

My Commission Expires Life, 19

NOTICE OF CLAIMS 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. 15-4061

John, William Keith
579 N. 200 W., Malad, ID 83252
Source: Little Malad River
tributary to Malad River
Priority Date: 04-01-1880
Diversion Point: NWSW Sec. 31
T 14S R 36E, Oneida Co.
Use: Irrigation (3.00 CFS) from
04-01 to 11-01
Place of Use: SWNW SENW Sec.
06 T 15S R 36E for 25 acres.
Diversion Means: Headgates &
ditches.
Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho
83401.

C. STEPHEN ALLRED
Director

Published 7-31 & 8-07-80.
201 2-7 08

OF
WILLIAM L. JOHN, PROBATEE

PETITION FOR LETTERS

Petition of Mary Ann John for letters of administration sets up that William L. John died in the County of Oneida, State of New York, on or about January 22nd, 1915, a resident of Oneida County, leaving, among other property, 179 acres of land located at Oneida, Oneida County, Idaho; 54 acres of water in the State of Idaho; Oneida, Idaho; 1/2 interest in 160 acres out of twenty in the Snake River, in said County.

That the heirs of said deceased are; -Mary Ann John, widow, David E. John, son, aged 25; Henry E. John, son, aged 25; William E. John, son, aged 23; Esther E. John, daughter, aged 18; Ann E. John, daughter, aged 16; Mary M. John, daughter, aged 15, all residing in Oneida County, Idaho.

That due search has been made and no will could be found.

Dated February 3rd, 1915.

Filed February 3rd, 1915.

(Signed)-Mary Ann John
Petitioner.

ORDER FOR NOTICE OF HEARING ON APPLICATION FOR LETTERS OF ADMINISTRATION

Order of court setting said petition for hearing on February 3rd, 1915, at 2 o'clock P.M.

Ordered that notice thereof be given for at least 10 days to said hearing by posting three notices in three public places in Oneida County.

Dated February 3rd, 1915

Filed February 3rd, 1915, and recorded in Book-F, page 100

(Signed)-Charles

(Seal).



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave. --1515 Lincoln Road--
Idaho Falls, Idaho 83401
(208) 523-7186-
525-7161

February 27, 1981

RECEIVED

MAR 31 1981

Department of Water Resources
Eastern District Office

William K. John
579 N. 200 West
Malad, ID 83252

RE: Claim to a Water Right No. 15-4061

Dear Mr. John:

Enclosed you will find a new copy of your claim to a water right. In reviewing your original claim we found that the map on the back was inconsistent with the information on the front of the claim.

Please review the enclosed claim and if you feel all is correct, sign it and have it notarized. Send this claim back with no fee to this office. Make sure you send it directly to me so I can finish the processing.

Sincerely,

HAROLD W. JONES
Sr. Water Resource Agent

HWJ:kw
Enclosure

August 15, 1980

Director
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho
83401

Dear Sir:

Please consider this letter my exception or protest to the "NOTICE OF CLAIMS TO WATER RIGHTS" No. 15-4061 being filed by William Keith John. I do not feel that this claim should be honored until the other three users who each have a equal share to Mr. Johns right are allowed a right with equal priority.

Sincerely,

V. Lynn Nalder

V. Lynn Nalder

On this 15th day of August, 1980, appeared V. Lynn Nalder before me, a Notary Public in and for the State of Idaho. V. Lynn Nalder is known to me and executed the above instrument.

Bonne T. Larsen
BONNE T. LARSEN/Notary Public
Pocatello, Idaho
Commission Expires 10-18-84

RECEIVED

AUG 19 1980

Department of Water Resources
Eastern District Office

August 25, 1980

RE: Claim to a Water Right No. 15-4061 JOHN

V. Lynn Nalder
449 C Mink Creek Road
Pocatello, Idaho 83201

Dear Mr. Nalder:

We have received the exception dated August 15, 1980, filed 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 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.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cw:kw

cc: IDWR - State Office

August 25, 1980

RE: Claim to a Water Right No. 15-4061

William Keith John
579 N 200 W
Malad, Idaho 83252

Dear Mr. John:

Enclosed please find a copy of the exception 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 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.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

EDC:cw:kw

Enclosure

cc: IDWR - State Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: SKP

Right Number

15 4061

Applicant

Idaho

NOTE: 15-4061 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. PO described a Map Do not coordinate
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

8/11/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Hansen

Date

8/12/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road.
Idaho Falls, Idaho 83401
(208) 523-7186

AUGUST 18, 1980

WILLIAM KEITH JOHN
579 N. 200 W.
MALAD

ID 83252

RE: Claim No. 15-4061

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 21 1980

August 1, 1980

RE: Claim to a Water Right No. 15-4061

William Keith John
579 N. 200 W.
Malad, ID 83252

Dear Mr. John:

Attached herewith is Departmental Receipt No. 14940 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 25, 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 AUGUST 18, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.



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, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 7/31 & 8/07/80.

MICROFILMED

02
15-4061

John, William Keith

579 N. 200 W., Malad, ID 83252

Source: Little Malad River tributary to Malad River

Priority Date: 04/01/1880

Diversion Point: NWSW Sec. 31 T 14S R 36E, Oneida Co.

Use: Irrigation (3.00 CFS) from 04/01 to 11/01

Place of Use: SWNW SENW Sec. 06 T 15S R 36E for 25 acres.

Diversion Means: Headgates & ditches.

10/2/1901

July 18/80

Gentlemen:

Returned herewith
signs and stamps.

There is no way
I can be expected to pay
additional money for this service
As it was submitted to your
office on 3 different occasions
and returned for service that
were no fault of mine

Very Yrs

Robert Johnson

RECEIVED
JUL 20 1880



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 1, 1980

William Keith John
579 N. 200 W.
Malad, Idaho 83252

Dear Mr. John:

I have reviewed your claim to a water right for water from the Little Malad River. As I explained in our telephone conversation of June 26, 1980, Item 6 of the application did not have the correct legal description for the area of use. I have enclosed a new claim with the information you provided typed on it. Please review it and sign in the presence of a notary if it meets with your approval.

We are returning your check No. 92-86 in the amount of \$20.00. Effective July 1, 1980, the filing fee for a claim is \$30.00. Please remit this amount with your claim.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Resource Agent

HWJ:cw

Enclosure

Attachment: Ch. No. 92-86

WILLIAM KEITH JOHN
EILEEN JOHN
579 NORTH 200 WEST 766-4191
MALAD CITY, IDAHO 83252

4/30/80 19 513 92-86/1241

Pay to the order of Idaho Dept of Water Resources \$ 20.00
Twenty and no Dollars

FIRST BANK AND TRUST
OF IDAHO
MALAD CITY, IDAHO 83252

1	2	3	4	5	6	7	8	9	10	11	12
---	---	---	---	---	---	---	---	---	----	----	----

For Water claim William Keith John

⑆124100860⑆ 90 50221 8⑈

R RESOURCES

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

May 5, 1980

William Keith John
579 N. 200 W.
Malad, ID 83252

Dear Mr. John:

I have had an opportunity to review your claim to a water right for water from the Little Malad River and find it necessary to return it along with your check No. 92-86 for \$20.00. Your claim is being returned because you have failed to indicate the date of priority when water was first applied to beneficial use as requested in item No. 1. Once you have completed item No. 1, the claim may be returned to this office along with your check for \$20.00. I noticed in item No. 7, you indicate the shares of water are apparently from the Thomas and John Reservoir Company. If this company already has its water rights on record with the Department you need not file the claim. If the Thomas and John Reservoir Company does not have their water rights on record with the Department, it would be to the benefit of their stockholders if they did file their water rights with the Department prior to 1983.

If you have any questions concerning the above matter, please feel free to contact our office for assistance.

Very truly yours,

Ernest M. Carlsen

ERNEST M. CARLSEN
Senior Resource Analyst

EMC:jd

Enc.