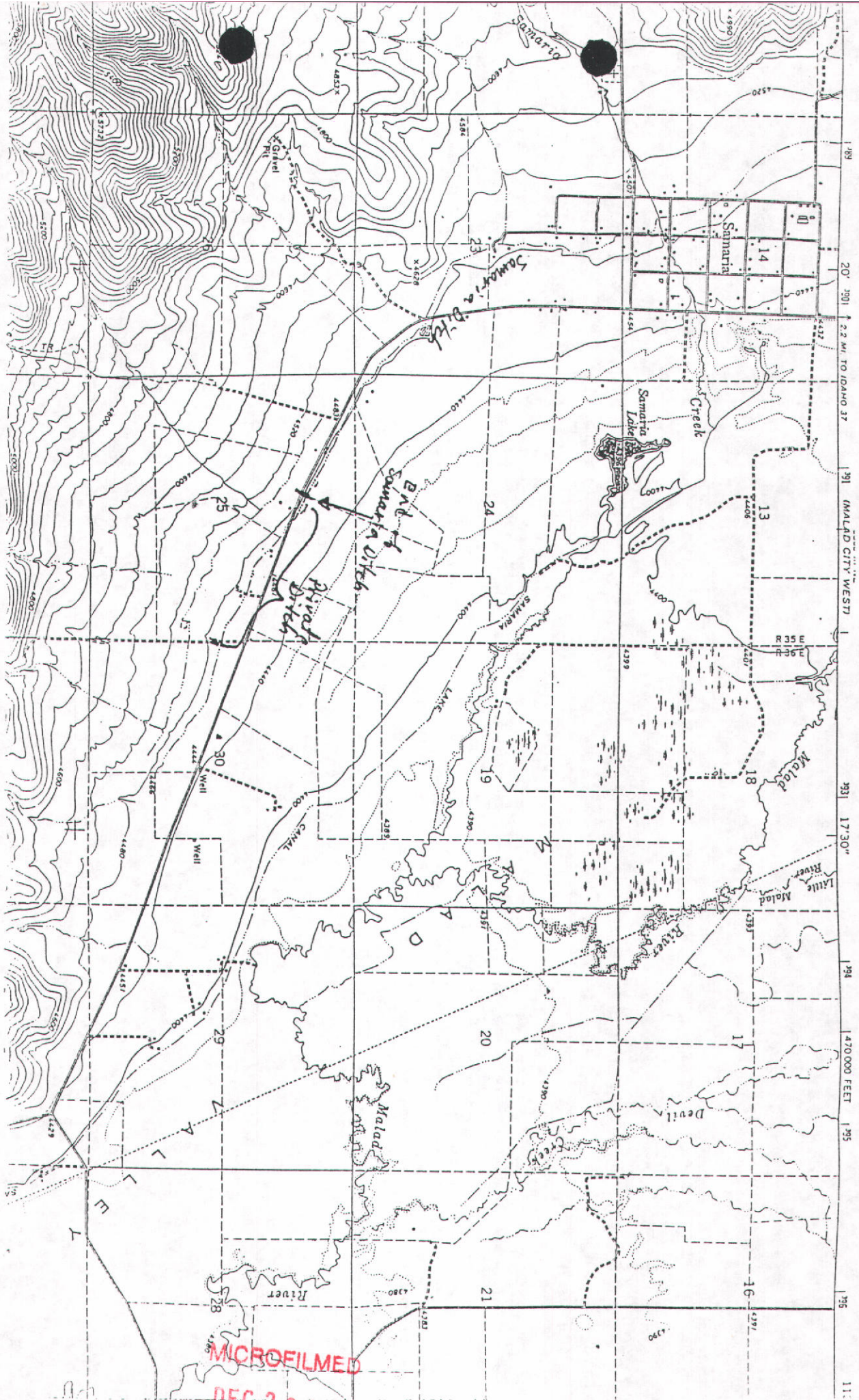




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DEC 29 1998

39.86

25-363
118175

Trust

Mills Family

Mills Family

Trust

B. L. M.

39.85

19.92

SEE SURVEY
#118944
T-3870
Levi Hughes

Road 2.1 ac
Dec #
116134
T-3865

39.84

25-336
116134
118838

25-336
116134
118838

115944

Williams

T-3383

Marcene

Spraker

Dorothy

Dorothy

M.

39.61

8-

30
638.32

T-1719

90457
91297

Misc. K. 247
13-275

Thomas C. Williams

118147
Boundary
Agreement
M. A. Hudson
115944 Survey
AND BOUNDARY AGREEMENT (11/1/77)

112728
112729
94341

115944
SEE SURVEY
#115944
T-1717

Daniels

Gloria T

NE NW

N 89° 44' E

T-1716

Hughes
T-3599

Ralph
T-3600

Levi Hughes
T-3600

105927

Hughes
T-3599

Ralph

39.21

T-3600

Y. Neal Hughes Trust
T-2785
39.29

19
637.31

T-1071

T-1072

121151

121151

29.515

21-394

78.146

114564

110651

100805

24-372

24-377

22-7

114564

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24-372

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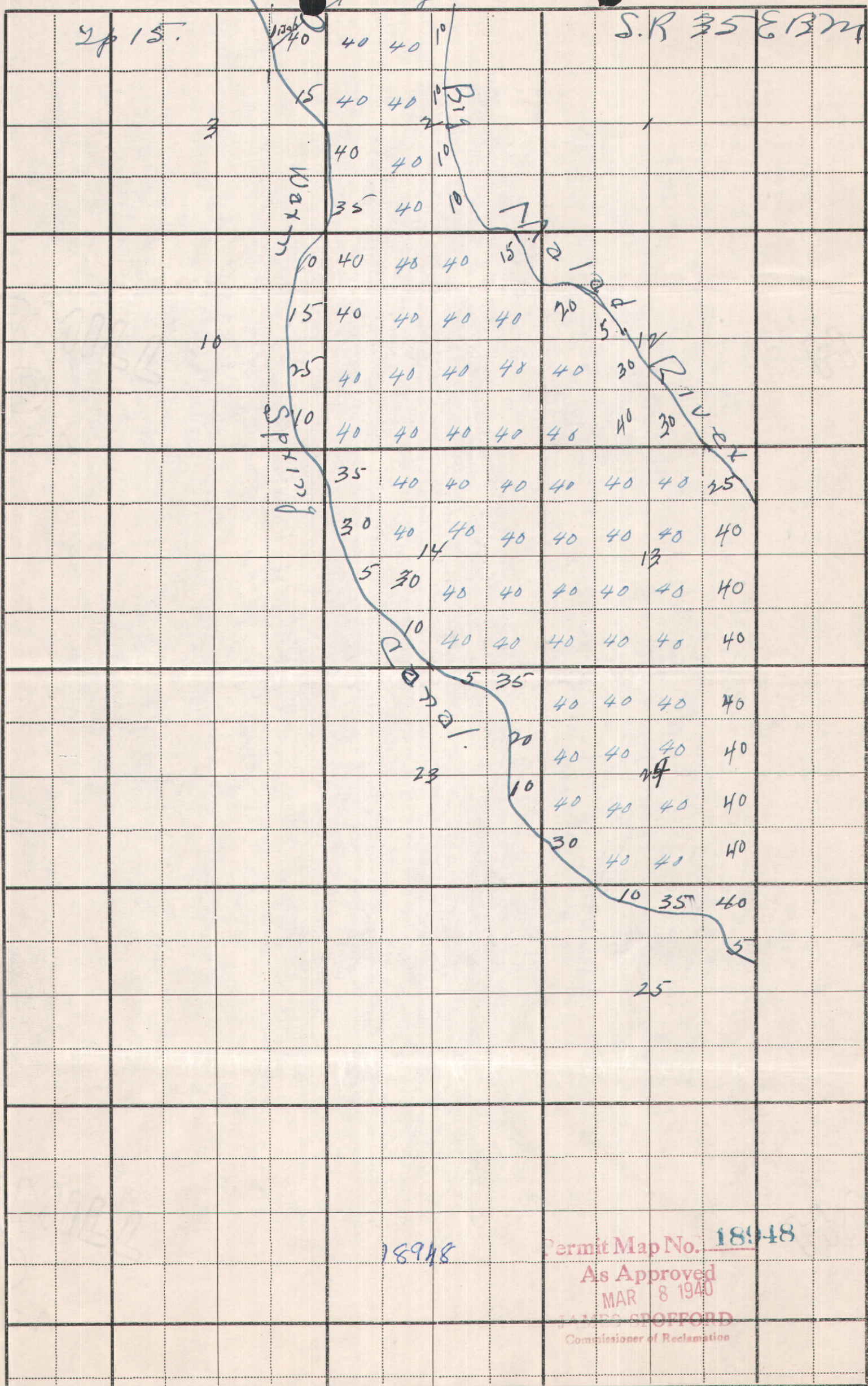
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1008

[illegible]

18948



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5276
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

This is to certify that: SAMARIA WATER & IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 15-02023 :			
IRRIGATION	04/01 to 10/31	3.00 CFS	1088.9 AF
Priority: 03/01/1940			
Right No. 15-02024 :			
IRRIGATION	04/01 to 10/31	3.50 CFS	1270.4 AF
Priority: 08/28/1940			
Right No. 15-02025 :			
IRRIGATION	04/01 to 10/31	22.00 CFS	7985.6 AF
Priority: 09/06/1940			
Right No. 15-02074 :			
IRRIGATION STORAGE	01/01 to 12/31		500.0 AF
IRRIGATION FROM ST	04/01 to 10/31		500.0 AF
Priority: 09/27/1937			
SUBTOTAL:			500.0 AF
Right No. 15-02075 :			
IRRIGATION STORAGE	01/01 to 12/31		700.0 AF
IRRIGATION FROM ST	04/01 to 10/31		700.0 AF
Priority: 04/18/1947			
SUBTOTAL:			700.0 AF
TOTAL:			* 28.50 CFS 11544.9 AF

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TRANSFER NO. 5276
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right Nos. 15-02023 & 15-02024 :	
WARM SPRINGS	MALAD RIVER
Right Nos. 15-02025 & 15-02074 :	
MALAD RIVER	BEAR RIVER
Right Nos. 15-02075 :	
BIG MALAD SPRING	MALAD RIVER
MALAD RIVER	BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 15-02023 & 15-02024 :
NENE , Sec. 3, Township 15S, Range 35E

Right No. 15-02025 :
SENE , Sec. 22, Township 14S, Range 35E

Right No. 15-02074 :
SSENE , Sec. 22, Township 14S, Range 35E

Right No. 15-02075 :
SENE , Sec. 16, Township 14S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	35E	22	SWNE 20	SENE 40	SENE 20	
			NESW 40	SWSW 10	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 35			325
		23	SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NWSE 40	SWSE 40		320
		26	NWNE 40	SENE 40	NENW 40	
			NWNW 40	SWNW 40	SENE 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40			400
		27	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 20	
			SWNW 20	SENE 40	NESW 40	
			NWSW 25	SWSW 25	SESW 40	
			NESE 40	SESE 20		470
		34	NWNE 40	SWNE 40	SENE 40	
			NENW 35	NWNW 10	SENE 25	
			NESE 40	NWSE 40	SWSE 20	
			SESE 40			330

MICROFILMED
APR 20 2000

TRANSFER NO. 5276
 WATER RIGHT NO(S) . 15-02023/15-02024/15-02025
 15-02074/15-02075

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		35	NENW 40	NWNW 10	SWNW 40	
			SESW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	450
		36	NWSW 40	SWSW 40	SESW 40	
			SWSE 20	SESE 20		160
15S	35E	1	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		2	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		3	NENE 40	SENE 40	NESE 30	
			SESE 20			130
		10	NENE 15	SENE 15	NESE 25	
			SESE 10			65
		11	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		12	NENE 40	NWNE 40	NENW 40	
			NWNW 40	SWNW 20	SESW 5	
			NESW 30	NWSW 40	SWSW 40	
			SESW 40	SWSE 30		365
		13	NENE 25	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SESW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
		14	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 35	
			SWNW 30	SESW 40	NESW 30	
			NWSW 5	SESW 10	NESE 40	
			NWSE 40	SWSE 40	SESE 40	510
		23	NENE 35	NWNE 35	SWNE 35	
			SENE 20	NESE 20	NWSE 20	
			SESE 15			180

MICROFILMED
 APR 20 2000

TRANSFER NO. 5276
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		24	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 30	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			630
		25	NENE 40	NWNE 35	SENE 5	
			NENW 10			90
36E	30		NENW 8	NWNW 11	SWNW 31	
			SENE 10	NESW 20	SESW 20	
			NWSE 40			140
Total number of acres irrigated:						** 7110

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under these rights may be affected by an agreement between the protestant and the right holder.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5276 shall not exceed 28.50 cfs.
- ** 6. Right 15-02023 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right 15-02024 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 15-02025 is limited to the irrigation of 6735.0 acres in the place of use described above in a single irrigation season.
- ** 9. Rights 15-02023 and 15-02024 when combined shall not exceed the irrigation of 3,215 acres, and when combined with Right 15-02025 shall not exceed the irrigation of 6,735 total acres.
- ** 10. The right holder shall cease irrigation of 10 acres previously authorized under this right, and consolidate use of water on the remaining 7,110 acres.
11. Approval of Transfer 5276 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 3rd day ofApril00

, 20

[Signature]
Chief, Water Allocation Bureau

APR 20 2000

PART 1

6. General Information:

a. Description of diversion system Reservoir and ditches to flood +
sprinkler irrigation for lands of our shareholders

NA b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED
APR 20 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. Pending 5233 / 15-02075 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

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APR 21 2015

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

... If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. | | 2. | |
|-------------|---------------|-------------|---------------|
| amount | for | amount | for |
| (cts/ac-ft) | purposes from | (cts/ac-ft) | purposes from |
| to | | to | |
| amount | for | amount | for |
| (cts/ac-ft) | purposes from | (cts/ac-ft) | purposes from |
| to | | to | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|------------------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| | amount (cts/ac-ft) | for | purposes from | to |
| 2. | Point(s) of Diversion: | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5233/15-02074 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

See Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | 2. Point(s) of Diversion: | |
|---------------|--------------------|---------------------------|--------------------|
| for | amount (cfs/ac-ft) | for | amount (cfs/ac-ft) |
| purposes from | | purposes from | |
| to | | to | |
| for | amount (cfs/ac-ft) | for | amount (cfs/ac-ft) |
| purposes from | | purposes from | |
| to | | to | |

Lot	%	%	%	Sec	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5276

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5233 / 15-02025 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

See Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | |
|----|-----------------------|-----|---------------|----|
| 1. | amount
(cfs/ac-ft) | for | purposes from | to |
| | amount
(cfs/ac-ft) | for | purposes from | to |
| | amount
(cfs/ac-ft) | for | purposes from | to |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-----------------------|-----|---------------|----|
| 1. | amount
(cfs/ac-ft) | for | purposes from | to |
| | amount
(cfs/ac-ft) | for | purposes from | to |
| | amount
(cfs/ac-ft) | for | purposes from | to |
| | amount
(cfs/ac-ft) | for | purposes from | to |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5233 / 15-02024 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

See Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

• If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

amount	for	purposes from	to
amount (cts/ac-ft)	for	purposes from	to
amount	for	purposes from	to
amount (cts/ac-ft)	for	purposes from	to

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

1.	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 (Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5233/15-02023 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

See Attachment "A"

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

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Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount		for		purposes from		to	
amount	(cts/ac-ft)	for		purposes from		to	
amount	(cts/ac-ft)	for		purposes from		to	
amount	(cts/ac-ft)	for		purposes from		to	

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1.	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

PART 2

ITEM A8 PLACE OF USE

LAND LIST ATTACHMENT

A 11

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
14S	35E	22			20	40				20	40		10	40	40	40	40	35	325
		23							40	40	40	40	40	40		40	40		320
		26		40	40		40	40	40	40	40	40	40	40					400
		27	40	40	40	40	40	20	20	40	40	25	25	40	40			40	490
		34	40	40	40	40	35	10		25					40	40	20	40	370
		35					40	40	40	40	40	40	40	40	40	40	40	40	480
		36										40	40	40			20	20	160
15S	35E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40			40									30			20	130
		10	15			15									25			10	65
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40			40	40	20	5	30	40	40	40			30		365
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	35	35	20									20	20		15	180
		24	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	40	630
		25	40	35		5	10												90
15S	36E	30					8	11	31	10									60
							Hughes Property												

Total number of acres irrigated 7120

APR 20 2000

Total number of acres irrigated 7110

* CHANGES FROM ATTACHMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5233
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

This is to certify that: **SAMARIA WATER & IRRIGATION CO**
C/O DON TUBBS
3232 W HWY 38
MALAD ID 83252

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 15-02023 :			
IRRIGATION	04/15 to 10/15	3.00 CFS	1088.9 AF
Priority: 03/01/1940			
Right No. 15-02024 :			
IRRIGATION	04/15 to 10/15	3.50 CFS	1270.4 AF
Priority: 08/28/1940			
Right No. 15-02025 :			
IRRIGATION	04/15 to 10/15	22.00 CFS	7985.6 AF
Priority: 09/06/1940			
Right No. 15-02074 :			
IRRIGATION STORAGE	01/01 to 12/31		500.0 AF
IRRIGATION FROM ST	04/15 to 10/15		500.0 AF
Priority: 09/27/1937			
	SUBTOTAL:		500.0 AF
Right No. 15-02075 :			
IRRIGATION STORAGE	01/01 to 12/31		700.0 AF
IRRIGATION FROM ST	04/15 to 10/15		700.0 AF
Priority: 04/18/1947			
	SUBTOTAL:		700.0 AF
	TOTAL:	28.50 CFS	11544.9 AF

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TRANSFER NO. 5233
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

SOURCETRIBUTARY OF

Right Nos. 15-02023 & 15-02024 :	
WARM SPRINGS	MALAD RIVER
Right Nos. 15-02025 & 15-02074 :	
MALAD RIVER	BEAR RIVER
Right No. 15-02075 :	
BIG MALAD SPRING	MALAD RIVER
MALAD RIVER	BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 15-02023 & 15-02024 :
NENE , Sec. 3, Township 15S, Range 35E

Right No. 15-02025 :
SENW , Sec. 22, Township 14S, Range 35E

Right No. 15-02074 :
SWNW , Sec. 22, Township 14S, Range 35E

Right No. 15-02075 :
SENE , Sec. 16, Township 14S, Range 35E

ONEIDA County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	35E	22	SWNE 20	SENE 40	SENW 20	
			NESW 40	SWSW 10	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 35			325
		23	SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NWSE 40	SWSE 40		320
		26	NWNE 40	SWNE 40	NENW 40	
			NWNW 40	SWNW 40	SENW 40	
			NESW 40	NWSW 40	SWSW 40	
			SESW 40			400
		27	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 20	
			SWNW 20	SENW 40	NESW 40	
			NWSW 25	SWSW 25	SESW 40	
			NESE 40	SESE 40		490
		34	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 35	NWNW 10	
			SENW 25	NESE 40	NWSE 40	
			SWSE 20	SESE 40		370
		35	NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40	NESE 40	

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TRANSFER NO. 5233
 WATER RIGHT NO(S). 15-02023/15-02024/15-02025
 15-02074/15-02075

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
			NWSE 40	SWSE 40	SESE 40	480
		36	NWSW 40	SWSW 40	SESW 40	
			SWSE 20	SESE 20		160
15S	35E	1	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		2	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		3	NENE 40	SENE 40	NESE 30	
			SESE 20			130
		10	NENE 15	SENE 15	NESE 25	
			SESE 10			65
		11	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			640
		12	NENE 40	NWNE 40	NENW 40	
			NWNW 40	SWNW 20	SENW 5	
			NESW 30	NWSW 40	SWSW 40	
			SESW 40	SWSE 30		365
		13	NENE 25	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
		14	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 35	
			SWNW 30	SENW 40	NESW 30	
			NWSW 5	SESW 10	NESE 40	
			NWSE 40	SWSE 40	SESE 40	510
		23	NENE 35	NWNE 35	SWNE 35	
			SENE 20	NESE 20	NWSE 20	
			SESE 15			180

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DEC 29 1996

TRANSFER NO. 5233
WATER RIGHT NO(S). 15-02023/15-02024/15-02025
15-02074/15-02075

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
24		NENE	40	NWNE	40	630
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	NESW	40	
		NESE	40	SESW	40	
		SESE	40	SWSE	40	
25		NENE	40	NWNE	35	90
		NENW	10			
36E	30	NENW	8	NWNW	11	60
		SENE	10			
Total number of acres irrigated:					* 7120	

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 4. Right 15-02023 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- * 5. Right 15-02024 is limited to the irrigation of 3215.0 acres in the place of use described above in a single irrigation season.
- * 6. Right 15-02025 is limited to the irrigation of 6735.0 acres in the place of use described above in a single irrigation season.
- * 7. Rights 15-02023 and 15-02024 when combined shall not exceed the irrigation of 3,215 acres, and when combined with Right 15-02025 shall not exceed the irrigation of 6,735 total acres.
8. Approval of Transfer 5233 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this

14th

day of

December, 1998

J. Glen Saxton
 Chief, Water Allocation Bureau

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 DEC 22 1998

Page 1
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DEPARTMENT OF WATER RESOURCES

MAY 22 1998 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

c/o Don Tubbs

Name of applicant Samaria Water and Irrigation Comp Phone (208) 766-4523

Post Office address c/o Dale Tubbs 115 St. John Rd. Mobile AL 36682

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Our water shares are used in a variety of different areas that are not reflected on the current licenses. We are deleting 80 acres and adding in 60 acres.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | cfs/af
Amount | Nature of Use | Period of Use |
|-----------------|-----------|------------------|---------------|---------------|
| 15-02075 | 4/18/1947 | 700.00 af | Irrigation | 4/01 to 10/31 |
| 15-02074 | 9/27/1937 | 500.00 af | Irrigation | 4/01 to 10/31 |
| 15-02025 | 9/06/1940 | 22.00 cfs | Irrigation | 4/01 to 10/31 |
| 15-02024 | 8/28/1940 | 3.50 cfs | Irrigation | 4/01 to 10/31 |
| 15-02023 | 3/01/1940 | 3.00 cfs | Irrigation | 4/01 to 10/31 |

2. Total amount of water being transferred 28.50 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Malad River tributary to Malad River

4. Point(s) of Diversion: ~~Warm Springs~~ Big Malad River
Bear River

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	14S	35E	Outridg	SOURCE: BIG MALAD RIVER 15-02025
		SW	NW	22	14S	35E	Outridg	SOURCE: MALAD RIVER 15-02074
		NE	NE	3	15S	35E	Outridg	SOURCE: WARM SPRINGS 15-02024 15-02023
		SE	NE	16	14S	35E	Outridg	SOURCE: MALAD RIVER & BIG MALAD SPRING 15-02075

5. Lands irrigated or place of use: See attached sheets A

[illegible]

* Permissible place of use

Total acres * 6715

PART 1

6. General Information:

a. Description of diversion system Reservoir + ditches to flood + sprinkler
irrigation for our shareholders.

NA b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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DEC 29 1998

T-5233

PART 1

ITEM B.5 PLACE OF USE

LAND LIST ATTACHMENT

"A"

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
14S	35E	22			20	40				20	40		10	40	40	40	40	35	325
		23							40	40	40	40	40	40		40	40		320
		26		40	40		40	40	40	40	40	40	40	40					400
		27	40	40	40	40	40	20	20	40	40	25	25	40	40			40	490
		34	40	40	40	40	35	10		25					40	40	20	40	370
		35					40	40	40	40	40	40	40	40	40	40	40	40	480
		36										40	40	40			20	20	160
15S	35E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40			40									30			20	130
		10	15			15									25			10	65
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40			40	40	20	5	30	40	40	40			30		365
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	35	35	20									20	20		15	180
		24	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	40	630
		25	40	35		5	10												90
15S	36E	30					8	11	31	10									60
							Hughes Property												

Total number of acres irrigated 7120

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DEC 29 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02075

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	to		700.0 AF
IRRIGATION FROM ST	to		700.0 AF
Totals			700.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MALAD RIVER	BEAR RIVER
BIG MALAD SPRING	MALAD RIVER

Priority: 04/18/1947

LOCATION OF POINT(S) OF DIVERSION:SENE , Sec. 16, Township 14S, Range 35E
ONEIDA CountyPLACE OF USE: IRRIGATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	35E	22	NESW 20	SWSW 10	SESW 40	
			NESE 10	NWSE 20	SWSE 40	
			SESE 20			160
	26		SWSW 30			30
	27		NENE 25	NWNE 40	SWNE 40	
			SENE 30	NENW 40	NWNW 20	
			SWNW 20	SENW 40	NESW 40	
			NWSW 20	SWSW 20	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			535
	34		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 35	NWNW 10	
			SENW 15	NESE 40	NWSE 40	
			SWSE 20	SESE 40		360
	35		NENW 10	NWNW 40	SWNW 40	
			SENW 30	NESW 40	NWSW 40	
			SWSW 40	SESW 40	SWSE 20	300
15S	35E	2	NWNE 10	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 35	
			NWSW 40	SWSW 40	SESW 40	
			SWSE 15			340
	3		NENE 40	SENE 40	NESE 30	
			SESE 20			130
	10		NENE 15	NESE 15		45
	11		NWNE 30	NENW 40		
			NWNW 40	SENW 40		
			NESW 40	SWSW 40		

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 15/02/90
 1998

Water Right No. 15-02075

PLACE OF USE: IRRIGATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESW	40	NWSE	40	470
14		NWNE	40	SWNE	40	
		NWNW	35	SWNW	20	
		NESW	25	SESW	10	
		SWSE	40			330
23		NWNE	35	SWNE	35	
		NWSE	20	SESE	15	125
24		SWSW	15			15

Total number of acres irrigated: 2840

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION STORACONDITIONS/REMARKS:

1. LIC. DESCRIBES SOURCES AS BIG MALAD R. & BIG MALAD R. SPRING

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DEC 29 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02074

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		500.0 AF
IRRIGATION FROM ST	to		500.0 AF
Totals			500.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MALAD RIVER	GREAT SALT LAKE

Priority: 09/27/1937

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 22, Township 14S, Range 35E
ONEIDA CountyPLACE OF USE: IRRIGATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	35E	22	SENW 20	NESW 35	SESW 35	
			NWSE 20	SWSE 40		150
	26		NWSW 5	SWSW 20		25
	27		NENE 10	NWNE 40	SWNE 40	
			SENE 30	NENW 30	SENE 30	
			NESW 35	NWSW 5	SWSW 5	
			SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		425
	34		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 25	SENE 10	
			NESE 40	NWSE 30	SWSE 10	
			SESE 40			315
	35		NENW 5	NWNW 35	SWNW 40	
			SENE 15	NESW 35	NWSW 40	
			SWSW 40	SESW 40	NWSE 5	
			SWSE 15			270
15S	35E	2	NWNE 10	SWNE 10	NENW 40	
			NWNW 40	SWNW 40	SENE 40	
			NESW 40	NWSW 40	SWSW 35	
			SESW 40	NWSE 10	SWSE 20	365
	3		NENE 40	SENE 15		55
	10		NENE 10	SENE 15	NESE 25	
			SESE 10			60
	11		NENE 15	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SESW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	

DEC 29 1998

Water Right No. 15-02074

PLACE OF USE: IRRIGATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	40			615
12		SWNW	20	SENE	5	
		NWSW	40	SWSW	40	
		SWSE	30			205
13		NENE	25	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			625
14		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	30	SENE	40	
		NWSW	5	SESE	10	
		NWSE	40	SWSE	40	
23		NENE	35	NWNE	5	
		NESE	10	SENE	20	510
24		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	30	
		NESE	40	NWSE	40	
		SESE	40			630
25		NENE	40	NWNE	35	
		NENW	10	SENE	5	90

Total number of acres irrigated: 4410

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION STORACONDITIONS/REMARKS:

1. LIC. SHOWS SOURCE AS BIG MALAD R.

MICROFILMED

DEC 29 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02025

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	22.00 CFS	9322.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG MALAD RIVER	GREAT SALT LAKE

Priority: 09/06/1940

LOCATION OF POINT(S) OF DIVERSION:SENEW , Sec. 22, Township 14S, Range 35E
ONEIDA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S 35E 22	SWNE 20	SENE 40	NESW 40	
	SESW 35	NESE 40	NWSE 40	
	SWSE 40	SESE 35		290
23	SWNW 40	SENE 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	
	NWSE 40	SWSE 40		320
26	NWNE 40	SWNE 40	NENW 40	
	NWNW 40	SWNW 40	SENE 40	
	NESW 40	NWSW 40	SWSW 40	
	SESW 40			400
27	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 30	SENE 30	
	NESW 35	SWSW 5	SESW 40	
	NESE 40	NWSE 40	~~SESE~~ 40 <i>deleted</i>	
	SESE 40			460
34	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 25	SENE 10	
	NESE 40	NWSE 30	SWSE 10	
	SESE 40			315
35	NENW 40	NWNW 40	SWNW 40	
	SENE 40	NESW 40	NWSW 40	
	SWSW 40	SESE 40	NESE 40	
	NWSE 40	SWSE 40	SESE 40	480
36	NWSW 40	SWSW 40	SESE 40	
	SWSE 20	SESE 20		160
15S 35E 1	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENE 40	NESW 40	
	NWSW 40	SWSW 40	SESE 40	
	NESE 40	NWSE 40	SWSE 40	

MICROFILMED
OCT 29 1998

Water Right No. 15-02025

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SESE	40			640
2		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	35	
		NESE	40	NWSE	40	
		SESE	40			635
3		NENE	40	SENE	15	55
10		NENE	10	SENE	15	
		SESE	10			60
11		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			640
12		NENE	40	NWNE	40	
		NWNW	40	SWNW	20	
		NWSW	40	SWSW	40	
		SWSE	30			360
13		NENE	25	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	40	
		NESE	40	NWSE	40	
		SESE	40			625
14		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	30	SENE	40	
		SESW	10	NESE	40	
		SWSE	40	SESE	40	
23		NENE	35	NWNE	5	505
		NESE	10			70
24		NENE	40	NWNE	40	
		SENE	40	NENW	40	
		SWNW	40	SENE	40	
		NWSW	40	SWSW	30	
		NESE	40	NWSE	40	
		SESE	40			630
25		NENE	40	NWNE	35	
		NENW	10			90

Total number of acres irrigated: 6735

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

MICROFILMED
DEC 23 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02024

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.50 CFS	1483.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS	BIG MALAD RIVER

Priority: 08/28/1940

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 3, Township 15S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	35E	2	NWNE 10	SWNE 10	NENW 40	
			NWNW 40	SWNW 40	SENE 40	
			NESW 40	NWSW 40	SWSW 35	
			SESW 40	NWSE 5	SWSE 15	355
		3	NENE 40	SENE 15		55
		10	NENE 10	SENE 15	NESE 25	
			SESE 10			60
		11	NENE 15	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			615
		12	SWNW 20	SENE 5	NESW 30	
			NWSW 40	SWSW 40	SESW 40	
			SWSE 30			205
		13	NENE 25	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			625
		14	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 35	
			SWNW 30	SENE 40	NESW 30	
			NWSW 5	SESW 10	NESE 40	
			NWSE 40	SWSE 40	SESE 40	510
		23	NENE 35	NWNE 5	SENE 20	
			SENE 40			70
		24	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	

RECORDED
DEC 29 1998

Water Right No. 15-02024

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SWNW	40	SENW	40	
		NWSW	40	SWSW	30	
		NESE	40	NWSE	40	
		SESE	40			630
25		NENE	40	NWNE	35	
		NENW	10	SENE	5	90
						3215

Total number of acres irrigated: 3215

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

MICROFILMED

DEC 29 1998

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02023

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.00 CFS	1272.0 AF

SOURCE

WARM SPRINGS

Priority: 03/01/1940

LOCATION OF POINT(S) OF DIVERSION:NENE , Sec. 3, Township 15S, Range 35E
ONEIDA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S 35E 2	NWNE 10	SWNE 10	NENW 40	
	NWNW 40	SWNW 40	SENE 40	
	NESW 40	NWSW 40	SWSW 35	
	SESW 40	NWSE 10	SWSE 10	355
3	NENE 40	SENE 15		55
10	NENE 10	SENE 15	NESE 25	
	SESE 10			60
11	NENE 15	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENE 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	
	NESE 40	NWSE 40	SWSE 40	
	SESE 40			615
12	SWNW 20	SENE 5	NESW 30	
	NWSW 40	SWSW 40	SESW 40	
	SWSE 30			205
13	NENE 25	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENE 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	
	NESE 40	NWSE 40	SWSE 40	
	SESE 40			625
14	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 35	
	SWNW 30	SENE 40	NESW 30	
	NWSW 5	SESE 10	NESE 40	
	NWSE 40	SWSE 40	SESE 40	510
23	NENE 35	NWNE 5	SENE 20	
	SESE 10			70
24	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	

MICROFILMED
DEC 29 1998

Water Right No. 15-02023

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		SWNW	40	SENW	40	
		NWSW	40	SWSW	30	
		NESE	40	NWSE	40	
		SESE	40			630
25		NENE	40	NWNE	35	
		NENW	10	SENE	5	90

Total number of acres irrigated: 3215

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

MICROFILMED

DEC 29 1998



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

_____ Don W. Tuttle
(Signature of Applicant)

Subscribed and sworn to before me this 30 day of January, 19 98.

_____ Aandy Jaser
(Notary Public)

My commission expires 10-2003

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 2-2-98 Protest filed by _____

Prelim. check by KW Fee \$100.00

Receipted by HWT #E023866 Date 2-2-98

Published in Tulsa Enterprise Copies of protest forwarded by _____

Pub. dates March 26 & April 2, 1998. Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. by RDC

Copy of transfer sent to lien holder _____

MICROFILMED

DEC 29 1998

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 18948/15-2023 Priority March 1, 1940 Amount 3.0 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 18948/15-2023 issued pursuant to Application for Permit dated March 1, 1940, and has submitted proof to the Department of Water Administration on April 10, 1951, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 3.0 cfs of water from Warm Springs, tributary to, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from	April 1 to Nov. 1	at	3.0 cfs and	1,272 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	
(both dates inclusive)					

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 1,272 acre feet per year, said waters to be diverted within the NE¹/₄NE¹/₄ of Sec. 3, Twp. 15 S, Rge. 35 E, B. M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 3,215

15-2/2.3

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Samaria Water & Irrigation Co.
W. M. Jones, Sec'y.
R.F.D. 1, Malad, Idaho

Application No. 26355
Permit No. 18948
District No.

1. Name of Applicant: Samaria Water and Irrigation Company
Postoffice address: Samaria County: Oneida State: Idaho
 I. If applicant is a corporation, give:
 - (a) Date and place of incorporation: , arch 12, 1924; Samaria, Oneida County, Idaho
 - (b) Amount of capital stock: \$20,000.00
 - (c) Amount paid in: \$14,400.00
 - (d) Names and addresses of directors: David Hughes, Lewis Hughes, C. E. Thomas, Alfred Atkinson, Walter M. Davis, Daniel M. Price, Levi G. Waldron
- II. The financial resources of the applicant are:
 - (a) Cash on hand: \$125.00
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources: Just assessment privilege
2. Quantity of water claimed: Three (3) cubic feet per second.
3. Source of water supply: Warm Springs which is a tributary of Big Malad River
4. Location of point of diversion: At the spring, about 660 ft. Southeasterly feet distant from the NW corner of Section 3, T. 15 S., R. 35 E., B. M., and is the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 15 S., R. 35 E., B. M., County of Oneida
5. Water is to be used for: Irrigation and domestic purposes
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 5,000.00
8. Kind of works: Earth dam, with headgate, and a canal
9. Height of dam 10 feet; length of dam at top 60 feet; length of dam at bottom 45 feet; material used in dam: Earth, with rock rip-rap work on front of dam diverting the water
10. Size of headgate: Width 3 feet; height 3 feet.
or canal
11. Ditch/ Width at bottom 12 feet; width at water line 15 feet; depth of water 2 feet; dimensions of flume:
Diameter of pipe inches; length of conduit or canal- About 5 miles.
Average grade per mile 3 feet.
12. The time required for the completion of such work is five (5) years.
13. The time required for the complete application of the water to the proposed use is six (6) additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

- of the spring waters
15. (a) Is reservoir to be used? No- just diversion dam /If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SAMARIA WATER & IRRIGATION COMPANY *Applicant.*

By William M. Jones *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. March 1, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18948
Recorded in Book 69 Page 18948 Approved March 8, 1940
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before May 7, 1940 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before September 8, 1942
The whole of said work to be completed on or before March 8, 1945
Beneficial use of water appropriated in accordance herewith, to be made on or before March 8, 1951

Witness my hand this 8th day of March, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th day of March 19 40

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLFSEN

Governor.

Remarks: This spring producing waters is located upon land owned by Effie Evans Pilgrim. The water claimed herein has been used by the Company for many years for irrigation purposes and this application is mainly to provide for the appropriation of 14. the water for domestic use.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S.	35 E.	2		10	10		40	40	40	40	40	40	35	40		10	10		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10								40	40	40	40	90
			Total Number of Acres to be Irrigated																3215

AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS

I, Effie Evans Pilgrim, of Malad, Idaho, R. F. D. No. 1, County of Oneida, State of Idaho, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of Samaria Water & Irrig. Co. is located, to-wit, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 15 S., R. 35 E., B. M., and that I do hereby grant unto the said Samaria Water & Irrig. Co. permission to file on the said spring as set forth in the foregoing application.

/s/ Effie Evans Pilgrim

STATE OF IDAHO)
County of Oneida) ss.

On this 29th day of February, 1940, before me, a Notary Public for the State of Idaho residing at Malad, Idaho, personally appeared Effie Evans Pilgrim, known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that she executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Edward Woozley
Notary Public

My commission expires November 10, 1940.

(SEAL)

RECEIVED FOR SEC. PL.
LICENSE PAGE NO.

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of Permit No. 18948)
Under the Provisions of Section 41-311, Idaho Code Annotated) ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18948 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit; March 8, 1945; and,

WHEREAS, On the 5th day of May, 1945, notice to show cause why said permit should not be cancelled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and,

WHEREAS, On the 3rd day of June, 1945, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were completed within the time required; and,

WHEREAS, On the 13th day of June, 1945, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18948, and that the holder has acted in good faith;

IT IS, THEREFORE, HEREBY ORDERED that said Permit No. 18948 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 18th day of June, 1945.

(SEAL)

MARK R. KULP
State Reclamation Engineer

PERMIT NO. 18948

CERTIFICATE OF COMPLETION OF WORKS

To All Whom it May Concern:

This is to certify that Samaria Water & Irrigation Company, of Samaria, County of Oneida, and State of Idaho, the holder of Permit No. 18948, issued upon Application No. 26355, bearing date of priority of March 1, 1940, authorizing the diversion of Three (3) cubic feet per second of the waters of Warm Springs, a tributary of Big Malad River, County of Oneida, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Three (3) second feet of the waters of Warm Springs; that the point of diversion of said waters is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 15 South, Range 35 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 3215 acres in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Township 15 South, Range 35 East, B. M.

WITNESS MY HAND this 18th day of June, A. D. 1945.

Proof of completion of works made June 12, 1945
Certificate of completion of works issued June 18, 1945

MARK R. KULP
State Reclamation Engineer

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 18949, to April 10, 1951.

Witness my hand this 29th day of March, 1951.

MARK R. KULP
State Reclamation Engineer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SAMARIA WATER & IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252

RE: TRANSFER OF WATER RIGHTS 15-02023/15-02024/15-02025/15-02074/
15-02075 (Transfer 5276)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5276). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

MICROFILMED

APR 20 2000

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of April, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 15-02023/15-02024/15-02025/
15-02074/15-02075 (Transfer 5276)

SAMARIA WATER & IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252


Kari Lynn Townsend
Secretary

MICROFILMED
APR 20 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

APR 20 2003

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 3/25/00

Trans # 5276 WR No(s) 15-02023 2024 2025 2074 2075
Resulting Splits

Name: Samarina West Correct Fee Pd ☒ Ad ok ☒

AREA OF CONCERN: No/Yes _____ Moratorium _____ XFER TYPE: B - Change p/d F - Change use period
C - Add p/d G - Other
D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT

All wells - 046
Basin 34 - 085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

SURFACE WATER:

WD - R04 (WD# _____)

≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

USES:

POWER - 17H-17K (+uses)-025--081
MUNICIPAL
Restricted area - 022,075
Irr. GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report
WD7 - irr ac removed

Protested - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use/definitions - W02 example - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

Special T17 & R43 combined - multiple pds in WD

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRRIGATION VOLUME/AC 3.5

OTHER CONDITIONS/REMARKS W57 spec comb cond # 7 on T5 233

COMMENTS W21(2023) = 3215 ac, 2024 = 3215 ac, 2025 = 6735 ac

T files created/updated ☒ Approval form printed ☒ Transfer Memo NA
Post approval update ☒

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

T 5276
5-8-98

RECEIVED

23 1999

INITIAL REVIEW BY: PRM

Water Resources

1. Right number 15-02075 etc Applicant Samaria Irrigation
2. Type of right: ☐ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use - BASED ON T 5233
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use. - BASED ON T 5233

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use. - T 5233
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments N/A

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. BY PRC Date 4/15/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**RACINE, OLSON, NYE,
BUDGE, & BAILEY, CHARTERED
PO BOX 1391
POCATELLO ID 83204-1391**

RE: Withdrawal of protest on Transfer No.5276

Dear Steve Fuller:

This Department has received your withdrawal of protest against the application of Samaria Water & Irrigation Company.

If you have any questions, please call our office.

Sincerely,

**Harold W Jones
Water Rights Supervisor**

HWJ/sc

MICROFILMED

APR 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SAMARIA WATER & IRRIGATION COMP
169 EDWARDS RD
MALAD ID 83252

RE: Withdrawal of protest on Application of a Transfer No. 5276

Dear Sir:

This Department has received a withdrawal of protest from Racine, Olson, Nye, Cooper and Budge on behalf of Ralph Hughes and David and Marie Higley.

Our office will continue to process your application.

If you have any questions, please call our office.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ/sc

MICROFILMED

APR 20 2000

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE)
L. WILLIAMS, husband and wife,)

Case No. CV-98-64

Plaintiffs,)

vs.)

RALPH HUGHES and DAVID G.)
HIGLEY and MARIE HIGLEY,)
husband and wife,)

Defendants.)
_____)

JUDGMENT

State of Idaho }
County of Oneida } ss

I hereby certify that the foregoing is a full, true and
correct copy of the original in the above entitled
matter.

Witness my hand and affix the seal of said court,
this 18th day of March 1999.

Clerk of The District Court

By Karen W. Harbo
Deputy

The above-entitled matter having been set for trial before the Court came on regularly before the Court for hearing pursuant to Order of the Court dated March 10, 1999, and Stipulated Settlement Agreement between the parties on March 12, 1999, at the hour of 10:00 a.m. in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. The Honorable Peter D. McDermott, District Judge, presided.

Plaintiffs Thomas C. Williams and Marcene L. Williams, husband and wife, appeared in person and through their attorney of record, Steven R. Fuller. Defendants Ralph Hughes and David G. Higley and Marie Higley, husband and wife, appeared in person and through their attorney of record, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered.

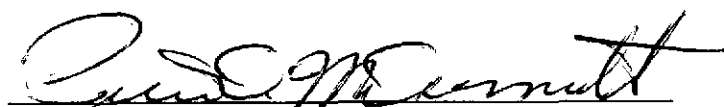
The parties presented to the Court an Agreement executed by the parties for the purpose of fully compromising, settling and resolving the differences and ending this litigation, together with a protest pending before the Idaho Department of Water Resources in the matter of the Application

for Transfer of Water Rights by Samaria Water & Irrigation Company, Transfer No. 5276. The Court having read the Agreement approves the same. Judgment should be entered in accordance therewith. Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Agreement attached hereto is hereby approved by the Court and incorporated in this Judgment by reference as if set forth fully.
2. A certified copy of this Judgment and the attached Agreement will be recorded in the Office of the County Recorder of Oneida County, Idaho, and also filed with the Idaho Department of Water Resources for the purpose of establishing the rights, duties and obligations of all parties to the Agreement.
3. Plaintiffs' Complaint is dismissed with prejudice.
4. Each of the parties will bear their own attorney fees and costs incurred herein.

DATED this 12 day of March, 1999.


PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of March, 1999, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

STEVEN R. FULLER
ATTORNEY AT LAW
PO BOX 191
24 NORTH STATE STREET
PRESTON, ID 83263

[] U.S. Mail
[] Postage Prepaid
☒ Hand Delivery
[] Overnight Mail
[] Facsimile

RANDALL C. BUDGE
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. BOX 1391
POCATELLO, ID 83204-1391

☒ U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] Facsimile

SAMARIA WATER AND IRRIGATION CO
DAVID EDWARDS, PRESIDENT
CHARLENE TUBBS, SECRETARY
310 SOUTH 5800 WEST
MALAD, ID 83252

☒ U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] FACSIMILE


Clerk

AGREEMENT

THIS AGREEMENT made this 12th day of March, 1999, by and between **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS**, husband and wife, (hereinafter "Williams") and **ORILLA BARRY HUGHES**, a single person (hereinafter "Orilla") and **RALPH HUGHES**, a single person (hereinafter "Hughes") and **DAVID G. HIGLEY and MARIE HIGLEY**, husband and wife, (hereinafter "Higley").

WHEREAS, Orilla and Williams are the owners of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference together with appurtenant water rights consisting of 19-27/40ths shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, Hughes is the owner and Higley is the lessee-operator of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, together with appurtenant water rights consisting of 12-3/4 shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, a dispute has existed between the parties hereto with regards to the points of diversion and places of use of their respective water rights described which has resulted in litigation pending in Case No. CV-98-64 in the Sixth Judicial District of the State of Idaho in and for the County of Oneida, together with a protest pending before the Idaho Department of Water Resources (hereinafter "IDWR") in the matter of the application for transfer of water right by Samaria Water and Irrigation Company, Transfer No.5276; and

WHEREAS, the parties desire to enter into this agreement for the purpose of fully compromising, settling and resolving their differences and ending the aforesaid litigation and protest pending between them.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and terms contained herein, the parties hereto agree as follows:

1. The parties agree and recognize that each owns certain water rights associated with shares of stock owned in the Samaria Water and Irrigation Company (hereinafter "Samaria") as set forth below:

Orilla Barry Hughes 7-27/40 shares
 Thomas C. Williams and Marcene Williams 12 Shares
 Total 19-27/40 shares

Ralph Hughes 8-27/40 shares
 David G. Higley and Marie Higley 4 shares

Total 12-27/40 shares

2. The pending protest to Application No. 5276 by Hughes with the Idaho Department of Water Resources against the inclusion of Williams' real property in the designated place of use for Samaria shall be withdrawn by Hughes and IDWR will be authorized and directed to issue the pending Transfer No. 5276 without further notice or hearing. The parties will execute such documents and take such further action as may be required to insure that all of the parties' above described properties are included within the authorized place of use of Samaria in accordance with their applications on file with IDWR.

3. Samaria's existing canal, which presently ends in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 35 East, B. M., will be extended to include the private lateral ditch presently utilized by the parties running from the described end of the Samaria Canal in a southeasterly direction through the NE1/4 of Section 25 to a point near the intersection with the East section line where the respective headgates of Williams and Hughes divert water into their private ditches. The parties hereby transfer and convey to Samaria all of their rights, title and interests and an easement for access, maintenance and repair in and to the described ditch. Samaria will thereafter have the sole and exclusive ownership and control of their extended canal and be solely responsible to operate and maintain the canal and to measure and deliver the respective water rights of the parties as described in this agreement, all in accordance with the usual practices and procedures of Samaria.

4. Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the point where the Hughes (1) and

Williams' (1) headgates are currently located near the East Section line of Section 25, Township 16 South, Range 35 East of the Boise Meridian, and also where Orilla's (2) headgates are located approximately 1/8 mile upstream to the west to insure proper measurement and delivery of the parties' respective water rights. Hughes will pay for their headgate and Williams will pay for their headgate and Orilla's.

5. During the months of December, January and February each year, all water flowing in the lateral ditch servicing the properties of the parties shall be delivered to Hughes, except that Williams shall be provided sufficient water for their actual livestock watering needs, including such additional quantities necessary to insure delivery of stock water during periods of freezing but not to exceed a total of 50 miner's inches (1 cfs).

During the months of November and March each year, and also after the irrigation season commences April 1st and continuing until such time as Samaria begins active management and delivery of irrigation water to it's shareholders and delivery turns are commenced, one-half (1/2) of any available water flowing in the lateral ditch which services all the parties shall be delivered to Williams and Orilla and the other half shall be delivered to Hughes.

Once delivery turns have commenced, each party shall take any excess water available during that party's delivery turn, and the other party's irrigation water would be shut off. When neither party is taking a delivery turn, all excess irrigation water shall be delivered to Hughes. Once Samaria ceases administering the irrigation water through delivery turns in the fall, any excess water flowing in the lateral ditch shall be divided one-half (1/2) to Williams and Orilla and one-half (1/2) to Hughes through the end of November.

6. Notwithstanding any other provision of this agreement, Williams and Hughes shall be entitled to sufficient water from the lateral ditch to meet their reasonable livestock watering needs not to exceed fifteen (15) miner's inches each throughout the year to the extent there is water available from Samaria.

7. Any existing water rights pertaining to the well commonly known as the "Hughes Pump" located on the property of Hughes in the NE1/4 of the SE1/4 of Section 25, Township 15 South, Range 35 East, B.M., are deemed forfeited by the parties due to nonuse pursuant to Idaho Code § 42-222(2). Hughes may level the holding pond and any salvage proceeds received from

the pump, motor and electrical panel will be disbursed to the owners in accordance with their ownership interests.

8. In addition to the shares of stock each party owns in Samaria, the parties also recognize additional water rights as set forth below:

Orilla Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

Ralph Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

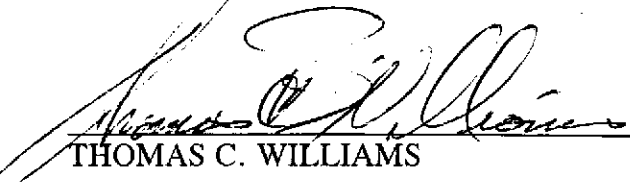
9. Each party agrees to not interfere with the delivery and use of each other's respective water rights described in this agreement; and, further will cooperate with Samaria and not interfere with the operation and maintenance of the lateral ditch and all diversion and measurement structures and facilities.

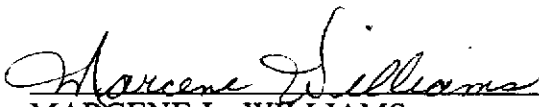
10. The parties hereby mutually release and discharge each other from all claims, demands or actions, that each may have whether known or unknown, arising directly or indirectly out of the subject matter of the aforesaid Case No. CV-98-64 in the Sixth Judicial District Court of the State of Idaho in and for the County of Oneida and/or IDWR Transfer No. 5276. This agreement is intended to be a compromise of disputed claims and is not to be construed as an admission by any party.

11. This agreement constitutes the entire agreement between the parties, shall not be modified or amended except in writing signed by the parties; and, shall be binding upon the parties hereto, together with their heirs, successors and assigns.

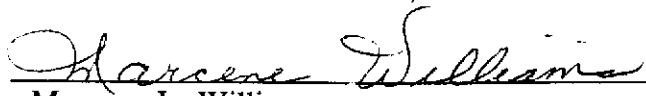
12. Upon execution this agreement will be filed with the Oneida County District Court in Case No. CV-98-64 and incorporated in a final Judgment dismissing the pending litigation with prejudice. Said Judgment will be recorded in the deed records of Oneida County and filed with IDWR. Williams and Hughes to each bear their own attorneys fees and costs incurred in such action.

DATED this th12 day of March, 1999.

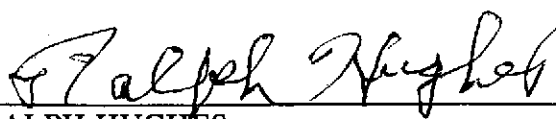

THOMAS C. WILLIAMS


MARCENE L. WILLIAMS

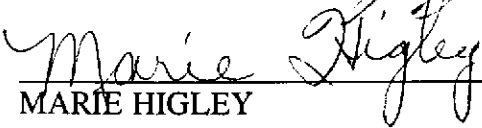

ORILLA BARRY HUGHES

By: 
Marcene L. Williams
Guardian and Conservator of the
Estate of Orilla Hughes, an incapacitated
person.

DATED this th12 day of March, 1999.


RALPH HUGHES


DAVID G. HIGLEY


MARIE HIGLEY

ACCEPTANCE AND AGREEMENT OF SAMARIA

Samaria Water and Irrigation Company hereby accepts and agrees to be bound by the terms and conditions of paragraphs 3 through 6 of the foregoing Agreement.

DATED this 16th day of March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: David Edwards
David Edwards, President

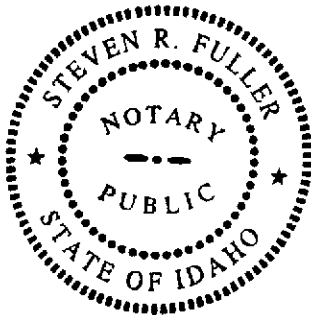
Attested: Carlean Tubbs
Secretary

STATE OF IDAHO)

County of Oneida)

) ss.

On this 16th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared David Edwards and Carlean Tubbs, the President and Secretary respectively of Samaria Water and Irrigation Company, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



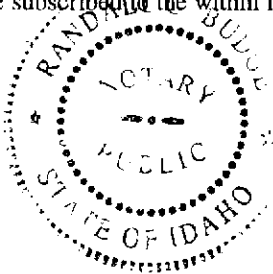
Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Picston, ID
Comm. Expires: 2/19/99

STATE OF IDAHO

)
) ss.
)

County of Franklin

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



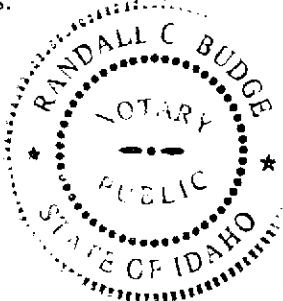
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Expires: 2/19/05
10/11/2000

STATE OF IDAHO

)
)
)

County of Oneida

On this 12th day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared **MARCENE L. WILLIAMS**, known to me to be the person whose name is subscribed to the within instrument as the Guardian and Conservator of the Estate of **ORILLA BARRY HUGHES** and acknowledged to me that she subscribed the name of **ORILLA BARRY HUGHES** thereto as principal, and her own name as Guardian and Conservator of Orilla Hughes.



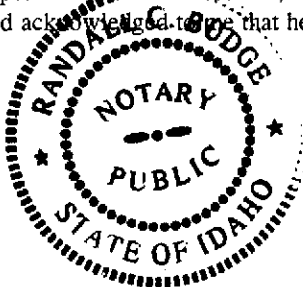
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Exp.: 2/19/05
10/11/2000

STATE OF IDAHO

)
) ss.
)

County of Oneida

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RAIFF HUGHES**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/11/2000

STATE OF IDAHO

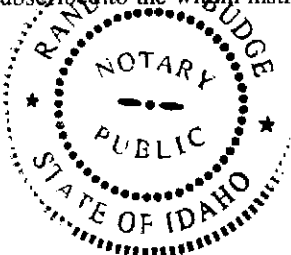
)

) ss.

County of Oneida _____

)

On this 12 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID G. HIGLEY and MARIE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/11/2000

EXHIBIT "A"

Property owned by Orilla Barry Hughes

Township 15 South, Range 35 East of the Boise Meridian:

Section 25: Commencing at a point 447.5 feet North along the section to the center of the County Road and North 70°00' West 1109.2 feet along said road from the East Quarter Corner of Section 25, and running thence South 20°00' West 1174.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence West 2468.05 feet along the Sixteenth Line to a point 968 feet East of the West line of Section 25, thence North 12°35' East 371 feet, thence North 65°25' East 1730 feet, thence North 24°04'40" East 1557.37 feet to the center of County Road, thence South 70°00' East 1043.2 feet along said road to the point of beginning.

ALSO,

Township 15 South, Range 35 and 36 East of the Boise Meridian:

Sections 24, 25, 19, 30:

Commencing at a point 474.10 feet North to the North side of the County Road and North 70°00' West 430.15 feet along said road from the East Quarter corner of Section 25, and running thence North 70°00' West 1780.5 feet, more or less, along said road, thence North 23°00' East 1664 feet, thence West 135 feet, thence North 9°00' East 1359 feet, thence North 800 feet, thence North 89°21' East 1196 feet, thence South 62°06' East 163 feet, thence North 89°11' East 1310 feet, thence South 1°30' East 255 feet, thence South 89°21' East 630 feet, thence South 82°31' East 792.17 feet, thence South 17°21'50" West 1211.98 feet, thence West 80 feet, thence North 49°08'30" West 1124.96 feet, thence North 62°06' West 1055.72 feet, thence South 22°55'30" West 2445.9 feet, thence South 71°30' East 850 feet, thence South 28°13' West 1616.55 feet to the point of beginning.

Property owned by Thomas C. Williams and Marcene L. Williams

Township 14 South, Range 36 East of the Boise Meridian

Section 30: E½SW¼, NW¼SE¼.

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APR 20 2000

*Legal Description of Ralph Hughes
Ranch - Samaria, Idaho*

Exhibit "B"

105926

T-3599
Sec. 19, 24, 25, 30
Twp. 15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner
of Section 25, and running thence North 447.5 feet
along Section Line, to the center of County Road,
thence North 70°00' West 908 feet along center of
County Road, thence South 13°51' West 315.4 feet,
thence South 60°27' East 260 feet, thence South
29°42'30" West 878.7 feet, thence North 62°00' West
346.6 feet, thence South 88°30' West 167 feet, thence
North 66°00' West 255 feet, thence South 1142.46 feet
to the Sixteenth Line, thence East 1843.95 feet to the
Section Line, thence North 1320 feet along the Section
Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise
Meridian; Sections 24, 25, 19, 30: Commencing at
a point 474.10 feet North of the North side of the
County Road from the East Quarter Corner of Section
25, and running thence North 70°00' West 430.15 feet
along said Road, thence North 28°13' East 1616.55
feet, thence North 71°30' West 850 feet, thence
North 22°55'30" East 2445.9 feet, thence South 62°06' East
1055.72 feet, thence South 49°08'30" East 1124.96 feet,
thence East 80 feet, thence North 17°21'50" East 1211.98
feet, thence South 82°31' East 1152.83 feet, thence
South 1°17' East 1047 feet, thence South 87°58' West
2410 feet, thence South 00°37' East 1283 feet, thence
North 86°53' East 980.5 feet, thence South 30°30' West
2303 feet, more or less, to the North side of County Road,
thence North 70°00' West 1390.39 feet, more or less,
along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of
the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as
Hughes Pump located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25,
T15S, R35 EBM, together with the right of use of holding
reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred)
and Big Canyon.

ALSO, $\frac{1}{2}$ interest in and to the waters of Water Canyon.

Ralph Hughes

MICROFILMED

APP 2 0 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

July 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL BUDGE
RACINE, OLSON, NYE, COOPER, & BUDGE, CHARTERED
PO BOX 1391
POCATELLO ID 83204-1391

RE: Application for Transfer No. 5276

Dear Mr Budge:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

SAMARIA WATER & IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252

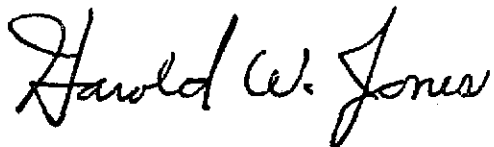
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APR 20 2000

Page 2

If we may be of further assistance, please contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harold W. Jones". The signature is written in dark ink and is positioned above the typed name.

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

cc: IDWR - State Office

MICROFILMED

APR 20 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

July 8, 1998

KARL J. DREHER
DIRECTOR

SAMARIA WATER AND IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252

RE: Application for Transfer No.: 5276

Dear Mr. Edwards:

Enclosed please find a copy of the protest filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

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APR 20 2000

enclosures

cc: IDWR - State Office

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

RECEIVED

JUN 24 1998

Department of Water Resources
Eastern Region

June 23, 1998

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH

414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†

†ALSO ADMITTED IN CA

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Application to Transfer No. T5276*
Applicant: Samaria Water and Irrigation Company
Protestants: Ralph Hughes and David and Marie Higley

To Whom It May Concern:

Enclosed for filing in the above-captioned matter you will find Protest of Ralph Hughes and David and Marie Higley, together with filing fee in the amount of \$25.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosure

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APR 20 2000

Receipt # E000223

RECEIVED

JUN 24 1998

Department of Water Resources
Eastern Region

Randall C. Budge
RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109

**BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

IN THE MATTER OF THE	)	
APPLICATION FOR TRANSFER OF	)	PROTEST OF RALPH
WATER RIGHT BY SAMARIA	)	HUGHES AND DAVID
WATER AND IRRIGATION COMPANY,	)	AND MARIE HIGLEY
TRANSFER NO. 5276	)	
	)	

Ralph Hughes and David and Marie Higley, husband and wife (hereinafter referred to collectively as "Protestants"), by and through their attorney, Randall C. Budge of the firm Racine, Olson, Nye, Cooper & Budge, Chartered, hereby protests the granting of the above-described Application for Transfer (the "Application"). In support of their protest, Protestants hereby state as follows:

1. Protestant Ralph Hughes owns approximately 320 acres located in Section 25 of T. 15 S., R. 35 E. and Sections 19, 24, 25 and 30 of T. 15 S., R. 35 and 36 E., B.M., Oneida County, Idaho. The water rights appurtenant to the described real property evidenced by the deed records are as follows:

8 and 27/40th shares of Capital Stock in Samaria Water and Irrigation Company.

Also, 2/7th interest in the irrigation pump known as Hughes Pump located in the NE1/4 SE1/4, Section 25, T. 15 S., R. 35 E., B.M., together with the right of use of holding reservoir in conjunction with said pump.

Also, 1/8th in and to the water of Alridge (Alred) and Big Canyon.

PROTEST OF RALPH HUGHES AND DAVID AND MARIE HIGLEY - 1

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APR 20 2006

Also, ½ interest in and to the waters of Water Canyon.

2. Protestants Dave and Marie Higley have leased and operated the above-described real property and water rights owned by Ralph Hughes from 1976 to date.

3. Protestants' water rights in Samaria Water and Irrigation Company (hereinafter "Samaria") have been continuously diverted and applied to beneficial use on the above-described property of Protestants. The water has been historically delivered from the Pleasantview Reservoirs via the Samaria Ditch to the point where it ends in the NW1/4 NW1/4, Section 25, T. 15 S., R. 35 E., B.M. From that point the water is delivered through a private ditch which continues in an easterly direction to Protestants' property.

4. The Protestants' place of use for their Samaria water rights is within the authorized place of use of Samaria as reflected by the records of the Idaho Department of Water Resources ("the Department") pursuant to Transfer No. T5233.

5. Samaria has in fact delivered said water to Protestants' property continuously since at least 1910.

6. On May 8, 1998, Samaria's newly-elected president, David Edwards, filed Application for Transfer of Water Right No. 5276. Among other things, the application proposes to change the authorized place of use of Samaria's water rights to delete certain property and add additional property including 80 acres described as the NE1/4 SW1/4, SE1/4 SW1/4 and NW1/4 SE1/4, Section 30, T. 15 S., R. 36 E., B.M., Oneida County, Idaho, which property is believed to be owned by Tom Williams (hereinafter the "Tom Williams' property").

7. The described Tom Williams property has never been historically irrigated by Samaria water rights. Accordingly, adding the Tom Williams property would be an unauthorized and unlawful expansion of Samaria's water rights.

8. Furthermore, there exists no lawful means of transporting Samaria water rights to the Tom Williams property since he has no easement or right-of-way to utilize the existing private ditch which goes through a 10-acre parcel owned by Dave and Marie Higley and also through the Ralph Hughes property in the E1/2 NE1/4, Section 25, and the W1/2 of Section 30, T. 15 S., R. 36 E., B.M.

9. The approval of Samaria's application would injure the existing water rights of Protestants. Protestants are the only shareholder and water user at the end of the Samaria Ditch. Accordingly, Protestants have historically received the benefit as well as the burden of excess water at times available through the Company's system. Protestant Ralph Hughes has filed IDWR Claim No. 15-4041 to this excess water which they rely upon to flood irrigate their meadows and water livestock. Granting the application would permit Tom Williams to divert water into the private ditch where he holds no rights or easements and to divert water from Protestants, depriving them of the use and enjoyment of their lawful rights, all to their injury.

10. Protestants further assert that all waters of Samaria are fully appropriated and applied to beneficial use by other shareholders, by reason of which there is no unappropriated water to supply the Tom Williams property located outside the historic place of use of Samaria water rights.

11. Protestants raise as an additional issue to be addressed and resolved in these proceedings, a weir installed by Tom Williams within the private ditch which serves Protestants. On or about May 1, 1998, Tom Williams installed a 9-inch weir in the private ditch within the O'Rella Hughes property, together with a headgate and bridge. Presumably the weir was installed for measurement purposes and the bridge for transportation purposes. However, the weir is of inadequate size and/or improperly installed. This has and continues to obstruct the flow of water in the private ditch which deprives Protestants of their full water right during their irrigation turn from Samaria. The obstruction of water deprives them of their lawful water rights, interferes and impedes their irrigation practices and causes loss and damage to their crops. As a part of these proceedings, Protestants request an Order from the Department for removal or proper modification of the weir, together with an Order restraining Tom Williams from interfering with the delivery, use and enjoyment of their water rights.

WHEREFORE, based on the foregoing, Protestants respectfully protest the granting of the Application for Transfer. Protestants further request notice and an opportunity to participate as a party in all proceedings before the Department pertaining to the Transfer Application. Protestants further request that the Department enter an Order compelling the removal or modification of the weir installed in the private ditch by Tom Williams on the O'Rella Hughes

PROTEST OF RALPH HUGHES AND DAVID AND MARIE HIGLEY - 3

MICROFILMED

APR 20 2000

property so as to permit the free flow and delivery of Protestants' water rights in Samaria through the private ditch to their property. Protestants further request that the Department issue an Order restraining and enjoining Tom Williams from interfering with the delivery, use and enjoyment of Protestants' water rights.

DATED this 23rd day of June, 1998.

RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1998, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

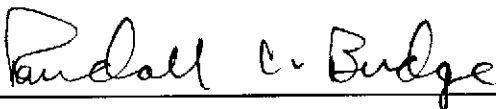
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Samaria Water and Irrigation Company
c/o David Edwards, President
169 Edwards Road
Malad City, Idaho 83252

Ralph Hughes
446 S. Samaria Road
Malad, Idaho 83252

David and Marie Higley
441 S. Samaria Road
Malad, Idaho 83252

Steve Fuller
Attorney at Law
P.O. Box 191
Preston, Idaho 83263



RANDALL C. BUDGE

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, SMITH
& ASSOCIATES
414 SHOUF
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
NEAL S. RANDALL
†ALSO ADMITTED IN CA

March 23, 1999

Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

MAR

Department of Water Resources
Eastern Region

Re: *Application to Transfer No. T5276*
Applicant: Samaria Water and Irrigation Company
Protestants: Ralph Hughes and David and Marie Higley

RECEIVED

MAR 24 1999

Department of Water Resources
Eastern Region

Dear Harold:

On behalf of Hughes and Higley, we filed a protest to Samaria Water & Irrigation Company ("Samaria") Application to Transfer No. T5276. The purpose of the transfer was to include in Samaria's place of use certain property belonging to Thomas C. and Marcene L. Williams, represented by Steven R. Fuller.

A dispute between the parties regarding the distribution and place of use of their water rights as shareholders in Samaria has been in litigation in Oneida County Case No. CV-98-64 in the matter of *Thomas C. Williams and Marcene L. Williams, Plaintiffs, vs. Ralph Hughes and David G. Higley and Marie Higley, Defendants*. The case and all disputes have now been settled. In that regard I am enclosing a copy of the Stipulated Settlement Agreement, certified copy of the Judgment entered on March 12, 1999, recorded on March 18, 1999, as Oneida County Recorder's Instrument No. 127401, which includes the attached Agreement between the parties to the litigation. Note also that Orilla Barry Hughes is a party to the Agreement, which has been accepted and agreed to by Samaria with respect to the provisions of paragraphs 3 through 6. Paragraph 6 of the Agreement provides that once the Judgment has been recorded, a copy will be filed with IDWR. Pursuant to paragraph 2, the pending protest to Samaria's transfer is withdrawn. Accordingly, IDWR can proceed without further notice or hearing to issue the transfer.

You will note paragraph 4 provides that Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the

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APR 20 2000

Idaho Department of Water Resources
Eastern Region
March 23, 1999
Page 2

parties' headgates. This is to be accomplished before the irrigation season commences May 1. If at all possible, Samaria as well as the parties would like to make arrangements to have a representative from the Department examine the facilities and make recommendations concerning the type and size of diversion facilities that should be installed pursuant to the Stipulation. As soon as this can be accomplished, Irrigation Aid of Preston is prepared to make the installation so everything will be workable by May 1. If this will not be possible, please let me and Steve Fuller (852-2680) know as soon as possible. If the Department can assist us arrangements can be made for an inspection with Samaria's President, Dave Edwards, 310 S. 5800 W., Malad, Idaho, phone 208-766-2613.

Thank you for your cooperation and assistance. If you have any questions please don't hesitate to call me.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Steven R. Fuller
Ralph Hughes
David and Marie Higley
Dave Edwards

MICROFILMED

APR 20 2000

Randall C. Budge
RACINE, OLSON, NYE,
BUDGE & BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Telephone: (208)232-6101
Fax: (208)232-6109

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE)
L. WILLIAMS, husband and wife,)

Case No. CV-98-64

Plaintiffs,)

**STIPULATED SETTLEMENT
AGREEMENT**

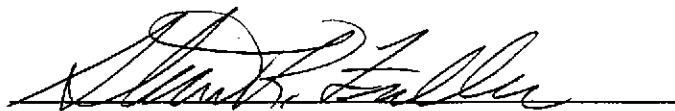
vs.)

RALPH HUGHES and DAVID G.)
HIGLEY and MARIE HIGLEY,)
husband and wife,)

Defendants.)
_____)

COME NOW Plaintiffs, Thomas C. Williams and Marcene Williams, husband and wife,
Defendants, Ralph Hughes, individually, and David G. Higley and Marie Higley, husband and wife,
and by and through their respective attorneys of record, and, in full compromise and settlement of
the above-entitled matter, do hereby stipulate and agree that the Court enter the Judgment attached
hereto and incorporated by reference without further notice or hearing.

DATED this 12th day of March, 1999.

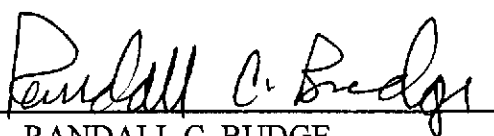

STEVEN B. FULLER, Attorney for Plaintiffs

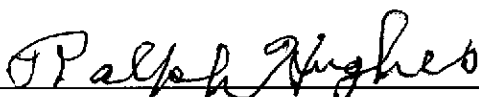

THOMAS C. WILLIAMS, Plaintiff

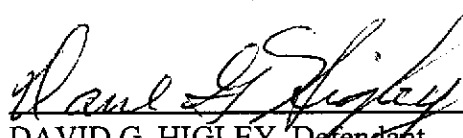

MARCENE L. WILLIAMS, Plaintiff

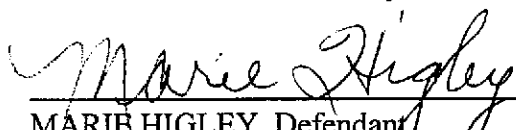
DATED this 12th day of March, 1999.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By: 
RANDALL C. BUDGE


RALPH HUGHES, Defendant


DAVID G. HIGLEY, Defendant


MARIE HIGLEY, Defendant

2450

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 6-11, 1998, and ending with the issue of 6-18, 1998.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 2 day of July in the year of 1998,
before me, Susan J. Wittman, a Notary Public,
personally appeared Kristine D. Smith, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2000

RECEIVED

JUL 07 1998

Department of Water Resources
Eastern Region

RECORDED

2000 JUL 10

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5276**

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Edwards, 169 Edwards Rd., Malad City ID 83252, has applied to the Department of Water Resources to change the place of use of a surface water source. The rights sought to be changed are evidenced by licenses and recorded as follows:

License No.: 15-02023 Source: Warm Springs
Amount: 3.00 cfs Priority: 03/01/1940
Point(s) of Diversion: NENE SEC 03 T15S R35E B.M., ONEIDA COUNTY
License No.: 15-02024 Source: Warm Springs
Amount: 3.50 cfs Priority: 08/28/1940
Point(s) of Diversion: NENE SEC 03 T15S R35E B.M., ONEIDA COUNTY
License No.: 15-02025 Source: Big Malad River
Amount: 22.00 cfs Priority: 09/06/1940
Point(s) of Diversion: SENW SEC 22 T14S R35E B.M., ONEIDA COUNTY
License No.: 15-02074 Source: Malad River
Amount: 500 AF Priority: 09/27/1937
Point(s) of Diversion: SWNW SEC 22 T14S R35E B.M., ONEIDA COUNTY
License No.: 15-02075 Source: Malad River
Amount: 700 AF Priority: 04/18/1947
Point(s) of Diversion: SENE SEC 16 T14S R35E B.M., ONEIDA COUNTY

The water is used for irrigation of 7120 acres within portions of SEC 22, 23, 26, 27, 34, 35, 36 T14S R35E, SEC 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, and SEC 30 T15S R36E B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to adjust the Company's irrigated land list. Ninety acres will be deleted from the NENE SEC 34, NWNW SEC 35 and SESE SEC 27 T14S R35E. Eighty acres will then be added in the E1/2 SW1/4 and NW1/4 SE1/4 SEC 30 T14S R36E B.M.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before June 29, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DEHER
Director

Published in the Idaho Enterprise on June 11 and 18, 1998.
L.#2450 6/11/98-6/18/98-2T

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

June 3, 1998

KARL J. DREHER
DIRECTOR

SAMARIA WATER & IRRIGATION CO
C/O DAVID EDWARDS
169 EDWARDS RD
MALAD ID 83252

RE: Application for Transfer #5276

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on June 11 and 18, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JUN 26 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1998

IDAHO ENTERPRISE
PO BOX 205
MALAD ID 83252

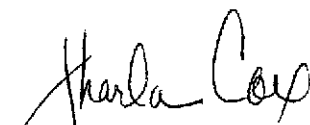
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

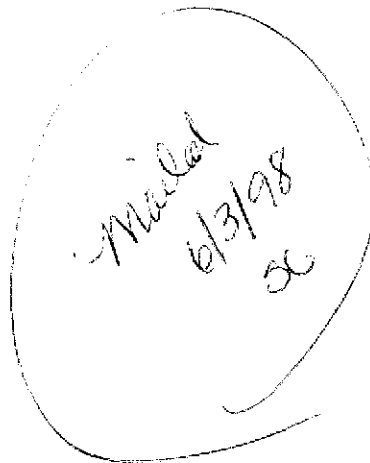
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 29, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.



MICROFILMED

MAY 4 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5276

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Amount: 3.50 cfs Priority: 08/28/1940
Point(s) of Diversion: NENE SEC 03 T15S R35E B.M., ONEIDA COUNTY

License No.: 15-02025 Source: Big Malad River
Amount: 22.00 cfs Priority: 09/06/1940
Point(s) of Diversion: SENW SEC 22 T14S R35E B.M., ONEIDA COUNTY

License No.: 15-02074 Source: Malad River
Amount: 500 AF Priority: 09/27/1937
Point(s) of Diversion: SWNW SEC 22 T14S R35E B.M., ONEIDA COUNTY

License No.: 15-02075 Source: Malad River
Amount: 700 AF Priority: 04/18/1947
Point(s) of Diversion: SENE SEC 16 T14S R35E B.M., ONEIDA COUNTY

The water is used for irrigation of 7120 acres within portions of SEC 22, 23, 26, 27, 34, 35, 36 T14S R35E, SEC 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, and SEC 30 T15S R36E B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to adjust the Company's irrigated land list. Ninety acres will be deleted from the NENE SEC 34, NWNW SEC 35 and SESE SEC 27 T14S R35E. Eighty acres will then be added in the E1/2 SW1/4 and NW1/4 SE1/4 SEC 30 T15S R36E B.M.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before June 29, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Idaho Enterprise on June 11 and 18, 1998.

REC'D 1998 JUNE 11

APR 10 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 16, 1998

PHILIP E. BATT
GOVERNOR

SAMARIA WATER & IRRIGATION CO
C/O DON TUBBS
3232 W HWY 38
MALAD ID 83252

KARL J. DREHER
DIRECTOR

RE: Water Rights 15-02023/15-02024/15-02025/15-02074/
15-02075(Transfer 5233)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5233). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

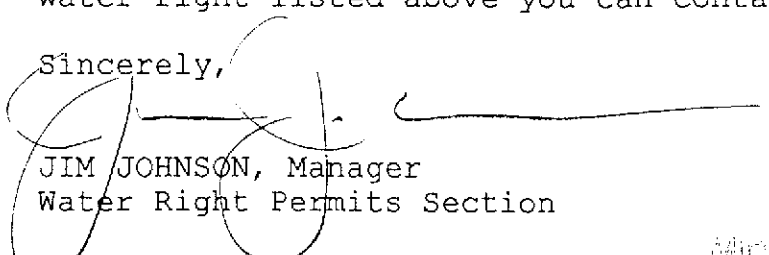
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

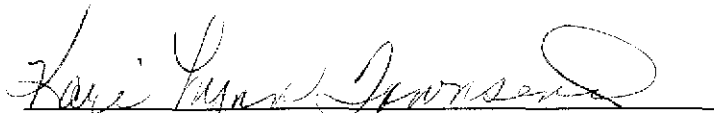
DEC 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

WATER RIGHTS 15-02023/15-02024/15-02025/15-02074/15-02075
(Transfer 5233)

SAMARIA WATER & IRRIGATION CO
C/O DON TUBBS
3232 W HWY 38
MALAD ID 83252


Kari Lynn Townsend
Secretary

MICROFILMED

DEC 24 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

UNRECORDED
100-26-808

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 1998

Samaria Water & Irrigation Co.
C/O Carlene Tubbs
3232 W. Hwy. 38
Malad, ID 83252

RE: Map of Boundary & Distribution System.

Dear Carlene:

I am enclosing a copy of the map that I prepared to reflect the proposed place of use under Transfer 5233. Please have the appropriate officers review the map and identify the main distribution ditches, outside boundaries of your service area, and any other pertinent information about your system. Please use a colored pen or marker on the map to make the information more visible.

Also, have a representative of the company write a short statement on the white area of the map affirming this is the current system and service area with a signature and date.

I appreciate your assistance in this matter. I will hold the transfer approval for an additional 15 days. Please return the map as soon as possible to complete this transfer process.

Sincerely,

Pamela S. Skaggs

Pamela S Skaggs
Sr. Water Resource Agent

Enclosure

ENCLOSURE

Received 12-14-98 + attached to application

28



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Samaria Water & Irrigation Co.
C/O Don Tubbs
3232 W. Hwy. 38
Malad, ID 83252

RE: Transfer 5233

Dear Mr. Tubbs:

I have completed the final review of your transfer application and require additional information before forwarding the approval document for signature.

Please submit a map designating the outside boundaries of the irrigation company's service area. The map should reference legal descriptions such as township, range and sections, and any important features of your primary distribution system.

I will withhold the transfer from further processing until the map has been received. I appreciate your timely assistance in completing this transfer process. If you have any questions regarding this matter, please contact me directly at 327-7943.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela S. Skaggs'.

Pamela S. Skaggs

Sr. Water Rights Agent

MICROFILMED

SEP 25 1999

MEMORANDUM

TO: Files 15-02023/02024/02025/02074 & 02075

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5233

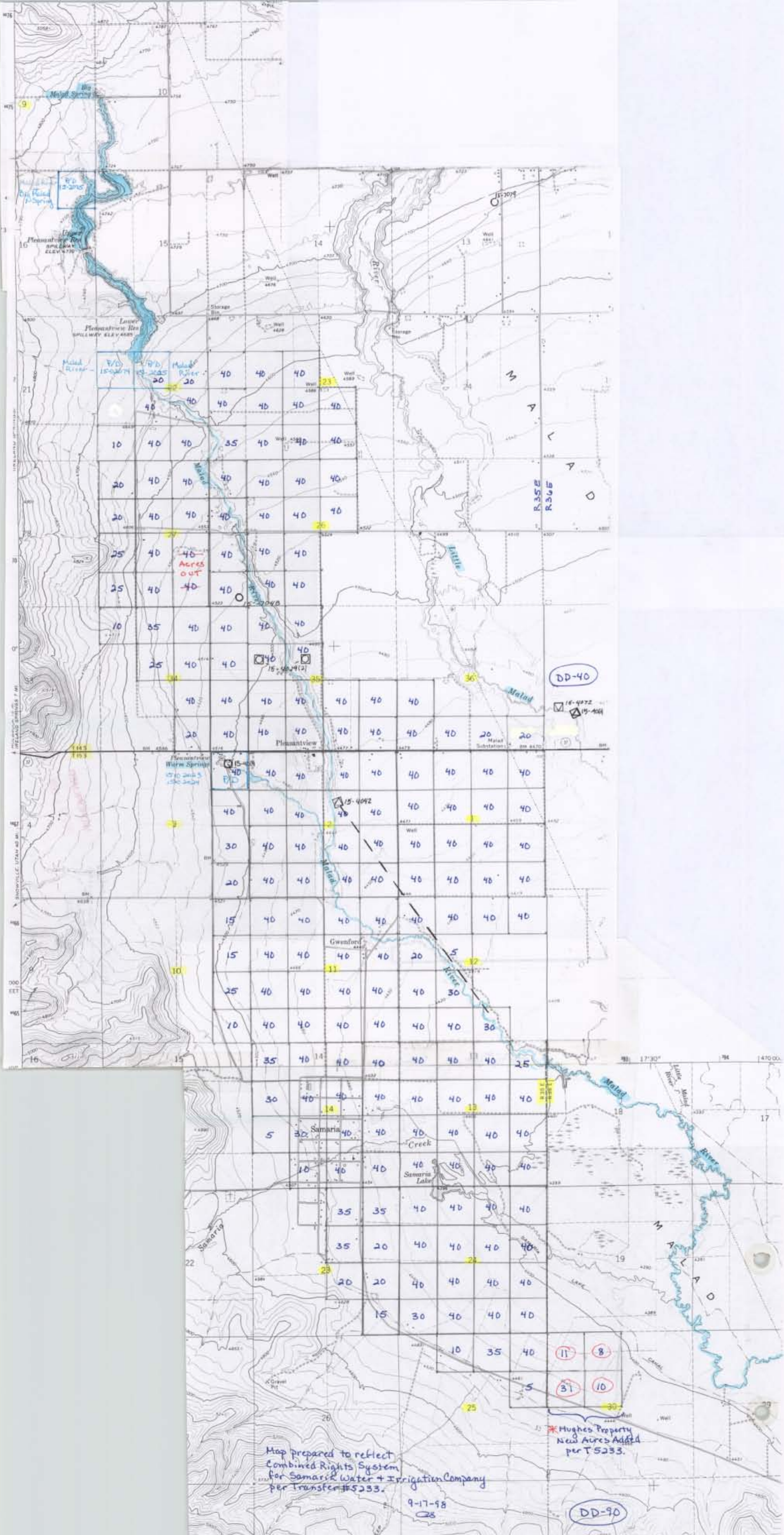
DATE: October 23, 1998

Transfer 5233 changes the place of use under Rights 15-02023/02024/02025/02074 and 02075. The applicant is changing the place of use under the combined right system to include new land for a shareholder. The transfer also identifies the 7120.0 acre common place of use for these rights, and clarifies sources and uses.

Season of use for irrigation and irrigation from storage, and diversion volume were adjusted to current standards. Source and tributary names were corrected to match the names as identified on the USGS map.

Recommended conditions include irrigation overlap, permissible place of use limits for the non-storage rights, combined right limits, right-of-way and standard transfer conditions.

RECORDED
OCT 27 1998



TRANSFER REVIEW SHEET

(07-98)

10 -

Transfer # 5233Date Reviewed 9-17-98

Q8

Right(s) 15-02023 15-02074 _____
15-02024 15-02075 _____
15-02025 _____

☒ WRQ/Split Summary NA SRBA Status _____

Region Review of rts.

Run POU Comparison Report

B:Change P/D C:Add P/D

☒ D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

☒ Add P/D & Change P/UProof of Ownership IRR Co/ShareholdersTransfer ☒ All of Right _____ Portion of RightResulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. B/3.5(1) ☒ Priority (2) ☒ Use (3) _____ Season (4) ☒ Rate (5) _____ Volume(6) _____ Source (7) ☒ P/D (8) _____ P/U (9) ☒ ^{IRRC} Proof/Owner (10) ☒ Map

Prepared per App.

(11) NO Water District (12) NO Pertinent Conditions (13) NO Expansion

(3) Standard IRR season 4-15 to 10-15

(5) $V_{IR} > V_{na}$ - Volumes reduced to reflect standard 183 day season. $3.0 \times 183 \times 1.9835 = 1088.9 \text{ at}$ $3.5 \times \dots = 1270.4 \text{ at}$ $2.2 \times \dots = 798.5 \text{ at}$

(6) Malad River per USGS map instead of Big Malad River.

(8) Change P/D *

* 80 Acres out WY2 SE, S27, T14S, R35E

40 Acres added on Hughes property - 20 acre reduction.

Advertisement identifies wrong Range for added acres in

NW, S30, T15S, R36E, not 35E.

Transfer Remarks

Region W35 15-02023 + 24 3215 Acres AND W15-02025 6735 AcresConditions R63, T07, T08Provide map of service area PP/U IRR rts. W52

Out per LGS 9-22-98

Outside SRBA

Database/Processing Notes

Standard ☒ Non-Standard _____

I File all - Edit Remarks T15-02023 when approved

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

Q8 11-15-98

MEMORANDUM

TO: Jim Johnson

FROM: Pam Skaggs 

SUBJECT: Processing Transfer 5276

DATE: September 18, 1998

I have started review of Transfer 5233 for Samaria Water and Irrigation Company. The application is combining the company's 5 rights to reflect a single common system, & removing 80 acres from the original place of use and identifying 60 new acres on the Hughes property.

The file contains letters from Randall C. Budge, an attorney representing Mr. Hughes, working with the region office and Samaria Water and Irrigation Company to complete this transfer application. Mr. Budge's last two letters dated 04-16-98 and 05-19-98 identify a typographical error in the advertisement of the transfer. The Hughes property was incorrectly identified as "adding 60 acres within the NW 1/4 SEC 30 T15S **R35E**." The correct range is **R36E**. Mr. Budge asks if the correction can be made without readvertisement, and if not when would publication run?

Region staff noted the error on the advertisement copy, but marked "yes" on the transfer analysis sheet to the question about the transfer being published correctly. I discussed the matter with Skip and he said that they felt it didn't need readvertisement and that they had spent enough time on this transfer.

The transfer was advertised incorrectly and no protests were received. However, Transfer 5276 filed by the irrigation company on these same rights to include Mr. Williams property has been protested by Mr. Hughes. There appears to be a local controversy between these two neighbors.

Please advise me rather this advertisement error can be overlooked as preferred by the region, or must the transfer be readvertised? I will cease processing until I have received your direction.

Proceed w/your review

MICROFILMED

SEP 21 1998

SPLIT RIGHT SUMMARY
9/17/98
TRANSFER 5233

SD-0611-2 Basin: 15 Starting Water Right: 02023

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
	15-02023	SAMARIA WATER & IRRI	C	03/01/1940	L/	WARM SPRINGS	IRR	WR
	T15-02023	SAMARIA WATER & IRRI	C	03/01/1940	L/	WARM SPRINGS	IRR	WR

SD-0611-2 Basin: 15 Starting Water Right: 02024

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
	15-02024	SAMARIA WATER & IRRI	C	08/28/1940	L/	WARM SPRINGS	IRR	WR
	T15-02024	SAMARIA WATER & IRRI	C	08/28/1940	L/	WARM SPRINGS	IRR	WR

D-0611-2 Basin: 15 Starting Water Right: 02025

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
	15-02025	SAMARIA WATER & IRRI	C	09/06/1940	L/	BIG MALAD RIVER	IRR	WR
	T15-02025	SAMARIA WATER & IRRI	C	09/06/1940	L/	BIG MALAD RIVER	IRR	WR

SD-0611-2 Basin: 15 Starting Water Right: 02074

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
	15-02074	SAMARIA WATER & IRRI	C	09/27/1937	L/	MALAD RIVER	IRR S	WR
	T15-02074	SAMARIA WATER & IRRI	C	09/27/1937	L/	MALAD RIVER	IRR FS	WR

D-0611-2 Basin: 15 Starting Water Right: 02075

S	Water	Name	O	Priority	STG/		Use	S
E	Right No.	Last, First	W	Date	STS	Source	Desc	Y
L			N					S
	15-02075	SAMARIA WATER & IRRI	C	04/18/1947	L/	MALAD RIVER	IRR S	WR
	T15-02075	SAMARIA WATER & IRRI	C	04/18/1947	L/	BIG MALAD SPRING	IRR FS	WR
						MALAD RIVER	IRR	WR
						BIG MALAD SPRING		

MICROFILMED

SEP 11 1998

increase in either the rate of flow diverted or in the total number of acres irrigated under the water right and shall cause no injury to other water rights. If the holder of any water right seeks to challenge such a change, the challenge may only be brought as an action initiating a contested case before the department, pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code. Nothing in this section shall be construed to grant, deny or otherwise affect an irrigation district's authority to deliver water to areas outside the boundaries of such district.

(8) In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail. The applicant may contest such action by the department pursuant to section 42-1701A(3), Idaho Code.

SECTION 3. That Section 43-323, Idaho Code, be, and the same is hereby amended to read as follows:

43-323. REPORT TO DEPARTMENT OF WATER RESOURCES. (1) At least as often as once a year after organization, the board of directors shall make a report to the department of water resources of the condition of the work of construction, as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this title is being successfully carried out, and whether or not in the opinion of the board the funds available will complete the proposed works. Upon the receipt of such report by the department, it shall make such suggestions and recommendations to such board of directors as it may deem advisable for the best interest of the district.

(2) A change in the generally described place of use for a water right held by an irrigation district may be made without applying for a change under the provisions of section 42-222, Idaho Code, provided the district files with the department of water resources a map portraying the changes to the generally described place of use within which the district's water rights shall be exercised. For this filing requirement, it shall be sufficient to provide a drawing on a seven-and-one-half-minute (7-1/2) quadrangle map having a scale of one to twenty-four thousand (1:24,000) which shows the changes to the outer limits of the boundaries of the irrigation district to include each quarter-quarter section within which irrigation occurs. This map showing changes to the generally described place of use shall be filed with the department no later than April 1 of the year following the changes. Notwithstanding the filing of such map, only the legal description of an irrigation district's boundaries recorded in compliance with title 43, Idaho Code, shall constitute conclusive proof of the district's boundaries for purposes other than defining the generally described place of use for a water right held by the district.

SECTION 4. That Section 43-324, Idaho Code, be, and the same is hereby amended to read as follows:

43-324. STATEMENT OF FINANCIAL CONDITION. On or before the second Tuesday of February of each year the board of directors of each irrigation district organized under this title shall publish in at least one (1) issue of some newspaper published in the county or counties in which such district is situated, a full, true and correct statement of the financial condition of said

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET T#5233

INITIAL REVIEW BY:

RCW

1. Right number 15-02075/02074/02025/02024 Applicant Samarig Water Irrigation
15-02023
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☐ Check for correct signature, notarization, and fee. - SEE BY-LAWS
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NONE
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

RECEIVED
MAY 22 1998
Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions *The Company will provide a map designating the outside boundaries of their service area
4. By RDC Date 5/19/98

* All uses within Watermaster Districts require special conditions.

* As per Senate Bill 1439 - This provides for a map within irrigation Districts. Can we request this condition for a Irrigation Company? Yes

T5233

#

2418

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
 That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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
3-26, 1998, and ending with
 the issue of 4-2, 1998.

Kristine D. Smith

STATE OF IDAHO)

COUNTY OF ONEIDA)

On this 4 day of May in the year of 1998,
 before me, Lisa D Lewis, a Notary Public,
 personally appeared _____, known or
 identified to me to be the person whose name subscribed to the
 within instrument, and being by me first duly sworn, declared that
 the statements therein are true, and acknowledged to me that she
 executed the same.

Lisa D Lewis
 Notary public for Idaho

Residing at 59 Bannock St

My commission expires: 2-2-2002

MICROFILMED

RECEIVED

JUL 24 1998

MAY 06 1998

Department of Water Resources
 Eastern Region

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. T5233

Notice is hereby given that Samaria Water and Irrigation Company, C/O Dale Tubbs, 115 St. John Rd, Malad ID 83252, has applied to the Department of Water Resources to change place of use of the waters of a surface source. The right sought to be change is evidenced by a license and recorded as follows:

License No.: 15-02023 Source: Warm Springs

Amount: 3.00 cfs Priority: 03/01/1940

Point(s) of Diversion: NENE SEC 3 T15S R35E, ONEIDA COUNTY

The water is used for irrigation of 3215 acres from 4/01 to 11/01 within SEC 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, B.M.

License No.: 15-2024 Source: Warm Springs

Amount: 3.50 cfs Priority: 08/28/1940

Point(s) of Diversion: NENE SEC 3 T15S R35E, ONEIDA COUNTY

The water is used for irrigation of 3215 acres from 4/01 to 11/01 within SEC 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, B. M.

License No.: 15-2025 Source: Big Malad River

Amount: 22.00 cfs Priority: 09/06/1940

Point(s) of Diversion: SENW SEC 22 T14S R35E, ONEIDA COUNTY

The water is used for irrigation of 6735 acres from 4/01 to 11/01 within SEC 22, 23, 26, 27, 34, 35, 36 T14S R35E, B.M. and SEC 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, B.M.

License No.: 15-02074 Source: Malad River

Amount: 500.0 AF Priority: 09/27/1937

Point(s) of Diversion: SWNW SEC 22 T14S R35E, ONEIDA COUNTY

The water is used for irrigation of 4410 acres from 01/01 to 12/31 within SEC 22, 26, 27, 34, 35 T14S R35E, B.M. and SEC 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 T15S R35E, B.M.

License No.: 15-02075 Source: Malad River

Amount: 700.0 AF Priority: 04/18/1947

Point(s) of Diversion: SENE SEC 16 T14S R35E, ONEIDA COUNTY

The water is used for irrigation of 2840 acres from 04/01 to 10/31 within SEC 22, 26, 27, 34, 35 T14S R35E, B.M. and SEC 2, 3, 10, 11, 14, 23, 24 T15S R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to modify the place of use by deleting the W1/2 SE 1/4 Sec 27 T14S R35E and then adding 60 acres within the NW 1/4 SEC 30 T15S R35E. The change affects approximately 0.25 cfs of water delivery.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before April 13 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published in the Idaho Enterprise on March 26 and April 2, 1998.

L. #2418 3/26/4/2/98/T2

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GARY L. COOPER
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TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

May 18, 1998

Harold Jones
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

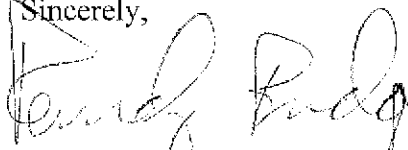
Re: *Samaria Water and Irrigation Company*
Application for Transfer No. T5233

RECEIVED
MAY 19 1998

Department of Water Resources
Eastern Region

Dear Harold:

This will follow up on my April 16 letter. In reviewing the matter more carefully, it appears that the typographical error only exists in the published notice, not in the application itself. The 60 acres of the Hughes property being added in the NW1/4 of Section 30, T. 15 S., R. 36 E., does appear to be correctly identified in the Transfer Application T5233. The published notice improperly indicates the range as 35 E. Can this typographical error be corrected without re-publication? If not, would you please advise when you expect the publication will begin and end. Thank you.

Sincerely,

RANDALL C. BUDGE

RCB:rr

cc: Marie Higley
Clarence Hughes

ENCLOSURE

MAY 19 1998

RECEIVED

APR 30 1998

STEVEN R. FULLER
ATTORNEY AND COUNSELOR AT LAW
24 NORTH STATE • P.O. BOX 191 • PRESTON, IDAHO 83263

Department of Water Resources
Eastern Region

ALSO, MEMBER OF UTAH BAR

TELEPHONE
(208) 852-2680
(208) 852-2683

April 28, 1998

*Letter appears to
relate to transfer
5276 (Williams
property.)
PROTESTED*

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-1718

Re: Samaria Water and Irrigation Company/Thomas Williams
Application for Transfer of Water Right

Dear Skip:

As I indicated to you by telephone, the Board of Directors of Samaria Water and Irrigation Company have agreed to transfer the place of use of certain waters formerly located in the Irrigation Company's designated place of use to other property currently owned by Thomas Williams.

The property to be removed from the Company's designated area of use is listed as follows:

Township 14 South, Range 35 East of the Boise Meridian
Section 27: W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres
Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres
Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (partial) 30 acres
Total 90 acres

The new designated area of use will be as follows:

Township 15 South, Range 36 East of the Boise Meridian
Section 30: NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres
N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres
Total 80 Acres

Mr. David J. Edwards is the current President of the Irrigation Company. His address is 169 Edwards Road, Malad City, ID 83252. His telephone number is (208) 766-2613.

MICROFILMED

200 2 4 85

Harold Jones
April 28, 1998
Page Two

I should also note that in addition to irrigation use, a year-round stock water use has been made of the waters from Warm Springs to the new designated area of use for many years.

If you would please prepare the appropriate application for transfer of the water right, the document may be sent to Mr. Tom Williams, 2643 West Samaria Road, Malad, ID 83252 and he will obtain the necessary signature to the document. I have also enclosed a copy of a document already signed by the Board members which Mr. Williams had previously obtained. Please let us know if this is sufficient.

Yours very truly,



STEVEN R. FULLER
Attorney at Law

SRF/sh

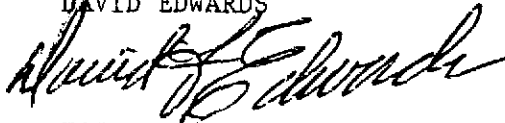
cc: Tom Williams

MICROFILMED

DEC 1 1998

WE THE UNDERSIGNED, SAMARIA WATER AND IRRIGATION BOARD MEMBERS,
AGREE TO ALLOW 80 ACRES OF SAMARIA WATER AND IRRIGATION DISTRICT
LAND TO BE TRANSFERRED TO SECTION 30 RANGE 36 EAST TOWNSHIP 15
SOUTH.

DAVID EDWARDS



FOSTER IPSEN



JEFF THOMAS



ROY BROWN



ALBERT JONES



Approval of Transfer
by IRR Co Officers

MICROFILMED

SEP 2 1981

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LISA M. CHRISTON****
BRENT R. KING

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR

April 16, 1998

Harold Jones
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Samaria Water and Irrigation Company*
Application for Transfer No. T5233

Dear Harold:

As I will be out of the office until April 27 and unable to reach you by phone, I am sending you this letter.

Our clients, the Hughes family, provided us a copy of the "Notice of Proposed Change of Water Right No. T5233", published in the Idaho Enterprise. As the last date to protest was April 13, would you kindly advise if any protests were filed and provide copies.

Additionally I note what appears to be a typographical error in both the application and published notice. The 60 acres of the Hughes property to be added within the NW1/4 of Section 30, T. 15 S., is in Range 36 East, not Range 35 East. Please double check this and advise if the typographical error can simply be corrected without further publication.

Sincerely,

Randy Budge
RANDALL C. BUDGE *RCB*

RCB:rr

Enclosure

cc: Marie Higley
Clarence Hughes

MICROFILMED

APR 16 1998

RECEIVED

APR 16 1998

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

March 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SAMARIA WATER AND IRRIGATION COMPANY
C/O DALE TUBBS
115 ST JOHN RD
MALAD ID 83252

RE: Application for Transfer T5233

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on MAR. 26 & APRIL 2, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ/sc

MICROFILMED

DEC 2 3 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

March 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO ENTERPRISE
PO BOX 205
MALAD ID 83252

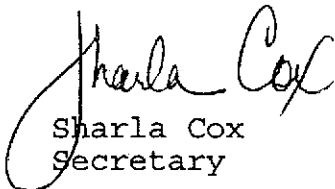
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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 April 13, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.

RECEIVED

MAR 24 1998

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5233

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Amount: 700.0 AF Priority: 04/18/1947
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TO BE CHANGED AS FOLLOWS:

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*should have been
36AF.*

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2004-10-10

Advertisement Copy

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before April 13 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Idaho Enterprise on March 26 and April 2, 1998.

MICROFILMED

CSG 3 6 98

Malad Idaho
Feb 7, 1998

Dear Mr. Jones

I am sending you the paper
with the signatures of the officers
on the Samaria Water Co. As you
can see they also had them notarized
this is pertaining to Ralph Hughes water share

Thank you for your help

Sincerely
Marie Hegley
Clarence Hughes

RECEIVED

FEB 05 1998

Department of Water Resources
Eastern Region

MICROFILMED

FEB 24 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

c/o Don Tubbs

Name of applicant Samaria Water and Irrigation Camp Phone _____

Post Office address _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Our water shares are used in a variety of different areas that are not reflected on the current licenses.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount
<small>cfs/af</small> | Nature of use | Period of Use |
|--------------|-----------|---------------------------------|---------------|---------------|
| 15-C2075 | 4/18/1947 | 700.00 af | Irrigation | |
| 15-02074 | 9/27/1937 | 500.00 af | Irrigation | to _____ |
| 15-02025 | 9/06/1940 | 22.00 cfs | Irrigation | 4/01 to 10/31 |
| 15-02024 | 8/28/1940 | 3.50 cfs | Irrigation | 4/01 to 10/31 |
| 15-02023 | 3/01/1940 | 3.00 cfs | Irrigation | 4/01 to 10/31 |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Malad River tributary to Bear River
Big Malad Spring
Warm Springs
Big Malad River
4. Point(s) of Diversion: Big Malad River

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	14S	35E	Outrig	
		SW	NW	22	14S	35E	Outrig	
		NE	NE	3	15S	35E	Outrig	
		SE	NE	16	14S	35E	Outrig	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	

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DEC 29 1998

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Reservoir + ditches to flood + sprinkler
irrigation for our shareholders.

N.A. b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Don Tubbs
Forster L. Spru
David J. Edwards
W. Marilyn Holgate

Subscribed and Sworn to before me this

Witness my hand this 3rd day of February, 1998

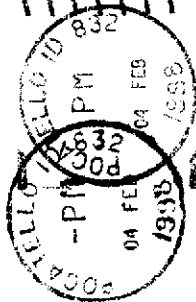
San Williams

MICROFILMED

DEC 29 1998

IRR Co. Officers

Darlene Hughes
Marie Hughes
3188 W. Lafayette Rd.
Malad Idaho



Idaho State Department of Water Resources
Attention 900 N. Skyline Dr.
Harold Jones
Idaho Falls
Idaho

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DEC 29 1998

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
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BRYAN D. SMITH†
†ALSO ADMITTED IN CA

November 18, 1997

Steven R. Fuller
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Re: *Samaria Water and Irrigation Company/Hughes/Williams*

Dear Steve:

To follow up on our recent discussion of your October 16, 1996 letter regarding the above matter to clarify and set forth the position we are asserting on behalf of Ralph Jones with respect to his water rights in Samaria Water and Irrigation Company, I am enclosing copies of the following letters:

1. August 27, 1997 letter to Samaria Board;
2. September 25, 1997 letter to Samaria Board;
3. September 29, 1997 letter to Samaria Board;
4. October 13, 1997 letter to Harold Jones/IDWR.

It clearly appears necessary that Samaria review and update the entire place of use of its water rights and prepare and file an appropriate Transfer Application with IDWR to change the place of use accordingly. Harold Jones has agreed to assist them in preparing the Transfer Application, although he needs the Company's assistance in identifying the proper place of use. Our client, Ralph Jones, has been assured by the Company President Don Tubbs that they are willing to complete and process a Transfer Application. However, the Company seems to want somebody else to do the work for them, although it appears obvious this is the Company's responsibility.

Our client Ralph Jones and your client Tom Williams apparently have a factual dispute whether or not the Williams' land has been historically irrigated and should be included in the Company's place of use. Rather than private litigation between these parties, it appears to me the best way to bring this issue to a head is to get the Company to go forward with its Transfer Application. Once that is published, any aggrieved party can file a protest with the Department.

MICROFILMED

DEC 29 1998

RECEIVED

NOV 19 1997

Department of Water Resources
Eastern Region

Steven R. Fuller
November 18, 1997
Page 2

This should set into motion the proper administrative proceedings which will result in a proper determination of the place of use. Harold Jones agrees with me that the place of use should be a company-wide issue, not addressed on a piece-meal basis.

We'd urge you to have your client join in our request that the Company move forward with the Transfer Application. Harold Jones is willing to assist them and they simply need to get out a map and identify what they think has been the historic place of use. We need to move forward now to have a reasonable expectation of resolving the matter prior to next year's irrigation season.

Feel free to give me a call if you have any questions or wish to discuss this matter further.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Harold Jones, IDWR
Ralph Jones (c/o Clarence Hughes)
Marie Higley

MICROFILMED
DEC 29 1998

LOUIS F. RACINE, JR.
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ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
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***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
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SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

October 13, 1997

Harold Jones
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED
OCT 15 1997

Department of Water Resources
Eastern Region

Re: *Samaria Water and Irrigation Company - Ralph Jones*

Dear Harold:

Don Tubbs, President of Samaria Water and Irrigation Company, has apparently indicated to the Ralph Hughes family that the company is willing to complete and process a transfer application to correct the authorized place of use and include the 72 acres that has been historically irrigated by Ralph Hughes and his predecessors.

Enclosed is a copy of the legal description of the Ralph Hughes property. As I understand from talking with Ralph's son, Clarence Hughes, and daughter, Marie Higley, all of the family's property is included in the company's authorized place of use, with the exception of 72 acres which is described as "That portion of the W1/2 of Section 30, T. 15 S., R. 35 E., lying north of the county road".

It's the further understanding of the Ralph Hughes family that the board does not want to otherwise alter or amend the company's authorized place of use which apparently would be the 6735 acres identified in Water Right No. 15-02025. In other words, the company is willing to correct the Hughes' place of use problem but does not want to create problems elsewhere where none exist.

Because you had begun work for the company on this matter previously, and since I am representing the Hughes family, it appears appropriate that you proceed to prepare the proposed transfer application and forward it to President Don Tubbs for their review, signature and return. Would you please prepare the proposed transfer application and send me a copy for review when you send it to the company.

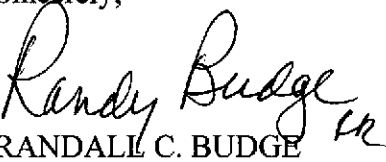
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OCT 29 1998

Harold Jones, IDWR
October 13, 1997
Page 2

Thanks for your cooperation and assistance. If you have any questions, please don't hesitate to give me a call.

Sincerely,


RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Marie Higley
Clarence Hughes
Don Tubbs, President, Samaria Water and Irrigation Co.

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To Randy B.

23770
P. Hughes

105926

QUITCLAIM DEED

For Value Received

LEVI W. HUGHES and ORILLA HUGHES, husband and wife

do hereby convey, release, remise and forever quit claim unto

RALPH HUGHES and ALICE HUGHES, husband and wife

whose current address is R/1, Malad, Idaho 83252

the following described premises, to-wit:

Township 15 South, Range 35 East of the Boise Meridian;

Section 25: Commencing at the East quarter Corner of Section 25, and running thence North 467.5 feet along Section Line, to the center of County Road,

thence North 70°00' West 908 feet along center of County Road, thence South 13°51' West 315.4 feet, thence South 60°27' East 260 feet, thence South 29°42'30" West 878.7 feet, thence North 62°00' West 346.6 feet, thence South 83°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence East 1343.95 feet to the Section Line, thence North 1320 feet along the Section Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise Meridian;

Sections 24, 25, 19, 30: Commencing at a point 474.10 feet North of the North side of the County Road from the East Quarter Corner of Section 25, and running thence North 70°00' West 430.15 feet along said Road, thence North 28°13' East 1616.55 feet, thence North 71°30' West 850 feet, thence North 22°55'30" East 2445.9 feet, thence South 62°06' East 1055.72 feet, thence South 49°08'30" East 1124.96 feet, thence East 80 feet, thence North 17°21'50" East 1211.98 feet, thence South 82°31' East 1152.85 feet, thence South 1°17' East 1047 feet, thence South 87°53' West 2410 feet, thence South 00°37' East 1283 feet, thence North 86°53' East 980.5 feet, thence South 30°30' West 2303 feet, more or less, to the North side of County Road, thence North 70°00' West 1390.39 feet, more or less, along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as Hughes Pump located in the NW 1/4 of the SE 1/4 of Sec. 25, T15S, R35 EBM, together with the right of use of holding reservoir in conjunction with said pump.

ALSO, 1/3 interest in and to the water of Alridge (Aired) and Big Canyon.

ALSO, 1/2 interest in and to the waters of Water Canyon.

together with their appurtenances.

Dated: March 15, 1983

Levi W. Hughes
Orilla Hughes

STATE OF IDAHO, COUNTY OF ONEIDA

On this 15th day of March, 1983, before me, a notary public in and for said State, personally appeared

Levi W. Hughes and Orilla Hughes
husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

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Sole of Idaho, County of Oneida, ss.

I hereby certify that this instrument was filed for record at request of *Levi W. Hughes and Orilla Hughes* on *March 15, 1983* in my office.

Fee

1998

105926

By *[Signature]*
Notary PublicResiding at
Cotton, Idaho

Malad

Notary Public
Idaho

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

September 29, 1997

Samaria Water and Irrigation Company

Don Tubbs, President
Charlene Tubbs, Secretary
Dave Edwards, Director
Marlyn Holgate, Director
Albert Jones, Director
Roy Brown, Director
Foster Ipsen, Director
Rodney Wangsgard, Director

Re: *Water Rights*

Dear President Tubbs and Board Members:

I have further reviewed the Company's water rights with Harold Jones, Senior Water Right Agent with the Idaho Department of Water Resources ("IDWR"). IDWR's records reflect that the Company owns five water right licenses: 15-02023, 02024, 02025, 02074 and 02075.

A disparity exists regarding the authorized place of use under these licenses. For example, Water Right No. 15-02074 reflects a place of use consisting of 4,410 acres, while Water Right No. 15-02025 reflects a place of use of 6,735 acres. Mr. Jones advises that he met with Company representatives sometime ago regarding this disparity and provided them with copies of each of these licenses and suggested that the Company review the same and identify the proper place of use. Mr. Jones also indicated he would assist the Company in preparing the necessary Transfer Application for filing and processing to properly identify and correct the Company's place of use for its water rights. This is clearly the right and responsibility of the Company to protect its water rights and the corresponding rights of its shareholders.

Filing and processing a Transfer Application to correct the place of use is a rather simple matter. Mr. Jones does not anticipate any problems from IDWR in accomplishing this, so long as the property the Company identifies as the place of use does not exceed the maximum acres shown on the licenses, which would be the 6,735 acres. You could identify the exact acres by section or

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Department of Water Resources
Eastern Region

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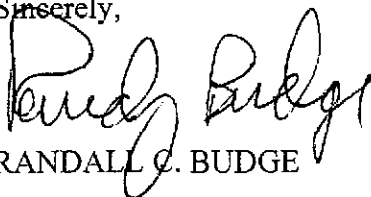
Samaria Water and Irrigation Co.
September 29, 1997
Page 2

simply prepare a map and submit it to Mr. Jones and he will prepare the Transfer Application. On behalf of our client, Ralph Jones, we merely urge that the description of his property previously provided be included as a designated place of use.

Your prompt attention to this matter is urged and would be appreciated. The water rights of the Company are obviously a precious and valuable asset that should be protected. This is the clear duty of the officers and board of directors of the Company. As a shareholder, Ralph Hughes insists that the board fulfill its legal responsibilities.

If you have any questions or wish to discuss this matter further, please feel free to contact me.

Sincerely,



RANDALL C. BUDGE

RCB:rr

cc: Harold Jones
Clarence Hughes
Marie Higley

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DEC 29 1998

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
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*ALSO MEMBER IL & WY BARS
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August 27, 1997

ASSOCIATED WITH
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& SMITH
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FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†

ALSO ADMITTED IN
RECEIVED

AUG 28 1997

**Department of Water Resources
Eastern Region**

Samaria Water and Irrigation Company

Don Tubbs, President
Charlene Tubbs, Secretary
Dave Edwards, Director
Marlyn Holgate, Director
Albert Jones, Director
Roy Brown, Director
Foster Ipsen, Director
Rodney Wangsgard, Director

Re: Ralph Hughes Water Rights

Dear President Tubbs and Board Members:

We've been employed to evaluate and take appropriate action to protect certain water rights owned by Ralph Hughes appurtenant to his farm land in the Samaria area of Oneida County. In this regard we have consulted with Ralph's son Clarence Hughes, who holds his power of attorney, and daughter Marie Higley, who, with her husband Dave, have leased and operated the farm since 1986.

The information we have been provided reflects that the Ralph Hughes family farm consists of approximately 320 acres located in Section 25 of Township 15 South, Range 35 East, and Sections 19, 24, 25 and 30 of Township 15 South, Ranges 35 and 36 East, B.M., Oneida County, Idaho. The water rights appurtenant to the real property are described as follows in the deed records, to-wit:

8 and 27/40th shares of Capital Stock in Samaria Water and Irrigation Company.

Also, 2/7th interest in the irrigation pump known as Hughes Pump located in the NE1/4 SE1/4, Section 25, Township 15 South, Range 35 East, B.M., together with the right of use of Holding Reservoir in conjunction with said pump.

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Also, 1/8 interest in and to the water of Alridge (Alred) and Big Canyon.

Also, 1/2 interest in and to the waters of Water Canyon.

Ralph Hughes is presently 86 years of age. The property was originally part of what was commonly known as the Hughes Ranch owned and operated by Ralph's father. Following his death the real property was left to his children. Two sons, Ralph and Levi Hughes, bought out the other family members. They owned and operated the farm together for many years up until 1983. On March 15, 1983, Ralph and Levi split the farm, dividing the real property and water rights. Dave and Marie Higley have leased and operated the portion received by Ralph, Marie's father, from 1976 to date. During this entire period the water rights in Samaria Water and Irrigation Company have been continuously diverted and applied to beneficial use on the described real property. The water has always been delivered from the Pleasantview Reservoirs via the Samaria Ditch to the point where it ends in the NW1/4 NW1/4, Section 25, Township 15 South, Range 35 East. From that point the water is delivered through a private ditch which continues in an easterly direction to the Hughes property.

We are advised that the records maintained by the Idaho Department of Water Resources ("IDWR"), for reasons unknown, do not include the Hughes property as a part of the designated and authorized place of use. This is notwithstanding the fact that the Company has in fact delivered the water to the Hughes property continuously since at least 1910. We're also informed that the Company has been consulting with IDWR and is in the process of filing the necessary transfer applications to make necessary corrections in the Company's authorized place of use. This transfer application, upon approval, would provide for the inclusion of the property historically irrigated by Ralph Hughes and his predecessors. Additionally, we assume the application may also include other property historically irrigated which may have been omitted and delete certain property in the designated place of use that has not been historically irrigated. This procedure appears appropriate and necessary to properly reflect and protect the water rights of the Company as well as those of Ralph Hughes and other affected shareholders. We would urge the Company to promptly proceed with the filing and processing of the necessary transfer application with IDWR. We are happy to assist and coordinate these efforts with IDWR to ensure that Ralph Hughes' water rights are properly protected.

As a part of this process the Hughes request that the Company not include any other property which has not been historically irrigated. Such would be an unlawful expansion of the Company's water rights and would cause injury to the Hughes' water rights as well as those of other shareholders. Specifically the Hughes are concerned that a neighbor, Tom Williams, may seek to have certain real property of his that has never been irrigated by Company water added to the

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DEC 29 1998

Company's place of use. Mr. Williams apparently leases certain real property of Levi Hughes which includes 8 and 27/40th shares of stock and has attempted recently to have that water delivered to other property which he owns located in Section 30. To include this property which has never been irrigated by company water would be an unauthorized and unlawful expansion of the Company's water rights. Furthermore, Tom Williams is without any means of transporting the water to this additional property since he has no easement or right of way to utilize the existing private ditch which goes through a 10-acre parcel owned by Dave and Marie Higley and also through the Ralph Hughes property in the E1/2 NE1/2, Section 25, and the W1/2 of Section 30.

As the only shareholder and water user at the end of the Samaria Ditch, Ralph Hughes has historically received the benefit as well as the burden of excess water at times available through the company's system. Ralph Hughes has filed IDWR Claim No. 15-4041 to this excess water. The Hughes advised that Tom Williams has improperly and unlawfully attempted, at times, to divert the excess water historically used by Ralph Hughes for his own benefit on property outside of the Company system that has never been historically irrigated. The Hughes respectfully request that the Board of Directors clearly instruct the water master that all water delivered to the end of the Samaria Ditch be delivered to the private ditch of Ralph Hughes with no amount thereof diverted or delivered to Tom Williams or any other person for use upon land not historically irrigated by the Company's water.

If you have any questions or concerns regarding the requests made in this letter, please feel free to contact me. The desire and objective of the Hughes family is simply to clarify and protect their water rights, not create any problems or animosities with the Company. As I understand that the Company is working with Harold Jones of IDWR in the preparation and processing of the necessary transfer application, we are advising him of the foregoing by copy of this letter. For reference purposes, I am enclosing copies of the complete legal description of the Ralph Hughes real property and water rights, together with Claim No. 15-4041, a quitclaim deed containing the description of the Levi Hughes real property and water rights, and a map reflecting the described real property in relationship to the Samaria Ditch and private ditch.

Sincerely,


RANDALL C. BUDGE

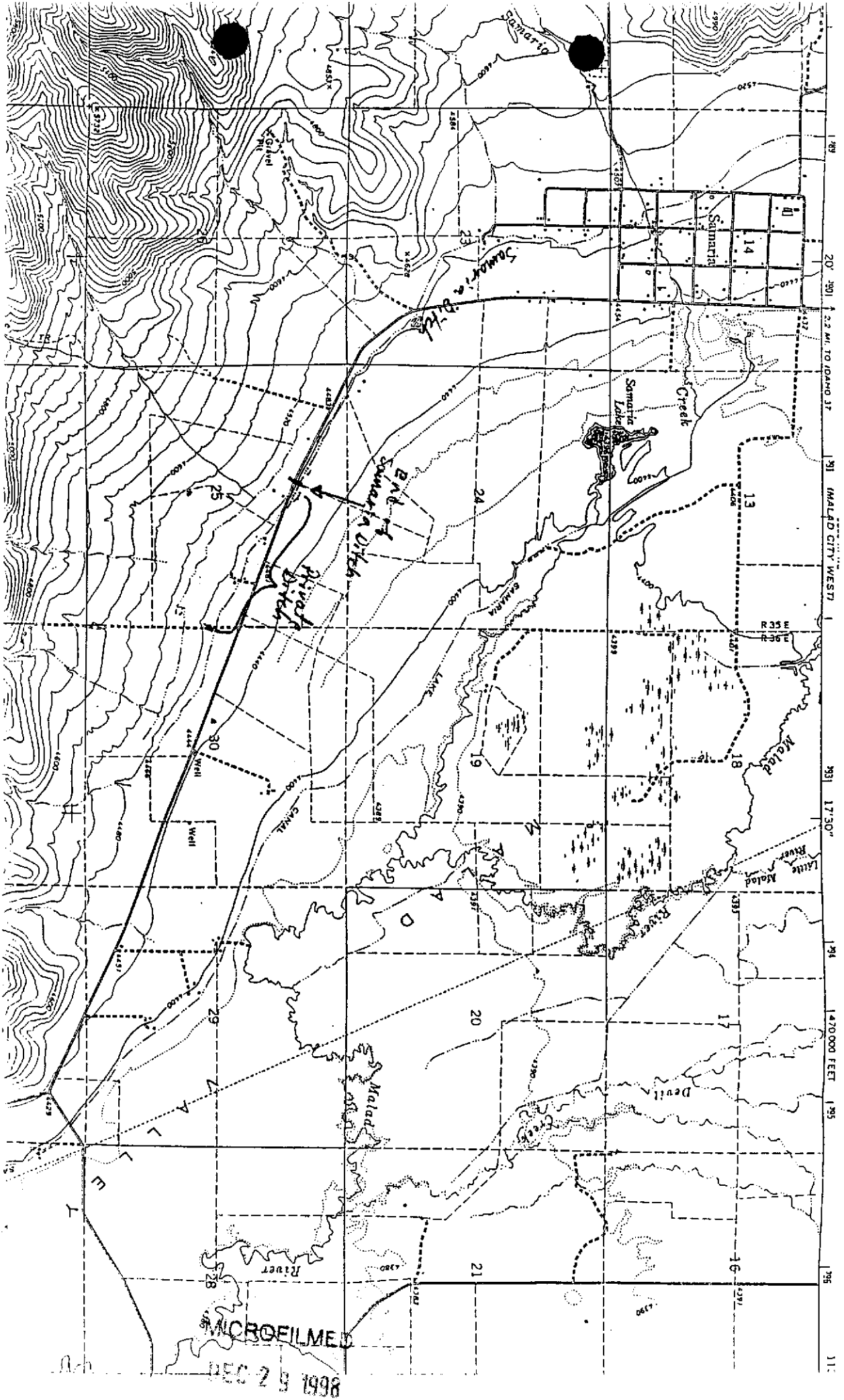
RCB:rr

Enclosures

cc: Harold Jones
Clarence Hughes
Marie Higley

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DEC 29 1998



*-Samaria Water and Irrigation Company organized
May 12, 1872*

BY-LAWS

of the Re-Incorporation of
THE SAMARIA WATER AND IRRIGATION COMPANY, of Samaria,
Oneida County, Idaho, as adopted and approved, at a meeting
of the stock holders, called for that purpose April 6th,
1924 at 2:00 P.M. of that day, at Samaria, Idaho.-----

ARTICLE 1.

This corporation shall be known as THE SAMARIA WATER AND
IRRIGATION COMPANY:-----

ARTICLE 11.

The Annual Meeting of the Stockholders of this Corporation
shall be held at the office of the Company in Samaria, Oneida County,
Idaho, on the 1st Monday of March of each and every year, for the
purpose of electing a board of 7 Trustees; who shall hold their
office for one year and until their successors are elected and
qualified; and to transact any other necessary business.

Samaria, Idaho; March 4th, 1940

At the annual meeting of the stockholders of the Samaria
water and Irrigation Company, of Samaria, Oneida County, Idaho
this day held at the Church House at said place at 1:00P.M.
with more than two-thirds of the stock of said Company re-
presented at this meeting it was unanimously carried that
Article 11 of the By-Laws of this Company be amended by add-
ing the following clause to said Article 11 to-wit:
"That a majority of the stock represented at any annual meet-
ing of this Company shall constitute a quorum to do business".

ARTICLE 111

Section 1. The officers of said Corporation shall consist
of Seven Trustees; who at their first meeting after election shall
choose one of their number as President and another as Vice-President
of the Corporation, The Trustees shall appoint a Treasurer and
Secretary who shall hold their offices during the pleasure of the
Board of Trustees; and who shall, if required, by the Board of
Trustees, give bonds in such sum as the Board of Trustees may require
conditioned on the faithful performance of the duties of their re-
spective offices.

Section 2. In case of a vacancy in any of the offices named
above, it shall be the duty of the Trustees by a majority of them,
by a meeting duly called for the purpose, immediately to fill said
vacancy.

ARTICLE 1V

The president shall preside at all meetings of the Board of
Trustees and of the Stockholders, when practicable he shall sign
the minutes of all meetings of the Board of Trustees and of the
Company after the same shall have been duly approved. He shall sign
all orders drawn on the Treasurer, and any and all deeds, conveyance

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agreements and any other writings, which have been first approved by the Board of Trustees, on the part of the Company. And shall, during the recess of the Board of Trustees, have full power to act on their behalf.

ARTICLE V

The Vice-President, during the absence of the President shall have the full authority of the President. In case of absence of the President and Vice-President any member of the board can act as President Pro-Tempro.

ARTICLE VI

Section 1. It shall be the duty of the Treasurer to safely keep all moneys belonging to the Company and disburse the same under the direction of the Board of Trustees, upon a warrant drawn and signed by the President.

Section 2. It shall be the duty of the Secretary to keep a record of the meetings of the Board of Trustees and of the Stockholders. He shall keep the book of blank certificated of stock, fill up and countersign all the certificates issued and make corresponding entries on the margin of each on such issuance, and keep a proper stock book ledger. He shall keep in the manner prescribed by the Board of Trustees all the accounts of the Company in books to be provided for that purpose, He shall discharge such other duties as pertain to his office as shall be prescribed by the Board of Trustees.

ARTICLE VII

The Superintendent of works shall be appointed by the Board of Trustees. He shall perform such services as the Board of Trustees may require and shall receive such compensation for his services as the Board of Trustees may allow; and shall hold his appointment during the pleasure of the Board of Trustees.

ARTICLE VIII

Every shareholder shall, when called upon by the Superintendent under the orders of the Board of Trustees, pay in moneys or labor his or her proportion according to the shares he or her hold, of the expense of making, building constructing or repairing any part or portion of the property of the Corporation. And in case of emergency, the Superintendent may call on any or all of the shareholders to repair or prevent damage to the property of the Company, and shareholders when so called upon, who shall (without good and reasonable cause) refuse or neglect to obey the summons of the Superintendent shall be dealt with as provided by the Statutes.

ARTICLE IX

All Deeds, Conveyances, Leases, Contracts, Orders on the Treasurer and other documents and all certificates of stock shares shall be signed by the President and countersigned by the Secretary and shall have the Corporate Seal affixed.

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ARTICLE X

The Board of Trustees may at any time appoint such other officers as they may deem necessary and remove the same at pleasure and may fix their compensation.

ARTICLE XI

Section 1. All Certificates of stock may be transferred by endorsements and delivery but no such transfer shall be binding on the Company or to third parties until the same shall be actually transferred on the Stock Book of the Corporation.

Section 2. No Transfer of any shares of stock shall be valid upon which any assessments are due and unpaid, to the holder thereof is indebted in any way to the Company without the consent of the Board of Trustees.

ARTICLE XII

These By-laws may be altered or amended at any annual meeting of the Company or at any special meeting called for that purpose by a vote of two-thirds of the Capital of the Company. Provided--Notice of such intended alternation or amendment be given in the call for such special meeting.

ARTICLE XIII

Section 1. The Trustees may call special meetings of the stockholders and notice of the regular meeting of the stockholders shall be given in the same way namely--either by posting two or more notices of the time and place in and about Samaria and one or more notices to the same effect at the Court House of Oneida County, Idaho at least thirty days before the day of such meeting or by serving personally on each shareholder or their agent, a written notice of such meeting such written notice properly directed and postage paid and deposited by the Secretary in the Post Office ten Days at least before the day of meeting shall be equivalent to a personal notice or service. A call for a special meeting state the business to be transacted.

Section 2. It shall be the duty of the Board of Trustees to call Special meetings of the stockholders upon a written request of persons representing one-third of the Capital stock actually paid up.

ARTICLE XIV

The Capital Stock of this Corporation shall be Twenty Thousands Dollars which shall be divided into One Thousand shares of the value of Twenty Dollars for each share.

ARTICLE XV

The Water Master shall have his instruction in writing from the Board of Trustees, how to regulate the water of the Company and any water which may be conveyed through the company ditches; and any other instructions which the Board may see fit to give him said instructions to be signed by the President and Secretary of the Company.

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ARTICLE XVI

These B-Laws shall always remain in the possession of the Secretary of the Company.

actions of the watermaster, or any other officer of the Company, shall make his or her complaint to the President of the Company, and he must notify the defendant of said Complaint and the time and place when an examination shall be made before the Board of Trustees and said examination shall be made forthwith as soon as the Board of Trustees can be brought together and defendant notified, and the decision of the Board shall be final, as far as the Corporation is concerned.

ARTICLE XVII

All fines that may be collected of any members of the Company shall be expended under the direction of the Board of Trustees the same as any other money belonging to the Company.

ARTICLE XIX

Section 1. The Board of Trustees shall cause the ditches of the Company to be repaired in time always before the Commencement of the Irrigating season each year.

Section 2. The Board of Trustees shall cause all gates and flumes, where water is measured to be examined before irrigating time each year by a Watermaster and a member of the Board of Trustees appointed and instructed as to their duties not later than the last Saturday in March of each year and they shall report in writing to the Board within Seven days after their appointment recommending such repairs as shall be needed. They shall also examine the ditches the same time and state in their report what places should be repaired, cleaned, or if any new ditches are needed, and estimate the expense to cover said repairs, cleanings or the making of the new ditches and if any new gates or flumes are required to estimate the amount and kind of material that will take to build said gates or flumes and the Board shall cause said repairs, or whatever the report calls for, to be done in time so as not to interfere with watering in the irrigating time. Said Watermaster and member of the Board shall receive for such services a sum as allowed by the Board of Directors.

Section 3. The Board shall provide the Watermaster with a suitable book to keep time of watering. He shall set down to date and time of day the Company commenced irrigating and the names of the persons using it and the number of shares each person, draws water on, and the time when each person commenced and left off, and the amount of inches each had at the measuring gate.

Section 4. Water shall be timed whenever all the streams at the disposal of the Watermaster are taken.

Section 5. No one shall have a right to take water from the Company's ditches without permission of the Watermaster.

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ARTICLE XX

The Board of Trustees shall appoint a Watermaster on the fourth Monday of March of each year, prescribe his duties fix his compensation and require of him security of not less than Five Hundred Dollars for the faithful performance of his duty.

Section 1. It shall be the duty of the Board to cause to be built suitable gates and boxes, all of the same dimensions so that the same number of inches may be given to each shareholder according to the shares held by him or her. Each and every aperture used must be the same dimensions all through one round of Watering.

Amendment to Article 21.

And when same is built by the Company the expense of the Material and building of same to be paid for by the owner of said Box so installed.

Section 2. It shall be the duty of the Board to cause to be kept a complete record of all their meetings and acts and also of the proceedings of the stockholders meetings, present a full statement at the regular Annual meeting of the Stockholders showing in detail the assets and liabilities of the Company and generally the condition of its offices, a similar statement shall be presented at any other meeting of the stockholders when thereto previously requested by persons representing at least 2/3 of the stock actually paid up.

ARTICLE XXII

The Board of Trustees shall impose a fine of not less than Ten Dollars nor more than Fifty Dollars upon any member of the Company that may take water (out of his or her turn) without the consent of the Watermaster.

ARTICLE XXIII

Every shareholder shall be personally responsible for his or her gate, dam or flumes that leads water to his or her lands. It shall be good evidence against him or her (before the Board of Trustees) if any water passes through his or her gate, dam or flumes without the consent of the Watermaster and out of his or her turn, he or she shall be dealt with according to Article 22nd.

ARTICLE XXIV

No contract by any officer of the Company shall be valid without the previous authorization or subsequent ratification of the Board of Trustees.

ARTICLE XXV

No contract, appointment or any bargain whatever shall be valid or binding on the Company when such contract appointment or bargain shall be between the Board of Trustees and one of its own members, other than the lawful Business of the Company.

ARTICLE XXVI

At any meeting of the Board of Trustees a majority of the

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Board shall constitute a quorum of the transaction of business and at any meeting of the Board or Stockholders should the Secretary not be present, a temporary Secretary shall be elected.

ARTICLE XXVII

All By-Laws and parts of By-Laws belonging to this Company in conflict with these are hereby repealed.

ARTICLE XXVIII

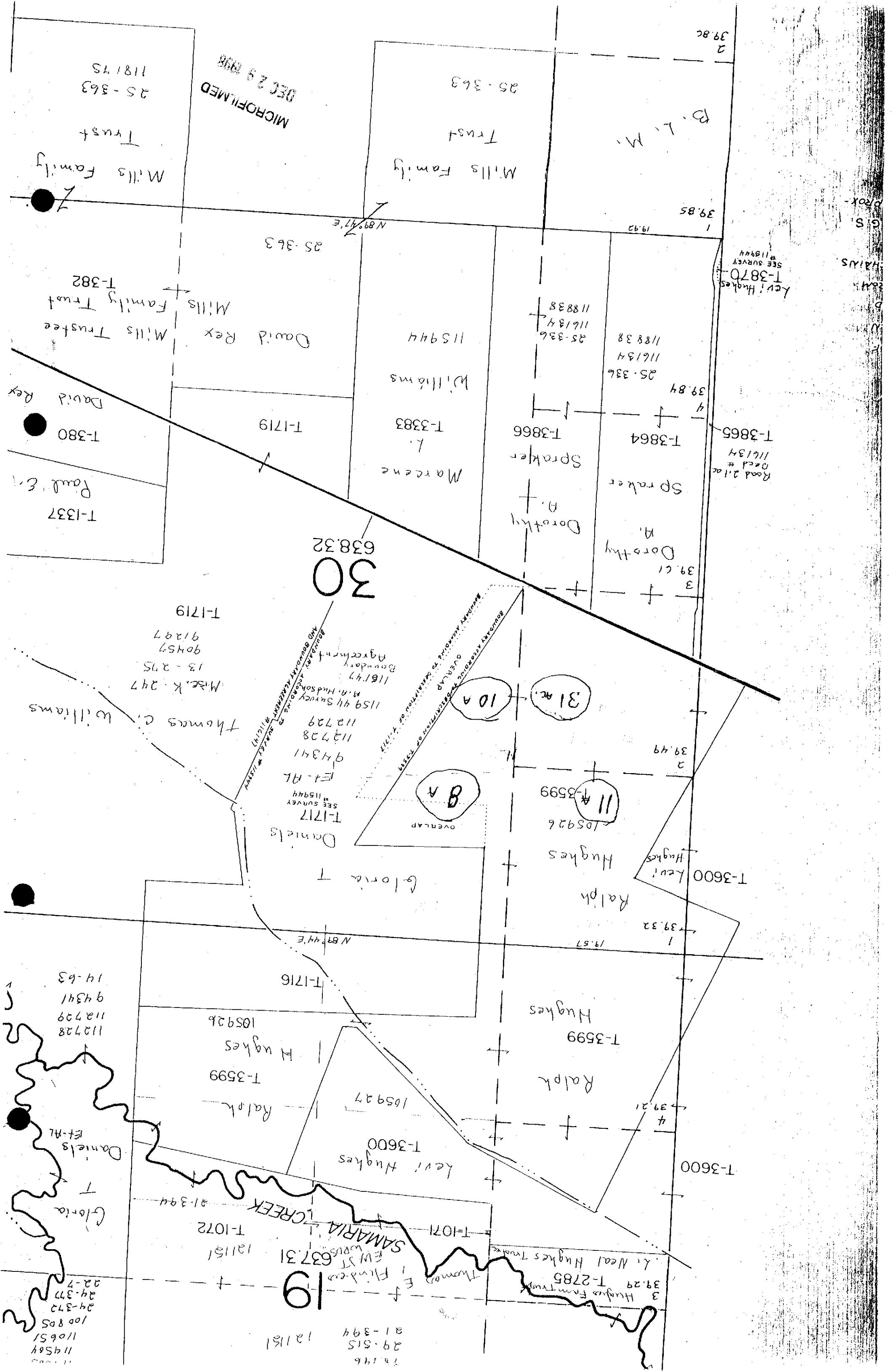
The Capital stock of the Corporation may be increased or decreased at any time by conforming to the requirements of the Laws of the State of Idaho.

*****00*****

These By-Laws were adopted by a majority vote at a meeting duly called and held for that purpose April 9th, 1924, at 2:00 P.M. of that day, at Samaria, Oneida County, Idaho.

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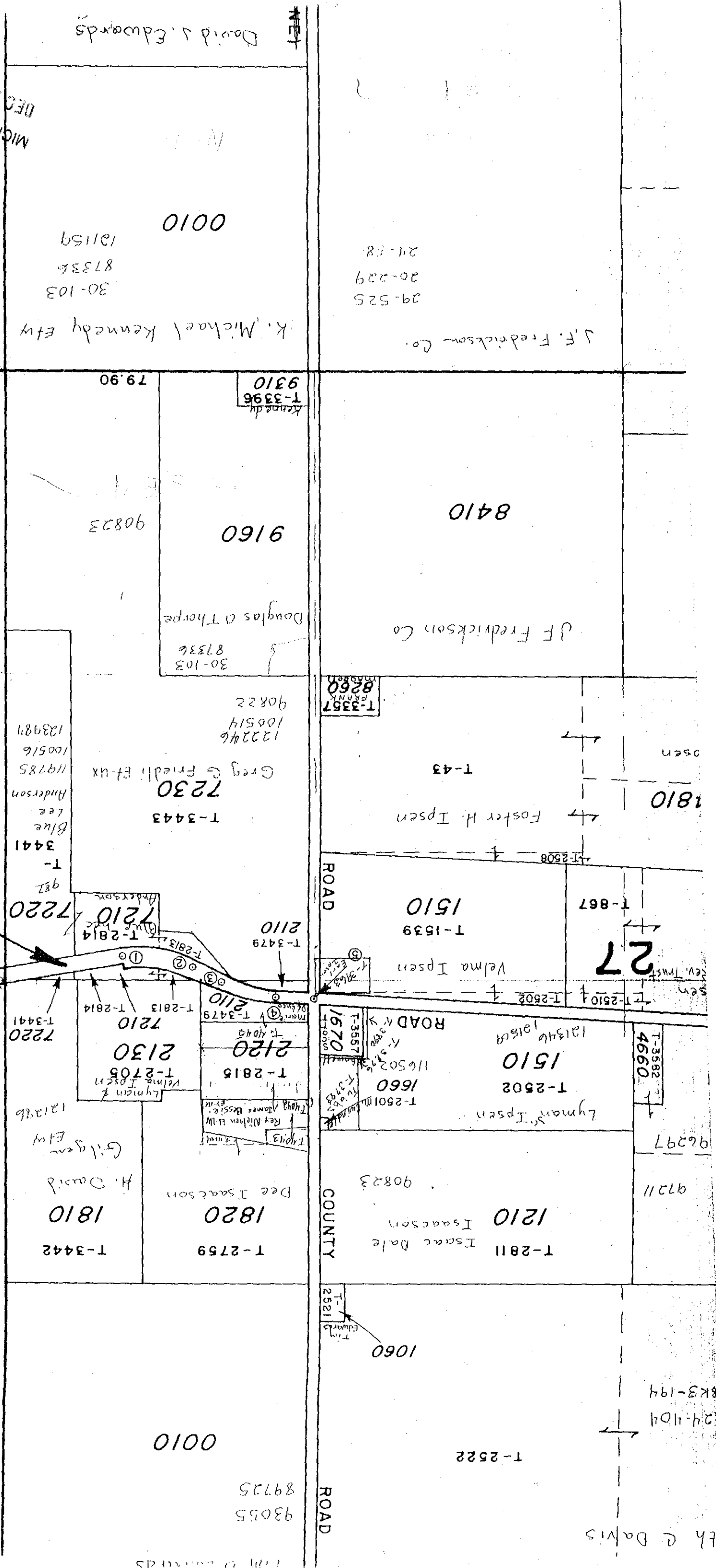
DEC 29 1998



SAMARIA LANE CENTER LINE STATION			POINT	STATION	DELTA
			①	P.C. 262+66.4	370.09
			②	P.T. 265+76.0	
			③	P.C. 267+12.6	240.21
			④	P.T. 269+56.1	
			⑤	271+18.3	END

SAMARIA LANE ROAD
PROJECT S-1704(I)

MICROFILMED
DEC 29 1998



*Legal Description of Ralph Hughes
Ranch - Samaria, Idaho*

105926

T-3599
Sec. 19, 24, 25, 30
Twp. 15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner
of Section 25, and running thence North 447.5 feet
along Section Line, to the center of County Road,
thence North 70°00' West 908 feet along center of
County Road, thence South 13°51' West 315.4 feet,
thence South 60°27' East 260 feet, thence South
29°42'30" West 878.7 feet, thence North 62°00' West
346.6 feet, thence South 88°30' West 167 feet, thence
North 66°00' West 255 feet, thence South 1142.46 feet
to the Sixteenth Line, thence East 1843.95 feet to the
Section Line, thence North 1320 feet along the Section
Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise
Meridian; Sections 24, 25, 19, 30: Commencing at
a point 474.10 feet North of the North side of the
County Road from the East Quarter Corner of Section
25, and running thence North 70°00' West 430.15 feet
along said Road, thence North 28°13' East 1616.55
feet, thence North 71°30' West 850 feet, thence
North 22°55'30" East 2445.9 feet, thence South 62°06' East
1055.72 feet, thence South 49°08'30" East 1124.96 feet,
thence East 80 feet, thence North 17°21'50" East 1211.98
feet, thence South 82°31' East 1152.83 feet, thence
South 1°17' East 1047 feet, thence South 87°58' West
2410 feet, thence South 00°37' East 1283 feet, thence
North 86°53' East 980.5 feet, thence South 30°30' West
2303 feet, more or less, to the North side of County Road,
thence North 70°00' West 1390.39 feet, more or less,
along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of
the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as
Hughes Pump located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25,
T15S, R35 EBM, together with the right of use of holding
reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred)
and Big Canyon.

ALSO, $\frac{1}{2}$ interest in and to the waters of Water Canyon.

Ralph Hughes

MICROFILMED

DEC 29 1998

Tax #	Record.#	State Num	Owner Name
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T-003599 00105926

Hughes, Ralph

Sec 19,24,25,30 T 15 S R 35 & 36	105926
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Township 15 South Range 35 EBM; Section 25: Commencing at the East Quarter Corner of Section 25 and running thence North 447.5 feet along Section Line, to the center of County Road

thence North 70°00' West 908 feet along center of County Road

thence South 13°51' West 315.4 feet

thence South 60°27' East 260 feet

thence South 29°42'30" West 878.7 feet

thence North 62°00' West 346.6 feet

thence South 88°30' West 167 feet

thence North 66°00' West 255 feet

thence South 1142.46 feet to the Sixteenth Line

thence East 1843.95 feet to the Section Line

thence North 1320 feet along the Section Line to the place of beginning.

ALSO,

Township 15 South Ranges 35 & 36 EBM Sections 24,25,19,30: Commencing at a point 474.10 feet North of the North side of the County Road from the East Quarter Corner of Section 25 and running

thence North 70°00' West 430.15 feet along said Road

thence North 28°13' East 1616.55 feet

thence North 71°30' West 850 feet

thence North 22°55'30" East 2445.9 feet

thence South 62°06' East 1055.72

thence South 49°08'30" East 1124.96 feet

thence East 80 feet

thence North 17°21'50" East 1211.98 feet

thence South 82°31' East 1152.83 feet

thence South 1°17' East 1047 feet

thence South 87°58' West 2410 feet

thence South 00°37' East 1283 feet

thence North 86°53' East 980.5 feet

thence South 30°30' West 2303 feet, more or less, to the North side of County Road

thence North 70°00' West 1390.39 feet, more or less, along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as Hughes Pump located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25 Township 15 South Range 35 EBM, together with the right of use of holding reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred) and Big Canyon.

ALSO, $\frac{1}{2}$ interest in and to the waters of Water Canyon.

Tax #	Record.#	State Num	Owner Name
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MICROFILMED
DEC 29 1998

May 14, 1974

Re: Permits No. 15-2023 ✓
15-2024
15-2025
15-2074

Samaria Water & Irrigation Company
Samaria,
Idaho 83252

Gentlemen:

Enclosed herewith are copies of the Water Licenses issued on the above referenced permits.

We are also enclosing Receipt #14440 for \$224.60 covering the licensing fees.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

ts

Enclosures

15-2023

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 1, 1974

Re: Permits No. 18948 (New No. 15-2023)
19071 " " 15-2024
19072 " " 15-2025
R-637 " " 15-2074

Samaria Water & Irrigation Company
Samaria,
Idaho 83252

Gentlemen:

We are taking this opportunity to advise you that this office is currently in the process of clearing the Department's files of all old permits on which the statutory requirements have not been completed.

In reviewing our records, we find that the licensing fees have not been paid in connection with the above referenced permits. Therefore, upon receipt of licensing fees in the amount of \$224.60, the Department is prepared to issue water right licenses on the above numbered permits as follows:

Permit 18948/15-2023

Quantity: 3.0 cfs Source: Warm Springs
Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 15 S, Rge. 35 E, B.M.
Beneficial use: Irrigation of 3,215 acres (see enclosed land list)
Priority date established: March 1, 1940

Permit 19071/15-2024

Quantity: 3.5 cfs Source: Warm Springs
Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 15 S, Rge. 35 E, B.M.
Beneficial use: Irrigation of 3,215 acres (see enclosed land list)
Priority date established: August 28, 1940

15-2023

Priority date established: Sept. 6, 1940

Priority date established: Sept. 27, 1937

15-2023

May 1, 1974

Re: Permits No. 18948 (New No. 15-2023)
19071 " " 15-2024
19072 " " 15-2025
R-637 " " 15-2074

Samaría Water & Irrigation Company
Samaría,
Idaho 83252

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Permit 18948/15-2023

Quantity: 3.0 cfs

Source: Warm Springs

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 15 S, Rge. 35 E, B. M.

Beneficial use: Irrigation of 3,215 acres (see enclosed land list)

Priority date established: March 1, 1940

Permit 19071/15-2024

Quantity: 3.5 cfs

Source: Warm Springs

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 15 S, Rge. 35 E, B. M.

Beneficial use: Irrigation of 3,215 acres (see enclosed land list)

Priority date established: August 28, 1940

15-2023

Permitt 19072/15-2025

Quantity: 22.0 cfs Source: Big Malad River
Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, Twp. 14 S, Rge. 35 E, B.M.
Beneficial use: Irrigation of 6,735 acres (see enclosed land list)
Priority date established: Sept. 6, 1940

Permit R-637/15-2074

Quantity: 500 acre feet Source: Big Malad River
Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, Twp. 14 S, Rge. 35 E, B.M.
Beneficial use: Storage for irrigation of 4,410 acres (see enclosed land list)
Priority date established: Sept. 27, 1937

The licensing fee is based on \$2.00 for each 40-acre legal subdivision. We found 197 subdivisions, however, 89 of these subdivisions were covered by the fee paid under License No. R-791/15-2075. Also, under Permit 19072/15-2074 there is a \$8.60 completion of works fee due at the rate of \$5.00 for the first 10 second feet and 30¢ for each additional second foot.

Please submit the required \$224.60 licensing fee within 30 days of the date of this letter in order that we may issue the licenses as set forth herein. If the fee is not received within the 30-day period, the Department will proceed to cancel these permits.

If you should have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures (4)

bc: Eastern District Office
(no enclosures)

15-2023

✓
November 27, 1951

RE: Permits Nos. 18948 and 19071

Mr. William M. Jones, Secretary
Samaris Water and Irrigation Company
Route 1
Maled, Idaho

Dear Mr. Jones:

We now have on file the reports of our field engineer on examination for beneficial use under the above numbered permits to appropriate water from Warm Springs, tributary to Big Maled River. Licenses can be issued for 3 second feet under Permit No. 18948, and 3.5 second feet under Permit No. 19071, for use on the land within the boundaries of your company in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24, and 25, Township 15 South, Range 35 East, B.M. These lands are located in 96, 40 acre subdivisions and the statutory fees in connection with final proofs amount to \$198.00, which is at the rate of \$2.00 for each legal subdivision in which the land is located.

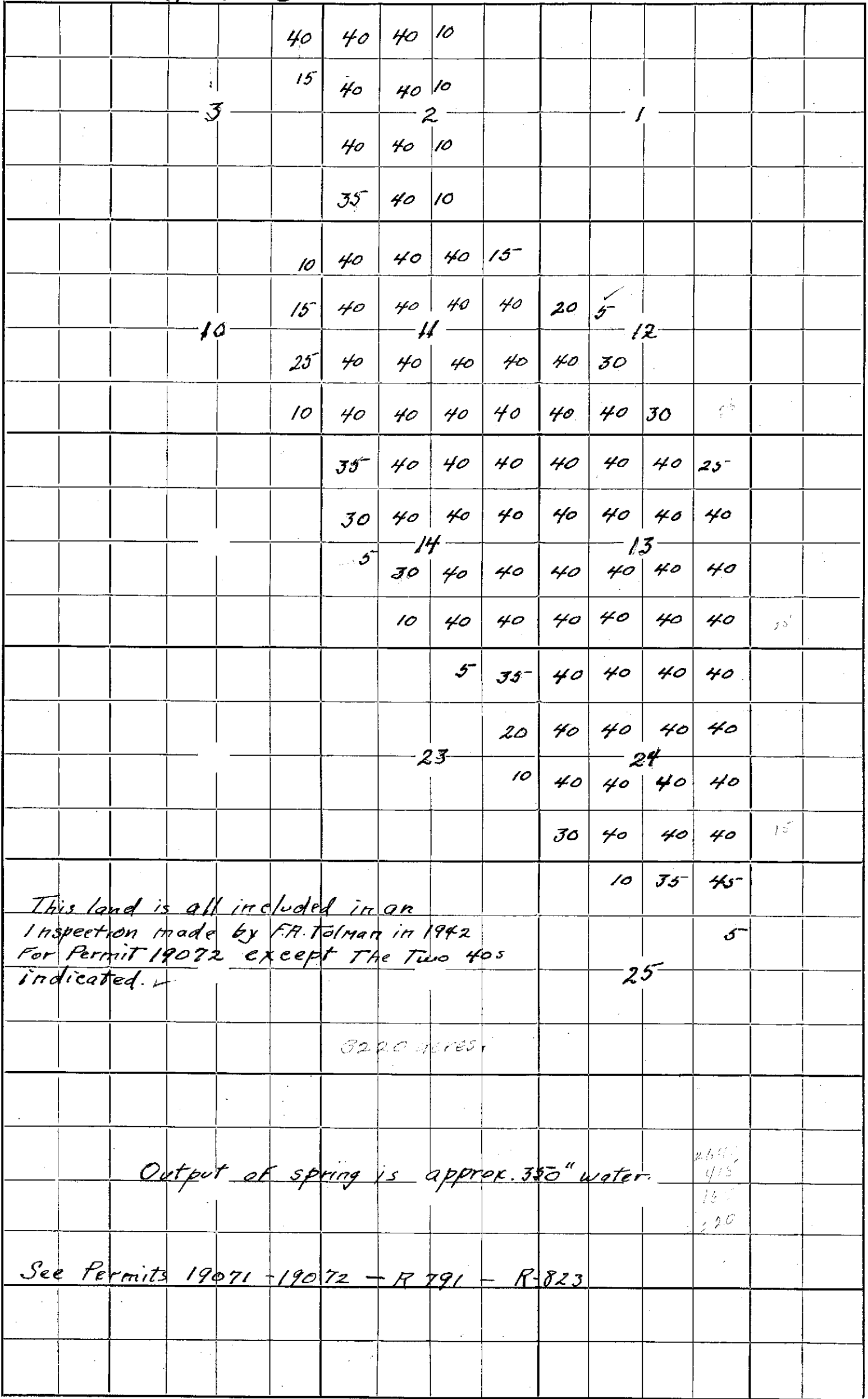
However, the records in this department show that the statutory fees in connection with proof of completion of works and beneficial use under Permit No. 19072 for some 6,735 acres of land in 184 legal subdivisions, amounting to \$376.80, about which we wrote you on March 24, 1943, have not been paid. Since the lands described in Permits Nos. 19071 and 18948 are part of the same land included in Permit No. 19072, if this fee is paid, there will be no additional inspection fees required on these permits nor on Permits Nos. R-791 and R-823, when the proofs are made on the latter numbered permits, if supplementary to the existing rights acquired under Permit No. 19072.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

18948

T15S R35E



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18948

REPORT ON PROOF OF Beneficial use

SAMARIA WATER & IRRIGATION VOMPANY, Samaria, Idaho

*2 ef.
men*

app, 30/8.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 18948This proof is for Beneficial use In Water District No. _____1. Name of applicant Samaria Water & Irrigation Co., Wm. M. Jones, Sec'y., Samaria, Idaho2. Source of water supply: Warm Springs, tributary to Big Malad River3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3T. 15 S. R. 35 E. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same: This filing is on water from some warm springs which this company claims to have used for many years. There is a dam across the coulee which raises the water to a depth of 12 to 15 feet in a small pond, and raises the water high enough to flow down a good sized canal and mingle with the waters from their storage reservoirs as it flows to the fields. The dam is approximately 5 feet wide on top except in one place where it is only two feet wide. (continued under remarks)

5. Water is used for: Irrigation and domestic purposes.6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2;E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3;E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10;All of Section 11;S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12;All of Section 13;N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 14;N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23;All of Section 24;All in Township 15 South, Range 35 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Big Malad

Remarks: This ^{dam} lays in a pasture and has been considerably tramped by cattle. The dam is approximately 200 feet long. The location of the springs are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 15 South, Range 35 East, B.M., and are actually in the Northwest corner of the 40, being approximately 170 yards East of the West line and approximately 100 yards South of the North line. Temperature of the water is 77° F. This water is for all the irrigated lands of the Samaria Water & Irrigation Company that is served by this canal, mostly laying East between the canal and the stream. Canal is approximately 8 to 10 feet wide by 1 $\frac{1}{2}$ to 2 feet deep.

This examination was made on the 11th day of July, 19 51(Signed) C. M. Humphrey

Examiner.

18948

17537
18948
19071
19072
R-791
R-823

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Samaria Water & Irrigation Co.
Wm. M. Jones, Secretary
Samaria, Idaho

Permit No. 18948

Examination for Beneficial use

County Oneida

153 - 358

S. = Warm Springs - Trib. of main

Q = 3 cfs.

P.D. = NE NE S 3

Use = Dring & Dam.

Area = 3215 a.

in sections 2-3-10-11

12-13-14-23-24-25

check land on
earlier filing
& make map.

10' in 3 1/2 sec. 5.5 100 2.5
2 1/2 2.5 200 280
200 280
280

Dam = approx. 170 yds E.
of road

is approx. 200' long,
rip rap face with rock
dam. is on top 5' to 2' w.
water is 12' to 15' deep.

Dam merely raises water
to cause flow out into canal
of system.

T. = 77°F.

350" = output of springs

Appx = 100 yds S. of road

road - road
Q = 3 cfs.
151704
N.

✓
May 8, 1951

Re: Permit No. 18948

Mr. William M. Jones, Secretary
Samaris Water and Irrigation Co.
Samaris, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of May 7, 1951, enclosing corrected depositions, also Affidavit of Publication from the Idaho Enterprise, all submitted in Proof of Beneficial Use under Permit No. 18948.

This completes your Proof of Beneficial Use, but before final action is taken, it will be necessary for a field examination to be made by an Engineer from this Department.

We cannot say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

18948

Permit # 18948

Malad, Idaho
May 7, 1951

RECEIVED
MAY 8 1951
Department of Reclamation

State of Idaho
Department of Reclamation
Mark R. Kulp, State Reclamation Engineer

Dear Sir:

Please find enclosed the desposition of holder and also for the two witnesses with the additional information you requested to make the forms more complete, also the notarized affidavit of publication from the Idaho Enterprise,

Yours truly

Samaria Water and Irrigation Co.

by

William M. Jones
Secretary

18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18948

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Samaria Water and Irrigation Company
Samaria, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Samaria, Oneida County, State of Idaho

Ques. 3 State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 9;00 A. M. March 1, 1940 priority

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Warm Springs which is tributary of Big Malad River, at the Spring about 660 feet Southeastly from the Nw. corner of the NE-NE $\frac{1}{4}$ of section 3, Tp. 15 S, R 35 EBM., and is in the NE-NE $\frac{1}{4}$ of section 3, Tp. 15 S, R 35 E.B.M., County of Oneida

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Earth Dam; with headgate; and a canal, height of dam 10 feet; length of dam at top 60 feet; length of dam at bottom 45 feet.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use. The lands irrigated by the use of this water are described as follow; to-wit: 3215 acres in sections 2, 3, 10, 11, 12, 13, 14, 23, 24, and 25, Township 15, South, Range 35 East, B.M.

18948

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Water is not used to generate power.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. None is used for the above purpose of producing power.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Samaria Water and Irrigation Company, Samaria, Idaho

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. For diversified farm crops in the area described as follows: 3215 acres in sections 2, 3, 4, 10, 11, 12, 13, 14, 23, 24 and 25 Township 15 South, Range 35 EEM.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Have permits for the natural flow of the Big Malad River and the waters impounded in two Reservoirs

(Sign) William M. Jones
Secretary & Treasurer, Samaria Water & Irrigation Company

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad City, County of Oneida, State of Idaho, on this 10 day of April, A. D. 1951,

Bill Hallis
Probate Judge

My commission expires.....

msb

18948

TWP	RANGES	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
~~15~~	~~35E~~ 2	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$				TO TALS
15	35E 2	10 10	40 40 40 40 40 40 35 40	10 10	355	
	3	40	15		55	
	10	10	15	35	10	
	11	15 40 40 40 40 40 40 40 40 40 40 40 40 40 40		10 15		
	12		20 5 30 40 40 40	30	205	
	13	35 40 40 40 40 40 40 40 40 40 40 40 40 40 40		10 25		
	14	40 40 40 40 40 35 30 40 30 5	10 40 40 40 40	510		
	53	35 5	30	10	40	
	54	40 40 40 40 40 40 40 40 40 30 40 40 40 40 40		1030		
	55	40 35	5 10		90	

Question #

Legal description of land
 conveyed as shown in location
 # 6 & separation of lands of
 parcel # 18 948

Proof of application
 of 10 acre to
 Borden and
 parcel # 18 948

18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18948

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Taliesin Hughes, age 71, residence Malad City, Idaho, Occupation Hotel
Operator, postoffice address Malad City, Idaho

Ques. 2. Are you acquainted with Yes, the
holder of Permit No. 18948? How long have you known him and where does
he reside?

Ans. Samaria Water and Irrigation Company, Postoffice address Samaria, Idaho.
I have known the company for 65 years.

Ques. 3. Have you read or heard read said Permit No. 18948, and are you
familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Warm Springs which is a tributary of Big Malad River, at the spring about 660 feet
Southeasterly from the NW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp. 15 S, R 35E, BM., and is
the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Tp. 15 S, Range 35 E, BM. County of Oneida

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Fifteen (15) second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. No pump.

18948

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic use The number of acres watered by this source is 3215 acres in sections 2, 3, 10, 11, 12, 13, 14, 23, 24, and 25 Township Range 35 East, B. M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not use for power

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Diversified farm crops, average about 1 1/2 acre feet for crops.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no interests. Mr. Hughes used to be interested in the works, but he has
retired from his farming activities.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have used the water for Irrigation and domestic use and I have also used
the water on the land described in the permit

(Signed) Taliesin Hughes

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, County of Oneida, State of Idaho, on this 10th day of April, A. D. 1951.

Bill Hallis
Probate Judge Notary Public.

My commission expires.....

18948

Question #7

Proof of application
of water to
Bonsford cut
Permit #
18948

Complete information
for questions #7 for
deposition of witnesses
concerning permit 18948

		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
TWP	RANGE	$\begin{matrix} NE & NW & SW & SE \\ \frac{1}{4} & \frac{1}{4} & \frac{1}{4} & \frac{1}{4} \end{matrix}$				TOTALS
35	35E	2	10 10	40 40 40 40 40 40 35 40	10 10	355
		3	40	15		55
		10	10	15		60
		11	15 40 40 40 40 40 40 40 40 40 40 40 40 40			615
		12		20 5 30 40 40 48	30	205
		13	35 40 40 40 40 40 40 40 40 40 40 40 40 40			635
		14	40 40 40 40 40 40 35 30 40 30 5 10 40 40 40 40			518
		23	35 5 20		10	70
		34	40 40 40 40 40 40 40 40 40 40 30 40 40 40 40 40			630
		35	40 35 5 10			98
						<u>3215</u>
						18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18948

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. William M. Price, age 66, Malad City, Idaho, address Malad City, Idaho
Occupation laborer.

Ques. 2. Are you acquainted with Yes, the holder of Permit No. 18948? How long have you known him and where does he reside?

Ans. I have known the Samaria Water and Irrigation Company for 55 years.
Samaria, Idaho

Ques. 3. Have you read or heard read said Permit No. 18948, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Warm Springs which is a tributary of the Big Malad River at the spring about 660 feet Southeasterly from the NW. corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp. 15 S, R 35 E, BM., and is the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Tp. 15 S, Range 35 E, BM. County of Oneida

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Fifteen (15) second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No pump

18948

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic, 3215 acres in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Township 15 South, Range East, BM.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not used for power.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The average for each of the se crops is 1 1/2 acre feet: potatoes, beets, and other row crops.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interests in the works now, I have quit farming in the area and I have moved to Malad City, Idaho.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been watermaster for five years. I have actually seen the use the water has been put too in the farming area described in the permit.

(Signed) William M Price

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City, County of Oneida, State of Idaho, on this 10th day of April, A. D. 1951.

Bill Fallis
Probate Judge Notary Public.

My commission expires

18948

Affidavit of Publication

State of Idaho }
County of Oneida } ss.

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 10th day of April, 1951, at Malad City, County of Oneida, State of Idaho, before Bill Fallis, Probate Judge, Oneida County, Idaho, proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of Warm Springs in accordance with the terms and conditions of Permit No. 18948 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Samaria Water and Irrigation Company, Samaria, Oneida County, Idaho.

The use to which said water has been applied is Irrigation and Domestic purposes.

The amount applied to beneficial use is three cubic feet per second.

The place where said water is used - 3215 acres located in Sections 2-3-10-11-12-13-14-23-25-24 in Township 15 South, Range 35 East Boise Meridian, as fully shown and located and set forth in said permit No. 18948 reference to which is hereby made for any particulars pertaining thereto.

The name of canal or ditch or other works by which said water is conducted to such place of use is "Warm Springs Canal".

The right to take water from such works is based upon Permit No. 18948.

The source of supply from which such water is diverted is the Warm Springs itself at the head of the above said Canal.

The date of priority which said user is prepared to establish is Mar. 1, 1940.

Mark R. Kulp
State Reclamation Engineer.
3-15-22-29-4-5 t4

Sybil Stratton being first duly sworn on her oath, states: That ~~she~~ *he* is ~~principal~~ *Clark* 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 and that said paper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ~~4~~ *5* successive weekly issues thereof the date of the first publication being the ~~1~~ *5* day of ~~March~~ *April* 1951 the date of the last publication being the ~~5~~ *7* day of ~~April~~ *May* 1951.

Sybil Stratton
Subscribed and sworn to before me this ~~7~~ *7* day of ~~April~~ *May* 1951.

J. E. Remy
Notary Public, residing at Malad, Idaho

My Commission expires the ~~15~~ *15* day of ~~May~~ *June* 1951.

COST ~~54~~ *54* lines at 10c per line first insertion \$ ~~5.40~~ *5.40*

5c per line each subsequent insertion \$ ~~8.10~~ *8.10*

TOTAL ~~13.50~~ *13.50*

78948

18948

April 28, 1951

Mr. William M. Jones, Secretary,
Samaris Water & Irrigation Co.
Route 1
Malad, Idaho

Dear Mr. Jones:

In reply to your postcard request,
we enclose half a dozen forms for making sketch
maps- Form O.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

18948

Malad; Rt # 1; Idaho 4-26-51

State Engineer (Reclm; Dept)
Boise, Idaho;

Please mail me by return
6 proof maps blank sheets
used to show irrigated land
for proofs and filings

Samaria Water & Irrig; Co.


Secretary; Malad Rt #1
Idaho.

18948

April 12, 1951

Re: Permit No. 18948

Mr. William Jones, Secretary
Samaris Water & Irrigation Co.
Samaris, Idaho

Dear Mr. Jones:

We have received from Mr. Bill Fellis, Probate Judge, the depositions of yourself and two witnesses submitted in Proof of Beneficial Use under Permit No. 18948.

In order to reduce the cost of publication, the description of the land to which this water is appurtenant was condensed to show only the Sections in which the land was located.

However, you will note that Question 6 in your own deposition and Question 7 in the depositions of your witnesses calls for a description of the lands by legal subdivision with the number of acres irrigated in each.

We therefore return the depositions for such completion and as we appreciate that there is not room for this complete description on the printed forms, we suggest that it be listed on a separate sheet and attached to the affidavits.

The Affidavit of Publication is also a necessary part of the proof and the Idaho Enterprise was instructed to send this Affidavit of Publication to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MHK:bh
Enc.

18948

OFFICE OF
BILL FALLIS
~~PROBATE JUDGE~~
— SWEDEA COUNTY —
MALAD CITY, IDAHO

WILLIAM M. JONES
Secretary & Treasurer
SAMARIA WATER & IRRIGATION CO.
Samaria, Idaho
April 10, 1951

RECEIVED
APR 11 1951
Department of Reclamation

Mark R. Kulp
State Reclamation Engineer
State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 18948

Dear Mr. Kulp:

Proof of Beneficial Use was made today, April 10, 1951, before Mr. Bill Fallis, Probate Judge. The dispositions of the two witnesses, Mr. Taliesin Hughes and William M. Price, was taken separately by Judge Fallis.

We enclose the completed dispositions of the witness and the disposition of the holder of the permit.

Thanking you very much for your kind interest in this matter.

Yours very truly,

Samaria Water & Irrigation Co.
Secretary
William Jones
William M. Jones

18948

March 29, 1951

Re: Permit No. 18948

Mr. William M. Jones, Secretary
Samaris Water & Irrigation Co.
Route 1
Mead, Idaho

Dear Mr. Jones:

We enclose the approval of the State Reclamation Engineer of your application for extension of time for making proof of beneficial use under Permit No. 18948. This should be attached to the original Permit of which it now forms a part.

As you know, Proof of Beneficial Use is to be made on April 10, 1951, before Mr. Bill Fallis, Probate Judge. We enclose the necessary forms for making this proof, consisting of one for Permit Holder and one for each of two witnesses, and at the time set, you should appear before Judge Fallis, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

18948

RECEIVED
MAR 29 1951
Department of Reclamation

Samaria, Idaho March 21st. 1951

Mark R. Kulp;
Commission of Reclamation
State House
Boise, Idaho

Dear Commissioner Kulp;

Inclosed please find our application
for extension of time to make final proof from March
8th. 1951 to April 10th. 1951, when we will make and
complete proof, for the reason shown in said application;
for permit No. 18948, the final date of same being over
looked in error.

Yours truly,

Samaria Water & Irrigation Company

By William M. Jones Its Secty
Wm. M. Jones.

18948

STATE OF IDAHO
Department of Reclamation

Permit No. 18948

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Oneida } ss
Samaria Water & Irrigation Co. of Samaria, Oneida County

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 18948

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by March 8th., 19 51

That he has heretofore put to beneficial use 3 second feet of water and has irrigated on 3215 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: _____

Officers just overlooked making the application in time prior to March 8th. 1951 so that could be advertised and proof made in sufficient time prior to March 8th. 1951.

And Stockholders meeting of March 21st. 1951 hereby asks extension of time for final proof to April 10th. 1951 when proof will be made; which stockholders meeting was adjourned from March 5th. 1951, the date of annual stockholders meeting; as set by By-Laws of the Company.

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ ^{State Reclamation Engineer} extend the time for the making of proof of beneficial use under said permit to April 10th., 19 51

Samaria Water and Irrigation Company By William H. Jones its Secretary.

Subscribed and sworn to before me this -21st. day of March, 19 51

My commission expires Dec. 30th. 1954.

Frederickson
Notary Public.

Date of receipt at office of Department of Reclamation March 29, 1951

STATE RECLAMATION ENGINEER
APPROVAL OF COMMISSIONER OF RECLAMATION
State Reclamation Engineer
~~XXXXXXXXXXXXXXXXXXXX~~

I, Mark R. Kulp of the State of Idaho, hereby extend the time for the making

ing of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 18948, to _____

April 10, 19 51

Witness my hand this 29th day of March, 19 51

Mark R. Kulp
~~XXXXXXXXXXXXXXXXXXXX~~
State Reclamation Engineer

18948

The Idaho Enterprise

CLYDE AND MARION HANSON
PUBLISHERS

Malad City, Idaho
March 9, 1951.

RECEIVED
MAR 12 1951

Department of Reclamation

Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

Your notice regarding publication for four weeks in this paper a notice of the Samaria Water & Irrigation Co. pertaining to Permit No. 18948 has been received and will be complied with. Copy of the first publication will be mailed to your office.

Very truly yours,

Marion Hanson

The Idaho Enterprise,

18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **March 8, 1951**

Re: Permit No. 18948

Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **April 10, 1951** the date set for proof, the expense of the publication to be paid by the applicant, **Samaria Water & Irrigation Co., C/o W.M.Jones, Sec'y.** **Rt. 1, Malad, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

18948

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10-00 A. M. on the 10th. day of April, 19 51,
at Malad City, County of Oneida, State of Idaho, before
Bill Fallis, Probate Judge, Oneida County, Idaho, proof will be submitted of the
application to beneficial use of Three ~~Six~~ cubic feet per second of the waters of Warm Springs
in accordance with the terms and conditions of Permit No. 18948
heretofore issued by the Commissioner of Reclamation (~~James Spofford~~) of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Samaria Water and Irrigation Company, Samaria, Oneida County, Idaho.

The use to which said water has been applied is Irrigation and Domestic purposes

The amount applied to beneficial use is Three ~~Six~~ cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) 3215 acres located in Sections 2-3-10-11-12-13-14-23-25-24
in Township 15 South, Range 35 East Boise Meridian, as fully shown and
located and set forth in said permit No. 18948 reference to which is
hereby made for any particulars pertaining thereto.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is "Warm Springs Canal"

The right to take water from such works is based upon Permit No. 18948

The source of supply from which such water is diverted is the Warm Springs itself at
the head of the above said Canal.

The date of priority which said user is prepared to establish is March 1, 1940, date of
receipt of application, for permit.

Mark R. Kuep

State Reclamation Engineer.

Due 3-8-51

18948

✓
March 2, 1951

Re: Permit No. 18948

Mr. W. M. Jones, Secretary
Samaris Water & Irrigation Company
Route 1
Malad, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of February 26, 1951, enclosing duplicate Notice of Beneficial Use Proof to be made under Permit No. 18948 on April 10, 1951, and authorization to have the notice published in the Idaho Enterprise.

We have had to make one correction in the notice, as the Permit is only for three second feet instead of six.

Since this proof was due on or before March 8, 1951, if the original priority of March 1, 1940 is to be retained, it will be necessary to file an Application for Extension of Time for Beneficial Use Proof, form for which is enclosed; otherwise, your priority will be as much later as this proof is past due.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

18948

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 26th. 1951

(P. O.) Samaria, Idaho (place of registered office)

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho Enterprise Pub. Co. of Malad, Idaho published in
the county in which the works are situated.

SAMARIA WATER AND IRRIGATION COMPANY

By *W. H. Jones* Secretary

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18948

Samaria, Idaho; Feb. 26th.1951

Mark R.Kulp
State Reclamation Engineer;
State House
Boise, Idaho;

Permit #18948 for proof by
Samaria Water & Irrigation Co.
for proof on "Warm Springs"
waters.--

Dear Mr. Kulp;

Inclosed following;

1. Notice of Proof application of water
to beneficial use (in matter of Warm Springs)
2. Authorization to Publish Notice of Proof in
Idaho Enterprise Publishing Co., at Malad, Idaho
for proof to be made on April 10th. 1951 at 10-00 A.M.
at Malad, Idaho, before Bill Fallis, Probate Judge
of Oneida County, Idaho.

Yours truly

SAMARIA WATER & IRRIGATION COMPANY

By W. M. Jones Secty;

whose address is Malad, Idaho R.D. No. 1

RECEIVED
FEB 28 1951
Department of Reclamation

18948

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

January 2, 1951

Samarita Water & Irr. Co.
C/o H. M. Jones, Secretary,
Route 1, Malad, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. ~~18948~~. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than ~~March 8, 1951~~, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK E. KULP
State Reclamation Engineer

18948

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 18948 Under the)
Provisions of Section ~~5594, Idaho~~)
~~Compiled Statutes, 41-311, Idaho Code~~)
Annotated)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18948 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: March 8, 1945; and,

WHEREAS, On the 5th day of May, 1945, ~~1942~~ notice to show cause why said permit should not be canceled, under the provisions of Section 5594, 41-311, Idaho Code, Annotated ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

WHEREAS, On the 3rd day of June, 1945 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 13th day of June, 1945 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

~~Engineer~~ WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ **State** Reclamation/of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18948, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18948 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 18th day of June, 1945.

Mark R. Kulp

Commissioner of Reclamation
State Reclamation Engineer

By _____
Assistant

18948

June 19, 1945

Re: Permit No. 18948

Mr. William M. Jones, Secretary,
Samaris Water & Irrigation Company,
Malad, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of June 12th, enclosing depositions of yourself and two witnesses in proof of completion of works under Permit No. 18948; and also enclosing the original application and Permit, No. 18948, which we are returning herewith.

There seems to be some discrepancy between this and the records in this Department, as our records show that this permit is for three (3) cubic feet per second instead of six (6)- which you will note is also in accord with the amount of fee as shown on the back of the application, \$5.50, which is the correct amount for three second feet.

An order has been issued reinstating this permit, and we enclose certificate of completion of works issued thereunder for the diversion of three (3) second feet of the waters of Warm Springs, a tributary of Big Malad River, for irrigation and domestic use of 3215 acres of land in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Township 15 South, Range 35 East, B.M., as described.

We also enclose Departmental Receipt No. 18902 for the \$5.00 fee paid in connection with completion of works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

18948

Malad, Idaho June 12th. 1945

Mr. Mark R. Kulp;
Reclamation Engineer;
Department of Reclamation;
of Idaho;
Boise, Idaho;

Dear Mr. Kulp;

Inclosed please find final proof of completion of works, in the matter of the Samaria Water & Irrigation Company of Samaria, Idaho; under permit No. 18948 for 6 cubic feet per second, of irrigation waters of Warm Springs; in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3 Tp. 15 S.R. 35 E.B.M. in Oneida County Idaho; to-wit;

1. The application for Permit itself No. 26355 Permit 18948; dated March 1st. 1940 for which this proof is made which permit and application, I will ask you to return to me; after you have filed the proof for same herewith inclosed.

Proof affadavitts;

2. Affadavitt of proof of completion of works by Samaria Water & Irrigation Company; by its authorized Secretary; Wm. M. Jones.
3. Deposition of witness Charles E. Thomas; on proof of completion of works, in this matter.
4. Deposition of Edward Woozley Witness; on proof of completion of works, in this matter.
5. Filing fee of \$5.00 by Check of Samaria Water and Irrigation Company, inclosed herewith.

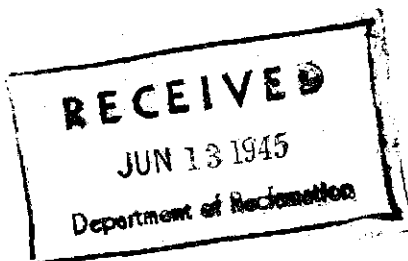
Please do not overlook returning of original application and Permit in this case as No. 1 above; after you have fully filed the inclosed proof documents, and oblige.

Yours truly

SAMARIA WATER & IRRIGATION COMPANY

By William M. Jones Its Secty

18948



PERMIT NO. 18948

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Samaria Water & Irrigation Co., by Wm. M. Jones Its Secretary

Malad, Idaho R. D. No. 1 P. O. Box No. 100

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Samaria Water & Irrigation Company; Samaria, Idaho

my position Secretary; appearing by authority in behalf of said Company.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 18948; date March 1st. 1940; 6 Cubic feet per second
At Spring; 660 ft; SE; from NW corner; of NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3 Tp. 15 S.R. 35 E.B.M
and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3 Tp. 15 S.R. 35 E.B.M. in Oneida County, Idaho.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For Irrigation and domestic purposes; for irrigation on 3215 Acres
in Sections 2-3-10-11-12-13-14-23-24-25 in Tp. 15 S.R. 35 E.B.M in Oneida
County, Idaho; as shown and further described in said permit; reference
to which is hereby made.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes been turned in; Turned in in year 1940; 6 cubic feet per second

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes fully completed; and they comply in all respects with terms of
Permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. No Variance; All the waters of this Spring are diverted by
the works.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam 10 ft. high; Length at bottom 45 feet; Length at top 60 feet
Earth with rock rip-rap work in front of dam diverting water; Headgate
is 3 feet wide and 3 feet deep;

Canal taking the water from headgate is 12 feet wide on bottom and 15 feet
wide at top; with a depth of 2 feet or more;

(Sign here.)

William M. Jones
 Secretary

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Malad

Oneida, County of Malad, State of Idaho, on this 12th. day of June A. D. 1945

J. H. Fredrickson
 Notary Public.

My Commission expires

12/30/46

18948

11/11/45

Permit No. 18948

Proof of Completion of Works**DEPOSITION OF WITNESS**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Edward Woosley; residence and P.O. Address Malad, Idaho R.D. No. 1

Occupation; Farming.

Ques. 2. Are you acquainted with Samaria Water & Irrigation Co., the holder of Permit No. 18948, authorizing the diversion of Six second-feet of the waters of Warm Springs (in R.R. No. 1 Sec. 3 T. 15 S. R. 35 E, at Pleasantview; Idaho) for irrigating purposes? How long have you known him, and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 18948, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. For Irrigation; Land is black loam soil with Clay sub-soil, and this water is applied to 3215 acres of land partly irrigating the same; and which land also has other supplementary water conveyed to same; but is all required by this land. Irrigation required is one watering for crop of grain and one each for each crop of alfalfa; and one for pasture in fall.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. A dirt dam about 10 ft. high; about 45 feet long at bottom and about 60 or 65 feet long; with rock rip-rap work in front of dam. The headgate is about 3 feet wide by 3 feet deep; leading from Backed-up Spring. The canal taking the water away from Spring to the lands to be irrigated is about 18 feet wide at bottom and about 15 or 16 feet wide at top of canal with a depth of 2 or 3 feet, and is about 4 miles long. Is ample to carry these waters; and canal is well built and is on good condition.

(Sign here.)

Edward Woosley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad

County of Oneida, State of Idaho, on this 12th day of June, A. D. 19 45

J. D. Fredrickson
Notary Public for Idaho at Malad, Idaho

18948

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 14948

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Charles E. Thomas; Address Malad, Idaho R. D. No. 1
and residence; Occupation Farming and Livestock.

Ques. 2. Are you acquainted with Samaria Water & Irrigation Co., the holder of Permit No. 18948, authorizing the diversion of Six second-feet of the waters of Warm Springs (in NE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 3 Tp. 15 S. R. 35 E, at Pleasantview; Ida for irrigating purposes? How long have you known him, and where does he reside?

Ans. Known this Company for last past 50 years.

Ques. 3. Have you read or heard read said Permit No. 18948, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. For Irrigation; Land is black loam soil with Clay sub-soil. and this water is applied to 3215 acres of land partly irrigating the same; and which land also has other supplementary water conveyed to same; but is all required by this land. Irrigation required is one watering for crop of grain and one each for each crop of alfalfa; and one for pasture in fall.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. A dirt dam about 10 ft. high; about 45 feet long at bottom and about 60 or 65 feet long; with rock rip-rap work in front of dam. The headgate is about 3 feet wide by 3 feet deep; leading from Backed-up spring. The canal taking the water away from Spring to the lands to be irrigated is about 12 feet wide at bottom and about 15 or 16 feet wide at top of canal with a depth of 2 or 3 feet, and is about 4 miles long. Is ample to carry these waters; and canal is well built and is on good condition.

(Sign here.)

C. E. Thomas

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad

County of Oneida, State of Idaho, on this 12th.
day of June, A. D. 1945.

H. Hedrickson
Notary Public for Idaho at Malad, Idaho

18948

June 5, 1945

Re: Permit No. 18948

Mr. W. M. Jones, Secretary
Samaria Water & Irrigation Company,
R. F. R. # 1, Box # 100
Malad, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of June 3rd, requesting the necessary forms for making proof of completion of works under the above numbered permit, being in reply to notice sent you under date of May 5th, 1945, that this permit was held for cancellation.

In order to make the proof necessary to reinstate this permit it will be necessary to furnish affidavits or depositions of yourself and two witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, showing that the works were actually completed prior to March 8, 1945, as called for in the permit.

These depositions, properly executed before a Notary Public, should be returned to this office, and upon approval thereof the permit will be reinstated, and upon payment of the statutory fee of \$5.00 a certificate of completion of works will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

18948

R.A.R.#1 - Box #100

Malad, Idaho
June 3, 1945

State of Idaho
Department of Reclamation
Mark R. Kulp, State Reclamation Engineer
Boise, Idaho

Dear Sir:

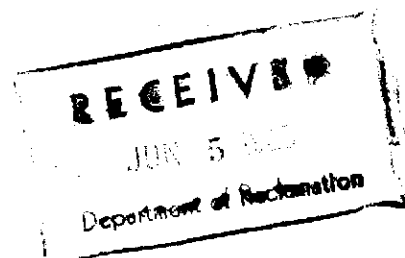
In reply to your letter of May 5, 1945. In regards to permit number 18948 issued to the Samaria Water and Irrigation Company,

Please send us the necessary for completion of works of the the above permit;

Yours truly

Samaria Water and Irrigation Company

by 
Secretary



18948

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 *Samuel H. Katz and Associates Co*
(Signature or name of addressee)

2 *Mr. James M. Mearns*
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery *5-14*, 194*5*

18148

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

May 5, 1945

Re: Permit No. 18948

To Samaria Water & Irrigation Company
Samaria, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 18948
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works March 8, 1945

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. 18948
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 18948 claims the use of Three cubic feet per second of the
waters of Warm Springs, a tributary of Big Malad River with point of diversion located
in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 15 South, Range 35 East, B.M., and
was approved March 8, 1940

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
5th day of May, 1945

Mark R. Kulp.
State Reclamation Engineer.

By Assistant.

18948

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Samarita Water & Irrigation Co.
C/o W. M. Jones, Secretary
R.F.D.1, Malad, Idaho

Boise, Idaho **January 8, 1948**

Dear Sir:-

Under the terms of your permit No. **18948**-----you are required to complete your diversion works on or before **March 8, 1948**----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

18948

Permit 18948

August 20, 1940

SAMARIA WATER AND IRRIGATION COMPANY
Malad, Idaho.

Attention: Mr. C. E. Thomas.

Gentlemen:

This will answer your letter of August 15th, which was received today.

Permit No. 18948 may not be corrected to include more water, as we are expressly prohibited by statute to do this. Section 41-205, Idaho Code Annotated, states in part:

" x x The right to the use of water under the amended permit shall date from the time of the original permit; provided, an additional amount of water is not asked for, and except where the rights of others are adversely affected by such changes, in which case it shall date from the filing of the application for the amendment."

It would be better for you to submit a new application for the additional water, and an application blank is enclosed for your convenience.

We are returning your application for 22 cubic feet per second without giving it an application number or starting date, for the following reasons:

1. All natural flow permits should be submitted on Form 1, which is enclosed.
2. If you are appropriating the water from a spring in addition to Big Malad River, the affidavit of permission on page 3 must be executed. This is in accordance with Sections 41-205 and 41-207, I. C. A.
3. We note that you claim a priority of 1870 by reason of use. We cannot recognize any priority ahead of the date of filing on permits. A permit is evidence of a right, and you might find that you could establish a sufficient right in court through long and uninterrupted use in case of litigation. This point, however, is one you might want to discuss with your attorney.

We are sorry we cannot comply with your requests, and hope that the information enclosed will be sufficient in case you care to re-submit applications for permit.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

D:A
Encls.

Deputy Commissioner

18948

Malad, Idaho Aug. 15th, 1940

Department of Reclamation
Mr. James Spofford; Commissioner;
Boise, Idaho;

Dear Mr. Spofford;

Inclosed please find our application for filing on the waters of our Company known as the Waters of Big Malad River amounting to 22 second feet of this date with its priority of use since 1870 and file the same on receipt of same.
Inclosed please find our Check for \$10.25 filing fee.

Also in connection with Permit No. 18948 approved March 8th. 1940 please find herewith supplemental statement correcting the amount of water in this application to 6½ second feet in place of 3 second feet, which error we made at the time of filing on these said Warm Springs. The mistake came about in this way. We knew we had 3 streams of little better than 100 miners inches to each stream and inadvertently wrote in 3 second feet thinking it covered the 3 streams so we make this correction now which please attached the application for this water and oblige.

Our Company owns all the waters of Big Malad River and all the waters of Warm Springs and their tributaries which 2 bodies of waters are at 2 different points of diversion and 2 separate streams, but are operated jointly under the supervision and ownership of our Company and applied to the lands owned by its stockholders.

Please receipt us for both of these applications and oblige.

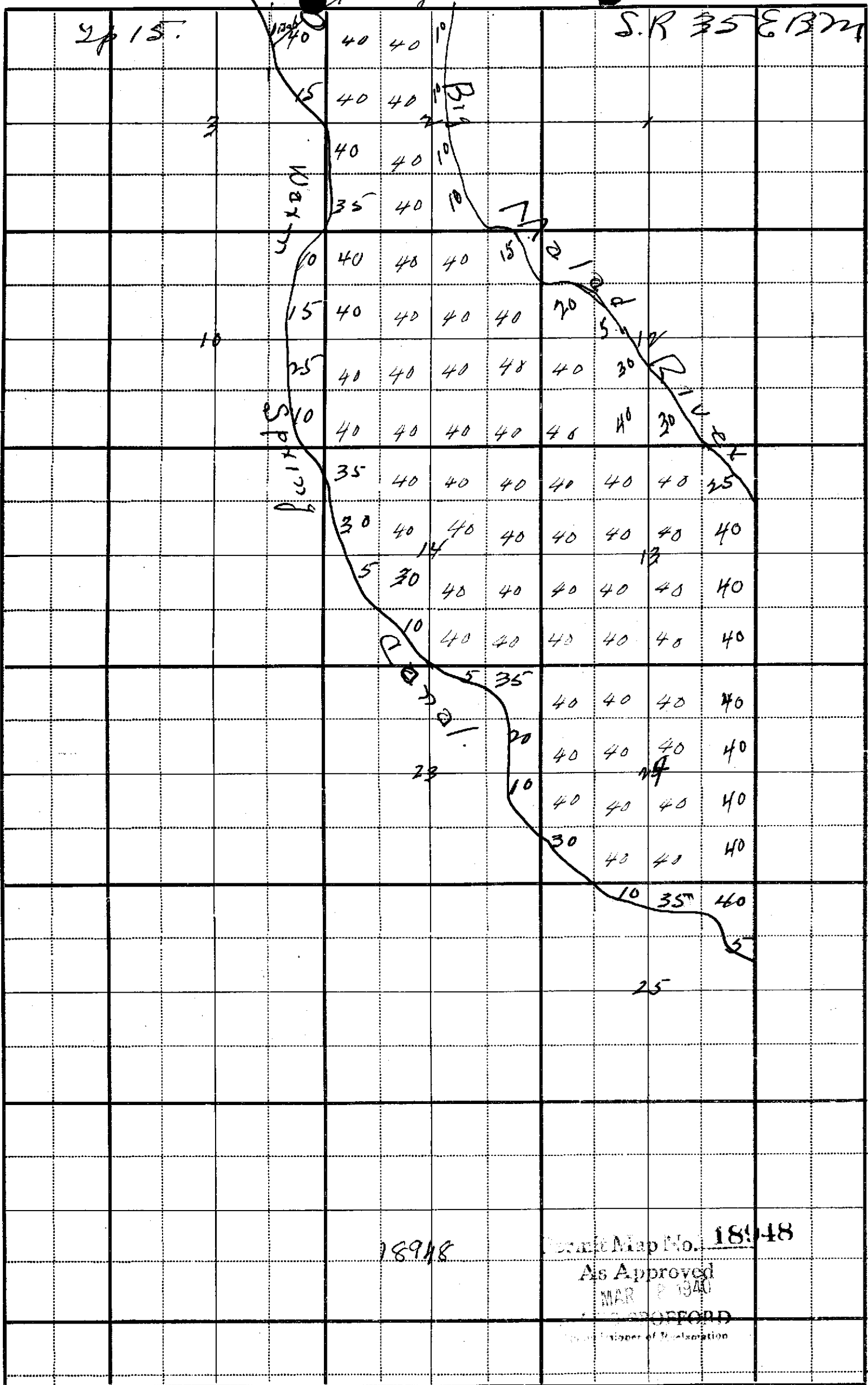
Yours very truly

SAMARIA WATER AND IRRIGATION COMPANY

By

C. E. Roman
Authorized Director.

18948



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18948

Boise, Idaho, March 8, 1940

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~ ^{fourth} page.

JAMES SPOFFORD

Mr. William M. Jones, Sec'y.
Samaria Water & Irrigation Co.
Malad, Idaho
Enc. Receipt # 17325

Commissioner of Reclamation.

18948

Malad, Idaho Feb. 27th. 1940

Dept of Reclamation
James Spofford; Commissioner;
Boise, Idaho;
Dear Mr. Spofford;

Inclosed please find our application
for permit for Water filing which please file and receipt
us for same.

Inclosed is our check for \$5.50 for filing fee.

Yours truly

Samaria Water & Irrigation Co.

By

William M. Jones Pres Secty

18948

MAR 1 1940

Dept. of Reclamation