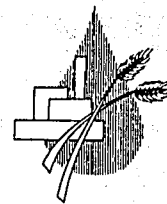


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Enid or Bob Harris
(Name of Claimant)
Rt. 1 Malad, Idaho 83252 Telephone No. 766-2562
(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) Oct. 1, 1955

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)
Freddy Thomas Spring tributary to Little Malad 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.24 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>0.02 cfs</u>		Use <u>Stock</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>0.26 cfs</u>		TOTAL QUANTITY USED.			

(4) 0.26 cfs (cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 6 Twp. 13S 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.
From spring to ditches for flood irrigation. Stock drink directly out of 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	
13S	35E	6				12													12

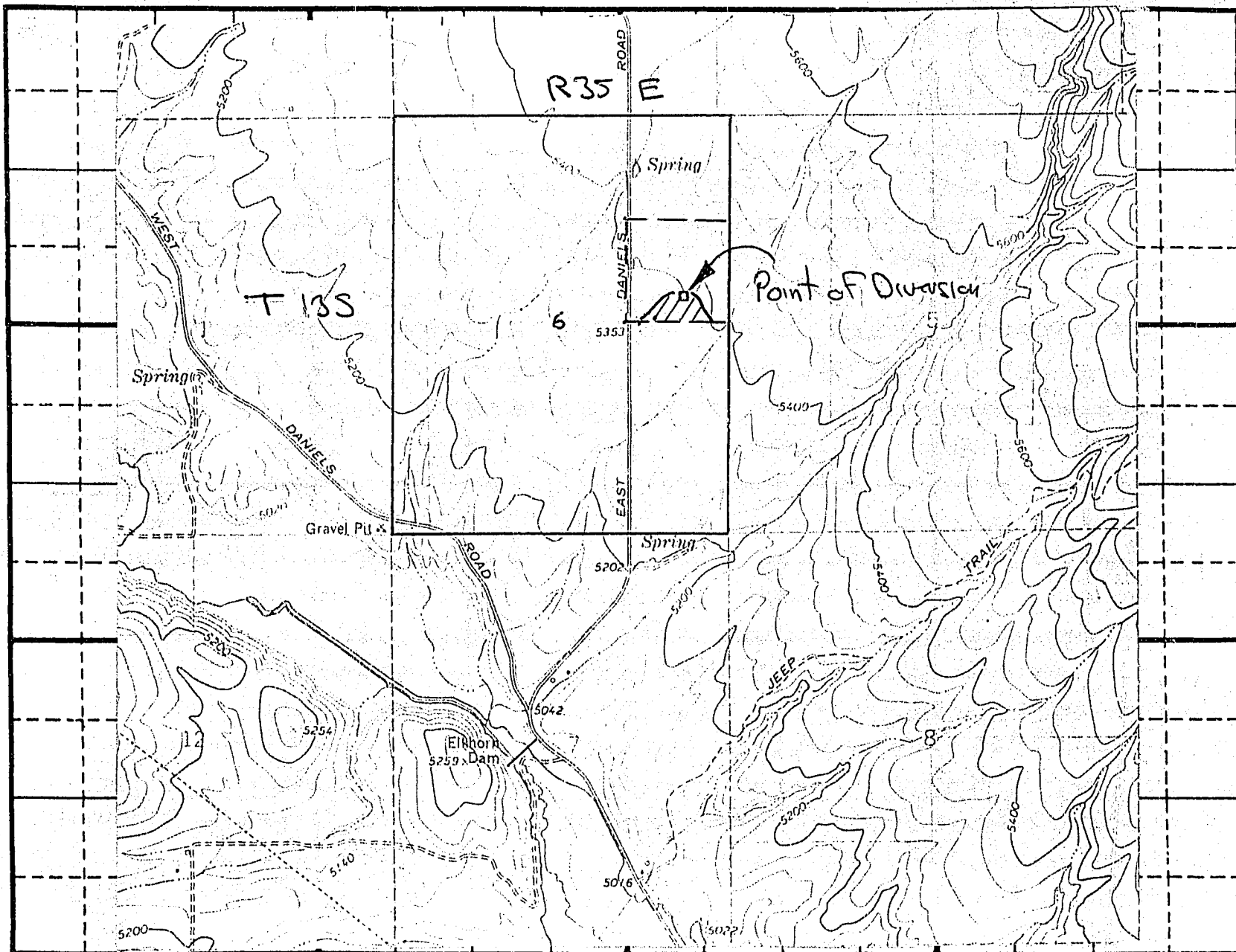
No. of acres 12

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stock water for 40 head of cattle

NOTE: Include here the type and number of stock watered: 40 head of 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 Bonneville) 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 28th day of April, 19 83.
Ernie Harris (Claimant)

Patricia Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY			
Assist. by <u>HWT</u>	Date <u>4-28-83</u>	Exception filed by:	Forwarded to
Received by <u>KCW</u>	Date <u>4-29-83</u>		claimant by:
Prelim. check by <u>BP</u>	Date <u>4-28-83</u>	<u>#28115</u>	
\$30.00 fee received by <u>Idaho Enterprise</u>		<u>St John King</u>	<u>CW</u>
Published in <u>Idaho Enterprise</u>			<u>6-7-83</u>
Dates <u>5/18 - 5/19/83</u>			

Nº 416

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 15 1983

STATE OF IDAHO, }
County of Oneida } ss.

Department of Water Resources
Eastern District Office

Jeri H. Daniels

being duly sworn,
deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 11, 1983, and ending
with the issue of May 18, 1983

Jeri H. Daniels
Fee \$ 23.40

Subscribed and sworn to before me this 9th day
of June, 1983.

[Signature]
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by
diversion and beneficial use:

(5-4143)

HARRIS, ENID & or BOB
Rt. 1, MALAD, ID 83252

Source: FREDDY THOMAS SPRING
trib. to LITTLE MALAD RIVER

Priority Date: 10-01-1955

Diversion Pt: SENE Sec 06 T 13S R 35E

Use: IRRIGATION (0.24 CFS)

STOCKWATER (0.02 CFS)

In: SENE Sec 06 T 13S R 35E FOR 12
ACRES

15-4142

HARRIS, ENID & or BOB

Rt. 1, MALAD, ID 83252

Source: SPRINGS trib. to BIRCH
CREEK

Priority Date: 10-30-1920

Diversion Pt: SENE SWNE Sec 06 T 14S
R 36E

Use: IRRIGATION (0.30 CFS)

STOCKWATER (0.02 CFS)

In: NESE Sec 06 T 14S R 36E FOR 15
ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 5-11 & 5-18-83.

15-4143

HARRIS, ENID &/or BOB

RT. 1, MALAD, ID 83252

Source: FREDDY THOMAS SPRING trib. to LITTLE MALAD RIVER

Priority Date: 10/01/1955

Diversion Pt: SENE Sec 06 T 13S R 35E

Use: IRRIGATION	(0.24 CFS)
STOCKWATER	(0.02 CFS)

In: SENE Sec 06 T 13S R 35E FOR 12 ACRES

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith C Wilson
15 4143

Right Number

Applicant

Enid or Bob Harris

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.

May 30, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By

CW
Ernest Carlson

Date

6-7-83
6-21-83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

RC

Date

6/27/83

RECEIVED
JUN 27 1983
Department of Water Resources

CW

IN THE MATTER OF:

Claim to a Water Right
No. 15-4143
ENID and/or BOB HARRIS

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 Enid and/or Bob Harris, Rt. 1, Malad, Idaho, 83252, No. 15-4143 to 0.24 c.f.s. water for irrigation and .02 c.f.s. for stockwater of the Freddy Thomas Spring, tributary to Little Malad River, is without right and wrongful in that St. John Irrigating Company is the rightful owner of all of the waters of the Little Malad River for irrigation purposes, with a priority dating back to 1894.

DATED this 16th day of May, 1983.


DAVID DESCHAMPS

SUBSCRIBED and SWORN to before me this 16th day of May, 1983.


Notary Public for Idaho
Residing at Malad City, Idaho

EDWARD L. SCOTT
ATTORNEY AT LAW
44 MAIN STREET
MALAD CITY, IDAHO 83252
TELEPHONE 766-4000

May 16, 1983

RECEIVED
MAY 23 1983

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 Irrigating Company, David Deschamps, Secretary, filed in protest to the claim to a Water Right No. 15-4143 of Enid and/or Bob Harris.

Please advise if anything further is necessary here.

Very truly yours,

E. L. Scott

E. L. Scott
Attorney at Law

ELS/jh

Enclosure

FISH & GAME

MAY 20 1983

Reg. Supv. *[initials]*

Enf. *[initials]*

T & E

Lands

IF

SAL

Fish

Fish

Game

Game

Route & Ptn.

Remarks

*Mail
16 Ron Carlson
water resources*

June 7, 1983

RE: Claim to a Water Right No. 15-4143 HARRIS

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

Dear Mr. Deschamps:

We have received the exception dated May 16, 1983, 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
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
E.L. Scott, Attorney

June 7, 1983

RE: Claim to a Water Right No. 15-4143

Enid or Bob Harris
Rt. #1
Malad, ID 83252

Dear Claimants:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. 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
Eastern Regional Supervisor

RDC:cw

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

June 7, 1983

RE: Claim to a Water Right No. 15-4143 HARRIS

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on May 12, and 19, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 30, 1983

ENID HARRIS
BOB HARRIS
RT. 1
MALAD

ID 83252

RE: Claim No. 15-4143

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