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Identification No. 15-4000

Claim No. 41952

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Mr. & Mrs. Evan Plan Price

post office address Rt 1 Box 31 Malad

2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 11 Township 15S

Range 35 E B.M. located on Well (name of source) x

tributary to _____ in Owada 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: 1936 6-1-1938 amount: .03 c.f.s. or _____ acre feet x

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed _____ 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 Saltpary period of use from Jan. 1 to Dec 31 (both dates inclusive)

use Livestock period of use from _____ to _____ (both dates inclusive)

use Garden & Yard period of use from May to Oct. (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 _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capac-

ity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped ^{Flowing in winter} ~~pumped in summer~~; depth of well is

26.5 feet; diameter of well is 4 in. inches; type of pump is submersible 4 in.

capacity of pump is 715 g.p.h. _{11 1/2} g.p.m.; name and address of well driller is Cyrus T. Waldron

at 40th Street Samaria, Idaho;

x per inst of letter received 8-7-67
Bump

15-4000

10572128 12 1966

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

type of pipe 4" diameter; grade of pipe per 1000 feet is 1.5.

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 _____;

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

[illegible]Total number of acres to be irrigated

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? _____ 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 14 dairy animals
plus calves during winter 40 head range animals + calves

7. Where water is used for domestic or municipal purposes give number of families served 1
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 Lime lat + garden

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

priority protection in event that new irrigation
well dug within 500 ft should take out water
well being filed in work
originally dug by M. A. Waldron + now owned
by Carol Platt Price

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

July 18, 1967
(Date)

State of Idaho

County of Oneida } ss.

Carol Platt Price
(Signature of Claimant)
Phyllis M. Price

On this 18th day of July 19 67, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Evelyn F. Harrison
Notary Public residing at Malad City, Idaho

My commission expires 2/2/69

For Department Use Only

Received by <u>ej</u>	Date <u>7-19-67</u>	9:30 AM	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DM</u>	Date <u>7-18-67</u>				
Fee received by <u>ej</u>	Date <u>7-19-67</u>	Fee \$ <u>1.00</u>			
Approved for publication by <u>JS Idaho Enterprise</u>					
Published in <u>Aug 17-24</u>	Dates				

15-4000

INSTRUCTIONS

Paragraph No.

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.

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 it 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.

May Nell Wharton... being first duly sworn on

her oath, states: That she is a *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 *8* successive weekly issues thereof the date of the first publication being

the *17th* day of *August*....., 19*67*. the date of the last publication being the *24th* day of *August*... 19*67*.

May Nell Wharton.....

Subscribed and sworn to before me this *15th* day of

November....., 19*67*. *E. Scott*

Notary Public, residing at Malad, Idaho

My Commission expires the *19* day of *May*..., 19*71*.

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. 15-4000

Notice is hereby given that Mr. and Mrs. Ewan Platt Price, Route No. 1, Box 31, Malad City, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of .03 (cubic feet per second) of water from a subterranean source with point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 15S, R. 35E, B.M., Oneida County; the water is claimed to be used for culinary purposes and livestock watering from January 1 to December 31 and for garden and yard watering purposes from May 1 to October 31 with a priority of June 1, 1958 (.03 c.f.s.); the place of use is NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 16S, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Idaho Enterprise, Malad City, Idaho, on August 17 and August 24, 1967.

15-4000

STATEMENT

The Idaho Enterprise

— Excellent Advertising Medium

— High Quality Printing

Malad City, Idaho Nov. 1 19. 67

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Advertiser

Aug. 17, 1967 Notice of Claim to Water
Right 31 14 t2 7.13

"I hereby certify that the above account is correct and just, that the supplies were actually furnished and/or the services were actually rendered as charged, and that I/we have not received payment therefor".

The Idaho Enterprise

By:

Marion R. Kenson

15-4000

hold 20 days

July 24, 1967

Mr. & Mrs. Evan P. Price
Route 1, Box 31
Malad, Idaho

Dear Mr. & Mrs. Price:

We are in receipt of your claim to a water right for your property in T. 15 S,
R. 35 E, B. M.

Before we can record this claim, we must have some additional information under item 2, point of diversion, where you have failed to indicate the source of water. From other information found in your claim, we believe it to be a well. If it is a well, or some other source, please advise this department and ask us to enter it under item 2 of your claim.

Under item 3 you have listed a priority of 1936 that you wish to claim. It would benefit your claim if you would list a month of the year and if possible a specific day showing the full date of day and month of the year 1936 that you wish to claim for priority. Also before we can file your claim, we must know the amount of water that you wish to file on. This amount should be in cubic feet per second. As the majority of your filing is on domestic, normal domestic consumption for a normal household would be 0.02 c.f.s. which equals 13,000 gallons per day. As to livestock, if you wish to claim an equal amount for livestock making a total of 0.04 c.f.s., this possibly would be adequate. Lawn and yard irrigation is covered under the domestic aspects of 0.02; however, if you wish to claim some other quantity of water, please advise us and direct this department to insert an amount under statement 3 of the claim.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

15-4000

November 20, 1967

Re: Claim No. 15-4000

Mr. and Mrs. Evan Platt Price
Route #1, P. O. Box 31
Malad City, Idaho

Dear Mr. and Mrs. Price:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 15-4000.

Enclosed is your receipt for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosures: Receipt No. 33873 for \$10.00

15-4000

November 13, 1967

Re: Claim 15-4000

Idaho Enterprise
Malad City,
Idaho 83252

Gentlemen:

On August 7, 1967 we sent you the legal notice for the above referenced claim. This claim was to be published August 17 and August 24. Immediately after the last date of publication you were to forward to this office a certified bill and an affidavit of publication.

As of the date of this letter we have not received the certified bill for the affidavit of publication. Please advise us as to what has been done on this claim and forward to us as soon as possible. Your prompt attention will be greatly appreciated.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

Enclosures: none

15-4000

**NOTICE OF CLAIM TO A
WATER RIGHT**

(No. 15-4000)

Notice is hereby given that Mr. and Mrs. Evan Platt Price, Route No. 1, Box 31, Malad City, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of .03 (cubic feet per second) of water from a subterranean source with point of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 15S, R. 35E, B.M., Oneida County; the water is claimed to be used for culinary purposes and livestock watering from January 1 to December 31 and for garden and yard watering purposes from May 1 to October 31 with a priority of June 1, 1938 (.03 cfs); the place of use is NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 15S, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho Enterprise, Malad City, Idaho, on August 17 and August 24, 1967.

Proof

August 7, 1967

Re: Claim No. 15-4000

Idaho Enterprise
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 proofing 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 can not publish the notice on the proposed dates, please contact us immediately.

The expense of this publication is to be paid by the Department of Reclamation to whom you must furnish an affidavit of publication with the bill as soon as the publication is completed.

Very truly yours,

Donald W. McEldowney
Water Right Clerk

DWM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

No. 15-4000

Notice is hereby given that Mr. and Mrs. Evan Platt Price, Route #1
Box 31, Malad City, Idaho has filed a claim to a water right established
by diversion and application to beneficial use of .03 (cubic feet per second)
~~222,100~~ of water from a subterranean source with point of diversion
in NW¹/₄ Sec. 11, T. 15S, R. 35E, B.M., Oneida County;
the water is claimed to be used for culinary purposes and livestock watering from
January 1 to December 31 and for garden and yard watering
purposes from May 1 to October 31 with a priority of
June 1, 1938 (.03 c.f.s.), the place of use is NW¹/₄ Sec. 11, T. 15S, R.
35E, B.M.

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Idaho Enterprise, Malad City,
Idaho, on August 17 and August 24.

15-4000

We cannot give a specific date on our filing, we listed 1934. Upon further study we find the well was begun in 1936 but probably was not finished until my parents built here in 1938. There are no definite records. They moved into the house Sept. 1938 and believe the well was completed & piped to the house in the spring of 1938. Therefore we list priority to be sure.

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

July 24, 1967

RECEIVED
AUG 7 1967

Department of Reclamation

Mr. & Mrs. Evan P. Price
Route 1, Box 31
Malad, Idaho

Dear Mr. & Mrs. Price:

We are in receipt of your claim to a water right for your property in T. 15 S, R. 35 E, B. M.

Before we can record this claim, we must have some additional information under item 2, point of diversion, where you have failed to indicate the source of water. From other information found in your claim, we believe it to be a well. If it is a well, or some other source, please advise this department and ask us to enter it under item 2 of your claim. *- it is a well*

Under item 3 you have listed a priority of 1936 that you wish to claim. It would benefit your claim if you would list a month of the year and if possible a specific day showing the full date of day and month of the year 1936 that you wish to claim for priority. Also before we can file your claim, we must know the amount of water that you wish to file on. This amount should be in cubic feet per second. As the majority of your filing is on domestic, normal domestic consumption for a normal household would be 0.02 c.f.s. which equals 13,000 gallons per day. *0.03 cfs* As to livestock, if you wish to claim an equal amount for livestock making a total of 0.04 c.f.s., this possibly would be adequate. Lawn and yard irrigation is covered under the domestic aspects of 0.02; however, if you wish to claim some other quantity of water, please advise us and direct this department to insert an amount under statement 3 of the claim.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McEldowney

Donald W. McEldowney
Water Rights Clerk

DWM:nw

15-4000