

RECEIVED

APR 23 1979

Department of Water Resources
Eastern District Office

IN THE MATTER OF:

Claim to a Water Right
No. 15-4027
DALE SCHWARTZ

AFFIDAVIT

STATE OF IDAHO)

COUNTY OF ONEIDA)

ss.

DAVID DESCHAMPS, being first duly sworn deposes and
says:

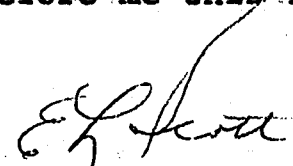
That he is the Secretary of The St. John Irrigating
Company of Oneida County, Idaho, and makes this Affidavit for
and in behalf of said Company.

That the claim of Dale Schwartz, No. 15-4027, to
0.04 cfs of the waters of the Little Malad River, tributary to
Bear River, is without right and wrongful in that St. John
Irrigating Co. is the rightful owner of all of the waters of
said Little Malad River for irrigation purposes, with a priority
dating back to 1894. The application of said Dale Schwartz is
based upon a diversion accomplished by pump and pipelines. Neither
pump or pipelines have^{NOT} been, nor are they now in existence and
are necessary for such diversion.

DATED this 19th day of April, 1979.


DAVID DESCHAMPS

SUBSCRIBED AND SWORN to before me this 19th day of
April, 1979.


Notary Public for Idaho
Residing at Malad City, Idaho

IN THE MATTER OF:)
Claim to a Water Right)
No. 15-4027)
DALE SCHWARTZ)
_____)

RECEIVED
AFFIDAVIT
APR 23 1979
Department of Water Resources
Eastern District Office

STATE OF IDAHO)
: ss.
COUNTY OF ONEIDA)

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DATED this 19th day of April, 1979.

David Deschamps

DAVID DESCHAMPS

SUBSCRIBED AND SWORN to before me this 19th day of
April, 1979.

E. L. Scott

Notary Public for Idaho
Residing at Malad City, Idaho

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

214 WEST 300 N. th 83252 Telephone No. 766-4296
(Mailing Address) MALAD (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 10 March 1918

11/2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(cfs, gpd, AFA) (Domestic, Irrigation, Stock, Etc.) (Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	<u>.02 cts</u>	Use	<u>Stock</u>	Period of Use From	<u>1 Sept</u>	To	<u>1 Dec</u>
Quantity	<u>.02 cts</u>	Use	<u>Domestic</u>	Period of Use From	<u>1 April</u>	To	<u>1 Nov</u>
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 12 Twp. 13S Rge. 34E B.M., County of Owens
 Additional points of diversion: SW SW Sec. 1 T13S
R34E Also SE SW Sec. 1 T13S R34E

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. Describe any changes in the system and give the date of the change. Originally water was dipped into 50gal drums and transported to place of use. Approx. in 1945 pipes were placed and water pumped to places of use.

(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.

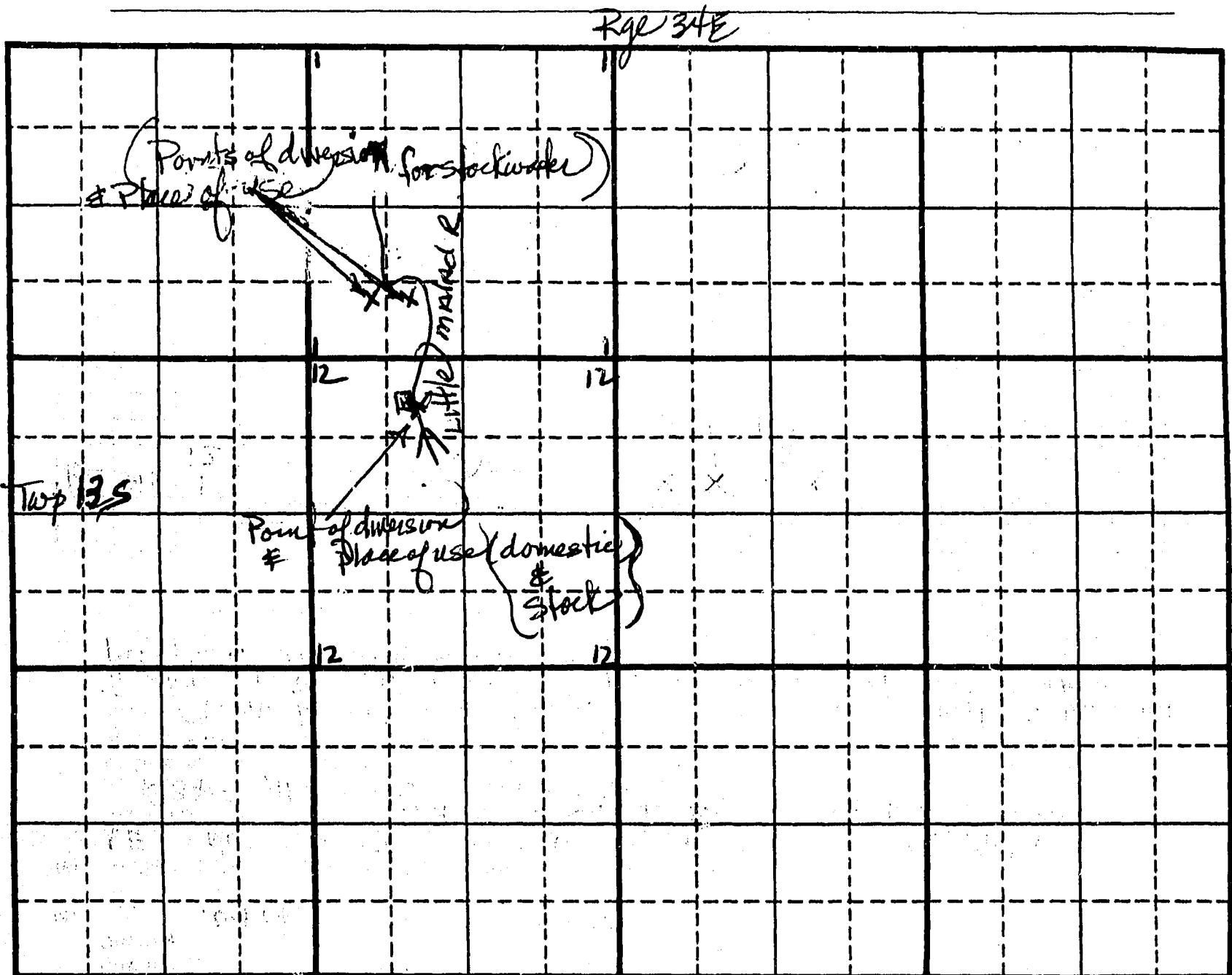
[illegible]

B) If water is used for other than Irrigation, fully describe that use, being as specific as possible: 100 head cattle & single household use

NOTE: Include here the type and number of stock watered: 100 Beef cattle

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

(8) Remarks _____



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)
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 affiant's knowledge.

Sworn to before me this 29th day of March, 1979.

x Dale Schwartz
(Claimant)
James H. Freidenberger
Notary Public
Residing at Malheur, Idaho

My commission expires Life time

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>3-30-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>BR</u>	Date <u>3-28-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>3-30-79</u>	#12987		
Published in <u>Idaho Enterprise</u>		<u>St. John Irrigating Co.</u>	<u>dh</u>	<u>6-13-79</u>
Dates <u>April 12 & 19, 1979</u>				

10-1008

NOTICE OF CLAIMS
TO WATER RIGHTS
NOTICE IS HEREBY GIVEN
that the following claim(s) to
water right(s), have been
established by diversion and
application to beneficial use:

No. 15-4025

JONES, OREN J.
ROUTE 1, BOX 243, MALAD,
ID. 83252.

Source: SPRING CREEK
tributary to MALAD RIVER
Priority Date: 04-01-1890
Amount: 2.00 CFS
Diversion Point: NWSW Sec.
28 T 14S R. 36E, Oneida Co.
Use: IRRIGATION (2.00 CFS)
from 04-01 to 05-15

Place of Use: NWNW SWNW
Sec. 33 T. 14S R. 36E SENE Sec.
32 T. 14S R. 36E for 43 ACRES
Diversion Means: DITCH

No. 15-4026

SMITH FARM
333 SOUTH 100 WEST,
MALAD, ID. 83252

Source: DRY CREEK
tributary to DEEP CREEK
Priority Date: 04-01-1923
Amount: 1.00 CFS
Diversion Point: NESW Sec.
32 T. 14S R. 37E, Oneida Co.
Use: IRRIGATION (1.00 CFS)
from 04-01 to 10-01

Place of Use: NESW NWSW
SWSW Sec. 32 T. 14S R. 37E SESE
Sec. 31 T. 14S R. 37E for 30
acres

Diversion Means: DITCHES

No. 15-4027

SCHWARTZ, DALE
214 WEST 300 NORTH,
MALAD, ID. 83252
Source: LITTLE MALAD
RIVER tributary to BEAR
RIVER

Priority Date: 03-20-1918
Amount: 0.04 CFS
Diversion Point: NENW Sec.
12 T. 13S R. 34E SWSW SESW
Sec. 01 T 13S R 34E, Oneida Co.
Use: STOCKWATER (0.02
CFS) from 09-01 to 12-01

DOMESTIC (0.02 CFS) from
04-01 to 11-01

Place of Use: SWSW SESW
Sec. 01 T 13S R 34E NENW Sec.
12 T 13S R 34E

Diversion Means: PUMP &
PIPELINES

No. 15-4028

BRIGGS, HOWARD W.
ROUTE 1, MALAD, ID. 83252
Source: UNNAMED
SPRINGS tributary to SINKS

Priority Date: 04-21-1950
Amount: 1.00 CFS
Diversion Point: SWSW Sec.
05 T. 13S R 35E NENE Sec. 07 T.
13S R 35E NWNW Sec. 08 T 13S R
35E, Oneida Co.

Use: IRRIGATION (0.80 CFS)
from 04-01 to 11-01
STOCKWATER (0.20 CFS)

No. 15-4029

PRICE, JOHN W.
ROUTE 1, BOX 231, MALAD,
ID. 83252

Source: GROUNDWATER
Priority Date: 06-01-1907
Amount: 0.04 CFS
Diversion Point: SWNW
SESW Sec. 35 T 14S R 35E,
Oneida Co.
Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31
Place of Use: SWNW SENW
Sec. 35 T 14S R 35E
Diversion Means: TWO
ARTESIAN WELLS &
DELIVERY SYSTEM

No. 15-4030

GROVER, NORMAN
404 EAST 2nd SOUTH,
BRIGHAM CITY, UT. 84302
Source: GROVER SPRING
(BOND SPRING) tributary to
GROVER HOLLOW

Priority Date: 03-01-1909
Amount: 0.06 CFS
Diversion Point: SWSW Sec.
08 T. 16S R 35E, Oneida Co.
Use: DOMESTIC (0.02 CFS)
from 01-01 to 12-31

STOCKWATER (0.02 CFS)
from 01-01 to 12-31
IRRIGATION (0.02 CFS) from
04-01 to 11-01

Place of Use: SWNW Sec. 30 T
16S R 35E for 2 acres
Diversion Means: HEADBOX
& PIPELINES

No. 17-4027

HUBBARD, CLARK L.
HOLBROOK ROUTE,
MALAD ID. 83252

Source: GROUNDWATER
Priority Date: 03-01-1963
Amount: 0.15 CFS
Diversion Point: SWSW Sec.
29 T 14S R 33E, Oneida Co.
Use: STOCKWATER (0.06
CFS) from 01-01 to 12-31

IRRIGATION (0.09 CFS) from
04-01 to 11-01

Place of Use: SWSW Sec. 29 T
14S R 33E for 80 acres

Diversion Means: WELL,
PUMP & SPRINKLER
SYSTEM

Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1515

Lincoln Road, Idaho Falls, Idaho
83401

C. STEPHEN ALLRED
Director
Published in The Idaho Enter-
prise 4-12 & 4-19 79
4-12-19 79

RECEIVED
AFF. AVIT OF PUBLICATION
MAY 10 1979

Idaho
of Oneida, ss.

Department of Water Resources
Eastern District Office

being first duly sworn on
oath, states That S. he is Secretary
Idaho Enterprise, a newspaper of general circulation
da County, Idaho published weekly at Malad, in said
that said newspaper has been published in said
uninterruptedly and continuously for over seventy-
secutive weeks, prior to the first publication of the
notice or advertisement:

said Idaho Enterprise was at all of the times of publi-
f said notice a newspaper of general circulation made
least four pages of at least five columns each, printed
e matter or stereotyped forms of at least seventeen
e-fourths inches depth, and said newspaper during
e times of publication aforesaid had more than 200
e subscribers thereto living within the County of
in which said newspaper was published at regular
not less frequently than once a week.

ie annexed notice was published per clipping attach-
a regular and entire edition of said newspaper and
any supplement thereof for 2 successive weekly
ereof of the date of the first publication being the

y of May, 1979, the day of the last
on being the 10 day of May

and sworn to before me this 9th of May

ssion expires the 9th day of May, 1979

ss at 23c per line first insertion \$ 32.84

es tabulated as 34 1/2c per line \$

e each subsequent insertion \$ 21.45

TOTAL \$ 54.34

tes for legal notices are fixed by Idaho law)

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: APK

Right Number _____

Applicant Dale Schwartz

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address. ~~_____~~
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period. ✓
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. YES

By Ernest Carlson

Date 6/18/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jani

Date 6/28/79

April 2, 1979

Mr. Dale Schwartz
214 West 300 North
Malad City, Idaho 83252

Dear Mr. Schwartz:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 12987 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

15-4022-

SCHWARTZ, DALE

214 WEST 300 NORTH, MALAD, ID 83252

Source: LITTLE MALAD RIVER tributary to BEAR RIVER

Priority Date: 03/20/1918

Amount: 0.04 CFS

Diversion Point: NENW Sec 12 T 13S R 34E SWSW SESW Sec 01 T 13S R 34E,
ONEIDA Co.

Use: STOCKWATER
DOMESTIC

(0.02 CFS) from 09/01 to 12/01
(0.02 CFS) from 04/01 to 11/01

Place of Use: SWSW SESW Sec 01 T 13S R 34E NENW Sec 12 T 13S R 34E

Diversion Means: PUMP & PIPELINES

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

C. STEPHEN ALLRED

Director

Published 4/12 & 4/19/79.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 6, 1979

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 30, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 11, 1979

Dale Schwartz
214 West 300 North
Malad City, Idaho 83252

RE: Claim No. 15-4027

Dear Sir:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous 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 resources 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 confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

Enclosure

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO 83252
TELEPHONE 766-4000

April 20, 1979

RECEIVED

APR 23 1979

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Please find enclosed Affidavit of the St. John Irrigat-
ing Company, David Deschamps Secretary, filed in
protest to the claim to a Water Right No. 15-4027 of
Dale Schwartz.

Please advise if anything further is necessary here.

Very truly



E. L. Scott, Attorney



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

June 13, 1979

E. L. Scott
Attorney at Law
26 Court Street
Malad, Idaho 83252

Dear Sir:

Re: Claim to Water Right No. 15-4027 - Schwartz

We have received the exception dated April 19, 1979, filed in behalf of
ST. JOHN IRRIGATING COMPANY
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 me.

Very truly yours,

/s/ RONALD D. CARLSON
Supervisor, Eastern Region

RDC:dh

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 11, 1979

David Deschamps, Secy.
St. John Irrigation Company
Malad City, Idaho 83252

RE: Claim No. 15-4027

Gentlemen:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous 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 resources 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 confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 30, 1979

DALE SCHWARTZ
214 WEST 300 NORTH
MALAD

ID 83252

RE: Claim No. 15-4027

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure