

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.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

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 is that a claim may be filed on single family domestic use from a ground water source.

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

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22 Twp. 15S 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. Describe any changes in the system and give the date of the change. *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]

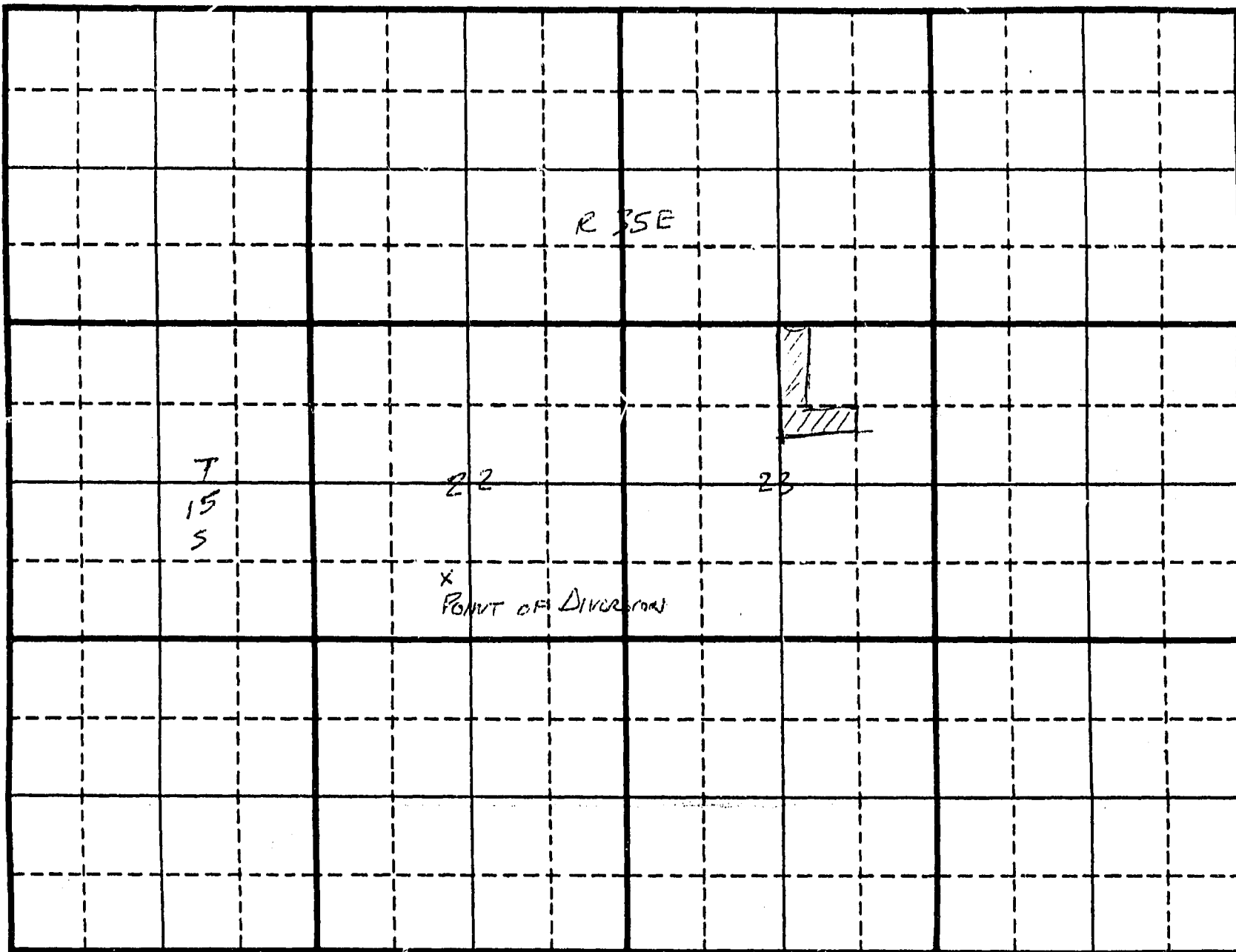
No. of acres 40

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

NOTE: Include here the type and number of stock watered: _____

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

- (8) Remarks This is an independent water right consisting of 6 hours once a week of all the waters of Dry Pine, Rosebush, and Thomas Davis Canyons in Oneida County, the point of conversion is the confluence of the above previously mentioned canyons.



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.

Hester W. Atkinson
(Claimant)

Sworn to before me this 30th day of April, 19 79.

Joseph W. Buegg
Notary Public
Residing at Malad City, Idaho

My commission expires Life

dh	5-01-79	FOR DEPARTMENT USE ONLY			
dh	4-17-79	Date	4-09-79	Exception filed by:	Forwarded to
dh		Date	4-17-79	#11823	claimant by:
Received by	<u>dh</u>	Date			
Prelim. check by	<u>dh</u>	Date			
\$20.00 fee received by	<u>dh</u>	Date			
Published in	<u>Idaho Enterprise</u>				
Dates	<u>May 3 & 10, 1979</u>				

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Theresa J. Dells 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 publi-
cation 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 attach-
ed in the regular and entire edition of said newspaper and

not in any supplement thereof for 2 successive weekly
issues thereof of the date of the first publication being the

3 day of May, 1979, the day of the last
publication being the 10th day of May

1979.

Subscribed and sworn to before me this 9th of May

1979.

James H. Funderburk
Notary Public, residing at Malad, Idaho

My Commission expires the 1st day of June 1980.

Costs: 50 lines at 23c per line first insertion \$ 11.50

..... lines tabulated as 34 1/2c per line \$

15c per line each subsequent insertion \$ 7.50

TOTAL \$ 19.00

(Rates for legal notices are fixed by Idaho law)

87-A

**NOTICE OF CLAIMS
TO WATER RIGHTS**
NOTICE IS HEREBY GIVEN
that the following claims to
water rights have been
established by diversion and
application to beneficial use:
No. 15-4032
ATKINSON, LESTER W.
ROUTE 1, BOX 42B, MALAD,
ID 83233
Source: MOUNTAIN WATER
DITCH tributary to SAMARIA
CREEK
Priority Date: 07-03-1893
Amount: 6.00 CFS
Diversion Point: SESW Sec. 22 T
15S R 35E ONEIDA, Co.
Use: IRRIGATION (6.00 CFS)
from 01-01 to 11-15
Place of Use: NWNE SWNE Sec.
22 T 15S R 35E FOR 40 ACRES
Diversion Means: DITCHES

No. 15-4033
HANSON, LOUISE J.
198 WEST ANDERSON, IDAHO
FALLS, ID 83401
Source: SPRING CREEK
tributary to MALAD RIVER
Priority Date: 04-01-1890

Amount: 2.02 CFS
Diversion Point: NWSW Sec. 28
T 14S R 38E, ONEIDA Co.
Use: IRRIGATION (2.02 CFS)
from 04-01 to 11-01
STOCKWATER (0.02 CFS)
from 01-01 to 11-31
Place of Use: NWNE NEW
NWNW SWNW SENW NESW
SESW Sec. 33 T 14S R 38E
Diversion Means: DITCHES
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 5-3-10 12

RECEIVED

MAY 10 1979

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Lester W Atkinson
(Name of Claimant)

RT1 Box 42B Molad Idaho 83252 Telephone No. 766-2531

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 3, 1893

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 is that a claim may be filed on single family domestic use from a ground water source.

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

Mountain Water Ditch (see remarks) tributary to Samarip Creek

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>6 c.f.s</u>	Use	<u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

- (4) G. C. F. S. TOTAL QUANTITY USED.

- (cfs, gpd, AFA)

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22 Twp. 15 S Rge. 35 E B.M., County of Okfuskee
Additional points of diversion:

- 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. Describe any changes in the system and give the date of the change. *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]

No. of acres 20

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

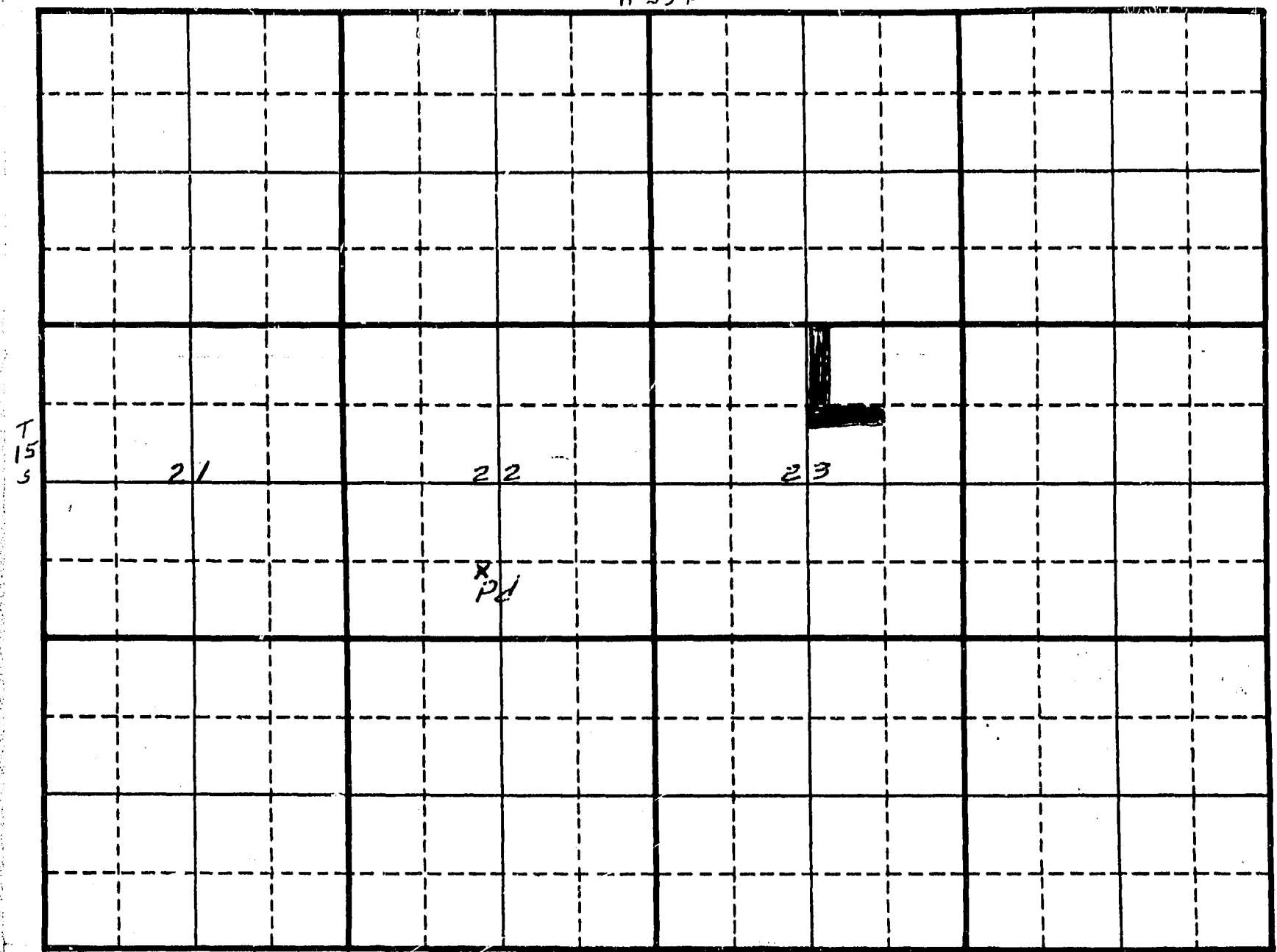
VIA

NOTE: Include here the type and number of stock watered:

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

6 LA

(8) Remarks This is an independent water right consisting of 6 hours
once a week of all the waters of dry pine, Rosebush and
Thomas Davis canyons in Blaine Co., Idaho. The point of diversion
is the confluence of the above previously mentioned canyons.
R 35 E



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) ss.
County of)

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.

x Lester W. Atkinson
(Claimant)

Sworn to before me this 6th day of April, 19 79.

x Raymond E. Elwick
Notary Public
Residing at Malad City, Idaho

My commission expires Life

dh 4-17-79 FOR DEPARTMENT USE ONLY
Received by dh Date 4-9-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by R.P. Date _____
\$20.00 fee received by dh 9 Date 4-17-79 #11823
Published in Idaho Enterprise
Dates April 26 & May 3, 1979

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: STEVE

Right Number _____ Applicant ATKINSON, L.W.

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.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jeri Date 6/1/79



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

April 11, 1979

Lester W. Atkinson
Route 1, Box 42B
Malad, Idaho 83252

Dear Mr. Atkinson:

Enclosed please find the claim to a water right you recently submitted to this office. Before your claim can be receipted, you will need to indicate the total number of acres irrigated in a year. From your claim, it appears to be a total of 40 acres. Also, your legal description of irrigated acres in Item 6 is not consistent with the map under Item 8.

Once these corrections have been made, return your claim to this office, accompanied by the statutory claim fee of \$20.00. We will then be glad to resume processing of this document. Should you have any questions regarding this matter, please feel free to call.

Sincerely,

John Carlson
JOHN CARLSON
Water Resource Agent

JC:dh

Enclosure

Sirs: The fields I irrigate are located within the areas shown - Depending on amount of water available governs how many acres is irrigated in a given season -

Lester W. Atkinson

April 17, 1979

Lester W. Atkinson
Route 1, Box 42B
Malad, Idaho 83252

Dear Mr. Atkinson:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 11823 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:

15-4032

ATKINSON, LESTER W.

ROUTE 1, BOX 42B, MALAD, ID 83252

Source: MOUNTAIN WATER DITCH tributary to SAMARIA CREEK

Priority Date: 07/03/1893

Amount: 6.00 CFS

Diversion Point: SESW Sec 22 T 15S R 35E, ONEIDA Co.

Use: IRRIGATION (6.00 CFS) from 03/15 to 11/15

Place of Use: NWNE SWNE Sec 23 T 15S R 35E FOR 40 ACRES

Diversion Means: DITCHES

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 4/26 & 5/3/79.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 20, 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 MAY 14, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

CONVERSATION MEMORANDUM

DATE 4-25-79

FILE 15-4032

NAME OF PARTY Trina - Idaho Enterprise

EMPLOYEE Donna - Eastern

RE: Trina at the Idaho Enterprise called this a.m. to say they failed to
advertise Claim No. 15-4032 on the dates we had requested, but that it would
be advertised on May 3 & 10, 1979.

April 25, 1979

Lester W. Atkinson
Route 1, Box 42B
Malad, Idaho 83252

Dear Mr. Atkinson:

Re: Claim to Water Right No. 15-4032

Pursuant to our telephone conversation of this day, enclosed you will find a typed claim to a water right which, for your convenience, has been completed in this office to correct the number of acres you irrigate.

Please review this typed claim to insure it is accurate, then sign it in the presence of a notary public. Since the Department has already begun processing of your claim, we would appreciate receiving it back in this office as soon as possible.

Should you have any questions regarding this matter, please feel free to call.

Sincerely,

STEVE McCORMICK
Water Resource Analyst

SM:dh

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 14, 1979

LESTER W. ATKINSON
ROUTE 1, BOX 42B
MALAD

ID 83252

RE: Claim No. 15-4032

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