

Claim No. 15 4023

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 ROTATION CROP GROWERS WELL { JENK PALMER
(name of claimant) { GEO PALMER
of HOLBROOK STAR ROUTE MALADID { MELVIN RICHARDS
(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) WELL
tributary to,

(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 2.4 CFS Use Dom. Period of Use: From MAY 1 To OCT 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: 2.4 cubic feet per second, or 624 acre feet per annum, and/or 1080 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 4-1941 (NEVER FILED ON)

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)

NE 1/4 SW 1/4, Sec. 23 Twp. 14S Rge. 35E. B. M. County of ONEIDA

Additional points of diversion: _____

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. RICHARD RUNS SPRINKLER, GEORGE PALMER RUNS INTO OPEN DITCH. PALMER EST. INTO AN OPEN DITCH.

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
				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	
MELVIN RICHARDS	14S	35E	22													40				40
	14S	35E	23									40	40				40			120
GEO PALMER			26			40														80
			25					40	40											80
PALMER ESTATE			26													40	40	40		120
			35		40															40

Total No. of acres 480

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: _____

Scale: 2 inches equal 1 mile.

State of Idaho)
) ss.
County of Blaine)

George A. Salmer
Buckeye (Claimant)

Notary Public
Residing at 714 E. 1st St. - Los Angeles

For Department Use Only

Received by <u>PA</u>	Date <u>1-27-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMV</u>	Date <u>2-27-78</u>		claimant by:	
\$10.00 fee received by <u>PA</u>	Date <u>2-27-78</u>			
Approved for publication by <u>me 3-27-78 #4852</u>				
Published in <u>Idaho Enterprise</u>				
Dates <u>Mar. 9 & 16 1978</u>				

IN THE MATTER OF:)

CLAIM TO WATER RIGHTS)

AFFIDAVIT

State of Idaho)
County of Oneida)

Jenkin L. Palmer being first duly sworn,
deposes and says: That the water from the underground well situated on
the northeast quarter of the SW quarter, Section 23, Township 14, South 35,
East Boise Meridian, is used on lands to the east and south of the point of
diversion, including approximately 120 acres of Melvin Richards' property,
100 acres of George Palmer's property and 145 acres of the W. H. Palmer
Estate. Properties have been utilized to produce crops since its original
drilling in April of 1941 to the present time.
Further, there was a joint venture of the Rotation Crop Growers Association
including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H.
Palmer, and Joseph Palmer, 1/5 undivided interest. In later years, Mr. Stayner's
and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus
owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The
water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are
greater than the capacity, all of the owners of the well have additional
irrigation property to implement the amount of water derived from the well.

Jenkin L. Palmer
(Signature)

Subscribed and sworn to before me this 26th day of January, 1978.

Janice Ingle
(Notary Public)

Residing at Boise, Idaho:
My Commission Expires _____:

IN THE MATTER OF:)

CLAIM TO WATER RIGHTS)

State of Idaho)
County of Oneida)

AFFIDAVIT

Melvin M. Richards

being first duly sworn,

deposes and says: That the water from the underground well situated on the northeast quarter of the SW quarter, Section 23, Township 14, South 35, East Boise Meridian, is used on lands to the east and south of the point of diversion, including approximately 120 acres of Melvin Richards' property, 100 acres of George Palmer's property and 145 acres of the W. H. Palmer Estate. Properties have been utilized to produce crops since its original drilling in April of 1941 to the present time.

Further, there was a joint venture of the Rotation Crop Growers Association including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H. Palmer, and Joseph Palmer, 1/5 undivided interest. In the later years, Mr. Stayner's and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are greater than the capacity, all of the owners of the well have additional irrigation property to implement the amount of water derived from the well.

Dr. Melvin M. Richards
(Signature)

Subscribed and sworn to before me this 24 day of February, 1978.

Pat S. Selt
(Notary Public)

Residing at Pocatello Idaho
My Commission Expires Oct 1978

IN THE MATTER OF:)

CLAIM TO WATER RIGHTS)

AFFIDAVIT

State of Idaho)

County of Oneida)

George A. Palmer

being first duly sworn,

deposes and says: That the water from the underground well situated on the northeast quarter of the SW quarter, Section 23, Township 14, South 35, East Boise Meridian, is used on lands to the east and south of the point of diversion, including approximately 120 acres of Melvin Richards' property, 100 acres of George Palmer's property and 145 acres of the W. H. Palmer estate. Properties have been utilized to produce crops since its original drilling in April of 1941 to the present date.

Further, there was a joint venture of the Rotation Crop Growers Association including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H. Palmer, and Joseph Palmer, 1/5 undivided interest. In later years, Mr. Stayner's and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are greater than the capacity, all of the owners of the well have additional irrigation property to implement the amount of water derived from the well.

George A. Palmer
(Signature)

Subscribed and sworn to before me this 23 day of February, 1978.

Laura E. Crowther
(Notary Public)

Residing at Malad, Idaho
My Commission Expires 6-15-79

Log. of 14" Well Drilled by Charles B
Gardner

for
Rotation Corp. Growers Inc.
Joe Palmer, W. H. Palmer, Fred Jones Jr.
Henry Stayner, Thomas M. Alchambers -

From	0 ft.	to	2 ft.	soil.
"	2	"	25	" Clay.
"	25	"	67	" Clay yellow -
	67		80	gravel (dry)
	80		158	gravel (Perforated below 90')
	158		177	Clay yellow -
	177		186	gravel (Perf.)
	186		198	Clay -
	198		201	gravelly clay. (Perf)
	201		209	gravel (Perf)
	209		212	Clay -
	212		231	gravel (Perf)
	231		241	Clay yellow -
	241		244	gravel (Perf)
	244		251	Clay -

Well cased with 14 inch Double Hand
Red steel casing. Perforated with
Mills perforator at all gravel strata
below 90 feet.
Drilling completed in April 1941

RECEIVED
MAR 24 1978

Dep. of Water Resources

LEGAL NOTICES

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 15-4023**

NOTICE IS HEREBY GIVEN that Rotation Crop Growers Well, Malad, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.40 cubic feet per second of water from a ground-water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 14S, R. 35E, B.M., Oneida County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 480 acres with a priority of April, 1941; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 14S, 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 March 9 and March 16, 1978.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Irda Daniels 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 9 day of March, 1978 the date of the last publication being the 16 day of March, 1978.

Irda Daniels
Subscribed and sworn to before me this 23 day of March, 1978.

Joyce H. Fidenberger
Notary Public, residing at Malad, Idaho

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

Costs:

34 lines at 23c per line first insertion \$ 7.82

_____ lines tabulated at 34 $\frac{1}{2}$ c per line \$ 5.10

15c per line each subsequent insertion \$ _____

TOTAL \$ 12.92

(Rates for legal notices are fixed by Idaho law)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4023

Notice is hereby given that Rotation Crop Growers Well,
Malad, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.40 cubic feet per second ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~
of water from a ground-water source

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 14S, R. 35E, B.M.,
Oneida County

The water is claimed to be used from May 1 to Oct. 1 for the
irrigation of 480 acres

with a priority of April, 1941;

the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23,
W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 14S,
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~~
R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on March 9 and March 16, 1978

*me-f
the-d.*

March 1, 1978

RE: Claim to a Water Right No. 15-4023 ROTATION CROP GROWERS WELL

Idaho Enterprise
P.O. Box 205
Malad City, ID 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 _____ by _____

*Bill not certified
3-27-78 CW*

RDC:CD

Enclosures: Legal Notice



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

March 28, 1978

RE: Claim to a Water Right No. 15-4023

Rotation Crop Growers Well
Holbrook, Star Route,
Malad City, Idaho 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:CW

Enc: Copy of Claim