

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 Evan P. Price

(Name of Claimant)

Route 1, Box 31, Malad, Idaho 83252

(Mailing Address)

Telephone No. 766-2646

(Zip Code)

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 13, 1883

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)
Malad River tributary to Bear River

- (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>3.00 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</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) 3.00 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW ¼ NE ¼, Sec. 2 Twp. 15S Rge. 35E B.M., County of Oneida

Additional points of diversion: NE ¼ NW ¼, Sec. 18, T. 15S, R. 36E, 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. Describe any changes in the system and give the date of the change. Ditch, 3' x 3' from the river (two owners) to the lands irrigated.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	12															15		15
	36E	18					40	26		10									76

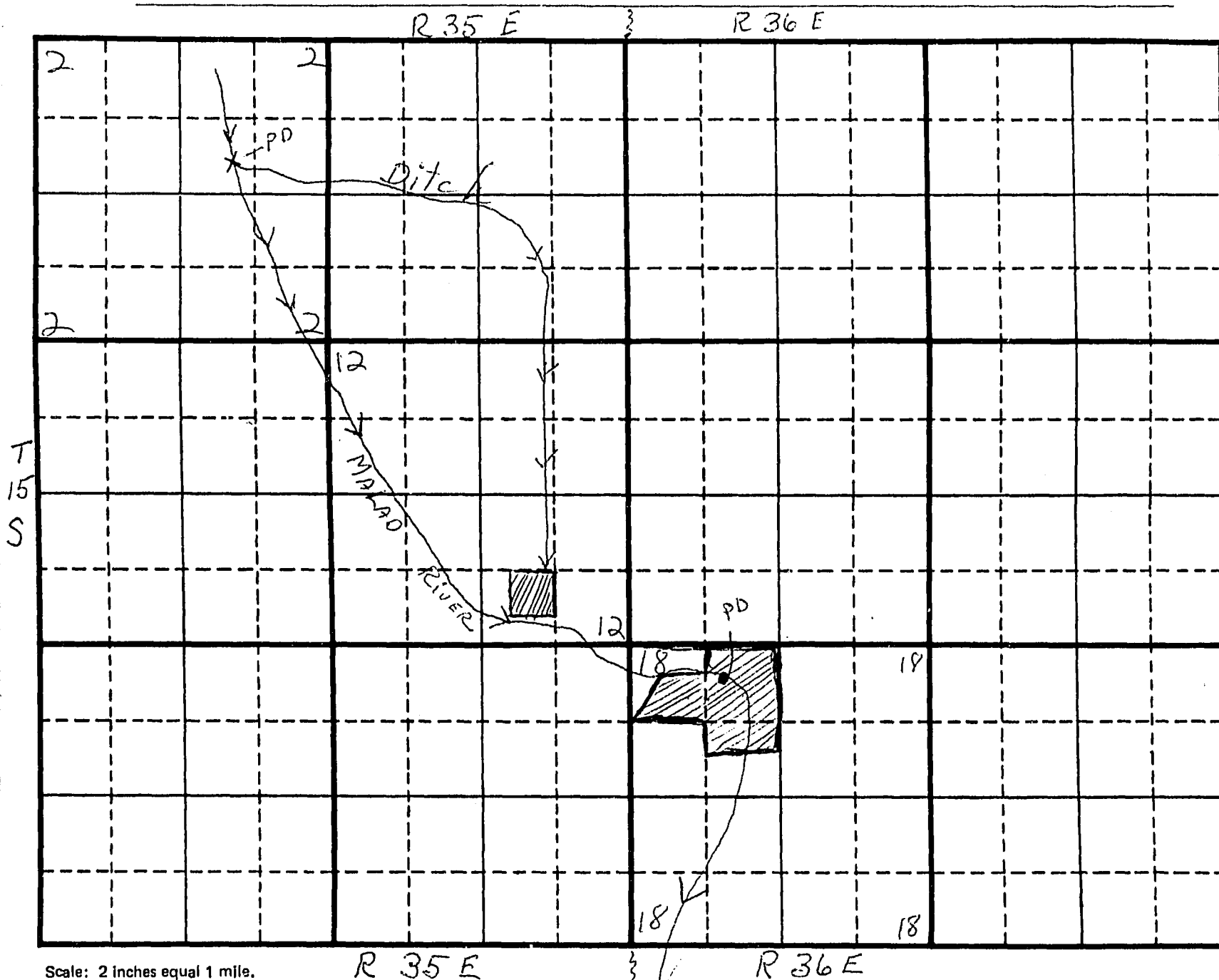
No. of acres 91

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 _____



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 Blaine) 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 7th day of May, 1979.

Erwin P. Price
(Claimant)

Joyce H. Henderson
Notary Public
Residing at Malad, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>5-04-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by _____	Date _____		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>5-04-79</u>	#11865		
Published in <u>Idaho Enterprise</u>				
Dates <u>May 17 & 24, 1979</u>				

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 EVAN P. PRICE
(Name of Claimant)
4 #1 BOX 31 MALAD 83252 Telephone No. 766-2646
(Mailing Address) (Zip Code)

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) 13 JULY 1883

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)
~~XXXX~~ MALAD R. tributary to BEAR River
- (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>30 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Apr</u>	To <u>Nov</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) 3.0 TOTAL QUANTITY USED.
(cfs, gpd, AFA)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 2 Twp. 15S Rge. 35E B.M., County of Oneida
Additional points of diversion: NE ¼ NW ¼ Sec. 18 T15S R35E

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. Ditch 3' x 3' from the River (2 owners) to the lands irrigated

- (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 91

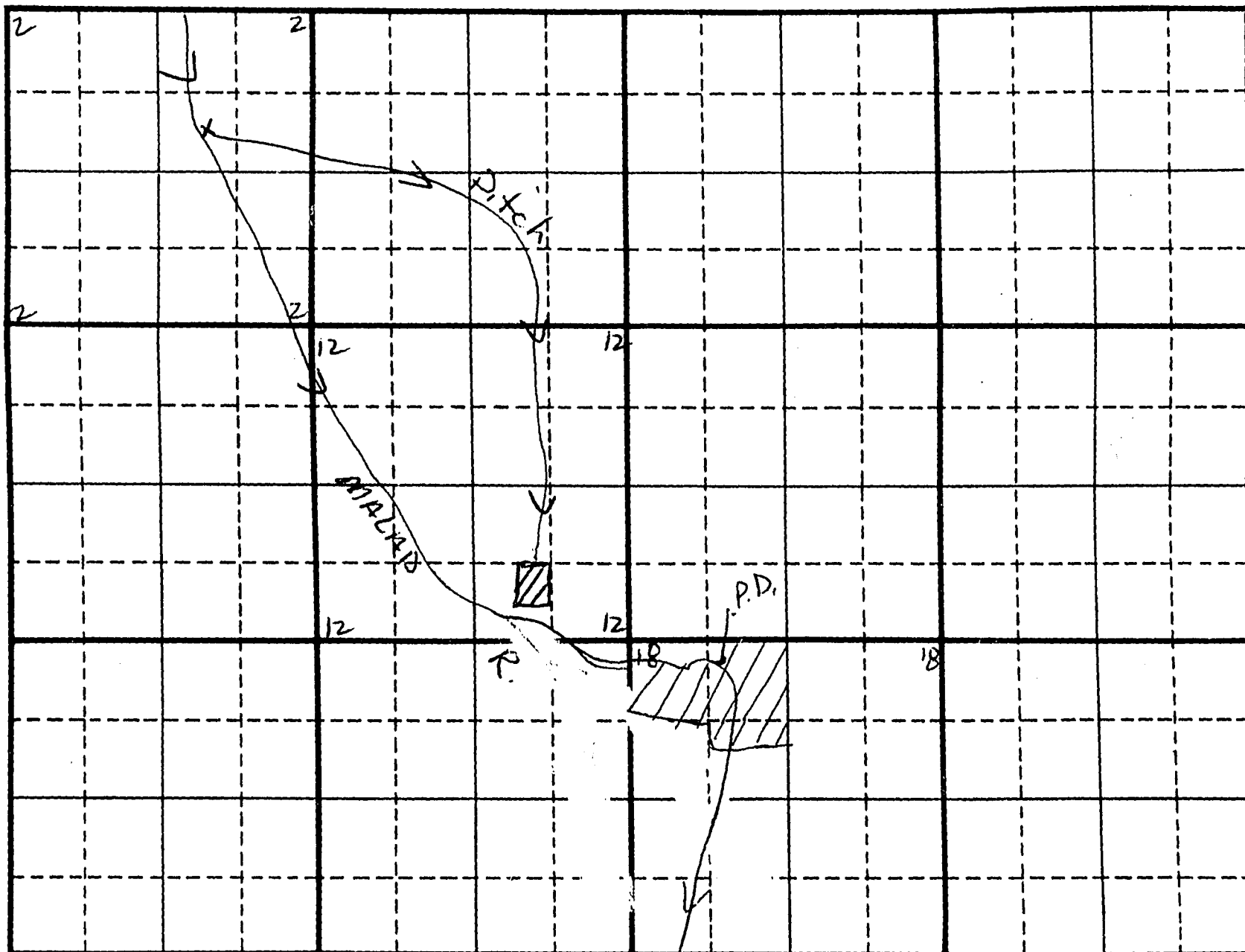
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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: _____

- V O I D -

(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 Blaine) 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.
Edward P. Price
 (Claimant)

James H. Henderson
 Notary Public
 Residing at Malheur, Idaho

My commission expires life term

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>4-25-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>4-25-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>4-25-79</u>			
Published in _____				
Dates _____				

**NOTICE OF INTENT
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. 15-4039

WILLIAMS, ALVIN T.
ROUTE 1, BOX 426, 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: NWNW SENW Sec. 23 T. 15S R. 35E FOR 40 ACRES

Diversion Means: DITCHES

No. 15-4040

EVANS, DON W.
DOWNEY ROUTE, MALAD, ID 83252

Source: GROUNDWATER

Priority Date: 04-01-1908

Amount: 0.06 CFS

Diversion Point: NENE Sec. 03

T. 14S R. 36E, ONEIDA Co.

Use: STOCKWATER (0.02 CFS) from 01-01 to 12-31

DOMESTIC (0.04 CFS) from 01-01 to 12-31

Place of Use: NENE Sec 03 T 14S R 36E

Diversion Means: WELL, PUMP & PRESSURE TANK

No. 15-4041

HUGHES, RALPH
ROUTE 1, MALAD, ID 83252

Source: SAMARIA WATER & IRRIGATION DITCH CO. tributary to SINKS

Priority Date: 11-01-1925

Amount: 4.00 CFS

Diversion Point: NWNE Sec 25 T 15S R 35E, ONEIDA Co.

Use: STOCKWATER (0.12 CFS) from 01-01 to 12-31

IRRIGATION (4.00 CFS) from 04-01 to 11-01

Place of Use: NWSW SWSW SESW Sec 19 T 15S R 36E NWNW SWNW Sec 30 T 15S R 36E NESE SESE Sec 24 T 15S R 35E FOR 218 ACRES

Diversion Means: HEADGATE & DITCHES

No. 15-4042

PRICE, EVAN P.
ROUTE 1, BOX 31, MALAD, ID 83252

Source: MALAD RIVER tributary to BEAR RIVER

Priority Date: 07-13-1883

Amount: 3.00 CFS

Diversion Point: SWNE Sec 02 T 15S R 35E NENW Sec 18 T 15S R 36E, ONEIDA Co.

Use: IRRIGATION (3.00 CFS) from 04-01 to 11-01

Place of Use: SWSE Sec 12 T 15S R 35E NENW NWNW SENW Sec 18 T 15 S R 36E

Diversion Means: DITCH

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 5-17 & 5-24-79.

5-17-24 12

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Mylene Allred being first duly sworn on her 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 of the date of the first publication being the

17th day of May, 1979, the day of the last publication being the 24th day of May, 1979.

Subscribed and sworn to before me this 25 of May, 1979.

Darla J. News
Notary Public, residing at Malad, Idaho

My Commission expires the life day of 19.

Costs: 8 lines at 23c per line first insertion \$20.24

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

15c per line each subsequent insertion \$13.20

TOTAL \$33.44

(Rates for legal notices are fixed by Idaho law)

RECEIVED

JUN 4 1979

Department of Water Resources
Eastern District Office

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: P. P.

Right Number _____ Applicant _____

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 Ernest Carlson Date 6/5/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J. J. J. Date 6/12/79

April 25, 1979

Evan P. Price
Route 1, Box 31
Malad, Idaho 83252

Dear Mr. Price:

The Department finds it necessary to return your claim to a water right and check number 145 in the amount of \$20.00 because the initial review of your claim revealed a discrepancy between the legal descriptions for the points of diversion in Item 5 and their location on the plat map.

Hoping the plat map is correct, we have retyped your claim identifying the points of diversion as being within the S. $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 15S, Rge. 35E and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 15S, Rge. 36E, B.M., Oneida County. I suggest you confirm these locations and, provided they are correct, sign the typed claim in the presence of a notary public and return it to our office with the statutory claim fee of \$20.00.

Should you have any questions concerning this matter or other water rights, please feel free to contact our Eastern Regional Office.

Sincerely,

JOHN CARLSON
Water Resource Agent

JC:dh

Attachment
Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN W. EVANS
Governor
C. STEPHEN ALLRED
Director

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

May 14, 1979

Evan P. Price
Route 1, Box 31
Malad, Idaho 83252

RE: Claim to Water Right

Dear Mr. Price:

Enclosed is Receipt No. 11865 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

DONNA HENRIQUES
Secretary

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:

15-4042

PRICE, EVAN P.

ROUTE 1, BOX 31, MALAD, ID 83252

Source: MALAD RIVER tributary to BEAR RIVER

Priority Date: 07/13/1883

Amount: 3.00 CFS

Diversion Point: SWNE Sec 02 T 15S R 35E NENW Sec 18 T 15S R 36E,
ONEIDA Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01

Place of Use: SWSE Sec 12 T 15S R 35E NENW NWNW SENW Sec 18 T 15S R 36E
FOR 91 ACRES

Diversion Means: DITCH

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

C. STEPHEN ALLRED

Director

Published 5/17 & 5/24/79.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7185

MAY 11, 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 JUNE 4, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1518 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7185

JUNE 4, 1979

EVAN P. PRICE
ROUTE 1, BOX 31
MALAD

ID 83252

RE: Claim No. 15-4042

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