

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 Errol C. and/or Ellen Sue Thomas
(Name of Claimant)

591 N. 200 W. Malad, Idaho 83252 Telephone No. 766-4416
(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) May 25, 1882

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)
Unnamed Stream tributary to 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:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>0.20 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.20 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 _____

(4) 0.20 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 1 NE 1/4 NE 1/4, Sec. 4 Twp. 15S Rge. 36E 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. Ditch to Flood irrigation and stock area

(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	
<u>15S</u>	<u>36E</u>	<u>4</u>	<u>6</u>																<u>6</u>
			<u>L-1</u>																

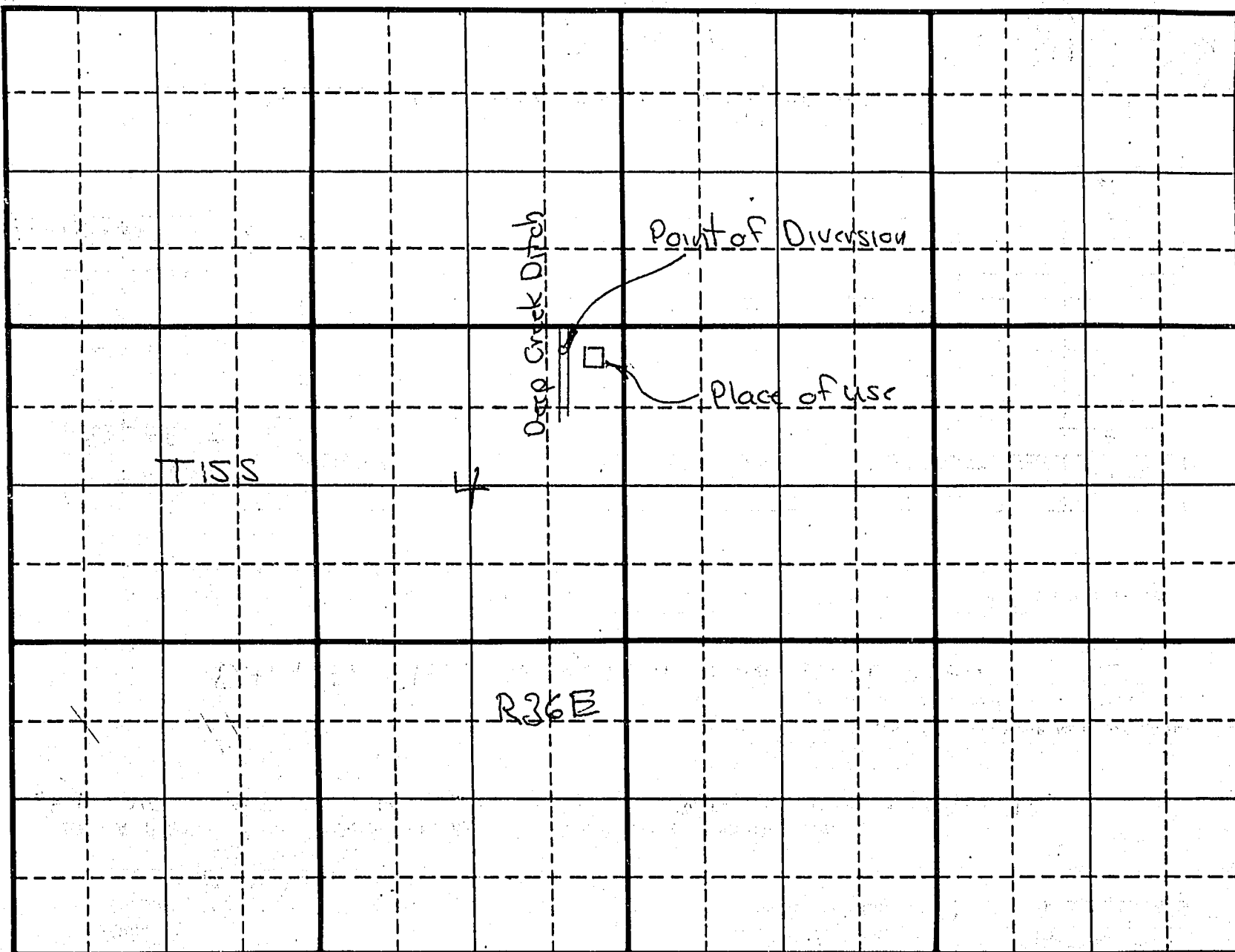
No. of acres 6

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

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 stream arises from a spring in the original abandoned channel of Deep Creek Ditch



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 30th day of June, 19 83.

Emile C. Thomas
(Claimant)

Wesley R. Edwards
Notary Public
Residing at Malad City, Idaho

My commission expires April 4, 1987

FOR DEPARTMENT USE ONLY

Received by CW Date 7-01-83 Exception filed by: _____ Date _____
Prelim. check by HWT Date 9-21-83 Forwarded to claimant by: _____ Date _____
\$20.00 fee received by CW Date 7-06-83
Published in Idaho Enterprise #2967
Dates 10/6 - 10/13/83

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Oneida

ss.

Erin 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

Nov. 16, 1983, and ending
with the issue of Nov. 23, 1983

Erin H. Daniels

Fee \$ 14.22

Subscribed and sworn to before me this 29th day

of Nov., 1983

Joan Newton
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19

RECEIVED

DEC 2 1983

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 15-4176 in the name of Errol C. and-or Ellen Sue Thomas was advertised incorrectly on 10-6 and 10-12-83. The priority date was advertised as being May 25, 1881 and the point of diversion and place of use were advertised as being with Lot 1 (NENE) Sec. 4, T. 15S, R. 36E.

WHEREAS, the actual priority date is May 25, 1882 and the point of diversion and place of use are within Lot 1 (NENE) Sec. 4, T. 15S, R. 36E.

Any exception to any claim of water right may be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the Idaho Enterprise on 11-7 and 11-24-83.

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 8 1983

STATE OF IDAHO,

County of Oneida

ss.

Department of Water Resources
Eastern District Office

Jeri L. 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

Oct. 6, 1983, and ending with the issue of Oct. 12, 1983

Jeri L. Daniels

Fee \$ 67.60

Subscribed and sworn to before me this 2nd day

of Nov., 1983.

John H. Hunsicker

Notary Public, Residing at Malad, Idaho

My Commission Expires Sept. 1984, 1984

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use.

15-4177
NIELSEN, ELDON
SCHWARTZ, MRS. IVAN
JONES, EVAN E.
523 S. 8TH POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 05-04-1948
Diversion Pt. NESW Sec 17 T 145 R 36E

Use: IRRIGATION (1.83 CFS)
In: NESW NWSW SWSW SESW Sec 17 T 145 R 36E for 102 ACRES

15-4176
THOMAS, ERROL C. & or ELLEN SUE

591 N. 200 W., MALAD, ID 83252
Source: UNNAMED STREAM trib. to MALAD RIVER

Priority Date: 05-25-1881 1882
Diversion Pt: LOT 01 (NENE) Sec 04 T 155 R 36E

Use: IRRIGATION (0.20 CFS)
STOCKWATER (0.20 CFS)
In: LOT 01 (NENE) Sec 04 T 155 R 36E for 6 ACRES

15-4178
WILLIAMS, CLYDE & or LOUISE

380 N. MAIN MALAD, ID 83252
Source: SPRING trib. to SINKS
Priority Date: 04-01-1903

Diversion Pt. NWSE Sec 15 T 145 R 37E

Use: IRRIGATION (0.13 CFS)
STOCKWATER (0.02 CFS)
In: NENW SWNW SENW Sec 22 T 145 R 37E FOR 18 ACRES

15-4179
JONES, MILTON T. & or A. JAY

274 N. 300 W., MALAD, ID 83252
Source: SPRING
Priority Date: 07-01-1940

Diversion Pt. SWSE Sec 36 T 125 R 34E
Use: STOCKWATER (0.03 CFS)
IN: SWSE Sec 36 T 125 R 34E

15-4180
HILL, KARINE W.

316 BANNOCK ST., MALAD, ID 83252
Source: UNNAMED STREAM trib to LITTLE MALAD RIVER

Priority Date: 06-01-1898
Diversion Pt: SWSW Sec 24 T 125 R 34E

Use: STOCKWATER (0.20 CFS)
DOMESTIC (0.04 CFS)
In: NESW SWSW SESW Sec 24 T 125 R 34E

15-4181
VANDERWOOD, HOWARD

61 BUSH AVE., MALAD, ID 83252
Source: SPRING trib. to DEVIL CREEK

Priority Date: 05-15-1895
Diversion Pt: NWSW Sec 12 T 135 R 35E

Use: IRRIGATION (0.20 CFS)
STOCKWATER (0.02 CFS)
In: NWSW Sec 12 T 135 R 35E FOR 1 ACRES

15-4182
EVANS, DIXIE L.

HOLT, LOIS J.
1102 SAHARA, IDAHO FALLS, ID 83401

Source: UNNAMED STREAM trib. to WRIGHT CREEK

Priority Date: 01-01-1910
Diversion Pt. SWSE NESW NWSW SESW Sec 09 T 125 R 35E

Use: STOCKWATER (0.02 CFS)
In: NESW NWSW SESW SWSE Sec 09 T 125 R 35 E

15-4183
EVANS, DIXIE L.

HOLT, LOIS J.
1102 SAHARA, IDAHO FALLS, ID 83401

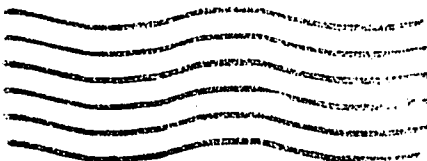
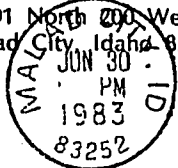
Source: INDIAN MILL CREEK trib to WRIGHT CREEK

Priority Date: 01 01 1910
Diversion Pt. NESW Sec 16 T 125 R 35E
Use: STOCKWATER (0.02 CFS)
In: NESW Sec 16 T 125 R 35E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shour Ave., Suite 15, Idaho Falls, Idaho 83402.
KENDUNN, Dir.
Published 10-6 & 10-13-83.

MODERN WOODMEN OF AMERICA

591 North 200 West
Malad City, Idaho 83252



*Irvin James
Chairman*

Department of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho

83401

15-4176-

THOMAS, ERROL C. &/or ELLEN SUE

591 N. 200 W., MALAD, ID 83252

Source: UNNAMED STREAM trib. to MALAD RIVER

Priority Date: 05/25/1982

Diversion Pt: LOT 01 (NENE) Sec 04 T 15S R 36E

Use: IRRIGATION	(0.20 CFS)
STOCKWATER	(0.20 CFS)

In. LOT 01 (NENE) Sec 04 T 15S R 36E FOR 6 ACRES

NOTICE OF CLAIMS TO WATER RIGHTS

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

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 10/6 & 10/13/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 28, 1983

The 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 OCTOBER 24, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 15 4176 Applicant Thomas

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 Dec. 5, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 12-13-83

RECEIVED
DEC 13 1983

Department of Water Resources

ew



John V. Evans
Governor

A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

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

November 9, 1983

RE: Notices of Corrections

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

Gentlemen:

We are resubmitting a legal notice to be published on November 17 and 24, 1983. This notice was originally published in your paper on October 6 and 12, 1983. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by December 5, 1983. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosure (8)

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A. KENNETH DUNN

Director

Published in the Idaho Enterprise on 11/17 & 11/24/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 24, 1983

ERROL C. THOMAS
ELLEN SUE THOMAS
591 N. 200 W.
MALAD

ID 83252

RE: Claim No. 15-4176

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