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Identification No. _____

Claim No. 15-4001

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Norman L. Howell
post office address RFID # Box 63 Malad, Idaho
646 PM 122851 Dist
2. The point of diversion is in SW 1/4 of SW 1/4 Section 16 Township 16.5
Range 36 E B.M. located on Brush Canyon Flood Water
(name of source)
tributary to _____ in Oneida County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

27 May 1885 amount: 150 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 3.0 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from Apr. 1 to July 15 (both dates inclusive)
use Stock Watering period of use from Mar. 1 to July 15 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Gravel & soil
_____ ; length is 20 feet; height is 3 feet;
width at bottom is 4 feet; width at top is 5 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

_____, if so, give dates and explain.

c. Conveying works: length of ditch to place of use is 6400 feet; width of ditch at top is 3 feet;

width of bottom of ditch is 4 feet; depth of water is 3 feet; grade of ditch per 1000 feet is Gravel-Rocks 1.50% City feet; material through which ditch passes is

maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches;

_____ type of pipe _____; grade of pipe per 1000 feet is _____.

ing date and dimensions if possible

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

period of storage is from _____ to _____; is reservoir drained each year _____;

_____ is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity——c.f.s.; if reservoir is off stream, describe

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

describe

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions, and give total acres:

[illegible]

Total number of acres to be irrigated 190

Explain any significant increase in area irrigated since first use, give dates and acreages if known

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch
_____ The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 100 head cows

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

This flow is intermittent and varies from year to year.

State of Idaho

County of Onida

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 affiants knowledge.

Sworn to before me this 12 day of Jan., 19 71.

Norman L. Howard
Claimant

Colen B. Sweeten Jr.
Notary Public

Residing at Clerk of the district court

My commission expires _____

Rec'd #5550 For Department Use Only

Received by <u>uy</u>	Date <u>1-25-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>uy</u>	Date <u>2-8-71</u>			
Fee received by <u>uy</u>	Date <u>1/26/71</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Idaho Enterprise</u>	Dates <u>2-25 & 3-04, 71</u>	dr		

15 4201

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or			acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Norma Champney being first duly sworn on her 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 ... successive weekly issues thereof the date of the first publication being the *25* day of *Feb.* 19*71*. the date of the last publication being the *4* day of *March* 19*71*.

Norma Champney

Subscribed and sworn to before me this *5th* day of

March 19*71*

Daniel P. Jones

Notary Public, residing at Malad, Idaho

My Commission expires the *6* day of *Aug.* 19*72*

Costs: *31* lines at 13c per line first insertion \$*4.03*

..... lines tabulated at 20c per line \$.....

10c per line each subsequent insertion \$*3.10*

TOTAL \$*7.13*

(Rates for legal notices are fixed by Idaho law)

NOTICE OF CLAIM TO A WATER RIGHT No. 15-4001

Notice is hereby given that Norman L. Howell, Box 63, Malad, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Brush Canyon flood water with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 16S, R. 36E, B.M., Oneida County.

The water is claimed to be used from April 1 to July 15 for irrigation and from March 1 to July 15 for stockwater with a priority of May 27, 1885; the place of use is within the N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, T. 16S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on February 25 and March 4, 1971.

April 6, 1982

RE: Claim to a Water Right No. 15-4001

Norman L. Howell
RFD Box 63
Malad, ID 83252

Dear Mr. Howell:

Enclosed is a copy of the Claim you submitted for Brush Canyon Flood Water on January 25, 1971.

Also enclosed is a letter we sent you on March 18, 1971 which explains the status of your claim.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

March 18, 1971

Re: Claim to a Water Right No. 15-4001

Mr. Norman L. Howell
R.F.D. Box 63
Malad, Idaho 83252

Dear Mr. Howell:

The Department of Water Administration 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of Claim

15 4001

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 15-4001

Notice is hereby given that Norman L. Howell, Box 63, Malad, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second of water from Brush Canyon Flood water with point of diversion, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 16S, R. 36E, B.M., Oneida County.

The water is claimed to be used from April 1 to July 15 for irrigation and from March 1 to July 15 for stockwater with a priority of May 27, 1885; the place of use is within the N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, T. 16S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho, on February 23 and March 4, 1971.

February 17, 1971

Re: Claim No. 15-4001 - Norman L. Howell

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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

*Bill submitted
3-10-71
ds*

DWM:DR
Enc: Legal notice

15 4001

NOTICE OF CLAIM TO A WATER RIGHT

No. 15-4001

Notice is hereby given that Norman L. Howell, Box 63, Malad, Idaho,

has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second ~~3074/1944~~ of water from Brush Canyon flood water

with point of diversion in the SW₁SW₄ Sec. 16, T. 16S, R. 36E, B.M.,
Oneida County

The water is claimed to be used from April 1 to July 15 for
irrigation and from March 1 to July 15 for stockwater
with a priority of May 27, 1885;

the place of use is within the N₁SW₄ Sec. 15, SE₁NE₄ Sec. 16,
SW₁NE₄ Sec. 21, T. 16S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho,
on February 25 and March 4, 1971.

January 26, 1971

Mr. Norman L. Howell
Post Office Box # 63
Malad City, Idaho 83252

Dear Mr. Howell:

We are in receipt of your claim to a water right. However, we find in reviewing your claim that the legal description of the point of diversion is somewhat unclear. We would assume it to be the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Twp. 16 S, Rge. 36 E.

Please notify us within ten (10) days if this is incorrect. Otherwise, we shall process it as being the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

15 4001

January 20, 1971

Mr. Norman L. Howell
Post Office Box # 63
Malad City, Idaho 83252

Dear Mr. Howell:

We are in receipt of your claim to a water right. However, you neglected to send the required \$10.00 fee with the claim. We will return this claim and we wish to call your attention to item 3b. Under item 3b, you have listed only irrigation use, but further in the claim you have indicated that the water is also used for stock watering of 100 head of cattle. You may also wish to include stock watering as a use under item 3b.

As soon as you have re-submitted the claim with the required \$10.00 fee, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: original claim to a water right

10 1001