

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 Edna E. Hill &/or Gary L. Hill &/or Myron Jones
(Name of Claimant)
23 Bush Avenue, Malad City, Id. 83252 Telephone No. 766-4059
(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) Sept 20, 1905

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)
Elkhorn Creek & tributaries 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>2.0 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>May 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) 2.0 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 NW 1/4, Sec. 14 Twp. 13S Rge. 35E B.M., County of Cnada
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. Water is diverted from Elkhorn Creek into a private ditch

approximately 1 mile long. The water is collected by a 12" diam pipe at the bottom of the ditch & flows into a gravity flow 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	
13S	35E	18	35	18		33									16				102
13S	35E	7														16	32	8	56
13S	35E	17						3	32			40							73

No. of acres 131 ac

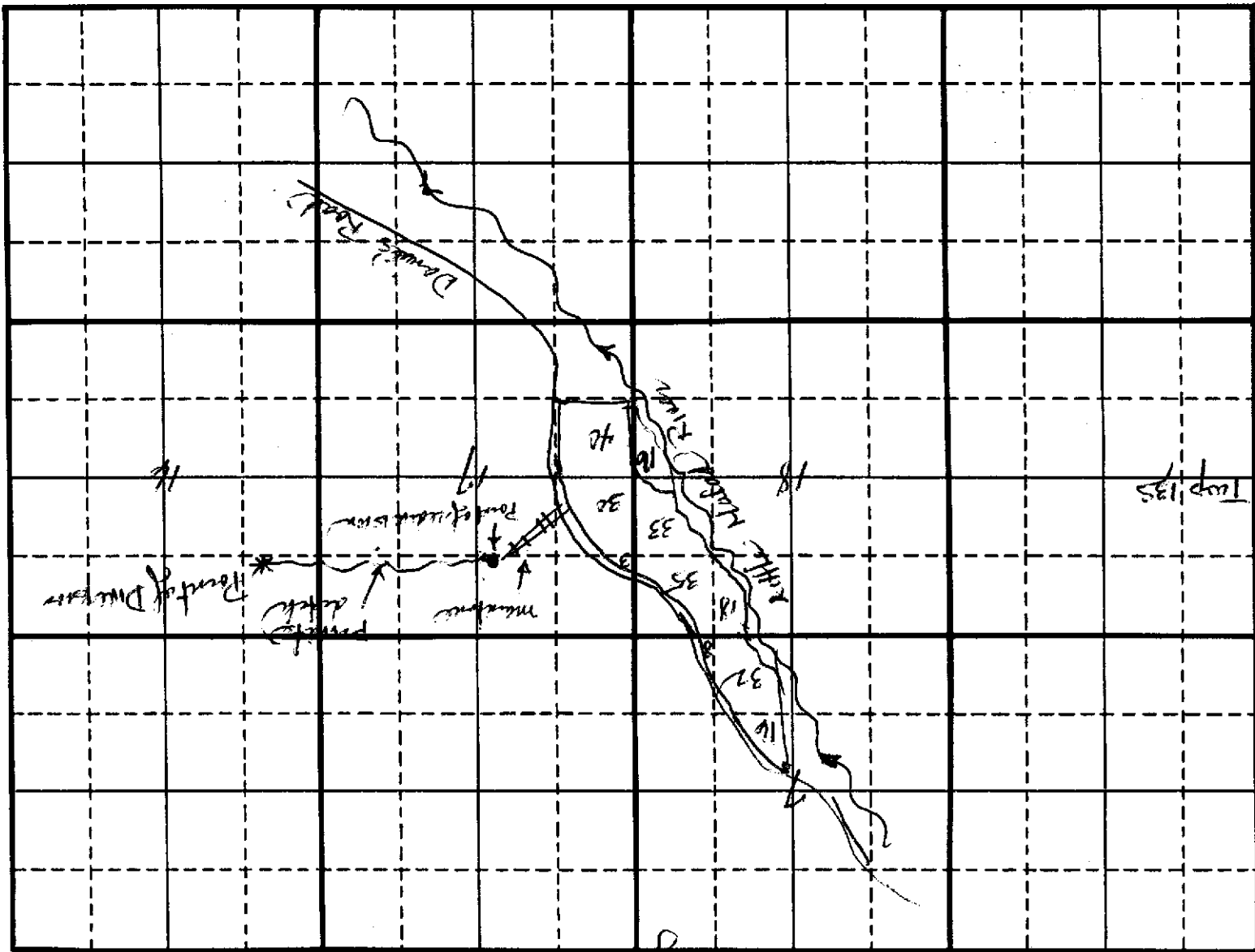
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

(8) Remarks The water claimed on this document shall be divided 1/2 to the water of Elk River Creek being claimed by Myrand Jones and 1/2 the water of Elk River Creek being claimed by John H. H. & Guy H. H. Rye 35c



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) ss.)
ONEIDA

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 9th day of May, 1979
James E. Hill (Claimant)
Notary Public Residing at Malak, Idaho

My commission expires

FOR DEPARTMENT USE ONLY

Received by dh Date 5-11-79 Exception filed by: Forwarded to Date
Prelim. check by ARC Date 5-11-79 #11874 & 11875 claimant by:
Published in Idaho State Journal Date 5-11-79
Dates May 24 & 31, 1979

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

RECEIVED

JUN 4 1979

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIMS
TO WATER RIGHTS**

NOTICE IS HEREBY GIVEN
that the following claim to water
right have been established by
diversion and application to
beneficial use:

No. 15-4043

HILL, EDNA E. &-or GARY L.
JONES, MYRON
23 BUSH AVENUE, MALAD, ID
83252

Source: ELKHORN CREEK &
TRIBUTARIES tributary to
LITTLE MALAD RIVER

Priority Date: 09-20-1905

Amount: 2.00 CFS

Diversion Point: NWNW Sec 16
T 13S R 35E, ONEIDA Co.

Use: IRRIGATION (2.00 CFS)
from 05-01 to 11-01

Place of Use: NENE NWNE
SENE NESE Sec 18 T 13S R 35E
NWSE SWSE SESE Sec 07 T 13S
R 35E NWNW SWNW NWSW Sec
17 T 13S R 35E FOR 231 ACRES
Diversion Means: DITCH

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 5-24 & 5-31-79.
5-24-31 12

Edna J. Jones being first duly sworn on
h.c. oath, states: That She is Secretary
of the Idaho Enterprise, a newspaper of general circulation
in Oneida County, Idaho published weekly at Malad, in said
county, that said newspaper has been published in said
county uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publi-
cation of said notice a newspaper of general circulation made
up of at least four pages of at least five columns each, printed
from type matter or stereotyped forms of at least seventeen
and three-fourths inches depth, and said newspaper during
all of the times of publication aforesaid had more than 200
bonafide subscribers thereto living within the County of
Oneida in which said newspaper was published at regular
intervals not less frequently than once a week.

That the annexed notice was published per clipping attach-
ed in the regular and entire edition of said newspaper and

not in any supplement thereof for 2 successive weekly
issues thereof of the date of the first publication being the
24th day of May, 1979, the day of the last
publication being the 31st day of May,
1979.

Subscribed and sworn to before me this 25th of May,
1979.

Charles N. Hess
Notary Public, residing at Malad, Idaho

My Commission expires the 1st day of June, 1980.

Costs:
35 lines at 23c per line first insertion \$ 8.05
_____ lines tabulated as 34 1/2c per line \$ _____
15c per line each subsequent insertion \$ 5.40

TOTAL \$ 13.45

(Rates for legal notices are fixed by Idaho law)

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

Max F. & Noreen Park
1303 East 2950 South
R.F.D. Box 428
Kamas, Utah 84036

RE: CLAIM TO A WATER RIGHT NO. 15-04043

Dear Mr. Park:

Rob Steinke with Equitable Agri-Business has asked that I write to you in connection with the above referenced claim. More specifically, Mr. Steinke has asked that I respond to your desire to change the name on the claim if you purchase the land described on the claim.

There is not a procedure for the department to change the name on a Claim to a Water Right which has been filed with the department. There is, however, a procedure for changing the name on some other water right documents such as an application for permit, a permit or a Snake River Basin Adjudication claim.

The most common method for the purchaser of land for which a Claim to a Water Right has been filed is to provide information to the department that the claimed right is now claimed by a different party (such as a new owner). Typical information could be an advisory letter, a quit claim deed from the seller of the property or a copy of a contract or other agreement by which the land is conveyed to a new owner.

As a side note, there is not a procedure by which the department can confirm the validity of information claimed on a Claim to a Water Right. The claimed right can only be determined and defined in a court adjudication proceeding.

If you have other questions or if I can provide additional information, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Robb Steinke
IDWR - E. Region

EQUITABLE AGRI-BUSINESS, INC.



P.O. Box 2362
Twin Falls, Idaho 83303-2362
(208) 733-0044
(208) 733-0044 Fax (Call First)

RECEIVED

SEP 12 1994

Department of Water Resources

Robb Steinke
Area Investment Manager

September 8, 1994

Glen Saxton
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Dear Mr. Saxton:

Equitable Agri-Business acquired a parcel of property in Malad, Idaho in May, 1994 through foreclosure. The parcel has a claim to water right #15-04043 that is in the name of Edna Hill &/or Gary Hill &/or Myren Jones (see enclosed copy of claim to water right).

We currently have an offer on the property and the new buyer would like to have the names changed to his. The new buyer's name is Max F. & Noreen Park located at 1303 East 2950 South R.F.D. Box 428, Kamas Utah 84036. If you could please send a letter to Mr. Park stating how the names on the water right could be changed or if the names on the water right cannot be changed then please tell him that the names cannot be changed and why. Please also send me a copy of the letter that you send to Mr. Park. Also the new buyer would like to have acknowledgement prior to the closing of the sale. The sale is scheduled to close on or before September 27, 1994. If you have any questions, please do not hesitate to contact me.

Sincerely,

Robb Steinke
Area Investment Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

#15-04043

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 Edna I. Hill s/o Gary I. Hill a/c Myron Jones

(Name of Claimant)

23 Basile Avenue, Mahanoy City, Pa.
(Mailing Address).

030520

Telephone No. 766-1059

(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) Sept. 20, 1905

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)

Elkhorn Creek's tributaries tributary to Little Melad 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	2.0 cfs	Use	irrigation	Period of Use From	May 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) 210.65 TOTAL QUANTITY USED.

(cls. good AFAN)

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

N. 4° E. Sec. 16 Twp. 13S Rge. 3SE 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. Water is diverted from Elkhorn Creek into a private ditch.

approximately 1 mile long. The water is collected by a 12" diameter pipe at the bottom of the ditch & flows into a gravity flow 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.

[illegible]

No. of acres 231 ac

MEMORANDUM

To: File 15-04043
From: L. Glen Saxton *LLS*
RE: TELEPHONE INQUIRY
Date: September 8, 1994

On this date, Rob Steinky (phone 733-0044) called in connection with Claim to a Water Right No. 15-04043 on behalf of a proposed buyer of the property. Steinky is associated with a firm which has foreclosed on the property and now owns it. The potential buyer would like the name on the claim changed. I advised Steinky that there is not a procedure to change the name on the claim and further described the nature of a Claim to a Water Right.

Steinky plans to write a letter to me so I can respond in writing thus providing some documentation which he can provide to the potential buyer of the property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 11, 1979

EDNA E. HILL
BARY L. HILL
MYRON JONES
23 BUSH AVENUE
MALAD

ID 83252

RE: Claim No. 15-4043

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

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

MAY 18, 1979

Idaho State Journal
Box 431
Pocatello, Idaho 83201

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 sales 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 billings to this office before JUNE 11, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

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:

15-4043-

HILL, EDNA E. &/or GARY L.
JONES, MYRON

23 BUSH AVENUE, MALAD, ID 83252

Source: ELKHORN CREEK & TRIBUTARIES tributary to LITTLE MALAD RIVER

Priority Date: 09/20/1905

Amount: 2.00 CFS

Diversion Point: NNW Sec 16 T 13S R 35E, ONEIDA Co.

Use: IRRIGATION (2.00 CFS) from 05/01 to 11/01

Place of Use: NENE NWNE SENE NESE Sec 18 T 13S R 35E NWSE SWSE SESE
Sec 07 T 13S R 35E NNW SWNW NWSW Sec 17 T 13S R 35E
FOR 231 ACRES

Diversion Means: DITCH

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 5/24 & 5/31/79.

MICROFILMED



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

May 14, 1979

Edna E. Hill
23 Bush Avenue
Malad, Idaho 83252

Dear Ms. Hill:

Re: Claim to Water Right

Attached herewith is Departmental receipt No.'s 11874 and 11875
totaling \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachments
Copy to Myron Jones, Jr.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J.M.

Right Number _____ Applicant EDNA E. HILL for GRAY L. HILL

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. 9/4/79
- ☒ Claim published correctly.
- ☒ Exceptions processed. NONE

By Ernest Carlson Date 6/11/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.M. Date 4/18/79

RECEIVED
MAY 17 1979