

Section 42-225a, Idaho Code

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.

(name of claimant)

(mailing address)

ground water or surface water tributary to the Big Malad River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed Springs
which drain in the Big Malad River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 3.2 cfs Use Irrigation Period of Use: From April 1 To November 1

Amount	Use	Period of Use: From	To

Amount	Use	Period of Use:	From	To
(cfs, gpm or a/f)	(dom., irri., stock, etc.)			(both dates inclusive)

- (3) Total quantity of water claimed: 3.2 cfs cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) September 28, 1925

A claim is not acceptable on a ground-water source with a priority later than March 22, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27 Twp. 14 S. Rge. 35 E. B. M. County of Oneida

Additional points of diversion: The water is then diverted from the Main Channel

of the Big Malad River in the NW¼SW¼, Sec. 2, T15S, R.35E. at the same point as Water License (No. 13217/15-2010)

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. diversion dam and ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

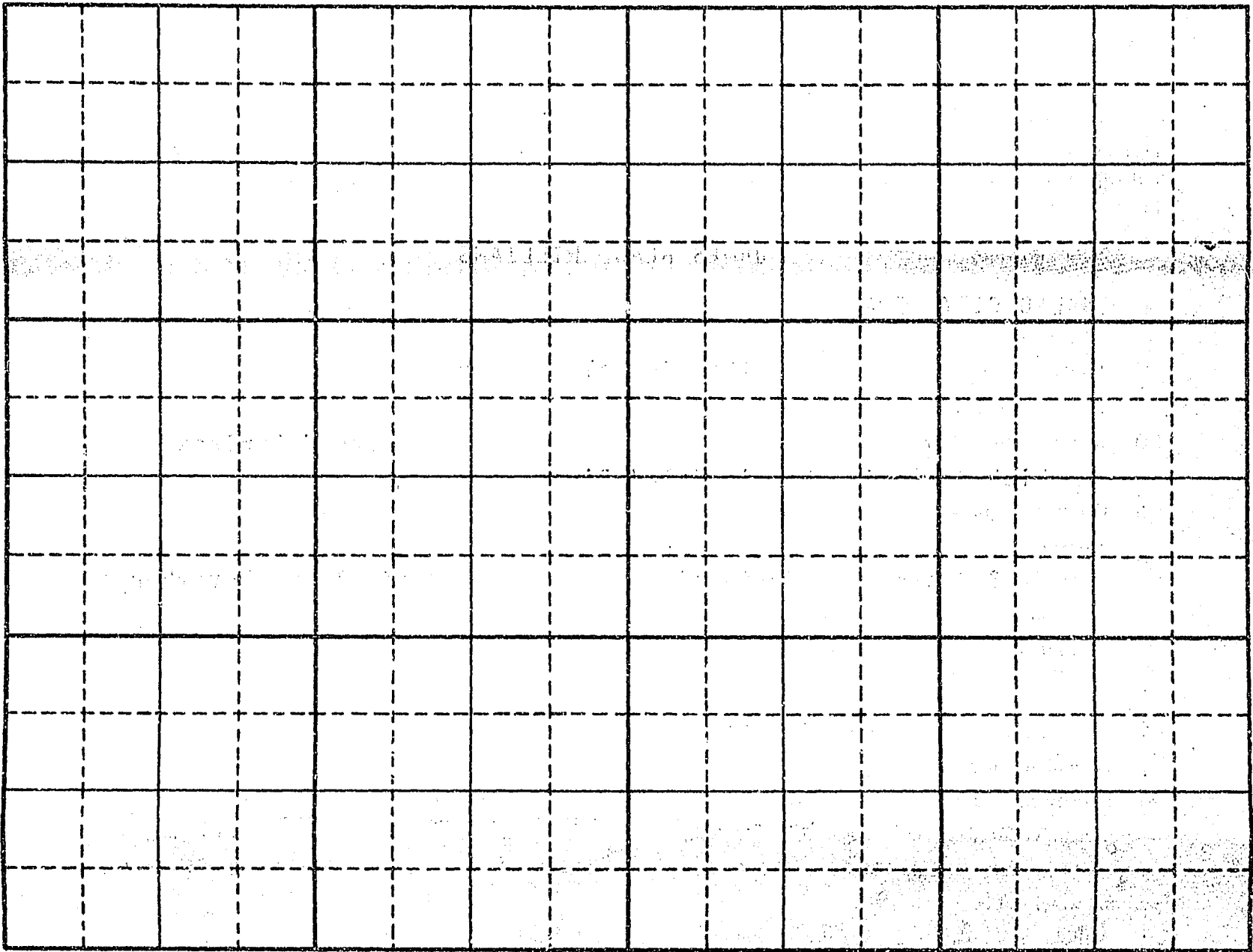
[illegible]Total No. of acres 618

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:** _____

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks

See attached map



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ONEIDA

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 affiant's knowledge.

Sworn to before me this 23 day of January

19 76

Notary Public

Residing at Preston, Idaho

My commission expires lifetime

For Department Use Only

Received by me Date 2-02-76
Prelim. check by WR Date 2-02-76
\$10.00 fee received by me Date 2-02-76
Approved for publication by WR 2-24-76
Published in The Idaho Enterprise
Dates Feb 6, 1976 + Feb 19, 1976

Exception filed by:

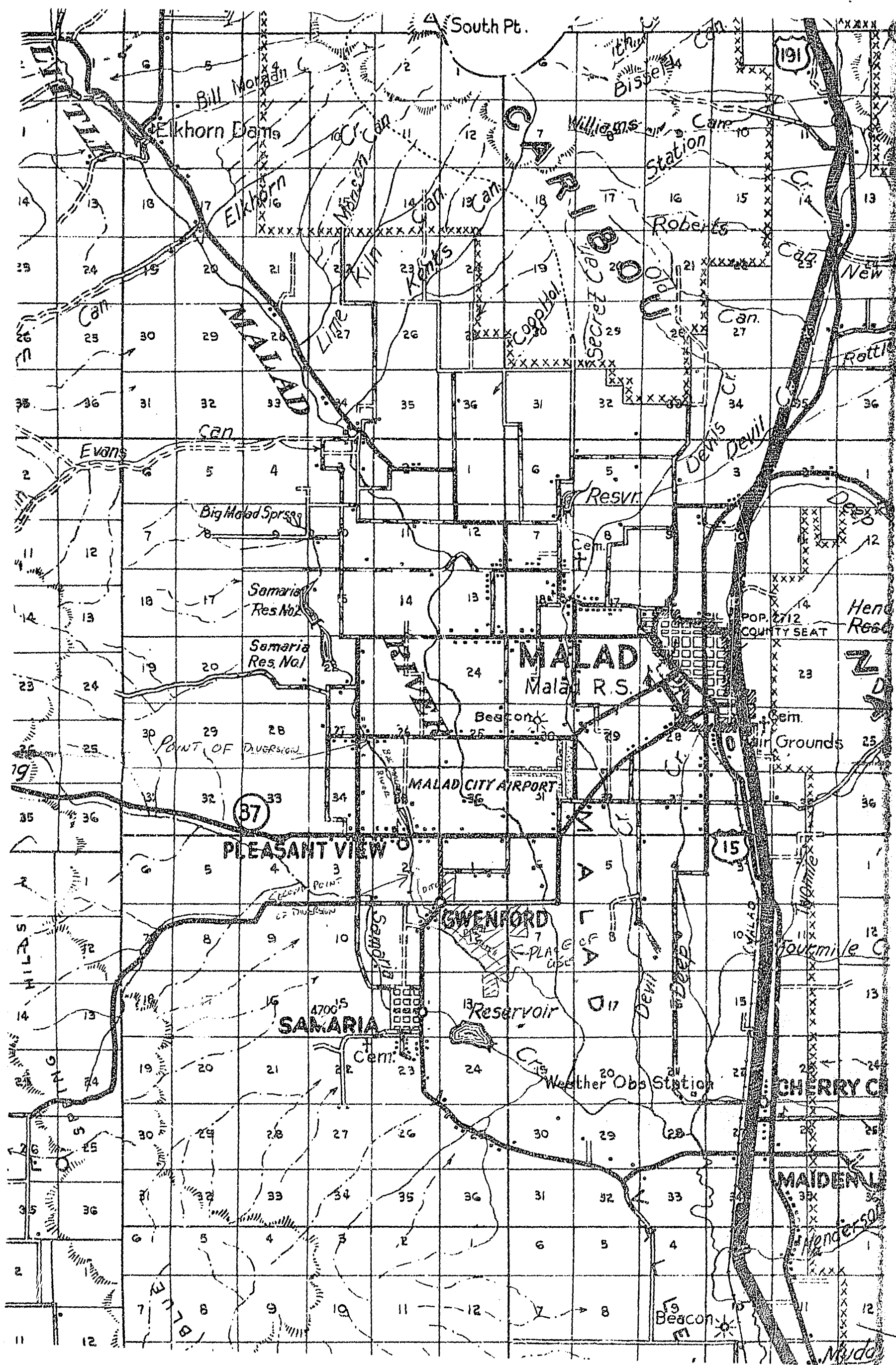
Forwarded to
claimant by:

Date

Paul Willis

CW

3-04-76



RECEIVED

MAR 1 1976

BEFORE THE DIRECTOR OF IDAHO DEPARTMENT OF WATER RESOURCES
Idaho Falls, Idaho

Department of Water Resources
Eastern District Office

RE: Claim of James Bland Williams)
Water Right No. 15-4007)

AFFIDAVIT OF
EXCEPTION

Comes now Carl R. Willie who, after first being duly sworn, deposes and says: My name is Carl R. Willie. I take exception to the above referenced notice of Claim to water right filed by James Bland Williams to water from unnamed springs with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 15 South, Range 35 EBM. This affiant has used all water arising North of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2 in said Township and Range consisting of .5 c.f.s. This affiant claims a priority date of use extending back to the appropriation of John Thorpe of approximately 1890.

This affiant claims all water has been used continuously since that date by successors in interest of John Thorpe during the irrigation season.

Dated this 27th day of February, 1976.

Carl R. Willie
Carl R. Willie

STATE OF IDAHO
County of Oneida, ss

On this 27th day of February, 1976, before me Laura E. Crowther, Notary Public, personally appeared Carl R. Willie, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is the person who executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Laura E. Crowther
Notary Public
Residing at: Malad, Idaho

RECEIVED

FEB 24 1976

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A WATER RIGHT
No. 15-4007

NOTICE IS HEREBY GIVEN
that James Bland Williams,
Malad City, Idaho has filed a
claim to a water right established
by diversion and application to
beneficial use of 3.20 cubic feet
per second of water from un-
named springs with point of
diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
27, T. 14S, R. 35E, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 2, T. 15S, R. 35E, B.M.

The water is claimed to be used
from Apr. 1 to Nov. 1 for the
irrigation of 618 acres with a
priority of September 28, 1925;
the place of use is within the
W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec.
13, T. 15S, R. 35E, N $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 15S, R. 36E,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Re-
sources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401.

R. Keith Higginson
Director

Published in the Idaho Enter-
prise, Malad City, Idaho on Feb.
12 and Feb. 19, 1976.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paula Stendel being first duly sworn on
her oath, states: That she is clerk
of the Idaho Enterprise, a newspaper of general circula-
tion 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 publi-
cation 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 circu-
lation 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 sub-
scribers 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 2
successive weekly issues thereof the date of the first
publication being the 12 day of Feb., 1976
the date of the last publication being the 19 day of
Feb., 1976

Paula Stendel
Subscribed and sworn to before me this 20 day of
Feb., 1976

H. D. Maples
Notary Public, residing at Malad, Idaho

My Commission expires the 10 day of Oct., 1977

Costs:

35 lines at 23c per line first insertion \$ 8.05

lines tabulated at 34 $\frac{1}{2}$ c per line \$

15c per line each subsequent insertion \$ 3.45

TOTAL \$ 11.50

(Rates for legal notices are fixed by Idaho law)

RECEIVED

FEB 2 1976

Department of Water Resources
Eastern District Office

J. DENNIS "J. D." WILLIAMS
LOWELL D. CASTLETON

WILLIAMS & CASTLETON

LAW OFFICES

24 NORTH STATE - P. O. BOX 191
PRESTON, IDAHO 83263

TELEPHONE:
(208) 852-2380

January 30, 1976

Idaho Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Claim to A Water Right

Dear Sir:

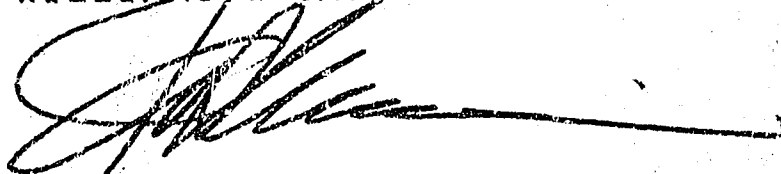
Enclosed please find a Claim to A Water Right for Mr.
James Bland Williams, Malad City, Idaho.

Also, please find our check for filing fee in the
amount of \$10.00.

Thank you.

Yours very truly,

WILLIAMS & CASTLETON



J. DENNIS (J. D.) WILLIAMS
Attorney at Law

JDW/bm

Enc.

C
O
P
Y

February 3, 1976

RE: Claim to a Water Right No. 15-4007

Mr. J.D. Williams
Attorney at Law
P.O. Box 191
Preston, Idaho 83263

Dear Mr. Williams:

Attached herewith is Departmental receipt No. 15593 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4007

Notice is hereby given that James Bland Williams,

Malad City, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 3.20 cubic feet per second ~~xxxx feet per second~~
of water from unnamed springs

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 14S, R. 35E, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 2, T. 15S, R. 35E, B.M.

The water is claimed to be used from Apr. 1 to Nov. 1

for the irrigation of 618 acres

with a priority of September 28, 1925;

the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
15S, R. 35E,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 15S, R. 36E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on February 12 and February 19, 1976.

*Ans. L.
Ans. H.*

February 3, 1976

RE: Claims to Water Rights Nos. 15-4006, 15-4007

The 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 time for you to submit us a galley proof for 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. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-24-76 by CU

RDC:ME

Legal Notices (2)

J. W. CROWTHER
ATTORNEY AT LAW

RECEIVED
FEB 18 1976

Department of Water Resources
Eastern District Office

60 NORTH MAIN MALAD CITY, IDAHO
PHONE 766-2644

February 18, 1976

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Claim of James Bland Williams
No. 15-4007

Gentlemen:

Enclosed please find affidavit of protest signed by
Carl R. Willie and affidavit signed by John Roderick to
be filed with your agency.

Yours very truly,

JW Crowther
J. W. Crowther

JWC/lec
cc



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 19, 1976

RE: Application for Claim to a Water Right No. 15-4007 WILLIAMS

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

Please find enclosed the exception you filed against the above claim to a water right on behalf of Carl R. Willie.

As I indicated to you in Preston on Wednesday, the claim is simply evidence of a right that has been established through the diversion and beneficial use of water. An exception to a claim should point out inaccuracies or errors that exist in the claim as filed. All exceptions are included in the claim file for consideration by the court at any time said right is adjudicated.

Because the affidavit you submitted appears to be more in the form of an objection to a new appropriation than an exception to a proposed record of an existing right, you may wish to review the right as claimed and if your client feels it to be inaccurate, file an exception pointing out these inaccuracies.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

RECEIVED

MAR 1 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7106

Department of Water Resources
Eastern District Office

February 19, 1976

RE: Application for Claim to a Water Right No. 15-4007 WILLIAMS

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

Please find enclosed the exception you filed against the above claim to a water right on behalf of Carl R. Willie.

As I indicated to you in Preston on Wednesday, the claim is simply evidence of a right that has been established through the diversion and beneficial use of water. An exception to a claim should point out inaccuracies or errors that exist in the claim as filed. All exceptions are included in the claim file for consideration by the court at any time said right is adjudicated.

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If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 4, 1976

RE: Claim to a Water Right No. 15-4007

Mr. James Bland Williams
Malad City,
Idaho 83252

Dear Mr. Williams:

Enclosed please find a copy of the exception filed by Attorney J. W. Crowther, in behalf of Carl R. Willie in connection with your Claim No. 15-4007. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region
RDC:CW
Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 4, 1976

RE: Claim to a Water Right No. 15-4007 WILLIAMS

Mr. J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

We have received the exception dated February 27, 1976, filed in behalf of Carl R. Willis against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC:CW

March 4, 1976

RE: Claim to a Water Right No. 15-4007

Mr. James Bland Williams
Malad City,
Idaho 83252

Dear Mr. Williams:

The Department of Water Resources 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,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim

