

Vol. 8

42-1103

12. 19. 04

Idaho Code Right to use State Land

Identification No. _____

Claim No. 15-4001

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

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

1. Name of claimant Norman L. Howell
post office address RFID# Box 63 Malad, Idaho
646 FIN 103851 East

2. The point of diversion is in SW 20 1/4 of SW 1/4 Section 16 Township 16S
Range 36E B.M. located on Brush Canyon Flood Water
(name of source)

tributary to _____ in Oneida County.

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

a. Date of priority claimed:

27 May 1985 amount: 150 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 3.0 c.f.s. or _____ acre feet.

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

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

4. Description of diverting works:

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

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

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 6600 - Longest Point feet; width of ditch at top is 5 feet; width of bottom of ditch is 4 feet; depth of water is 3 feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is Gravel - Rocks & soft clay loam; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

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

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

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	
16S	36E	16				✓													20
16S	36E	15									✓								40
16S	36E	15										✓							40
16S	36E	21			✓														20

Total number of acres to be irrigated 120

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

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

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

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

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

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This flow is intermittent and varies from year to year.

State of Idaho }
County of Oneida } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Norman L. Howard
Claimant

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

Colen B. Sweeten Jr.
Notary Public

Residing at Clerk of the district court

My commission expires _____

For Department Use Only			
Received by	Date	Exception filed by:	Forwarded to claimant by:
<u>ey</u>	<u>1-25-71</u>		
Prelim. check by <u>722</u>	Date <u>2-8-71</u>		
Fee received by <u>84</u>	Date <u>1/26/71</u>	Fee \$ <u>10.00</u>	
Approved for publication by <u>D</u>			
Published in <u>Idaho Enterprise</u>	Dates <u>2-25 & 3-04, 71</u>		

dr

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NORMAN HOWELL

N 70° 0' W 276' 210' E
 N 65° 0' W 135' 40' E
 N 63° 35' E 205' 130' E

9 10
 16 15

DITCH A: COMMENCING AT THE POINT OF DIVERSION AND RUNNING;
 THENCE SOUTH $84^{\circ}30'$ EAST 283 FT.
 THENCE NORTH $87^{\circ}30'$ EAST 267 FT.
 THENCE NORTH $83^{\circ}45'$ EAST 461.40 FT.
 THENCE NORTH $72^{\circ}30'$ EAST 412.40 FT.
 THENCE NORTH $69^{\circ}38'$ EAST 406 FT.
 THENCE NORTH $78^{\circ}46'$ EAST 379 FT.
 THENCE NORTH $73^{\circ}10'$ EAST 238.65 FT.
 THENCE NORTH $65^{\circ}15'$ EAST 557.25 FT., TO A POINT 40 FT.
 WEST OF THE N.E. COR. OF THE SW $\frac{1}{4}$, SE $\frac{1}{4}$ SECT. 16, T16S, R36E, B.M.
 THENCE NORTH $25^{\circ}0'$ WEST 256 FT.
 THENCE NORTH $10^{\circ}30'$ EAST 236 FT.
 THENCE NORTH $7^{\circ}0'$ WEST 276 FT.
 THENCE NORTH $9^{\circ}0'$ EAST 210 FT.
 THENCE NORTH $25^{\circ}40'$ EAST 190 FT.
 THENCE NORTH $6^{\circ}36'$ EAST 205 FT. TO
 THE $\frac{1}{4}$ SECT. LINE.

DITCH B: COMMENCING AT A POINT SOUTH 84°30' EAST 285 FT. AND
NORTH 87°30' EAST 67 FT. FROM THE POINT OF DIVERSION AND
RUNNING;
THENCE NORTH 18°0' EAST 180' FT.
THENCE NORTH 27°0' EAST 230' FT.
THENCE NORTH 33°00' EAST 250' FT.
THENCE NORTH 2°0' EAST 114 FT.

DITCH C: COMMENCING AT A POINT SOUTH $84^{\circ}30'$ EAST 283 FT. AND NORTH $87^{\circ}30'$ EAST 267 FT. FROM THE POINT OF DIVERSION AND RUNNING;
THENCE NORTH $20^{\circ}0'$ EAST 190 FT.
THENCE NORTH $52^{\circ}0'$ EAST 446 FT.
THENCE NORTH $27^{\circ}10'$ EAST 270 FT.

RIGHT-OF-WAY FOR PURPOSES OF MAINTENANCE SHALL EXTEND EACH SIDE OF THE ABOVE DESCRIBED CENTER LINE OF THE APPROXIMATELY THREE (3') FEET WIDE DITCHES A DISTANCE OF TWELVE AND ONE HALF FEET (12.5').

ENGINEER CERTIFICATE

I, WENDELL H. SMITH, CERTIFY THAT A SURVEY WAS MADE UNDER MY DIRECTION THAT THE _____ AND MAP OF THE DITCHES

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Norma Champneys being first duly sworn on oath, states: That *she* is *Clerk*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ... successive weekly issues thereof the date of the first publication being the *25* day of *Feb.* 19*71*. the date of the last publication being the *4* day of *March* 19*71*.

Norma Champneys

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

March 19*71*

Daniel A. Jones

Notary Public, residing at Malad, Idaho

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

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

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

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

TOTAL \$*7.13*

(Rates for legal notices are fixed by Idaho law)

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

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

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

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

R. KEITH HIGGINSON
Director

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

15 4001

January 20, 1971

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

Dear Mr. Howell:

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

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

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: original claim to a water right

16 4001

January 26, 1971

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

Dear Mr. Howell:

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

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

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

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NOTICE OF CLAIM TO A WATER RIGHT

No. 15-4001

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

has filed a claim to a water right established by diversion and application to beneficial use of 3.0 cubic feet per second ~~444/1744~~ of water from Brush Canyon flood water with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 16S, R. 36E, B.M.,
Oneida County

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

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

R. KEITH HIGGINSON

Director

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

15 4001

February 17, 1971

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

Idaho Enterprise
P.O. Box 205
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

*Bill submitted
3-10-71
dr*

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**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 15-4001

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

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

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

R. KEITH HIGGINSON
Director

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

15 4001

March 18, 1971

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

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

Dear Mr. Howell:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of Claim

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