

Claim No. 15 4021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Oneida Perlite Corporation
(name of claimant)
of P. O. Box 162 Malad, Idaho 83252, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) _____
excavated, developed tiled spring, tributary to, Wrights Creek
- ✓(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 15-20 gpm Use domestic Period of Use: From Jan 1 To Dec 31 annually
Amount 5-8 gpm Use domestic Period of Use: From Jan 1 To Dec 31 "
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: 0.05 cubic feet per second, or _____ acre feet per annum, and/or 20 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June of 1959

A claim is not acceptable on a ground-water source with a priority later than March 25, 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)
N W ¼ S W ¼, Sec. 25 Twp. 11 S Rge. 35 E. B. M. County of Oneida
Additional points of diversion: N W & S W, S W/ N W Section 25 Township 11 S, Range 35 E. B. M.

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. pipe line from developed tile spring.
May be piped at a later date into mill for industrial use.
The excess water is discharged into Wright's Creek.

- (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.

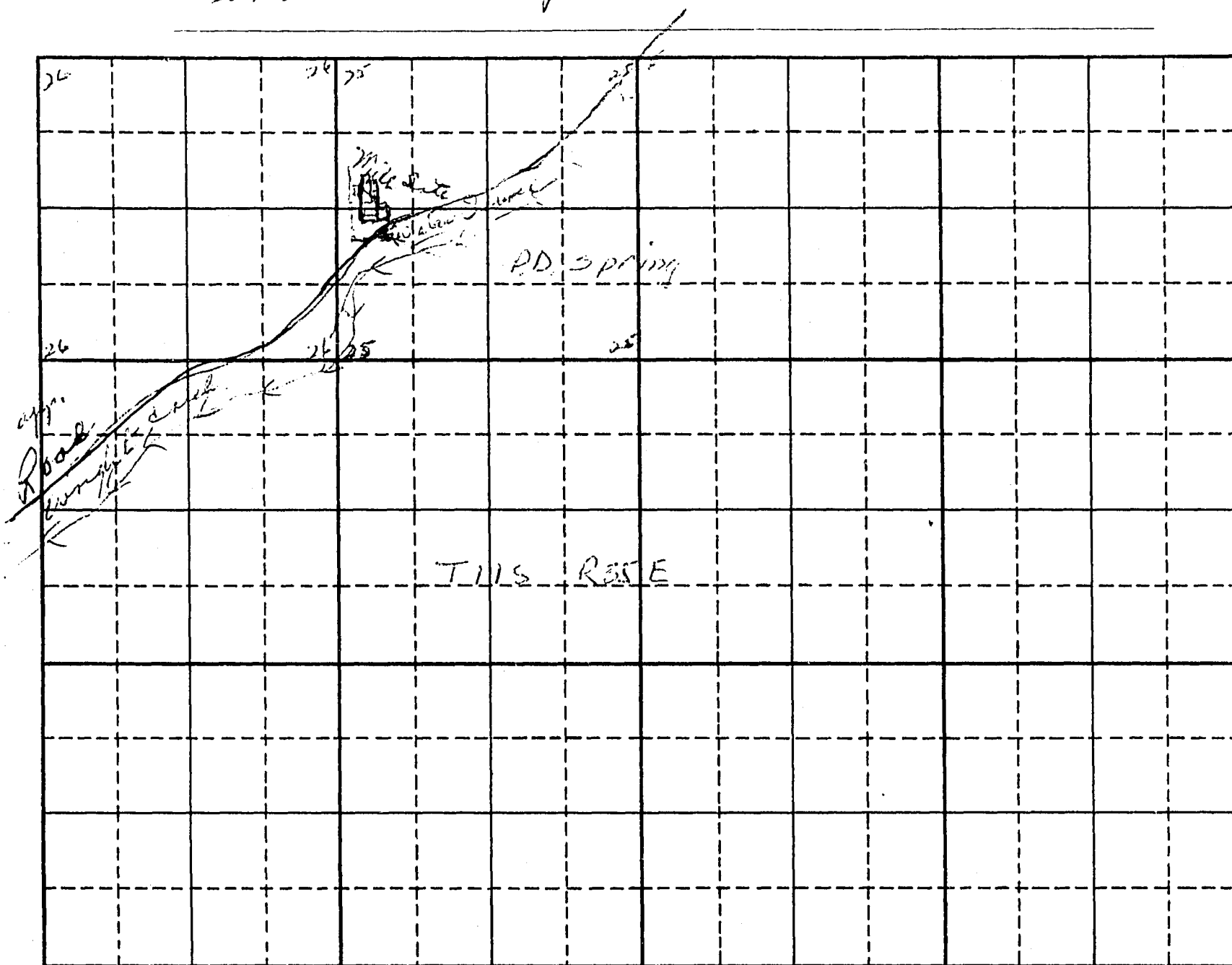
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	35E	25							X			X							

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: for
domestic and industrial use.

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

(8) Remarks Mile and water development are
in section 25-11 SR. - 35 ERM are
indicated on plat.



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 Owyhee)

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.

Sworn to before me this 11 day of August 1977
Greene Point Co. Corp.
Paul H. Miller (Claimant)

Laura E. Bentelee
 Notary Public
 Residing at Medan, Idaho

My commission expires 10-15-79

For Department Use Only

Received by <u>CU</u>	Date <u>9-11-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LDJ</u>	Date <u>8/19/77</u>		claimant by:	
\$10.00 fee received by <u>CU</u>	Date <u>8-24-77</u>			
Approved for publication by <u>ME 9-27-77 #864</u>				
Published in <u>Idaho Statesman</u>				
Dates <u>Sept. 1 & Sept 8-1977</u>				

RECEIVED
SEP 27 1977

Department of Water Resources
Central District Office

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 15-4021**

NOTICE IS HEREBY GIVEN that Oneida Perlite Corporation, Malad City, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.05 cubic feet per second of water from a spring tributary to Wrights Creek with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 11S, R. 35E, B.M., Oneida County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and mining purposes with a priority of June, 1959; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 11S, R. 35E, 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.

C. STEPHEN ALLRED
Director

Published in the Idaho Enterprise, Malad City, Idaho on September 1 and September 8, 1977.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Suzanne Jones being first duly sworn on oath, states: That she is Secretary 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 2 successive weekly issues thereof the date of the first publication being the 1st day of September, 1977 the date of the last publication being the 8th day of September, 1977.

Suzanne Jones
Subscribed and sworn to before me this 16th day of September, 1977
James H. Freudenberger
Notary Public, residing at Malad, Idaho

My Commission expires the day of, 19.....

Costs:

33 lines at 23c per line first insertion \$ 7.59

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

15c per line each subsequent insertion \$ 4.95

TOTAL \$ 12.54

(Rates for legal notices are fixed by Idaho law)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 17, 1977

Mr. Paul H. Mills
Oneida Perlite Corporation
P.O. Box 162
Malad, ID 83252

Dear Mr. Mills:

Enclosed please find the claim to a water right you submitted for the Oneida Perlite Corporation. The Department finds it necessary to return this claim because all of the pertinent information was not given and it was not submitted with the statutory filing fee of \$10.00.

Please complete the items checked in red, and return the claim to this office with the \$10.00 filing fee for processing. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 19, 1977

RE: Claim to a Water Right

Oneida Perlite Corporation
P.O. Box 162
Malad, Idaho 83252

Gentlemen:

Please find enclosed your check No. 92-85 in the amount of \$10.00. We find it necessary to return your check as it was not signed. Please sign and return to this office as soon as possible. We have retained your claim, but no further processing can be done until receipt of your check.

If you have any questions, please feel free to contact this office.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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Idaho Falls, Idaho 83401
(208) 523-7186

August 19, 1977

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If you have any questions, please feel free to contact this office.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ: CW

Enclosure

August 24, 1977

RE: Claim to a Water Right No. 15-4021

Oneida Perlite Corporation
P.O. Box 162
Malad City, ID 83252

Gentlemen:

Attached herewith is Departmental receipt No. 8364 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4021

Notice is hereby given that Oneida Perlite Corporation,
Malad City, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.05 cubic feet per second ~~XXXXXXX~~
of water from a spring tributary to Wrights Creek
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 11S, R.
35E, B.M., Oneida County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and mining purposes
with a priority of June, 1959;
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 11S, R.
35E, 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.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Idaho Enterprise, Malad City, Idaho
on September 1 and September 8, 1977

me-
C. S. Allred

me-
C. S. Allred

August 26, 1977

RE: Claim to a Water Right No. 15-4021 ONEIDA PERLITE
15-7043 ISAACSON
15-7044 LEWIS

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

RDC:CW

Enc: Legal Notice (3)

Bill submitted September 27, 1977 by me



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 20, 1977

RE: Claim to a Water Right No. 15-4021 ONEIDA PERLITE
15-7043 ISAACSON
15-7044 LEWIS

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on September 1 and September 8, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

September 21, 1977

RE: Claim to a Water Right No. 15-4021 ONEIDA PERLITE CORPORATION

Mr. David S. Deschamps
Secretary
St. John Irrigating Company
Route #1
Malad City, Idaho 83252

Dear Mr. Deschamps:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible. For your convenience, we have enclosed an affidavit form.

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

September 28, 1977

RE: Claim to a Water Right No. 15-4021

Oneida Perlite Corporation
P.O. Box 162
Malad City, ID 83252

Gentlemen:

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:CD

Enc: Copy of claim



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

October 4, 1977

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

RE: Claim to a Water Right No. 15-4021

Oneida Perlite Corporation
P.O. Box 162
Malad, Idaho 83252

Gentlemen:

Enclosed please find a copy of the exception filed by David Deschamps, in behalf of St. John Irrigating Company in connection with your claim No. 15-4021. 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

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

October 4, 1977

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

RE: Claim to a Water Right No. 15-4021 Oneida Perlite Corporation

Mr. David Deschamps
Secretary
St. John Irrigating Company
Malad City, Idaho 83252

Dear Mr. Deschamps:

We have received the exception dated September 29, 1977, filed 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

cc: IDWR - State Office

RECEIVED

OCT 3 1977

Department of Water Resources
Eastern District Office
AFFIDAVIT

IN THE MATTER OF:)
Claim to a Water Right)
No. 15-4021)
ONEIDA PERLITE CORPORATION)
State of Idaho)
County of ONEIDA)

DAVID DESCHAMPS

being first duly sworn,

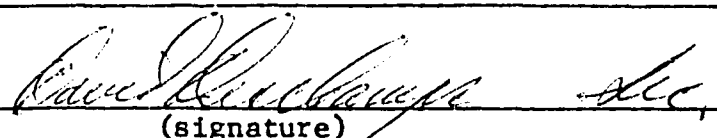
deposes and says:

That he is Secretary of the St. John Irrigating Company of
Oneida County, Idaho, and makes this affidavit for and on behalf
of said Company.

That the claim of the Oneida Perlite Corporation, No. 15-4021
to .05 cfs of water from a spring tributary to Wright's Creek
is without right and wrongful in that the St. John Irrigating Co.
is the rightful owner of all of the waters of said Wright's Creek
for irrigation purposes with a priority dating back to 1894.

That said Wright's Creek is a tributary of the Little Malad River
the waters of which are also the subject of Permit No. R-1104/15-
2080 issued by the Department of Water Resources of the State of
Idaho, to the St. John Irrigating Co.

That the claim of Oneida Perlite Corporation is based
solely upon the use made thereof by its employees drinking from
said spring.


(signature)

Subscribed and sworn to before me this 29th day of September 19 77.


(notary public)

Residing at Malad, Idaho
My commission expires Life