№ 18948

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 NE¼ NE¼ corner of Section 3, T. 15 S., R. 35 E., B. M., and is the NE¼ NE¼ 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.

11. Ditch or canal: 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

(SEAL

Countersigned:

By GEO. H. CURTIS *Secretary of State.*

STATE OF IDAHO

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.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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												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 of lessee of the land on which the apring mentioned in the application of Samaria Water & Irrig. Co. is located, to-wit, NE¼ NE¼ 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)

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.

MARK R. KULP
State Reclamation Engineer

(SEAL)

P E R M I T 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.

MARK R. KULP
State Reclamation Engineer.

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.

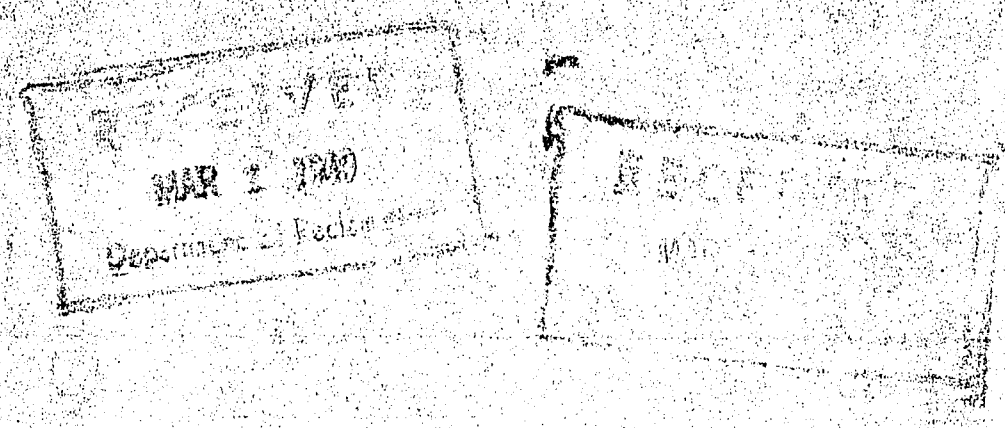
Inclosed is our check for $5.50 for filing fee.

Yours truly

Samaria Water & Irrigation Co.

By William M. Jones ~~Its~~ Secty

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

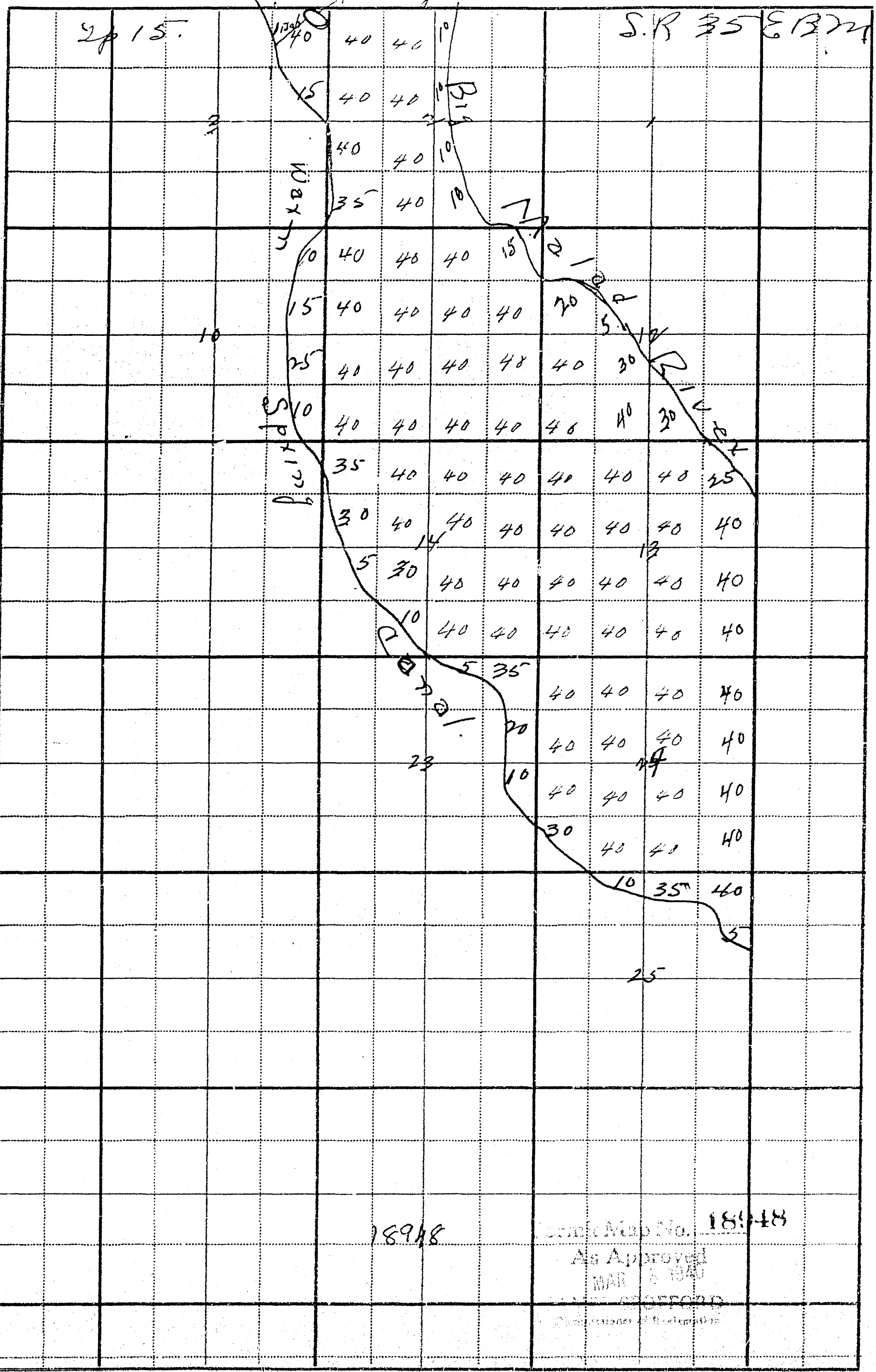
Mr. William M. Jones, Sec'y.
Samaria Water & Irrigation Co.
Malad, Idaho
Enc. Receipt # 17325

Commissioner of Reclamation.

18948

NAME OF APPLICANT Ip I C Damascus Water & Drig Co Spring

FORM No. 0



Drill Map No. 18948

As Approved

MAR 8 1948

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

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 inadvertantly 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 seperate 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 Thomas
Authorized Director.

18948

Permit 18948

August 20, 1940

MAMARIA 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 5 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

Deputy Commissioner

DiA
Encls.

18948

Form No. 5

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Samaria Water & Irrigation Co.
C/o W. M. Jones, Secretary
R.F.D.1, Malad, Idaho

Boise, Idaho January 2, 1945

Dear Sir:-

Under the terms of your permit No. 18948 you are required to complete your diversion works on or before March 8, 1945. 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

Form 24

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 NE¼ NE¼ 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.

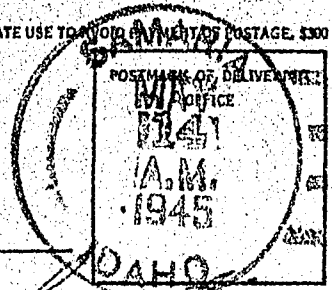
Mark R. Kulp.
State Reclamation Engineer.

By
Assistant.

18948

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



Return to Dept. of Reclamation
(NAME OF SENDER)
Street and Number, or Post Office Box, State House

REGISTERED ARTICLE
No. 87327

INSURED PARCEL
No. 18948

BOISE,
IDAHO.

Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1. [illegible] Motor Products Corporation
(Signature or name of addressee)

2. [illegible]
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 5-7-44, 1945

18948

U. S. GOVERNMENT PRINTING OFFICE 16—1245

R.F.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 reguards to permit number 18948 issued to the Samaria Water and Irrigation Company,

Please semd us the necessary for completion of works of the the above permit;

Yours truly

Samaria Water and Irrigation Company

by _____
Secretary

RECEIVED
JUN 5 1945
Department of Reclamation

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 re ipt 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

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 NE¼NE¼; 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.

RECEIVED
JUN 13 1945
Department of Reclamation

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

Form 15

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 NE¼NE¼; Sec. 3 Tp. 15 S.R. 35 E.B.M and in the NE¼NE¼; 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, County of Oneida, State of Idaho, on this 12th. day of June A. D. 1945

J. Fredricksen
Notary Public.

My Commission expires 12/30/46

18948

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 18948

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Edward Woozley; residence and P.O. Address Malad, Idaho R.D. No. 1
Occupation; Farming.

Ques. 2. Are you acquainted with Oneida Water & Irrigation Co., the holder of Permit No. 18948, authorizing the diversion of Six second-feet of the waters of Main Springs (in N.W.¼ Sec. 2 Tp. 15 S.R. 34 E., at Lonsantview; I
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 40 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 4 feet deep; leading from Packer-spring.
The canal taking the water away from Spring to the lands to be irrigated is about 18 feet wide at bottom and about 40 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 Woozley

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 14th.
day of June, A. D. 19 45.

J. D. Fredrickson
Notary Public for Idaho at Malad, Idaho

18948

Form 14

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 NE¼NE¼; 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 supplementry 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, ~~or~~ this 12th. day of June, A. D. 19 45.

J. Fredrickson

Notary Public for Idaho at Malad, Idaho

18948

June 19, 1945

Re: Permit No. 18948

Mr. William M. Jones, Secretary,
Samaria 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 Farm 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

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,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ State Engineer 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

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

January 2, 1951

Samaria Water & Irr. Co.
C/o W. 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 R. KULP
State Reclamation Engineer

18948

Samaria, Idaho; Feb. 26th.1951

Permit #18948 for proof by
Samaria Water & Irrigation Co.
for proof on "Warm Springs"
waters.--

Mark R.Kulp
State Reclamation Engineer;
State House
Boise, Idaho;

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 _____ Secty;

whose address is Malad, Idaho R.D. No. 1

RECEIVED
FEB 28 1951
Department of Reclamation

18948

Form No. 1d

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 [signature] 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

March 2, 1951

Re: Permit No. 18948

Mr. W. M. Jones, Secretary
Samaria 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

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 E.M.Jones, Sec'y. of 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 ~~Six~~ 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 (~~James Sporford~~) 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 ~~Six~~ Three 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. Kulp
State Reclamation Engineer.

18948

Due 3-8-51

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

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 applocation 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 applocation; 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., 1951

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~~ State Reclamation Engineer extend the time for the making of proof of beneficial use under said permit to April 10th., 1951

Samaria Water and Irrigation Company By William H. Jones its Secretary.

Subscribed and sworn to before me this 21st. day of March, 1951

J. H. Fredrickson
Notary Public.

My commission expires Dec. 30th. 1954.

Date of receipt at office of Department of Reclamation March 29, 1951

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~ STATE RECLAMATION ENGINEER

I, Mark R. Kulp ~~Commissioner~~ 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. 18948 to April 10 19 51

Witness my hand this 29th day of March 19 51

Mark R. Kulp
~~Commissioner~~ State Reclamation Engineer

18948

March 29, 1951

Re: Permit No. 18948

Mr. William M. Jones, Secretary
Samaria Water & Irrigation Co.
Route 1
Malad, 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,

HARK R. KULP
State Reclamation Engineer
By

Chief Clerk

18948

A:bh
Enc.

OFFICE OF
BILL FALLIS
PROBATE JUDGE
ONEIDA 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

April 12, 1951

Re: Permit No. 18948

Mr. William Jones, Secretary
Samaria Water & Irrigation Co.
Samaria, Idaho

Dear Mr. Jones:

We have received from Mr. Bill Fallis, 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 seperate sheet and attached to the affidavits.

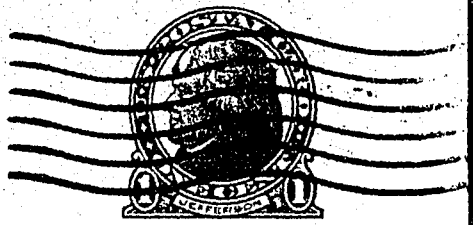
The Affidavit of Publication is also a necessary part of the proof and the Idaho Enterprise was instructed to send this Affidavit of Publication to you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

18948



MALAD CITY
APR 26
2 PM
1951
IDAHO

THIS SIDE OF CARD IS FOR ADDRESS

RECEIVED
APR 23 1951
Department of Reclamation

The Engineer of Idaho (Reclm; Dept)

Boise, Idaho

18948

Malad 107

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.

William [illegible]
Secretary; Malad Rt #1
Idaho.

18948

18945

April 28, 1951

Mr. William M. Jones, Secretary,
Samaria 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

RECEIVED
MAY 8 1951
Department of Reclamation

Permit # 18948

Malad, Idaho
May 7, 1951

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 tou requested to make the forms more complete, also the notorized affidavit of publication from the Idaho Enterprise,

Yours truly

Samaria Water and Irrigation Co.

by William M. Davis
Secretary

18948

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

18948

Affidavit of Publication

State of Idaho }
County of Oneida } ss.

Sylvia Stratton being first duly sworn on her oath, states: That she is principal Clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published 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 successive weekly issues thereof the date of the first publication being the 15 day of March 195 1 the date of the last publication being the 5 day of April 195 1

Sylvia Stratton

Subscribed and sworn to before me this 7 day of April, 1951

P. E. Long
Notary Public, residing at Malad, Idaho

My Commission expires the 15 day of Jan 1955

COST: 54 lines at 10c per line first insertion $ 5.40
5c per line each subsequent insertion $ 8.10
TOTAL $ 13.50

Form 16.

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;CO A. M. March 1, 1940 Amended

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 Southeasterly from the Nw. corner of the NE¼NE¼ of section 3, Tp. 15 S, R 35 EBM., and is in the NE¼NE¼; 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 45feet.

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 EBM.

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 t' 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. 19 51,

Bill Fallis
Probate Judge

My commission expires.....

msb

18918

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	~~35E~~	2																	
15	35E	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		305
		13	35	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		30									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		35	40	35		5	10												90
																			3515

Question #6

Legal Description of area irrigated as required in question #6 Description taken from permit # 18948

Proof of application of Water to Beneficial use permit # 18948

18948

Form 17.

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 adress 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 conveying 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 NE¼NE¼ of section 3, Tp. 15 S, R 35E, BM., and is the NE¼NE¼ 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 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 etxent.

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 1½ 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 now 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 desdribed in the permit

(Signed) Talesin 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. 19 51.

Earl C Tralle
Probate Judge

My commission expires

15948

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
TWP.	RANGE	SEC.	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	TOTALS
35	35E.	2		10	10		40	40	40	40	40	40	35	40		10	10		355
		3	40			15													55
		10	10			15									35			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		15							20	5	30	40	40	40			30		205
		13	35	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												90
																			3215

#7 Question

Proof of application of Water to Beneficial use Permit # 18948

complete information for question #7 for Disposition of Witnesses concerning Permit 18948

18948

Form 17.

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 etxent.

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 1½ aree 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. 19 51.

Bill Fallis
Probate Judge ~~Notary Public~~.

My commission expires.....

18948

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
TWP.	RANGE	SEC	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	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	Totals
15	35E	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							30	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		30									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												90
																			3315

Question # 7

Complete information for question # 7 for Disposition of witnesses proof of application of Water to Beneficial use permit # 18948

18948

May 8, 1951

Re: Permit No. 18948

Mr. William M. Jones, Secretary
Samaria Water and Irrigation Co.
Samaria, 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

T 15 S R 35 E.

				40	40	40	10						
				15	40	40	10						
			3			2				1			
					40	40	10						
					35	40	10						
				10	40	40	40	15					
				15	40	40	40	40	20	5			
			10			11				12			
				25	40	40	40	40	40	30			
				10	40	40	40	40	40	40	30	20	
					35	40	40	40	40	40	40	25	
					30	40	40	40	40	40	40	40	
						14				13			
					15	30	40	40	40	40	40	40	
						10	40	40	40	40	40	40	25
							5	35	40	40	40	40	
								20	40	40	40	40	
						23				24			
								10	40	40	40	40	
									30	40	40	40	15
										10	35	45	
												5	
										25			

This land is all included in an Inspection made by F.A. Tolman in 1942 For Permit 19072 except The Two 40s indicated.

32.20 acres

Output of spring is approx. 350" water.

See Permits 19071 - 19072 - R 791 - R-823

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

18948

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18948

This proof is for Beneficial use In Water District No.

1. Name of applicant Samaria Water & Irrigation Co., Wm. M. Jones, Sec'y., Samaria, Idaho

2. Source of water supply: Warm Springs, tributary to Big Malad River

3. Location of point of diversion: Is in the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 3

T. 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. N. Humphreys
Examiner.

18948

November 27, 1951

RE: Permits Nos. 18948 and 19071

Mr. William M. Jones, Secretary
Semeria 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 $192.00, which is at the rate of $2.00 for each legal subdivision in which the land is located.

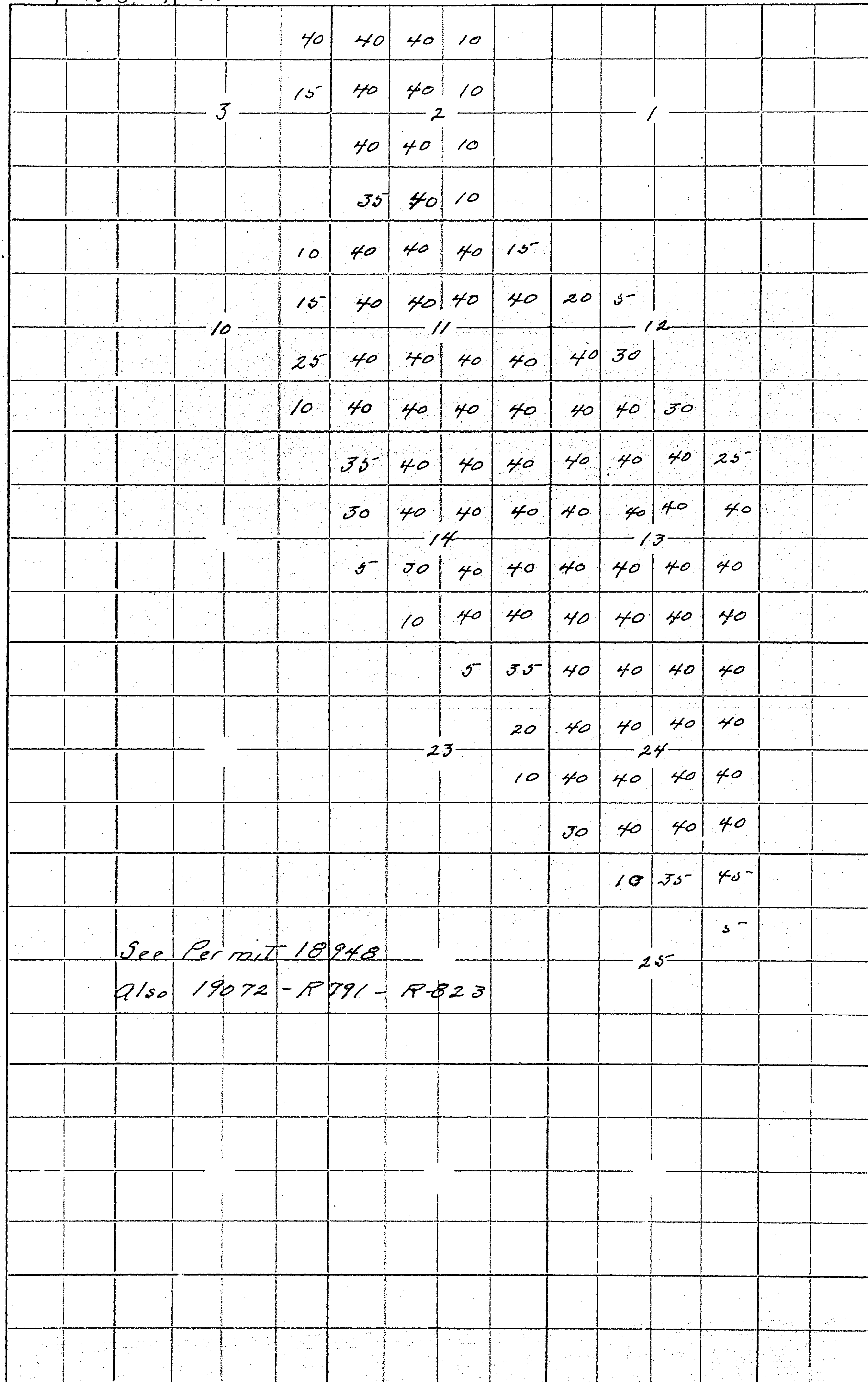
However, the records in this department show that the statutory fees in connection with proof of completion of works and beneficial use under Permit No. 19072 for some 6,735 acres of land in 184 legal subdivisions, amounting to $376.60, about which we wrote you on March 24, 1943, have not been paid. 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

T 15 S. R 35 E



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

19071

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

Permit 19072/15-2025

Quantity: 22.0 cfs Source: Big Malad River

Point of diversion: SE¼NW¼ 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: SW¼NW¼ 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 cancell these permits.

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

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures (4)

15-2023

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

ta

Enclosures

15-2023

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 NE¼NE¼ 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 22 day of May, 19 74.

Director

15-2023

License No. 18948/15-2023

LAND LIST ATTACHMENT

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	
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												90

Total number of acres irrigated 3,215

15-2023

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: NE¼NE¼ 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: NE¼NE¼ 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

Permit 19072/15-2025

Quantity: 22.0 cfs Source: Big Malad River

Point of diversion: SE¼NW¼ 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: SW¼NW¼ 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 cancell 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

12-92

$100 Fee

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5233

RECEIVED
MAY 22 1998
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Samaria Water and Irrigation Comp c/o Don Tubbs Phone (208) 766-4523

Post Office address ~~c/o Dale Tubbs 115 St. John Rd Malad ID 83252~~ 3232 W. Hyway 38 Malad ID

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	Amount (cfs/af)	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~~ ~~Big Malad Spring~~ Warm Springs ~~Big Malad River~~ tributary to ~~Bear River~~ Malad River ~~Big Malad River~~ Bear River

4. ~~Point(s)~~ of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	14S	35E	Oneida	SOURCE: BIG MALAD RIVER 15-02025
		SW	NW	22	14S	35E	Oneida	SOURCE: MALAD RIVER 15-02074
		NE	NE	3	15S	35E	Oneida	SOURCE: WARM SPRINGS 15-02024 15-02023
		SE	NE	16	14S	35E	Oneida	SOURCE: MALAD RIVER & BIG MALAD SPRING 15-02075

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
																			7120 *

* Permissable place of use

Total acres ~~6715~~

Page _____ of _____

Transfer No. 5233

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____.

_____

T-5233

PART I
ITEM B.5 PLACE OF USE LAND LIST ATTACHMENT "A"

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	
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	40	30	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

TRANS NO. 5233

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02075

STAGE: LICENSE

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

SOURCE	TRIBUTARY OF
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 County

PLACE OF USE: IRRIGATION STORAGE

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
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	SENE	15	NESE	15	45
		11	NWNE	30	SWNE	40	NENW	40	
			NWNW	40	SWNW	40	SENW	40	
			NESW	40	NWSW	40	SWSW	40	

TRANS NO. 5233

Water Right No. 15-02075

PLACE OF USE: IRRIGATION STORAGE

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SESW	40	NWSE	40	SWSE	40	470
	14		NWNE	40	SWNE	40	NENW	40	
			NWNW	35	SWNW	20	SENW	40	
			NESW	25	SESW	10	NWSE	40	
			SWSE	40					330
	23		NWNE	35	SWNE	35	NESE	20	
			NWSE	20	SESE	15			125
	24		SWSW	15					15
						Total number of acres irrigated:			2840

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION STORA

CONDITIONS/REMARKS:

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

TRANS NO. 5233

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 15-02074

STAGE: LICENSE

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

SOURCE	TRIBUTARY OF
MALAD RIVER	GREAT SALT LAKE

Priority: 09/27/1937

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 22, Township 14S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION STORAGE

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
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	SENW	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	SENW	10	
			NESE	40	NWSE	30	SWSE	10	
			SESE	40					315
		35	NENW	5	NWNW	35	SWNW	40	
			SENW	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	SENW	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	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	

TRANS NO. 5233

Water Right No. 15-02074

PLACE OF USE: IRRIGATION STORAGE

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SESE	40					615
	12		SWNW	20	SENW	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	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	5	SENE	20	
			NESE	10					70
	24		NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	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

Total number of acres irrigated: 4410

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION STORA

CONDITIONS/REMARKS:

1. LIC. SHOWS SOURCE AS BIG MALAD R.

Page _____ of _____ TRANS NO. 5233

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **15-02025**

STAGE: **LICENSE**

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

SOURCE	TRIBUTARY OF
BIG MALAD RIVER	GREAT SALT LAKE

Priority: 09/06/1940

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 22, Township 14S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
14S	35E	22	SWNE	20	SENE	40	NESW	40	
			SESW	35	NESE	40	NWSE	40	
			SWSE	40	SESE	35			290
		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	30	SENW	30	
			NESW	35	SWSW	5	SESW	40	
			NESE	40	NWSE	40	SWSE	40	deleted
			SESE	40					460
		34	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	25	SENW	10	
			NESE	40	NWSE	30	SWSE	10	
			SESE	40					315
		35	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	40	SESW	40	NESE	40	
			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	

TRANS NO. 5233

Water Right No. 15-02025

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			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	35	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					635
		3	NENE	40	SENE	15			55
		10	NENE	10	SENE	15	NESE	25	
			SESE	10					60
		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	NESW	30	
			NWSW	40	SWSW	40	SESW	40	
			SWSE	30					360
		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	
			SESW	10	NESE	40	NWSE	40	
			SWSE	40	SESE	40			505
		23	NENE	35	NWNE	5	SENE	20	
			NESE	10					70
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	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
							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.

TRANS NO. 5233

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **15-02024**

STAGE: **LICENSE**

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

SOURCE	TRIBUTARY OF
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
15S	35E	2	NWNE	10	SWNE	10	NENW	40	
			NWNW	40	SWNW	40	SENW	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	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					615
		12	SWNW	20	SENW	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	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	5	SENE	20	
			NESE	10					70
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

Page _____ of _____

TRANS NO. 5233

Water Right No. 15-02024

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	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
							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.

TRANS NO. 5233

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **15-02023**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
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 County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
15S	35E	2	NWNE	10	SWNE	10	NENW	40	
			NWNW	40	SWNW	40	SENW	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	SENW	40	NESW	40	
			NWSW	40	SWSW	40	SESW	40	
			NESE	40	NWSE	40	SWSE	40	
			SESE	40					615
		12	SWNW	20	SENW	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	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	5	SENE	20	
			NESE	10					70
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	

Page _____ of _____

TRANS NO. 5233

Water Right No. **15-02023**

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			SWNW	40	SENW	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
							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.

Big Malad Spring

P/D 15-2075

Big Malad Spring

Upper Pleasantview Res
SPILLWAY ELEV 4730

Lower Pleasantview Res
SPILLWAY ELEV 4685

Well

Well 4676

Storage Bin

Well 4628

Storage Bin

Well 4589

Well 4586

Well 4568

Well 4641

Malad River

Malad River

P/D 15-2074

P/D 15-2025

15-7079

15-7048

15-4029(2)

15-4042

15-4072

15-4061

15-4061

P/D

15-2023

15-2024

Pleasantview Warm Springs

Pleasantview

Malad Substation

Well 4471

Little

Malad

DD-40

R35E

R36E

T14S

T15S

IRELAND SPRINGS 7 MI.

BM 4586

BM 4470

40 Acres OUT

Tom's this

Upper Pleasantview Res
SPILLWAY ELEV 4730

Lower Pleasantview Res
SPILLWAY ELEV 4685

Malad River

Storage Bin

Well 4676

Well 4628

Well 4586

Well 4589

Well 4588

Well 4641

Well

Little Malad

Malad River

Pleasantview Warm Spring

Malad Substation

Gwenford

Pleasantview

BM 4586

BM 4638

BM 4529

BM 4470

IRELAND SPRINGS 7 MI.

SNOWVILLE, UTAH 40 MI.

T 14 S

T 15 S

R 35 E

R 34 E

P/D 15-2074

P/D 15-2025

40 Acres OUT

15-3704B

15-4029(2)

15-4042

15-4072

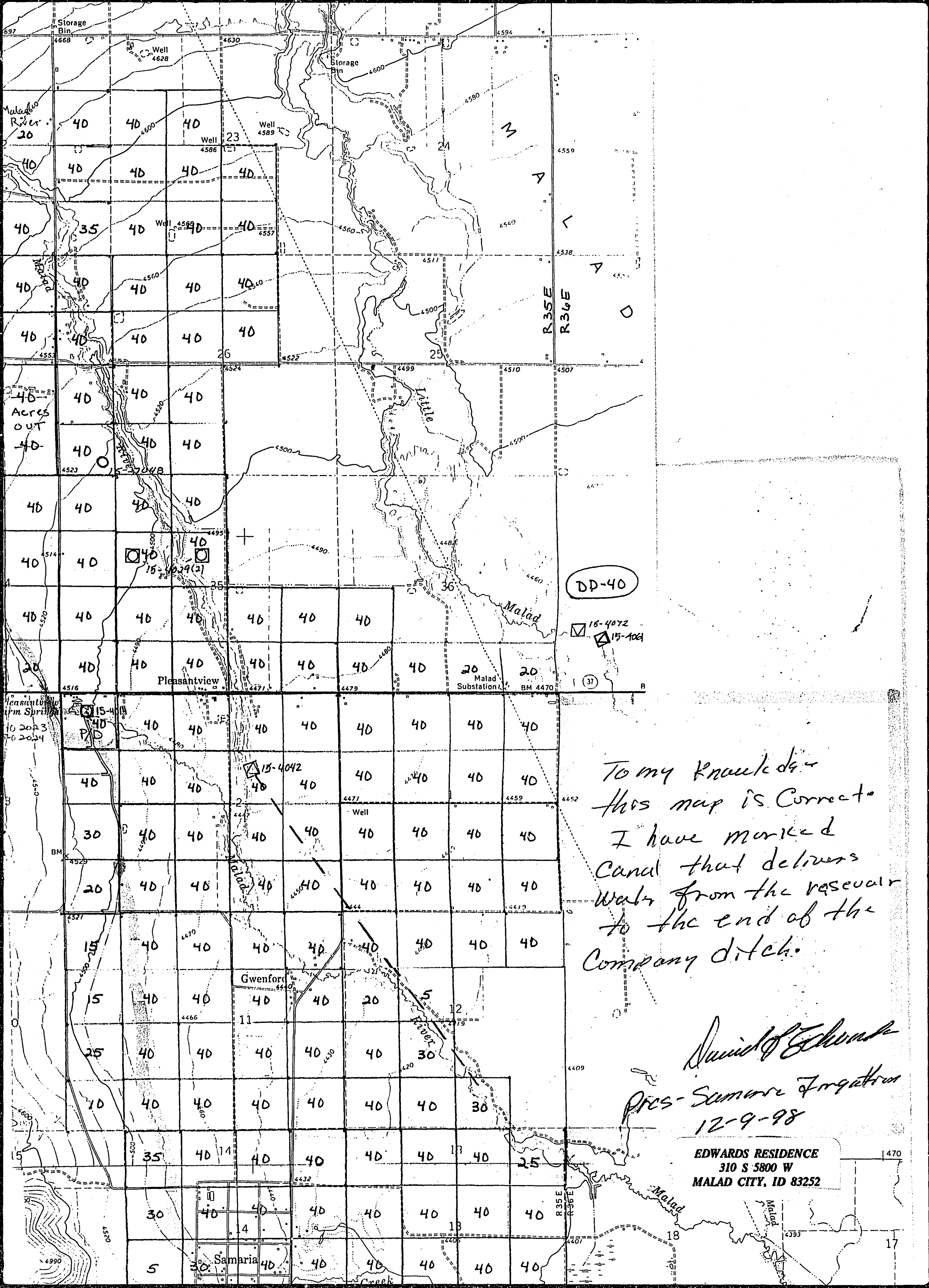
15-4061

15-4043

15-4044

DD-40

To m
Has
I h
Canal
Wate
to
Compa



Storage Bin
Well
Malad River
M A L A D
R35E R36E
Little
Malad
DD-40
40 Acres OUT
15-37048
15-4029(2)
15-4072
15-4061
15-4042
Pleasantview
Pleasantview Warm Springs
P/D
Malad Substation
BM 4470
Gwenford
River
Samaria
Creek
To my knowledge this map is Correct. I have marked Canal that delivers Water from the resevoir to the end of the Company ditch.
David J Edwards
Pres-Samaria Irrigation
12-9-98
EDWARDS RESIDENCE
310 S 5800 W
MALAD CITY, ID 83252

To my knowledge this map is Correct. I have marked Canal that delivers Water from the reseuair to the end of the Company ditch.

David O Edwards
Pres - Samaria Irrigation
12-9-98

EDWARDS RESIDENCE
310 S 5800 W
MALAD CITY, ID 83252

Map prepared to reflect Combined Rights System for Samaria Water + Irrigation Company per Transfer #5233.

9-17-98
CS

End ditch Co.

Hughes Property
New Acres Added
per T 5233.

RECEIVED
DEC 14 1998
DEPARTMENT OF WATER RESOURCES

DD-90

Page _____ of _____ Transfer No. 5233

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.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Page _____ of _____ Transfer No. _____

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.

Dan W Tubbs
(Signature of Applicant)

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

Randy Tacer
(Notary Public)

My commission expires 10-2003

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

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

Prelim. check by KAW Fee #100 ~~00~~ _____

Receipted by HWJ #E023866 Date 2-2-98 _____

Published in Idaho 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 _____

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
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**

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

SOURCE	TRIBUTARY 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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
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	

TRANSFER NO. 5233
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15-02074/15-02075

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
			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

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	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	
			SENW	10					60
					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

L. Glen Saxton
Chief, Water Allocation Bureau

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 NE¼ of the SE¼ 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, ½ interest in and to the waters of Water Canyon.

Ralph Hughes

Tax # Record.# State Num Owner Name

T-003599 00105926 Hughes, Ralph

Sec 19,24,25,30 T 15 S R 35 & 36 105926

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
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thence North 22°55'30" East 2445.9 feet
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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 NE¼ of the SE¼ 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, ½ interest in and to the waters of Water Canyon.

Tax # Record.# State Num Owner Name

-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.---------

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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 hte 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 represented at this meeting it was unanimously carried that Article 11 of the By-Laws of this Company be amended by adding the following clause to said Article 11 to-wit:
"That a majority of the stock represented at any annual meeting 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 thier 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 respective 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

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 Vl

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 amke corresponding entries on the margain 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 Vll

The Superintendant of works shall be appointed by the Board of Tuustees. 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 Vlll

Every shareholder shall, when called upon by the Superintendant under the orders of the Board of Trustees, pay in moneys or labor his or her propertion 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 Superintendant 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 Superintandant shall be delt with as provided by the Statues.

ARTICLE 1 X

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.

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 Xl

Section 1. All Certiffcates of stock may be transfered by endorsements and delivery but no such transfer shall be binding on the Company or to third parties until the same shall be actually transfered 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 Xll

These By_laws may be altered or ammended 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 ammendment be given in the call for such special meeting.

ARTICLE Xlll

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 XlV

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.

ARTICLE XVl

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 XVlll

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 XlX

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 interfer 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.

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 by the same dimensions all through one round of Watering.

Ammendant 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 kepta 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 XXll

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 XXlll

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 delt with according to Article 22nd.

ARTICLE XXlV

No contract by any officer of the Company shall be valid without the previous authorization or subsequent retification 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 XXVl

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

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

ARTICLE XXVll

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

ARTICLE XXVlll

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.

********oOo**********

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.

78.146
29.515
21-394
12151

19

3 Hughes Farm Trust
39.29 T-2785
L. Neal Hughes Trustee

Thomas E. Flinders
E W J T
W P U S
637.31
12151
T-1072

T-1071

SAMARIA CREEK

21-394

114564
110651
100805
24-372
24-377
22-7

Gloria T

Daniels Et-Al

T-3600

Levi Hughes
T-3600

105927

Ralph
T-3599
Hughes

105926

112728
112729
94341
14-63

4
39.21

Ralph
T-3599
Hughes

T-1716

N 89°44'E

19.57

1
39.32

NWNW

NENW

Ralph
Hughes
105926
11 A T-3599

Gloria T
Daniels
T-1717
SEE SURVEY
#115944
-Et-Al
94341
112728
112729
1159 44 Survey
M.A. Hudson
1161 47
Boundary
Agreement

OVERLAP

8 A

T-3600 Levi Hughes

2
39.49

SWNW4

NE SENW

31 Ac.

10 A

BOUNDARY ACCORDING TO DESCRIPTION OF T-3599

OVERLAP

BOUNDARY ACCORDING TO DESCRIPTION OF T-1717

BOUNDARY ACCORDING TO SURVEY #115944 AND BOUNDARY AGREEMENT #116147

Thomas C. Williams
Misc. K. 247
13-275
90457
91297

T-1719

30
638.32

3
39.61

Dorothy A. Sprnker
T-3864

Dorothy A. Sprnker
T-3866

Marcene L. Williams
T-3383
115944

T-1719

T-1337
Paul E.

T-380
David Rex

Road 2.1 ac
Deed #
116134
T-3865

4
39.84

25-336
116134
118838

25-336
116134
118838

David Rex Mills
Mills Trustee
Family Trust
T-382

Levi Hughes
T-3870
SEE SURVEY
#115944

25-363

N 89°47'E

1
39.85

19.92

T-3600

Ralph

T-3599

Hughes

105927

Ralph

T-3599

Hughes

105926

Daniels Et-Al

112728
112729
94341
14-63

4
39.21

Ralph

T-3599

Hughes

T-1716

N 89°44'E

19.57

1
39.32

NWNW

NENW

Gloria

T

Daniels

T-3600 Levi Hughes

Ralph

Hughes

105926

OVERLAP

T-1717
SEE SURVEY
#115944

Et-Al

94341
112728
112729
115944 Survey
M.A. Hudson

11 A

T-3599

8 A

2
39.49

SWNW4

NE SENW

31 AC.

10 A

BOUNDARY ACCORDING TO OBSERVATION OF T-3599

OVERLAP

BOUNDARY ACCORDING TO OBSERVATION OF T-1717

BOUNDARY ACCORDING TO SURVEY #115944 AND BOUNDARY AGREEMENT #116147

116147
Boundary
Agreement

Thomas C. Williams

Misc. K-247
13-275
90457
91297

T-1719

30
638.32

3
39.61

Dorothy A. Spraker

Dorothy A. Spraker

Marcene L. Williams

115944

T-1719

T-1337
Paul E.

T-380
David Rex

Road 2.1 ac
Deed #
116134

T-3865

T-3864

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4
39.84

25-336
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25-336
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David Rex Mills Trustee
Mills Family Trust
T-382

Levi Hughes
T-3870
SEE SURVEY
#115944

25-363

N 89°47'E

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B. L. M.

Mills Family Trust

25-363

Mills Family Trust

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ROAD

Tim Edwards

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Tim Edward

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T-2811 Isaac Dale Isaacson

1210

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Lyman Ipsen

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T-2501 M. Swindle Tr 66-3 T-3793

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T-3582 4660

T-3557 1670 Thomas

ROAD

T-2759

1820

Dee Isaacson

T-40113

Rex Nielsen Et-Ux

F4042 James Bessie Et-Ux

T-2815

2120

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T-3442

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H. David Gilgen Et-Ux

121286

Lyman & Velma Ipsen

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7220

T-3441

SAMARIA LANE

CENTER LINE STA		
POINT	STATION	DELTA
①	P.C. 262+66.4	37°09'
②	P.T. 265+76.0	
③	P.C. 267+12.6	24°2
④	P.T. 269+56.1	
⑤	271+18.3	END

SAMARIA LANE ROAD
PROJECT S-1704(1)

sen
Rev. Trust

27

T-867

T-2510 T-2502

Velma Ipsen

T-1539

1510

T-3963 Et-Ux Ipsen

T-2508

Foster H. Ipsen

1810

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Anderson

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Blue Lee Anderson

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Greg G Friedli Et-Ux

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100514
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T-3357 FRANK 8260 Madsen

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Douglas A Thorpe

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Kennedy
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JF Fredrickson Co

8410

J.F. Fredrickson Co.

29-525
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K. Michael Kennedy Etux

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87336

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Dee Isaacson
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H. David Gilgen Et-Ux
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SAMARIA LANE
CENTER LINE STATI

POINT	STATION	DELTA
①	P.C. 262+66.4	37°09
②	P.T. 265+76.0	
③	P.C. 267+12.6	24°2
④	P.T. 269+56.1	
⑤	271+18.3	END

Lyman Ipsen
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Rex Nielsen Et-Ux
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James Bessie Et-Ux
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Blue Lee Anderson
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Velma Ipsen
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ROAD
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K. Michael Kennedy Et-Ux
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0010
NENE
Section
34
David J. Edwards

SAMARIA LANE ROAD
PROJECT S-1704(1)

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
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ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
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FAX (208) 529-4166

STEPHEN J. McGRATH
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.

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

Sincerely,

Randy Budge

RANDALL C. BUDGE

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

To Randy B

23770 R. 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 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 85°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 1152.83 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 NE¼ of the SE¼ 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, 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 persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at Malad, Idaho
Comm. Expires

105926

State of Idaho, County of Oneida ss.
I hereby certify that the foregoing was filed for record at request of ... o'clock ... M. this ... day of ... 19... in my office and duly recorded in file as Inst. No. ...
Fee $...
... Ex-Officio Recorder
By ... Deputy

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
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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

RECEIVED
SEP 30 1997
Department of Water Resources
Eastern Region

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

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

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
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STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

RECEIVED
AUG 2 8 1997
Department of Water Resources
Eastern Region

August 27, 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: 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.

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

Also, ½ 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 <u>not</u> 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

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.

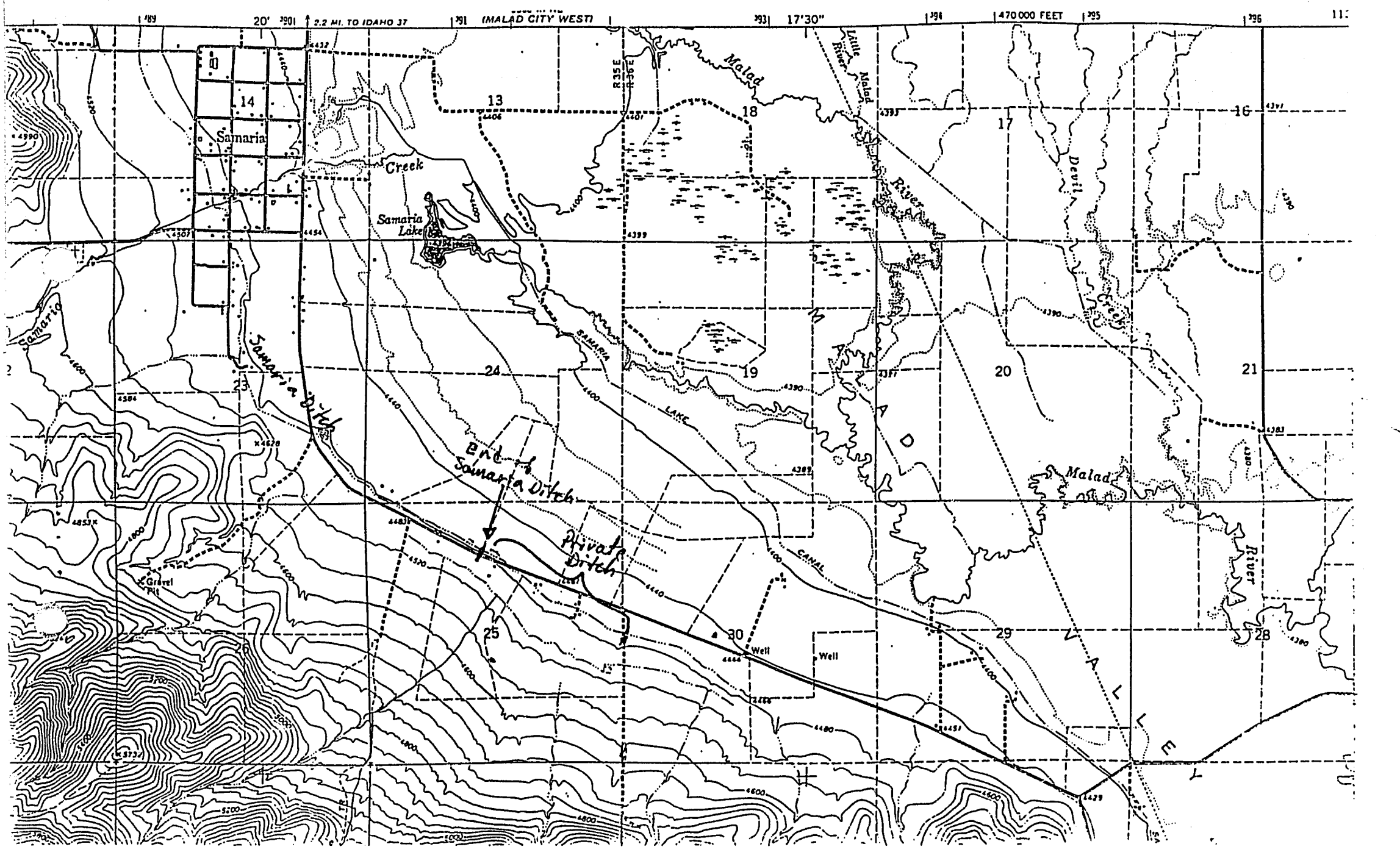
If you have any questions or concerns regarding the requests made in this letter, please feel free to contact me. The desire and objective of the Hughes family is simply to clarify and protect their water rights, not create any problems or animosities with the Company. As I understand that the Company 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,

Randy Budge KK

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Harold Jones
Clarence Hughes
Marie Higley


20'
2.2 MI. TO IDAHO 37
(MALAD CITY WEST)
17'30"
470 000 FEET
Samaria
Creek
Samaria Lake
Samaria Ditch
End of Samaria Ditch
Private Ditch
Gravel Pit
Well
Well
Malad River
Little Malad River
Devil Creek
SAMARIA LAKE
MALAD VALLEY
CANAL
R35E
R36E
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WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
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STEPHEN J. McGRATH
SCOTT W. MAROTZ
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.

RECEIVED
NOV 19 1997
Department of Water Resources
Eastern Region

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

Clarence Hughes
Marie Hughes
3188 W. Salmon Arm Rd.
Malad Idaho



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

Malad Idaho
Feb 4, 1998

Dear Mr. Jones
I am sending you the paper
with the signatures of the officers
on the Spanish Water Co. As you
can see they also had them notorized
this is pertaining to Ralph Hughes water shares

Thank you for your help
Sincerly
Carol Hughes
Clarence Hughes

RECEIVED
FEB 0 5 1998
Department of Water Resources
Eastern Region

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

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

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.

N/A

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:

Dan Tubbs
Foster Sloan
David B. Edwards
D. Marilynn Holgate

Subscribed and Sworn to before me this

Witness my hand this 3rd day of February, 1998.

Sara Williams

IRR Co. Officers

Page ____ of ____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. ____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Samaria Water and Irrigation Comp c/o Don Tubbs 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

1.

Right Number	Priority	Amount (cfs/af)	Nature of use	Period of Use
15-02075	4/18/1947	700.00 af	Irrigation	____ to ____
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
15-02033	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. Big Malad Spring Warm Springs tributary to Bear River Malad River Big Malad River Bear River
4. ~~Point(s)~~ of Diversion: Big Malad River

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	14S	35E	Oneida	
		SW	NW	22	14S	35E	Oneida	
		NE	NE	3	15S	35E	Oneida	
		SE	NE	16	14S	35E	Oneida	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres ____

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.

Should have been 36E.

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.

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

March 17, 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 April 13, 1998.

Yours truly,

Sharla Cox

Sharla Cox
Secretary

Enc.

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

Harold W. Jones
Water Right Supervisor

HWJ/sc

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

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

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

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

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 RR

RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Marie Higley
Clarence Hughes

RECEIVED
APR 16 1998
Department of Water Resources
Eastern Region

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

ALSO, MEMBER OF UTAH BAR

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

RECEIVED
APR 3 0 1998
Department of Water Resources
Eastern Region

April 28, 1998

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:	**W½SE¼SE¼**	**20 acres**
Section 34:	**NE¼NE¼**	**40 acres**
Section 35:	**NW¼NW¼ (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:	**NW¼SE¼**	**40 acres**
	N½SE¼SW¼	**20 acres**
	S½NE¼SW¼	**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.

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

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

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

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
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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
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*****ALSO MEMBER D.C. BAR

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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

RECEIVED
MAY 19 1998
Department of Water Resources
Eastern Region

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

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

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

RECEIVED
MAY 0 6 1998
Department of Water Resources
Eastern Region

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5233

Notice is hereby given Gamaria 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

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 beyween 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

SPLIT RIGHT SUMMARY
9/17/98
TRANSFER 5233

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

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	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

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	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

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	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

SEL	Water Right No.	Name Last, First	OWN	Priority Date	STG/STS	Source	Use Desc	SYS
_	15-02074	SAMARIA WATER & IRRI	C	09/27/1937	L/	MALAD RIVER	IRR S IRR FS	WR
_	T15-02074	SAMARIA WATER & IRRI	C	09/27/1937	L/	MALAD RIVER	IRR	WR

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

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

ncrease in either the rate of flow diverted or in the total number of es irrigated under the water right and shall cause no injury to other water ghts. If the holder of any water right seeks to challenge such a change, the hallenge 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

MEMORANDUM

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

FROM: Pam Skaggs/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.

Big Malad Spring

Malad River

P/D 15-2015

Upper Pleasantview Res
SPILLWAY ELEV 4730

Lower Pleasantview Res
SPILLWAY ELEV 4685

P/D 15-02674

P/D 15-2025

Malad River

Well 4737

Well 4676

Storage Bin 4668

Well 4628

Storage Bin

Well 4641

15-7079

Well 4589

Well 4586

Well 4569

Well

Pleasantview Warm Springs

15-0 2023

15-0 2024

15-4029(2)

15-4042

15-4072

15-4069

DP-40

Malad Substation

Little Malad River

Malad River

BM 4586

BM 4470

T 14 S

T 15 S

R 35 E

R 36 E

IDAHO

IRELAND SPRINGS 7 MI.

HULBERT 10 MI.

40 Acres OUT

Lower Pleasantview Res
SPILLWAY ELEV 4685

Malad River

P/D 15-02024

P/D 15-2025

Malad River

Well 4676

Storage Bin

Well 4628

Storage Bin

Well 4589

Well 4586

Well 4568

Malad River

Acres OUT

15-37048

15-4029(2)

DD-40

15-4072

15-4061

Pleasantview

Malad Substation

BM 4470

BM 4586

T 14 S

T 15 S

Pleasantview Warm Springs

15-0 2023

15-0 2024

P/D

15-4042

Well

BM 4638

BM 4529

Gwenford

Malad River

Little Malad

R 35 E

R 36 E

IRELAND SPRINGS 7 MI.

SNOWVILLE, UTAH 40 MI.

Pleasantview
Warm Springs
15-0 2023
15-0 2024
15-4011
P/D
15-4042
Well
Pleasantview
Malad
Substation
BM 4586
BM 4470
BM 4529
BM 4638
Gwenford
Samaria
Samaria
Creek
Samaria
Lake
Gravel
Pit
Little
Malad
Malad
River
Malad
SAMARIA
LAKE
15-4029(2)
15-4072
15-4061
DP-40
Acres
OUT
R35E
R36E

Pleasantview

Malad Substation

BM 4470

BM 4529

15-4041

15-4042

Well

Malad River

Gwenford

Samaria

Samaria Creek

Samaria Lake

Little Malad River

Malad River

LAKE

CANAL

Gravel Pit

Well

Well

R35E
R36E

17'30"

Map prepared to reflect Combined Rights System for Samaria Water + Irrigation Company per Transfer #5233.

9-17-98

Q8

* Hughes Property New Acres Added per T 5233.

DD-90

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,

Pamela S. Skaggs

Pamela S. Skaggs

Sr. Water Rights Agent

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

Recieved 12-14-98 + attached to application.
CS

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.

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

December 16, 1998

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

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

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

Page 1 of 16

$100 Fee

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5276

RECEIVED
APR 23 1999
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Samaria Water + Irrigation Comp c/o David Edwards Phone (208) 766-2613

Post Office address 169 Edwards Rd Malad City, ID 83252

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 As with transfer #5233 we are adjusting our place of use land list to reflect current acres irrigated. We are deleting 90 acres and adding in 80 acres.

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

Water Right Number	Priority Date	Amount CFS or AF	Nature of Use	Period of Use
15-02074	September 27, 1937	500 AF	Irrigation Storage	1-Jan to 31-Dec
			Irrigation from Storage	1-Apr to 31-Oct
15-02075	April 18, 1947	700 AF	Irrigation Storage	1-Jan to 31-Dec
			Irrigation from Storage	1-Apr to 31-Oct
15-02023	March 1, 1940	3.00 CFS	Irrigation	1-Apr to 31-Oct
15-02024	August 28, 1940	3.50 CFS	Irrigation	1-Apr to 31-Oct
15-02025	September 6, 1940	22.00 CFS	Irrigation	1-Apr to 31-Oct

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 / BIG MALAD RIVER / WARM SPRING tributary to BEAR RIVER / BEAR RIVER / BIG MALAD RIVER / MALAD RIVER

4. Point(s) of Diversion BIG MALAD SPRING

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	22	14S	35E	Oneida	MALAD RIVER (BIG)
		SW	NW	22			"	MALA RIVER
		NE	NE	3	15S	35E	"	WARM SPRINGS
		SE	NE	16	14S	35E	"	MALAD RIVER + BIG MALAD SPRINGS

5. Lands irrigated or place of use: See Attached Sheet "B"

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

* Permissable Place of use

Total acres * 7110

Transfer No. 5276

RECEIVED

PART 1

6. General Information:

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

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.

NA

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____.

Transfer No. 5276

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

Transfer No. 5276

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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 _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Transfer No. 5276

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals.
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

_____

PART 2

Transfer No. 5276

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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 _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Form 222.1
12-92

Transfer No. 5276

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 / 15-02025 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 _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals.
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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 _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Transfer No. 5276

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

Transfer No. 5276

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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 _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Transfer No. 5276

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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 _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

T5276

PART 2
ITEM A 8 PLACE OF USE

LAND LIST ATTACHMENT M "

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	
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	40	30	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

T527

PART 1
ITEM 3-5 PLACE OF USE

LAND LIST ATTACHMENT B"

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	
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			20	490
		34		40	40	40	35	10		25					40	40	20	40	330
		35					40	10	40	40	40	40	40	40	40	40	40	40	450
		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	40	30	40	40	40	40	40	630
		25	40	35		5	10												90
15S	36E	30					8	11	31	10	20*			20*		40*			140
							Hughes Property												
											Williams Property								

Total number of acres irrigated 710

* CHANGES FROM ATTACHMENT "A"

Transfer No. 5276

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.

SCALE: 2 inches equal 1 mile. Draw plan in ink

 Transfer No. 5276

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.

Harold J. Edwards Pres - Summit Irrigation
(Signature of Applicant) -- Title

Subscribed and sworn to before me this 07 day of May, 19 98.

Sharlee Blaisdell
(Notary Public)

My commission expires 1-23-2001

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWJ Date 5-8-98 Protest filed by Ralph Hughes & David & Marie Higley Protests withdrawan 3/24/99.

Prelim. check by _____ Fee #100.00

Receipted by HWJ #E024100 Date 5-8-98

Published in Idaho Enterprise Copies of protest forwarded by SC

Pub. dates June 11 & 18 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
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

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

SOURCE	TRIBUTARY OF
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 :
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

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
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	20			470
		34	NWNE	40	SWNE	40	SENE	40	
			NENW	35	NWNW	10	SENW	25	
			NESE	40	NWSE	40	SWSE	20	
			SESE	40					330

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
		35	NENW	40	NWNW	40	SWNW	40	
			SENW	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	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

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

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
		24	NENE	40	NWNE	40	SWNE	40	
			SENE	40	NENW	40	NWNW	40	
			SWNW	40	SENW	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	
			SENW	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 of April, 2000

L. Glen Saxton

Chief, Water Allocation Bureau

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 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.

State of Ida
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.

Mailed 6/3/98 SC

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

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

Harold W. Jones
Water Right Supervisor

HWJ::sc

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 2 T 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 0 7 1998
Department of Water Resources
Eastern Region

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 T14S R36E B.M.

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KARL J. DEHER
Director

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

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, Plaintiffs, vs. RALPH HUGHES and DAVID G. HIGLEY and MARIE HIGLEY, husband and wife, Defendants.	Case No. CV-98-64 **STIPULATED SETTLEMENT AGREEMENT**

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

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 SHOUP
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

RECEIVED
MAR
Department of Water Resources
Eastern Region

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

RECEIVED
MAR 24 1999
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

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

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

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
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RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

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

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POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
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RECEIVED
JUN 24 1998
Department of Water Resources
Eastern Region

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHOUP
P. O. BOX 50731
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STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†

†ALSO ADMITTED IN CA

June 23, 1998

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

Receipt # B0[illegible]223

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

RECEIVED
JUN 24 1998
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

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

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.

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

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

RANDALL C. BUDGE

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

July 8, 1998

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

enclosures
cc: IDWR - State Office

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

July 8, 1998

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

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

Respectfully submitted,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ/sc

cc: IDWR - State Office

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, Plaintiffs, vs. RALPH HUGHES and DAVID G. HIGLEY and MARIE HIGLEY, husband and wife, Defendants.	)	Case No. CV-98-64 **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 _____
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 12th day of March, 1999.

PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th 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 (½) 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 (½) to Williams and Orilla and one-half (½) 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 Judgement 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 12th day of March, 1999.

THOMAS C. WILLIAMS

MARCENE L. WILLIAMS

ORILLA BARRY HUGHES

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

DATED this 12th 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 if March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: David Edwards
David Edwards, President

Attested: Carlean Tubbs
Secretary

STATE OF IDAHO)
) ss.
County of Oneida)

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 STATE OF IDAHO

Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, 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.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

RCBudge
NOTARY PUBLIC for State of Idaho
Residing at: ~~Preston~~, Poc 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.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

RCBudge
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 **RALPH 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.

RANDALL C BUDGE NOTARY PUBLIC STATE OF IDAHO

RCBudge
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.

RANDALL C. BUDGE NOTARY PUBLIC STATE OF IDAHO

R C 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.

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 NE¼ of the SE¼ 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, ½ interest in and to the waters of Water Canyon.

Ralph Hughes

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

Harold W Jones
Water Rights Supervisor

HWJ/sc

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 30, 1999

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

Harold W Jones
Water Rights Supervisor

HWJ/sc

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.

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 2000

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

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