

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

Application No. 26471
Permit No. 19071
District No.

1. Name of Applicant: **SAMARIA WATER & IRRIGATION COMPANY**
Postoffice address: **Samaria** County: **Oneida** State: **Idaho**
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation: **March 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; Alf Atkinson; Charles E. Thomas; Levi G. Waldron; Walter M. Davis; and Thomas M. Hughes.**
 - II. The financial resources of the applicant are:
 - (a) Cash on hand: **\$50.00**
 - (b) Treasury stock:
 - (c) Bonds to be issued: **None**
 - (d) Other resources: **Just assessment privileges**
2. Quantity of water claimed: **3.5** 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** **Southeasterly**
feet distant from the **NW**
NE $\frac{1}{4}$ NE $\frac{1}{4}$
 corner of Section **3**, T. **15 S.**, R. **35 E.**, B. M., and is ~~the~~ **in the NE $\frac{1}{4}$ NE $\frac{1}{4}$**
 of Section **3**, T. **15 S.**, R. **35 E.**, B. M., County of **Oneida**
5. Water is to be used for: **Irrigation and domestic purposes**
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
 T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet
 distant from the corner of Section , T. , R. , B. M., in the
 of Section , T. , R. , B. M.
7. Estimated cost of works: \$ **5,000.00**
8. Kind of works: **Earth dam with headgate, and a canal**
9. Height of dam **10** feet; length of dam at top **60** feet; length of dam at bottom **45**
 feet; material used in dam: **Earth with rock rip-rap work on front of dam diverting the water.**
10. Size of headgate: Width **3** feet; height **3** feet.
 or canal
11. Ditch: /Width at bottom **12** feet; width at water line **15** feet; depth of water **.2**
 feet; dimensions of flume:
 Diameter of pipe inches; length of conduit or canal - **About 5** miles.
 Average grade per mile **3** feet.
12. The time required for the completion of such work is **five** years.
13. The time required for the complete application of the water to the proposed use is **six** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

- dam of the Warm Springs
15. (a) Is reservoir to be used? **No, just diversion /** 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 CO.

Applicant.

By C. E. Thomas

Agent.

Director

Date of first receipt at Department of Reclamation: 11:30 A. M. August 27, 1940

Returned to applicant for correction: August 30, 1940

Corrected application received: October 29, 1940

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19071

Recorded in Book 69 Page 19071 Approved November 4, 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 January 3, 1941

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 May 4, 1943

The whole of said work to be completed on or before November 4, 1945

Beneficial use of water appropriated in accordance herewith, to be made on or before November 4, 1951

Witness my hand this 4th day of November, 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 4th day of November 1940

Countersigned:

STATE OF IDAHO

(SEAL)

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLFSEN

Governor.

Remarks: This spring producing water 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 the waters of said springs for irrigation and domestic use.

(Continued below)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15 S.	35 E.	2		10	10		40	40	40	40	40	40	35	40		5	15		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		805
		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

REMARKS (Continued) Early historical record of Samaria, Idaho, shows; that the waters of the Warm Springs in NE 1/4 NE 1/4 Sec. 3, Tp. 15 S., R. 35 E., B.M., Oneida County, Idaho, was diverted in a Canal built in 1869 diverting the waters of Warm Springs to the lands and farms between this spring and the town of Samaria, and this record also shows the names of the early settlers who built this canal and used the waters from these springs on their farms located South and to Samaria from said springs, and used each other time and means to build said canal and to protect each others rights. At this time this spring was known as the John Thorpe Spring, but since that time it is known as the Warm Springs.

AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS.

I, Effie Evans Pilgrim, of Malad, Idaho, R. F. D. # 1, County of Oneida, State of Idaho, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of Samaria Water & Irrigation Co. is located, to-wit: NE 1/4 NE 1/4 Section 3, 15 S., 35 E., B.M., and that I do hereby grant unto the said Samaria Water & Irrigation Co. permission to file on the said spring as set forth in the foregoing application.

EFFIE EVANS PILGRIM

State of Idaho)
County of Oneida) ss.

On this 26 day of August, 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 Woodzley,
Notary Public.

(Seal) My commission expires November 10, 1940.

PERMIT NO. 19071
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. 19071, issued upon Application No. 26471, bearing date of priority of August 27, 1940, authorizing the diversion of 3.5 second feet of the waters of Warm Springs, tributary to Big Malad River in 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 3.5 second feet of the waters of said Warm Springs; that the point of diversion of said waters is at the spring, about 660 feet Southeasterly from the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 15 South, Range 35 East, B.M., and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said section; 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, & 25, Township 15 South, Range 35 East, B.M., as described more particularly in said Permit No. 19071.

Witness my hand this 17th day of November, A. D. 1945.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made November 10, 1945
Certificate of completion of works issued November 17, 1945

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Boise, Idaho, ~~August 30, 1940~~

Application No. 26471

Mr. C. E. Thomas, Director
Samarra Water & Irrigation Company
Samarra, Idaho.

SIR:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

1. Submit maps in accordance with enclosed Instructions

You are allowed 60 days from date of first return for correction, as stamped in second line on back of application, to file completed application. If received after that date application can be refiled under a new number with later priority, requiring additional fee.

Yours truly,

JAMES SPOFFORD
COMMISSIONER OF RECLAMATION.

By _____

Deputy Commissioner

Encl: App. 26471

Receipt # 17543

19071

J & E Electric Co. Samaria Water & Irrig Co.
 1011 N. IDAHO
 Samaria,

OCT 29 1940

10:00
Department of Reclamation

Postage Due 2 Cents

Department of Reclamation

Boise, Idaho.



1907

CERTIFICATE

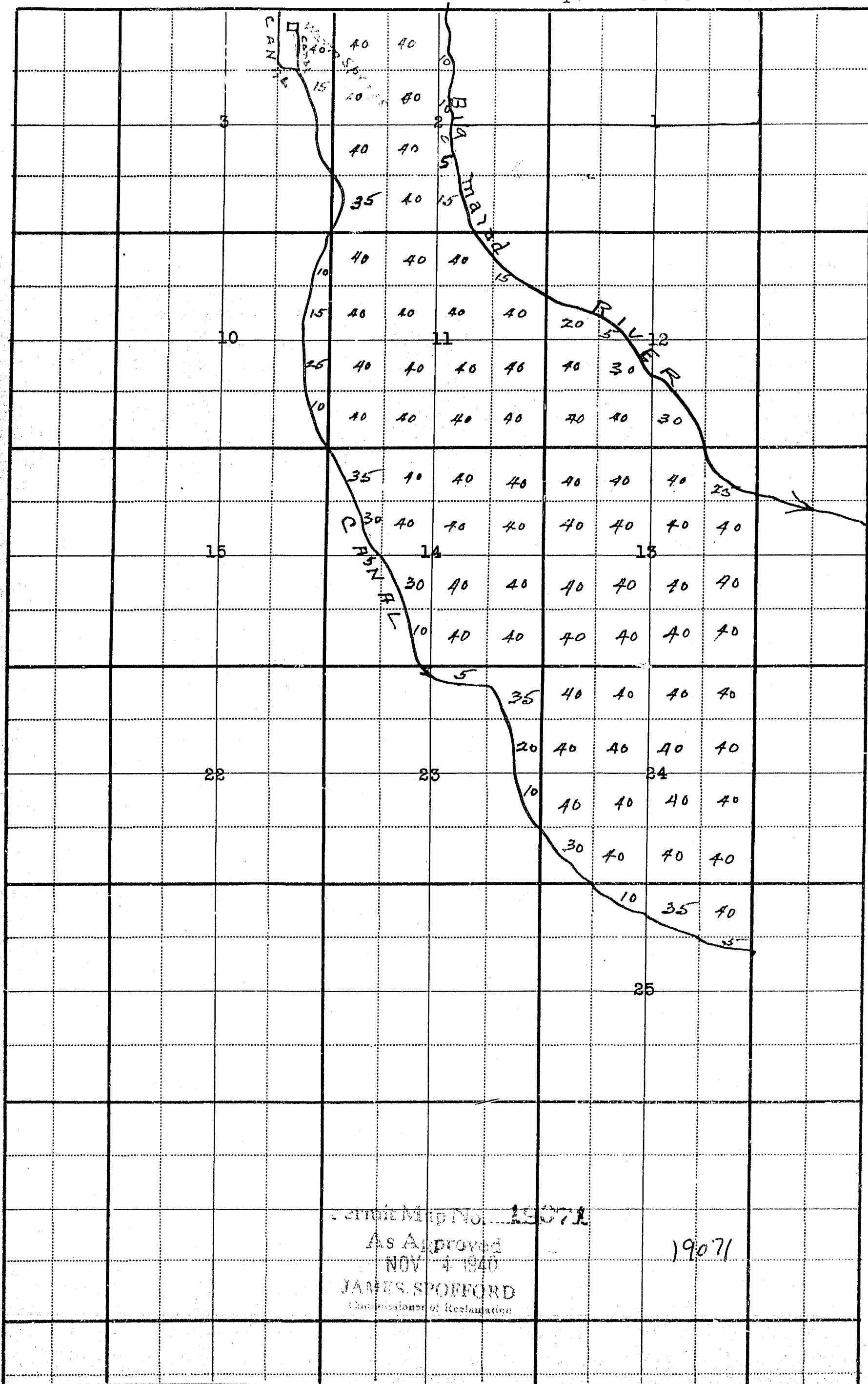
82-100

ADON

NAME OF APPLICANT Warm Springs Samarra Water & Irrigation Co. Tp. 15 S.R. 35 E.B.M. FORM No. 0

Warm Springs
NAME OF APPLICANT Samara Water & Irrigation Co. Tp. 15 S.R. 35 E.B.M. FORM No. 0

Warm Springs
NAME OF APPLICANT Samara Water & Irrigation Co. Tp. 15 S.R. 35 E.B.M. FORM No. 0



ATTORNEY GENERAL No. 1907A

As Approved
NOV 4 1940

JAMES SPURFORD
Commissioner of Reclamation

19071

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

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19071 & 19072

Boise, Idaho, November 9, 1940

Dear Sir:

I enclose herewith above numbered permit. ~~6.~~ BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~fourth~~ ~~third~~ page.

Samaria Water & Irrigation Co.
C/o C. E. Thomas, Director
Samaria, Idaho

JAMES SPONFORD

Commissioner of Reclamation.

19071

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Samaria Water & Irrigation Co.
O/o O. E. Thomas
Samaria, Idaho

Boise, Idaho **Sept. 4, 1945**

Dear Sir:-

Under the terms of your permit No. 19071-----you are required to complete your diversion works on or before November 4, 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

19071

Malad, Idaho; Nov. 3rd. 1945

Mark R. Kulp; Engineer;
Dept. of Reclamation;
Boise, Idaho;

Dear Mr. Kulp;

In connection with your letter of
Sept. 4th. 1945, we are herewith inclosing you
proof of completion of works, for 500 acre feet
under permit No. 19072.

Also inslosed herewith our Check for fee of \$5.00
required.

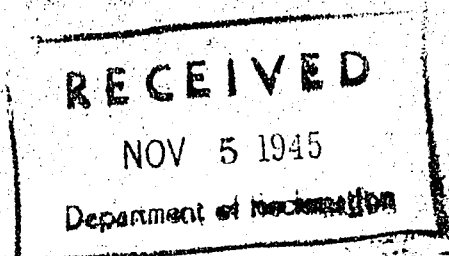
By way of explanation your letter of Sept. 4th.
above referred to state our permit as No. 19071
and the same is 19072.

Please receipt the inclosed and oblige.

Yours truly,

William M. Jones Secty-Treas. of
Samaria Water & Irrig. Co.

R D H /



19071

✓
November 6, 1945

Re: Permit No. 19071

Mr. Wm. M. Jones, Secretary-Treasurer,
Samaria Water & Irrigation Co.
Route 1, Malad, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of November 3rd, enclosing affidavit in proof of completion of works under Permit No. 19072, this being in response to form letter sent you on September 4th, advising that proof of completion of works was due on Permit No. 19071 on or before November 4, 1945.

We are returning the affidavit tendered in connection with Permit No. 19072, covering water from Big Malad River, as the records in this Department show that proof of completion of works and also of beneficial use under this permit were made on May 14, 1941; also that under date of March 24, 1943, office letter was sent you advising that the report of our Field Engineer's examination had been received; and that upon receipt of the statutory fee of \$8.60 Certificate of completion of works would be issued for 22 cubic feet per second; and the fee of \$368.00 was required for issuing the license being at the rate of \$2.00 for each 40-acre subdivision on which the land is situated.

Permit No. 19071 is for 3.5 second feet of water from Warm Springs tributary to Big Malad River; and we enclose another form of affidavit for your use in making proof of completion of works under this permit.

This proof was due on or before November 4, 1945, and must be made not later than November 14th, which is the ten days' grace allowed under Section 41-203, Idaho Code Annotated.

With your permission, we shall hold to your credit your check for \$5.00; to pay the statutory fee in connection with the proof to be made under Permit No. 19071.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

19071

PERMIT No.
19071

Malad, Idaho
November 12, 1945

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

Dear Sir:

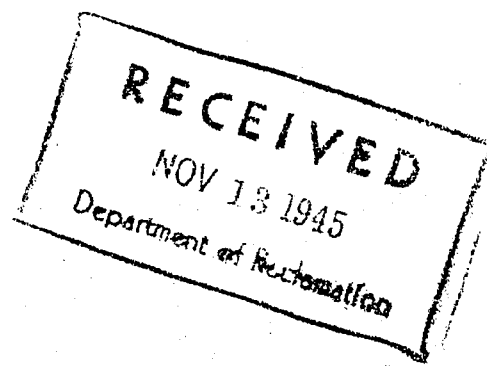
Please find enclosed a corrected proof of completion of works for Permit # 19071 instead of 19072 as was submitted to your office November 4, 1945.

Yours truly

Samaria Water and Irrigation Co.

by

William M. Jones
Secretary and Treasurer



19071

Permit No. 19071

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Oneida

ss.

Wm. M. Jones, Secretary & Treasurer of Samaria Water and Irrigation Co., being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19071, and that his postoffice address is Samaria, Idaho, Oneida County, State of Idaho.

Second: That the name of the stream from which said water is to be directed is

Warm Springs, which is a tributary of Big Malad,

Third: That the point of diversion of said water is At the Springs about 660 feet Southeasterly from the NW corner NE 1/4 of Sec. 3, Tp. 15, R. 35 E.B.M. and is in the NE 1/4 of sec 3 Tp. 15 R. 35 E. B.M. County of Oneida.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 4, 1945 19.

Fifth: That the use for which said water is intended is Irrigation and Domestic purpose

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Earth dam with headgate, and canal.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 10 feet, length of dam at top 60 feet, length of dam at bottom 45 feet. Material used in construction Earth with rip-rap work on front of dam diverting the water.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 3 feet, height 3 feet.

(d) Conduit or canal width at bottom 12 feet, width at water line 15 feet, depth of water 2 feet; diameter of pipe inches, average grade per mile is 3 feet. Length of conduit about 5 miles.

(State whether ditch, flume or pipe)

Seventh: That said works are capable of conducting to the place of intended use at least 12 second feet of water.

Eighth: That water appropriated under said permit is available for 3215 acres of land described as follows: In Sections, 2, 3, 10, 11, 12, 13, 14, 23, 24, 25, In Tp. 15 S.R. 35 E.B.M.

Ninth: Remarks: That the Legal subdivisions in above sections is the same as shown in the permit # 19071 to which reference is hereby made for particulars therein required.

Samaria Water and Irrigation Co.
William M. Jones, Sec. & Treas.
(Sign here)

Subscribed and sworn to before me this 10th day of November, 1945

My commission expires

John H. McAllister

Notary Public.

W. M. Jones, Sec. & Treas.

[Signature]

19071

Arnold Williams
XXXXXX

November 19, 1945

Re: Permit No. 19071

Samaria Water & Irrigation Company
C/o Mr. Wm. M. Jones, Sec'y.-Treas.
Malad, Idaho

Dear Mr. Jones:

We enclose herewith Certificate of Completion of Works, issued under the above numbered permit, to appropriate 3.5 second feet of water from Warm Springs, tributary to Big Malad River, for irrigation and domestic use of certain lands in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Township 15 South, Range 35 East, B.M., as described in said Permit.

We also enclose Departmental Receipt # 19239 for the \$5.00 fee paid inconnection with completion of works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

1
Encls.

19071

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

September 1, 1951

Samaria Water & Irrigation Co.
C/o Wm. M. Jones, Secretary
Malad, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19071. 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 November 4, 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

19071

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....October 1, 1951.....

(P. O.).....Samarina, Oneida County, Idaho.....

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..... of.....Malad, Idaho..... published in
the county in which the works are situated.

Samarina Water and Irrigation Co.
by Sec.

William M. Jones

Malad, Idaho R. #1, Box #100

(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.

19071

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:30 A. M. on the 21st day of November, 1951,
at Malad, County of Oneida, State of Idaho, before
Probate Judge Bill Fallis, proof will be submitted of the
application to beneficial use of 3.5 cubic feet per second of the waters of Warm Springs
in accordance with the terms and conditions of Permit No. 19071
heretofore issued by the Department 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, Idaho.

The use to which said water has been applied is Irrigation and Domestic

The amount applied to beneficial use is 3.5 cubic ft. per second.

The place where said water is used ~~(for irrigation, for full and accurate description of the lands irrigated)~~
3215 acres in
Sec. 15, E. Range 35 E. Sections 2, 3, 10, 11, 12, 13, 14,
23, 24, 25; Twp. 15 South, Range 35 East, B. M.

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 or Lower Ditch.

The right to take water from such works is based upon Permit No. 19071

The source of supply from which such water is diverted is Warm Springs, tributary to Big Malad
River.

The date of priority which said user is prepared to establish is Date of Permit Aug. 27, 1940.
~~Or corrected application which is Oct. 29, 1940~~

MARK R. KULP

State Reclamation Engineer.

19071

October 2, 1951

RE: Permit No. 19071

Mr. William M. Jones, Secretary
Sameria Water and Irrigation Company
Route 1
Malad, Idaho

Dear Mr. Jones:

We are in receipt of notice for proof of beneficial use on Permit No. 19071, to be made on November 21, 1951, with the priority date of August 27, 1940.

This proof is due on or before November 4, 1951, and if it is not made until November 21, the priority date will have to be that much later, or September 17, 1940.

We are writing you now, because there is still time to set the date on November 3 or 5 which would still give you the August 27, 1940 priority.

Possibly this few days difference is not important, but we will not send the notice to the newspaper until we hear from you further.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19071

RECEIVED
OCT 4 1951
Department of Reclamation

RE: Permit No.
19071

Malad, Idaho
October 3, 1951

State of Idaho Dep't . of Reclamation
Mark R. Kulp, Engineer
State House
Boise, Idaho

In reply to your letter of October 2, 1951, We will make
the proof November 5, 1951 instead of November 21, 1951;

Thanks for noting the error in the date and for making
the correction.

Very truly yours

Samaria Water and Irrigation Company

by

William M. Jones
Secretary

19071

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 19071

Date: October 4, 1951

Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 5, 1951**, the date set for proof, the expense of the publication to be paid by the applicant, **Samaria Water & Irr. Co. of Samaria Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof, **C/o Wm. M. Jones, Sec'y., Rt. 1, Malad, Idaho.**

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

19071

October 4, 1951

RE: Permit No. 19071

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

Dear Mr. Jones:

We have sent to the Idaho Enterprise of Malad, Idaho, notice of beneficial use proof to be made on Permit No. 19071, on November 5, 1951, with instructions to publish it once a week for four consecutive weeks prior to that date, and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof, and at the time set, you should appear before Judge Fallis together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

19071

THE IDAHO ENTERPRISE

PUBLISHERS & JOB PRINTERS

CLYDE and MARION HANSON, PUBLISHERS



PHONE 40

31 COURT STREET

MALAD CITY, IDAHO

Oct. 5, 1951

RECEIVED
OCT 8 1951

Department of Reclamation

Mrs. Jennie L. Anderson
Chief Clerk
State Reclamation Engineer
Boise, Idaho

Dear Mrs. Anderson:-

This will acknowledge receipt
of Samaria Water & Irrigation Co. publication
notice.

Yours respectfully,

THE IDAHO ENTERPRISE

Clyde Hanson
Clyde Hanson,

19071

RECEIVED
NOV 7 1951
Department of Reclamation

Route #1
Malad City, Idaho
November 5, 1951

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

Re: Permit No. 19071

Dear Mr. Kulp:

The depositions were today taken before Judge Bill Fallis on the proof of application of water to beneficial use.

The witnesses were Taliesin Hughes of Malad City, Idaho and William M. Price also of Malad City, Idaho.

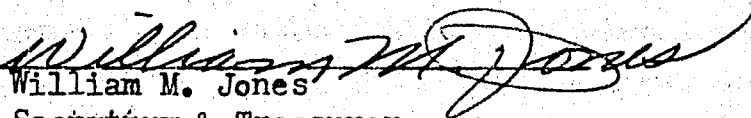
The deposition of of the holder of permit No. 19071 was also taken, and I acted as the representative of the company in regards to the questions in the deposition.

Thank you very much for your interest in this matter. I appreciate this the interest that you have shown in this matter.

Yours very truly,

Samaria Water & Irrigation Company

By


William M. Jones
Secretary & Treasurer

19071

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19071

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

William M. Jones is the Secretary and treasurer of the Company.

My Address is Rt. #1, Malad City, Idaho. I am a farmer.

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 Water and Irrigation Company, Samaria, Idaho, William M. Jones, Secretary and Treasurer of the said company.

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

Ans. March 12, 1924, No. of Permit 19071

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

Ans. Warm Springs which is a tributary of the Big Malad River. The location of the point of diversion is at the spring about 660 ft., Southeasterly NW corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp. 15 S., R. 35 E., B.M. and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Tp. 15 S., R. 35 E., B.M. County of Oneida.

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

Ans. Earth dam with headgate, and canal, height of dam 10 ft., length of dam at top 60 ft., length of dam at bottom 45 ft., material used Earth with Rock rip-rap work on front of dam diverting the water. The canal width at bottom 12 ft., width of at water line 15 ft., Depth of water 2 ft. Length of canal about 5 miles. Average grade per mile 3 ft. The works are adequate for the diverting and conveying to the place of use 3.5 second feet.

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

Ans. Water is to be used for Irrigation and domestic purposes. The water is to be used on the following described land, to-wit: 3215 acres in sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Tp. 15 South, Range 35 E, B.M. These are ~~all~~ cultivated lands. Many farms and homes have been developed because of the use that this water has been put to.

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

Ans. Water is being used for irrigation and domestic use

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

Ans. Two acre feet/per acre of land

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. I am the Secretary and Treasurer of the Samaria Water and Irrigation Company, the holder of permit no. 19071.

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

Ans. The water is used on the crop land which is described as follows, to-wit: 3215 acres in sections 2, 3, 10, 12, 13, 14, 23, 24, and 25, Tp. S. R. 35 East, Boise Meridian.

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. We bring the waters from the Big Malad Springs and reservoirs.

(Sign)

*Samaria Water & Irrigation Co.
William M. Jones Sec.*

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 5th day of November, A. D. 1951,

Bill Fuller
Probate Judge

My commission expires

19071

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19071

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, Jr., Malad City, Idaho, Hotel Owner, Malad City, Idaho.

Ques. 2. Are you acquainted with Samaria Water and Irrigation Company, the holder of Permit No. 19071? How long have you known him and where does he reside?

Ans. 65 years, Samaria, Idaho

Ques. 3. Have you read or heard read said Permit No. 19071, 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; At the Spring about 660 ft. Southeasterly NW corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp 15 S. R. 35 E, B.M., and is the NE $\frac{1}{4}$ NE $\frac{1}{4}$; of Section 3, Tp 15 S. R. 35 E, B.M., 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. 700 inches or 7 streams of water. I have seen seven streams of water conveyed. The works will safely carry 3.5 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 pumps at all; natural gravity.

19071

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 purposes, 3215 acres in sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Tp. 15 South, Range 35 E, BM., used on cultivated lands. There have been several farms developed as a direct use of this water.

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

Ans. Not for power at all.

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. 3215 acres in sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25 Tp. 15 South, Range 35E, B.M. in Oneida ~~County~~ County. The character of the land is sandy and clay loams.

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.

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 witnessed the application of beneficial use for several years for the purpose of irrigation and domestic in the areas described. It was in 1890 that I first saw the use of this water for the beneficial use.

(Signed) *Taliesin Hughes Jr.*

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 5th day of November, A. D. 1907.

Bill Hall
Probate Judge ~~EXDARY BUREAU~~

My commission expires

1907/

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19071

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, Malad City, Laborer, Malad City, Idaho

Ques. 2. Are you acquainted with Samaria Water and Irrigation Company, the holder of Permit No. 19071? How long have you known him and where does he reside?

Ans. Yes, I have been acquainted with the Company for 55 years. The home office of the Samaria Water and Irrigation Company and its address is Samaria, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19071, 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, At the Spring about 660 ft. Southeasterly NW. corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp 15 S. R. 35 E, B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 3, Tp. 15 S. R. 35 E, B.M., County of Oneida. Earth Dam with headgate, and canal. Height of dam 10 ft; length of the dam at the top is 60 feet, length of the dam at the bottom is 45 feet. material used in in dam Earth with rock rip-rap on front of dam diverting the water Size of headgate width 8 ft. Height 3 $\frac{1}{2}$ ft. Canal width at bottom 12 feet; width at water line 15 ft; depth of water 3 ft. Length of canal about 5 miles

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?

The works will convey 3.5 second feet of the waters of the warm springs can be

Ans. About 7 or 8 streams of water can safely flow conduct to the place of use. I have seen 7 or 8 streams of water safely conducted to the place of use.

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 pumps are used.

19071

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. The water is to be used for irrigation and domestic use. Lands that the water will be used on are 3215 in sections 2, 3, 10, 11, 12, 13, 14, 23, 24 and 25, Tp. 15 South, Range 35 East, B. M. There are many fine farms and homes that are the direct cause of the use of this water. It is being used on cultivated lands.

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

Ans. No, It is not being 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. Character of land is sandy loam and a clay loam. Wheat, sugar beets, and alfalfa hay.

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

Ans. None

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 was the water master for the Company and I witnessed the distribution of the water and the growth the crops that were produced from the land on which the water was used.

(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 5th day of October, A. D. 1951.

Bill Fallis

Notary Public.

My commission expires

✓
November 7, 1951

RE: Permit No. 19071

Mr. William M. Jones
Secretary & Treasurer
Samaris Water & Irrigation Company
Route 1
Malad City, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of November 5, 1951, enclosing depositions of yourself and two witnesses in proof of beneficial use under Permit No. 19071.

However, the affidavit of publication is also a necessary part of this proof, and if you have not received it from the Idaho Enterprise, we suggest that you take the matter up with them at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19071

NOV 19 1951
Department of Reclamation

Malad, Idaho
November 16, 1951

RE: Permit No. 19071

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

Please find enclosed the affidavit of publication, We had not received it from The Idaho Enterprise at the time the deposition of witnesses was sent to your office.

Very truly yours

Samaria Water and Irrigation Company

By *William M. Jones*
Secretary

19071

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 seven-teen 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 *11* day of *October* 195*1* the date of the last publication being the *1* day of *November* 195*1*

Sylvia Stratton

Subscribed and sworn to before me this *5* day of *November* 195*1*

Notary Public, residing at Malad, Idaho

My Commission expires the *15* day of *January* 195*2*

COST: *47* lines at *12* per line first insertion \$ *5.64*
6 per line each subsequent insertion \$ *8.46*
TOTAL \$ *14.10*

19071

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:30 A. M. on the 5th day of November, 1951, at Malad, County of Oneida, State of Idaho, before Probate Judge Bill Fallis, proof will be submitted of the application to beneficial use of 3.5 cubic feet per second of the waters of Warm Springs in accordance with the terms and conditions of Permit No. 19071 heretofore issued by the Department 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 Co., Samaria, Idaho.

The use to which said water has been applied is Irrigation and Domestic Purposes.

The amount applied to beneficial use is 3.5 cubic ft. per second.

The place where said water is used - 3215 acres in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24, 25, Twp. 15 South, Range 35 East, B. M.

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 or Lower Ditch.

The right to take water from such works is based upon Permit No. 19071.

The source of supply from which such water is diverted is Warm Springs, tributary to Big Malad River.

The date of priority which said user is prepared to establish is August 27, 1940.

MARK R. KULP
State Reclamation Engineer
10-11-11-1

November 20, 1951

RE: Permit No. 19071

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

Dear Mr. Jones:

We acknowledge receipt of your letter of November 16, 1951, enclosing affidavit of publication in the Idaho Enterprise which completes the proof of beneficial use under Permit No. 19071.

Before final action is taken in the matter, the law requires that a field examination 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:fg

19071

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

Permit No. 19071This proof is for Beneficial use

In Water District No. _____

1. Name of applicant Samaria Water & Irrigation Co., Wm. M. Jones, Secretary, Rt. 1, Malad, Ida.2. Source of water supply: Warm Springs, tributary to Big Malad River3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3T. 15 S. R. 35 E. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same: _____

5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: _____

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):

3215 acres in Sections 2, 3, 10, 11, 12, 13, 14, 23, 24, 25 Township 15 South,
Range 35 East, B. M.See Permit 18948

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

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

Remarks: _____

This examination was made on the 11th day of July, 1957.(Signed) E. J. Humphrey Examiner.

19071

November 27, 1951

RE: Permits Nos. 18948 and 19071

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

Dear Mr. Jones:

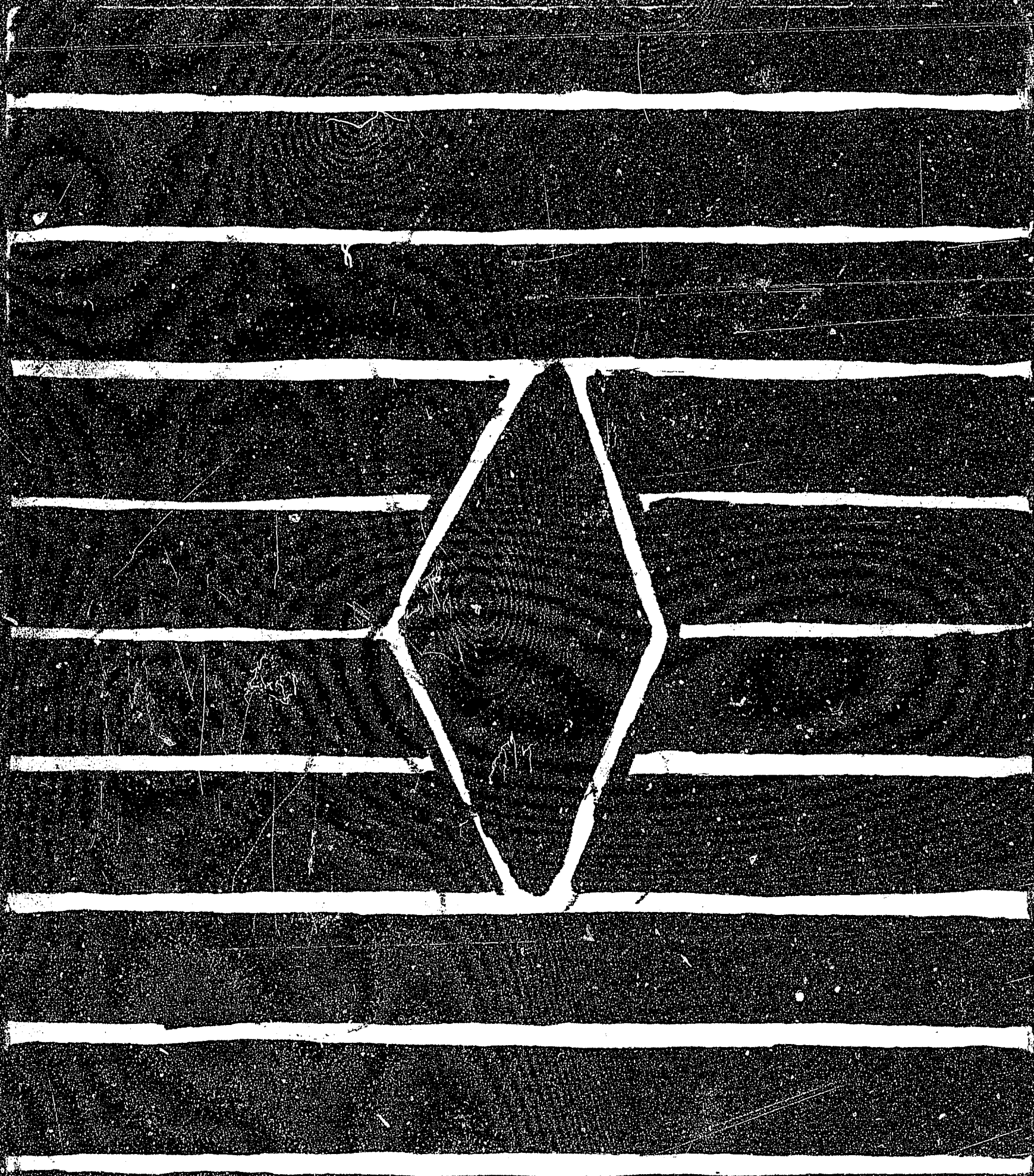
We now have on file the reports of our field engineer on examination for beneficial use under the above numbered permits to appropriate water from Warm Springs, tributary to Big Malad River. Licenses can be issued for 3 second feet under Permit No. 18948, and 3.5 second feet under Permit No. 19071, for 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

19071



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

15-2024

Samaria Water & Irrigation Company

May 1, 1974

Permit 19072/15-2025

Quantity: 22.0 cfs

Source: Big Malad River

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, Twp. 14 S, Rge. 35 E, B.M.

Beneficial use: Irrigation of 6,735 acres (see enclosed land list)

Priority date established: Sept. 6, 1940

Permit R-637/15-2074

Quantity: 500 acre feet

Source: Big Malad River

Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, Twp. 14 S, Rge. 35 E, B. M.

Beneficial use: Storage for irrigation of 4,410 acres (see enclosed land list)

Priority date established: Sept. 27, 1937

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

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

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

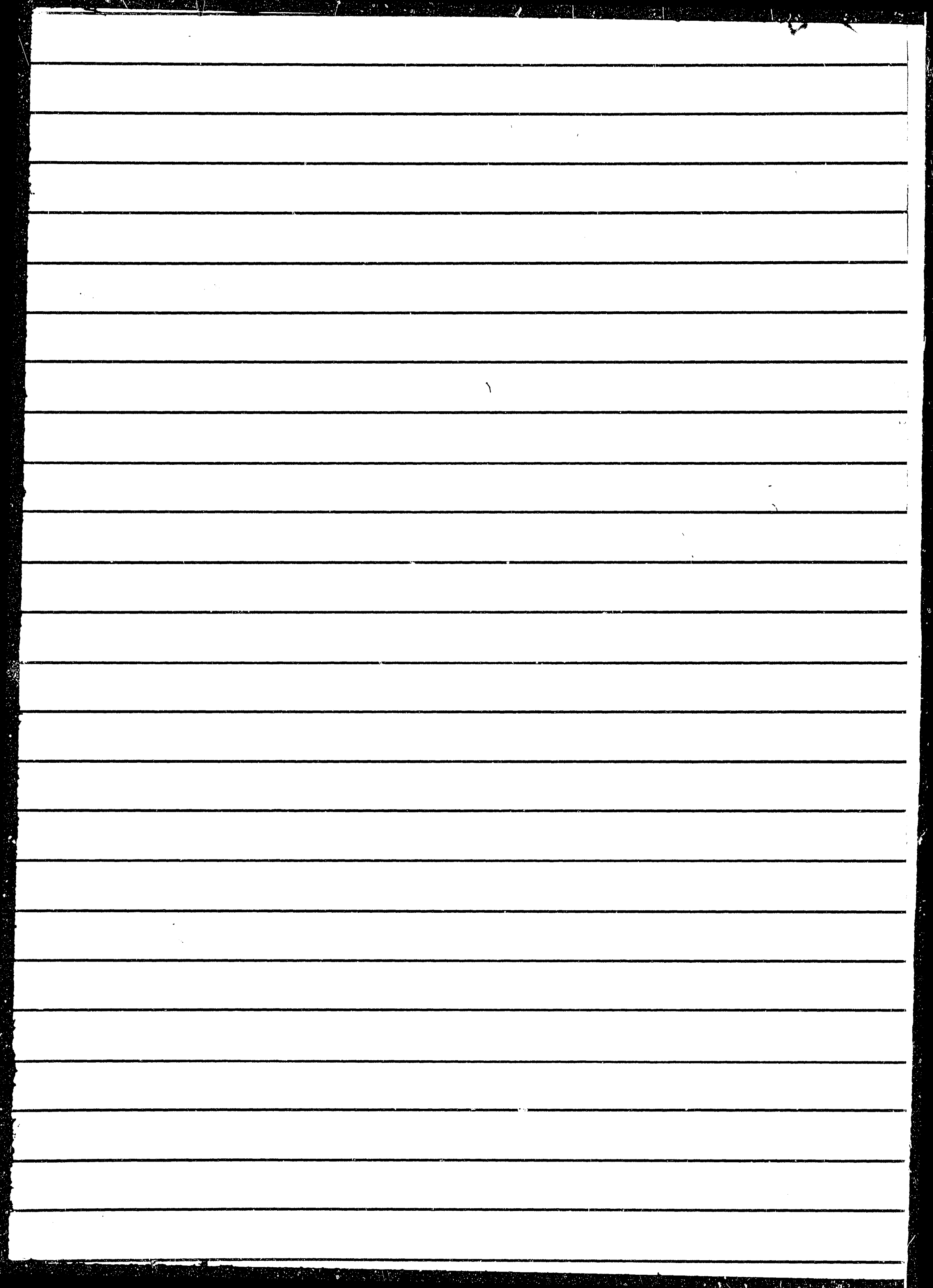
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures (4)

bc: Eastern District Office
(no enclosures)

15-2024



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

15-2024

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 19071/15-2024 Priority August 28, 1940 Amount 3.5 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company
of Samaria, Idaho, has complied with the terms and conditions of Permit
No. 19071/15-2024 issued pursuant to Application for Permit dated August 27, 1940,
and has submitted proof to the Department of Water Administration on November 5, 1951,
(late proof)
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 3.5 cfs of water from Warm Springs,
tributary to Big Malad River, 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
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>3.5</u> cfs and	<u>1,483 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.5 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
* 1,483 acre feet per year, said waters to be diverted within the NE¹NE¹ 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.	NE ¹				NW ¹				SW ¹				SE ¹				Totals
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
See	Land	List	Attachment																

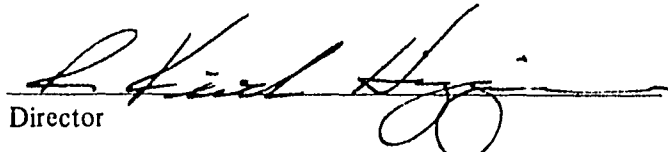
Total number of acres irrigated _____

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

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

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

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


Director

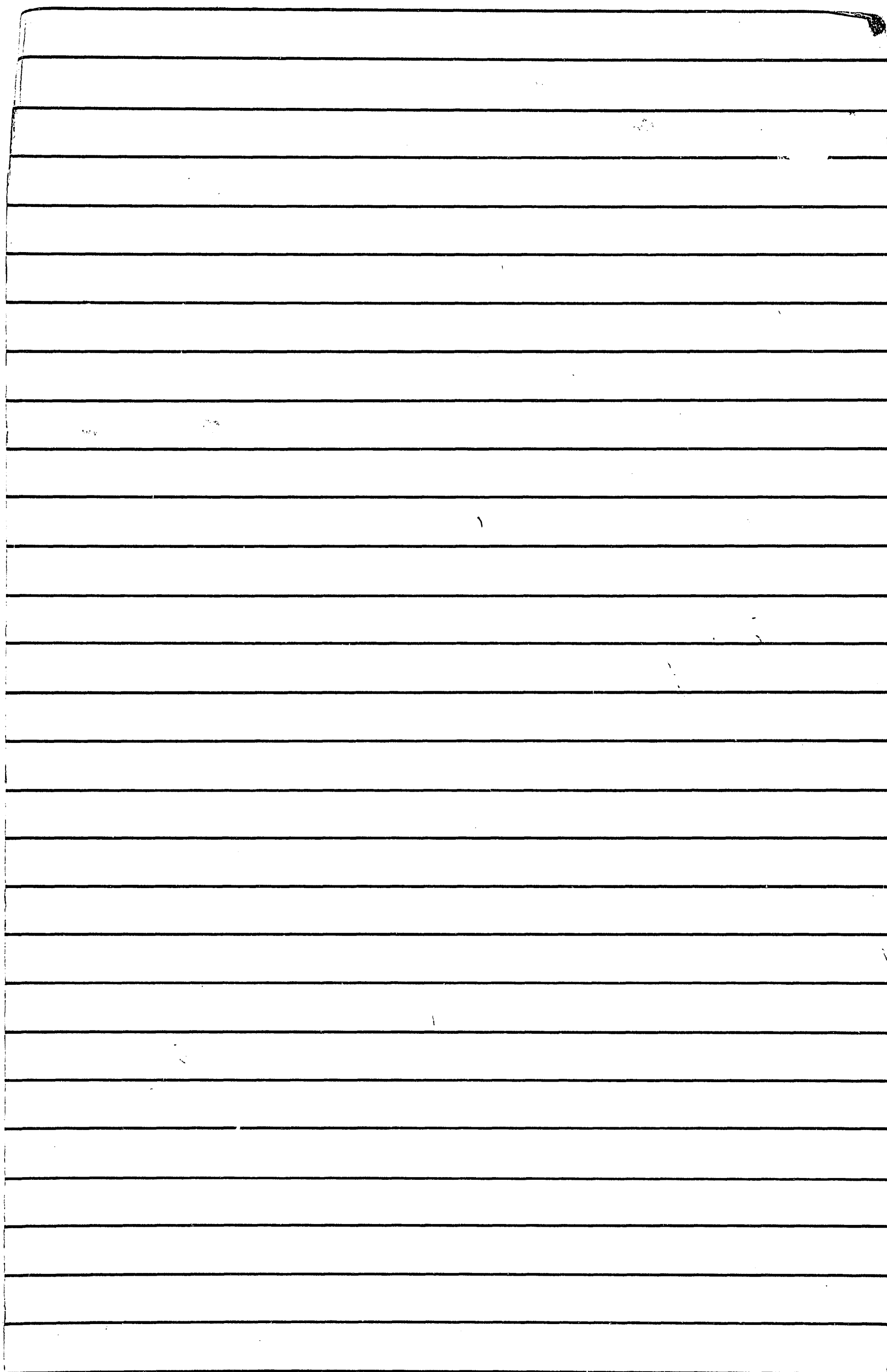
15-2024

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 3,215

15-2024



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

PAGE 2

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

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right Nos. 15-02023 & 15-02024 : WARM SPRINGS	MALAD RIVER
Right Nos. 15-02025 & 15-02074 : MALAD RIVER	BEAR RIVER
Right 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 :
SENE , Sec. 22, Township 14S, Range 35E
Right No. 15-02074 :
SWNW , Sec. 22, Township 14S, Range 35E
Right No. 15-02075 :
SENE , Sec. 16, Township 14S, Range 35E

ONEIDA County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

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

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

PLACE OF USE: IRRIGATION

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

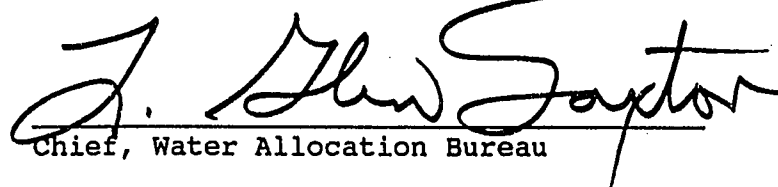
PLACE OF USE: IRRIGATION.

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		24	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENE 40	NESW 40	
			NWSW 40	SWSW 30	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			630
		25	NENE 40	NWNE 35	SENE 5	
			NENW 10			90
36E	30		NENW 8	NWNW 11	SWNW 31	
			SENE 10			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


 Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 15-02024

FROM: PAM SKAGGS

RE: TRANSFER # 5233

DATE: 3-26-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 15-02023.

MEMORANDUM

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

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5233

DATE: October 23, 1998

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

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

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

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 15-02023 & 15-02024 :
NENE , Sec. 3, Township 15S, Range 35E
Right No. 15-02025 :
SENE , Sec. 22, Township 14S, Range 35E
Right No. 15-02074 :
SWNW , Sec. 22, Township 14S, Range 35E
Right No. 15-02075 :
SENE , Sec. 16, Township 14S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

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

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

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
		24	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	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 ofApril

20

00

J. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 15-02024

FROM: PAM SKAGGS

RE: TRANSFER # 5274

DATE: 6-8-98

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 15-02023.