

No Color
Documents
In File

CLAIM TO A WATER RIGHT

Notice is hereby given that Samaria Water & Irrigation Company, Clyde Chugg, Pres., 766-4066
(name of claimant)
of Samaria, Idaho 83252, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

(7) If you are claiming water as a member of an organization, list name of organization: _____

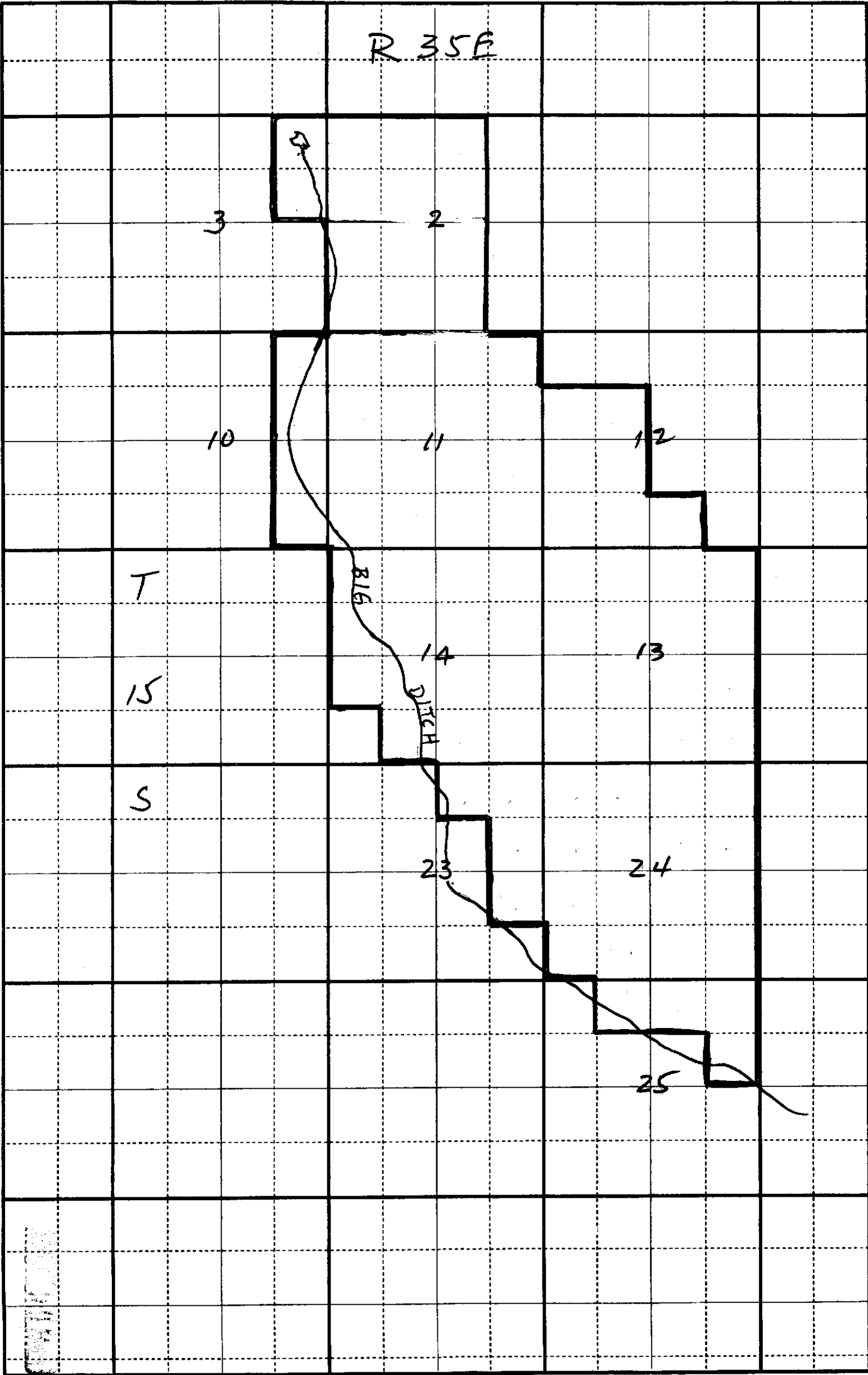
[illegible]

Received by <u>me</u>	Date <u>12-22-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>me</u>	Date <u>12/22/76</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>12-22-76</u>	<u>4473</u>		
Approved for publication by <u>me</u>	<u>1-24-77</u>			
Published in <u>Radio Free Europe</u>				
Dates <u>June 6 & 13, 1977</u>				

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 3,215



AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paula Hindel being first duly sworn on his oath, states: That she is clerk 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 publication 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 attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 6 day of Jan, 1977 the date of the last publication being the 13 day of Jan, 1977

Paula Hindel

Subscribed and sworn to before me this 21 day of Jan, 1977

H. A. McLaughlin
Notary Public, residing at Malad, Idaho

My Commission expires the 18 day of Oct, 1977

Costs:

37 lines at 23c per line first insertion \$ 8.51
lines tabulated at 34½c per line \$ _____
15c per line each subsequent insertion \$ 5.55
TOTAL \$ 14.06

(Rates for legal notices are fixed by Idaho law)

JAN 24 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 15-4009

NOTICE IS HEREBY GIVEN that Samaria Water & Irrigation Company, Samaria, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.50 cubic feet per second of water from Warm Springs with point of diversion in the NE¼NE¼, Sec. 3, T. 15S, R. 35E, B.M., Oneida County.

The water is claimed to be used from Nov. 1 to Mar. 31 for stockwatering purposes for 60 horses, 200 dairy and 3,000 range cattle, and 100 head of sheep with a priority of November, 1925; the place of use is within the W½E½, W½, Sec. 2, E½NE¼, Sec. 3, E½E½, Sec. 10, Sec. 11, S½NW¼, SW¼, SW¼SE¼, Sec. 12, Sec. 13, N½, N½SW¼, SE¼SW¼, SE¼, Sec. 14, N½NE¼, SE¼NE¼, NE¼SE¼, Sec. 23, Sec. 24, N½NE¼, SE¼NE¼, NE¼NW¼, Sec. 25, T. 15S, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on January 6 and January 13, 1977.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

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

R. Keith Higginson
Director

March 15, 1977

BDF

RE: Claim to a Water Right No. 15-4009

Samaria Water & Irrigation Company
Clyde Chugg, President
Samaria, Idaho 83252

Gentlemen:

Enclosed please find a copy of the exception filed by J. Dennis Williams, in behalf of James Bland Williams in connection with your Claim No. 15-4009. 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
Supervisor,
Eastern Region

RDC:CM
cc: IDWR - State Office
Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

March 15, 1977

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

R. Keith Higginson
Director

RE: Claim to a Water Right No. 15-4009

Mr. J. D. Williams
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Williams:

We have received the exception dated January 19, 1977, filed in behalf of James Bland Williams 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
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

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RECEIVED

FEB 15 1977

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

Department of Water Resources
Eastern District Office

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

TELEPHONE:
(208) 852-2680

February 14, 1977

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protest to Water Claim No. 15-4009 filed by Samaria
Water and Irrigation Co. and Claim filed by James Bland
Williams

Dear Sirs:

On January 25, 1977, you wrote Mr. Williams of Malad City,
Idaho, that his affidavit received by you January 21, 1977,
did not constitute an appropriate protest to the above
referenced water claim.

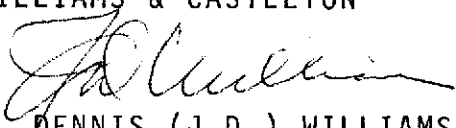
In view of your statements, we submit the following information.
The water rights claimed by Samaria Water and Irrigation Co.
for stock watering purposes appear to claim all of the water
in the Warm Springs from November 1 to March 31. Therefore,
a protest is entered by James Bland Williams on behalf of
himself and Richard A. Goddard to this claim due to the
facts contained in his affidavit claiming a prior right in
the Warm Springs for stock watering purposes.

Accordingly, would you please place this letter and the
attached affidavit in your file as a protest to the water
claimed by Samaria Water and Irrigation Co. Also enclosed
please find a Claim to Water Right for filing by Mr. Williams
together with the filing fee of \$10.00.

If we may supply any additional information, please advise.

Yours very truly,

WILLIAMS & CASTLETON


J. DENNIS (J.D.) WILLIAMS
Attorney At Law

JDW/lb

Enc.

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RECEIVED

FEB 15 1977

Department of Water Resources
Eastern District Office

RECEIVED

JAN 21 1977

Department of Water Resources
Eastern District Office

PROTEST TO CLAIM OF WATER RIGHT #

FILED BY SAMARIA IRRIGATION CO. IN ONEIDA COUNTY, IDAHO,
AND CLAIM OF WATER RIGHT

COMES NOW, JAMES BLAND WILLIAMS, and protests on behalf of himself and RICHARD A. GODDARD, a Notice of Water Claim filed with the Idaho Department of Water Resources by the Samaria Irrigation Co., and notice of which was published in the Idaho Enterprise of Malad City, Idaho, and claim the following Water Right on the following grounds and reasons:

1. That he and RICHARD A. GODDARD are the owners of the real property described in Exhibit "A" attached hereto and conduct a cattle operation thereon.

2. That water from the Warm Springs claimed by the claimants is used from November 1 to March 31 to water 300 range cows, 250 calves, 200 yearling calves, and 20 horses by diversion of .35 cfs of water from Warm Springs into the Big Malad River which runs through the said property owned by JAMES BLAND WILLIAMS and RICHARD A. GODDARD.

3. That in addition to the undersigned and RICHARD A. GODDARD, several other individuals along the Big Malad River also use water diverted from Warm Springs into the Big Malad River to water livestock from November 1 to March 31, including but not limited to Lewis R. Waldron, Rex Waldron, J. F. Fredrickson Estate, and Blaisdell Brothers.

4. That water for this purpose was originally diverted by the Gwenford Milling and Elevator Co. and Dan E. Jones to operate a grain mill and to water livestock before 1906 and this right has been acquired by the undersigned and his predecessor in title, JAMES H. WILLIAMS.

5. That claim is hereby made by JAMES BLAND WILLIAMS and RICHARD A. GODDARD for .35 cfs of water from the Warm Springs located in the Northwest Quarter of Section 2, Township 15 South, Range 35 East of the Boise Meridian, to be diverted therefrom into the Big Malad River from November 1 to March 31 to water livestock located on the real property described in Exhibit "A" attached hereto and incorporated herein by reference thereto.

DATED This 19th day of January, 1977.

Be it known that the undersigned, being duly sworn, deposes and says that he subscribed by signature hereto the foregoing

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claim to a water right, together with all attached information,
and that the matters and facts therein are true to the best
of the affiants knowledge.


JAMES BLAND WILLIAMS, Claimant

Sworn to before me this 19th day of January,

1977.


NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho

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EXHIBIT "A"

Situated in Oneida County, State of Idaho

Township 15 South, Range 35 East, Boise Meridian

Section 1: The West half of the West half of the Southwest quarter.

Section 12: All that part of the South half of the Northwest quarter and the Northeast quarter of the Southwest quarter, lying North and East of the Big Malad River as same now flows; the East half of the Southeast quarter; the Northwest quarter of the Southeast quarter; the South half of the Northeast quarter; the North half of the Northwest quarter; the North half of the Northeast quarter.

Excepting therefrom 2 acres in a compact form located in the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 12, heretofore conveyed to Gwenford Mill and Elevator Company by deed recorded in Book 13, page 256, records of Oneida County, Idaho.

Section 13: The East half of the Northeast quarter.

Township 15 South, Range 36 East, Boise Meridian

Section 7: Commencing at the Northwest corner of Section 7, thence East 88 rods, 5 feet, thence South 145 rods, thence West 88 rods, 5 feet, thence North 145 rods to the place of beginning.

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January 25, 1977

RE: Claim to a Water Right No. 15-4009

Samaria Water & Irrigation Company
Clyde Chugg, President
Samaria, Idaho 83252

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

January 25, 1977

RE: Claim to a Water Right No. 15-4009 SAMARIA WATER & IRRIGATION COMPANY

Mr. James Bland Williams
Malad City,
Idaho 83252

Dear Mr. Williams:

We are returning your affidavit in protest of the above referenced claim. Although the affidavit could be included in the claim file it would have little value as adverse evidence because it takes no exception to any of the statements made in the claim.

If you feel that any statements made in the above referenced claim are in error, you may file an exception concerning these points.

Since your affidavit describes stockwater rights held by you and others which are as yet unrecorded, you should file claims to these rights to preserve evidence of them for future adjudication.

Please find enclosed claim forms and instructions. If you need assistance in filing claims, please do not hesitate to contact us.

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:cw

Enclosures

cc: J. D. Williams, Attorney

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191

PRESTON, IDAHO 83263

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

15-4009
RECEIVED

JAN 21 1977

Department of Water Resources
Eastern District Office

TELEPHONE:
(208) 852-2680

January 20, 1977

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sirs:

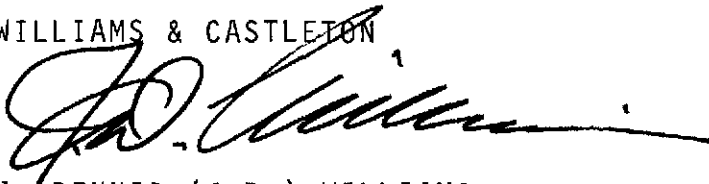
Enclosed please find a Protest to Claim of Water Right submitted on behalf of James Bland Williams and Richard A. Goddard.

We cannot find our newspaper which would give us the number of the Claim. Would you please add that number to this Protest when you receive it.

Thank you for your assistance in this matter.

Yours very truly,

WILLIAMS & CASTLETON



J. DENNIS (J.D.) WILLIAMS
Attorney At Law

JDW/lb

Enc.

15-4009

December 30, 1976

RE: Claim to a Water Right No. 15-4009 SAMARIA WATER & IRRIGATION COMPANY

Idaho Enterprise
P.O. Box 205
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure (1)

Bill submitted _____ by _____

*No amount indicated on bill.
Returned 1-24-77*

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 15-4009**

NOTICE IS HEREBY GIVEN that Samaria Water & Irrigation Company, Samaria, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.50 cubic feet per second of water from Warm Springs with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 15S, R. 35E, B.M., Oneida County.

The water is claimed to be used from Nov. 1 to Mar. 31 for stockwatering purposes for 60 horses, 200 dairy and 3,000 range cattle, and 100 head of sheep with a priority of November, 1925; the place of use is within the W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 10, Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 15S, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on January 6 and January 13, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4009

Notice is hereby given that Samaria Water & Irrigation Company,
Samaria, Idaho

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to beneficial use of 6.50 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Warm Springs

with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 15S, R. 35E, B.M.,
Oneida County

The water is claimed to be used from Nov. 1 to Mar. 31 for stockwatering
purposes for 60 horses, 200 dairy and 3,000 range cattle, and 100 head of sheep
with a priority of November, 1925;

the place of use is within the W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, Sec. 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 10,
Sec. 11, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Sec. 13, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14,
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 15S,
R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on January 6 and January 13, 1977

RECORDED

me. J. H. me. J. H. me. J. H.