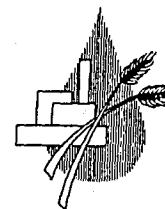


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 J. Moroni Ward

(Name of Claimant)

245 West 400 North Malad, ID

83252

Telephone No. 766-4475

(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 19, 1959

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)

Spring

tributary to SAMARIA 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.00</u>		Use <u>Irrigation</u>		Period of Use From <u>4-1</u>	To <u>10-31</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) 1.00cfs TOTAL QUANTITY USED.
(cfs, af)

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

NE 1/4 SE 1/4, Sec. 14 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. 2,000 foot 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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>15S</u>	<u>35E</u>	<u>13</u>									<u>10</u>	<u>10</u>	<u>15</u>	<u>15</u>					<u>50</u>

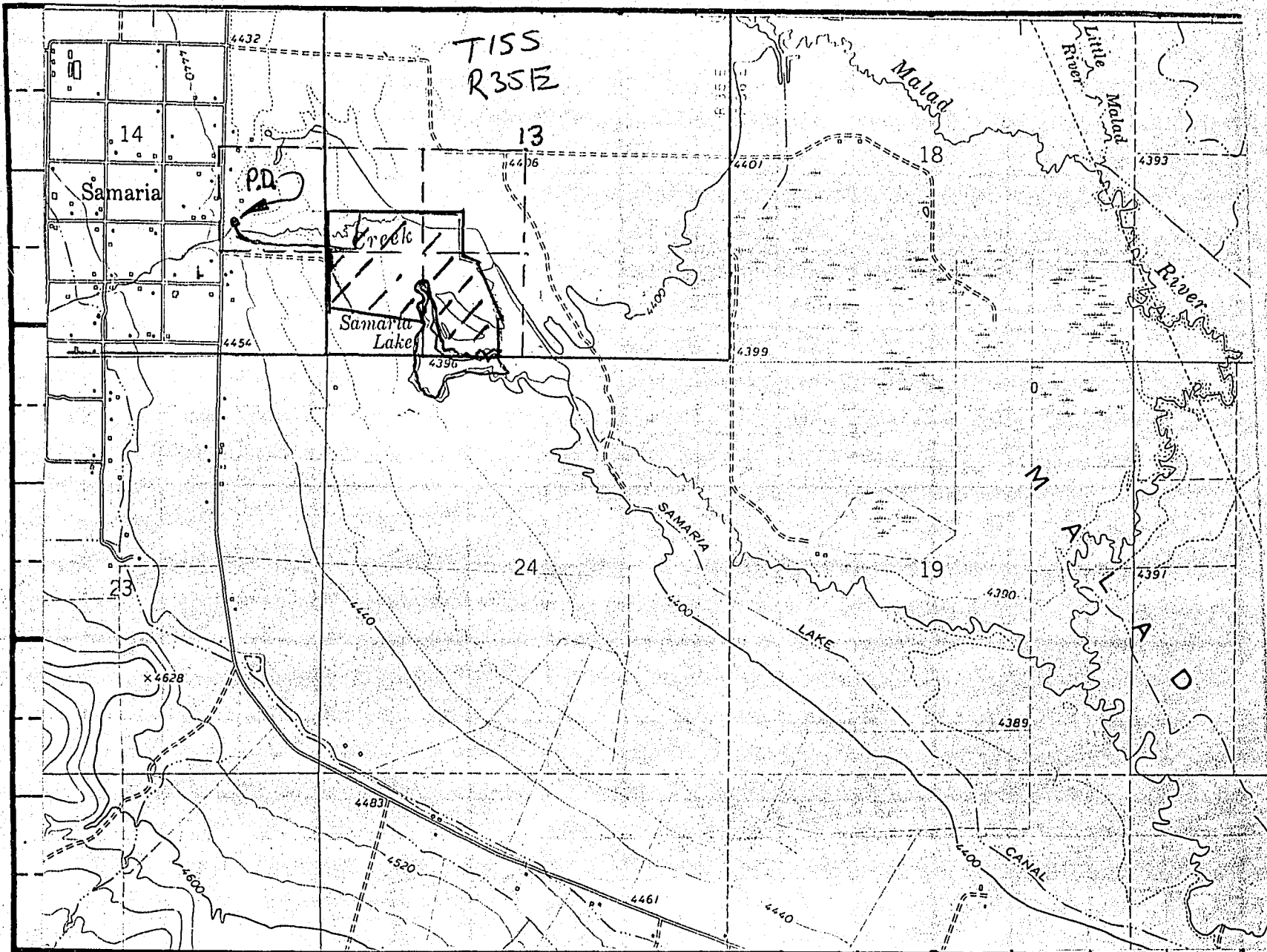
No. of acres 50

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 To irrigate meadow North and West of Samaria Lake. Water has never been measured and quantity on line 3 is estimated. Spring known as Willow Spring.



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 Chesapeake) 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 14th day of November, 1983.

J. Maroni Hand
(Claimant)
L. Rae Jones
Notary Public
Residing at Malad, ID

My commission expires 10-15-86

Received by CW Date 6-28-83 Exception filed by: _____
Prelim. check by HWS Date 11-16-83 Forwarded to claimant by: _____
\$30.00 fee received by CW Date 6-29-83 #25712
Published in Idaho Enterprise
Dates 11/8 & 12/15/83

12 1123

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Oneida

Jessie K. 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

December 8, 1983, and ending

with the issue of December 15, 1983

Jessie K. Daniels

Fee \$ 23.40

Subscribed and sworn to before me this 30th day

of Dec, 1983.

Van Howard
Notary Public, Residing at Malad, Idaho

My Commission Expires September, 1984

NOTICE OF CLAIMS TO WATER RIGHTS

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

15-4188

JONES, MILTON T. & or A. JAY

274 N. 300 W., MALAD, ID. 83252

Source: GROUNDWATER

Priority Date: 05-01-1934

Diversion Pt: SWNE SENE SWSE Sec.

05 T 15S R 36E NENW NWNW SENW

Sec. 08 T 15S R 36E

Use: IRRIGATION (3.97 CFS)

STOCKWATER (0.03 CFS)

In: SWNE SENE SWSE Sec 05 T 15S R

36E NENW NWNW SENW Sec. 08 T

15S R 36E FOR 200 ACRES

15-4187

WARD, J. MORONI

245 W. 400 N., MALAD, ID 83252

Source: SPRING trib. to SAMARIA CREEK

Priority Date: 05-19-1959

Diversion Pt: NESE Sec. 14 T 15S R 35E

Use: IRRIGATION (1.00 CFS)

In: NESW NWSW SWSW SESW Sec 13

T 15S R 35E FOR 50 ACRES

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

KENDUNN, Dir.

Published 12-8 & 12-15-83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 28 1983

Department of Water Resources
Eastern District Office

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 J. MORONI WARD

(Name of Claimant)

245 West 400 North, Malad City, Idaho 83252

(Mailing Address)

(Zip Code)

Telephone No. 766-4475

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 19, 1959

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)

one-half interest in spring tributary to _____

- (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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>1.00</u>	Use <u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Oct. 31</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) _____ TOTAL QUANTITY USED.

(cfs, af)

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

NE 1/4 SE 1/4, Sec. 14 Twp. 15 S., Rge. 35 E 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. 2,000 foot 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	
15	35	13									10	10	15	15					50

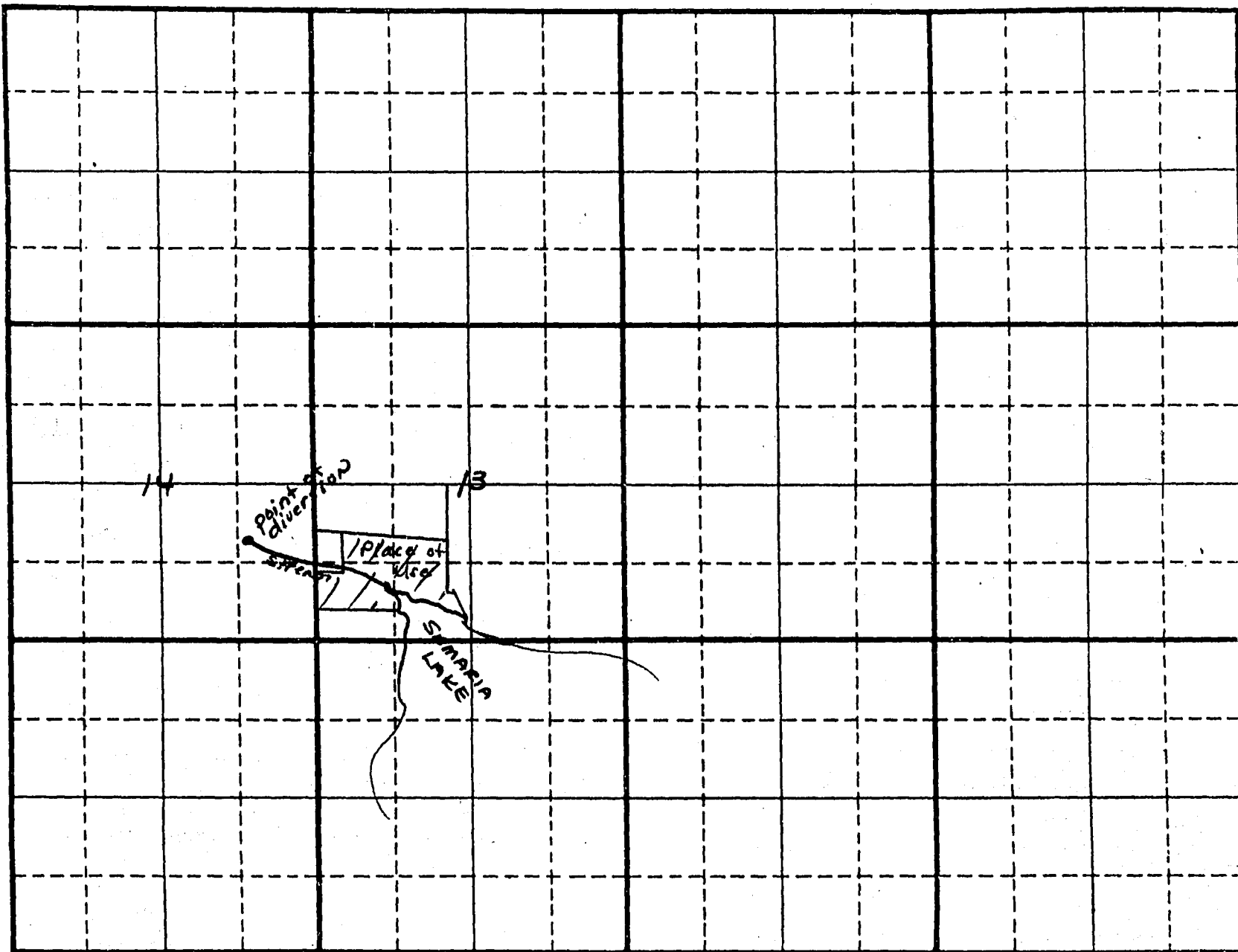
No. of acres 50

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

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: n/a

(8) Remarks to irrigate meadow North and West of Samaria Lake
Water has never been measured. Quantity on answer (3)
is estimated.



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.

J. Moroni Hand
(Claimant)

Sworn to before me this 22nd day of June

19 83

Don Newton
Notary Public
Residing at Malad, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by CW Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date 6-29-83 claimant by: _____
\$30.00 fee received by CW Date 6-29-83 _____
Published in #25012 _____
Dates _____

THIS INDENTURE, Made this 19th day of May, 1959.
between SILAS L. ANDERSON and MARY ANDERSON, husband and wife

of Malad City State of Idaho, the parties of the first part,
and J. MORONI WARD
of Malad City, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
Fifteen Thousand - - - - - DOLLARS
lawful money of the United States of America, to them in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party
of the second part, and to his heirs and assigns forever, all of the following described real estate,
situated in the County of Oneida, State of Idaho, to-wit:

Beginning 39 rods 2½ feet North of the Southwest
Corner of Section 13, Township 15 South, Range 35 East,
Boise Meridian; thence running South 87°30' East 86 rods,
thence South 33 rods 13 feet to the South line of Sec-
tion 13, thence East 76 rods, thence North 30 rods, thence
North 26°00' West 37 rods, thence North 73°00' West 8
rods, thence North 1°00' East 35½ rods, thence North
87°15' West 109 rods 14½ feet, thence South 31 rods, 13½
feet, thence West 29 rods 1 foot, thence North 8 rods 7
feet, thence West 1 rod, thence South 42 rods 6½ feet, to
point of beginning

Together with one-half the flow of Willow Spring,
located in the NE¼SE¼ Sec. 14, Tp. 15 S. R. 35 EBM

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estates, right, title and interest in and to the said property, as well
in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
with the appurtenances, unto the party of the second part, and to his heirs and assigns for-
ever; and the said parties of the first part, and their heirs, the said premises in
the quiet and peaceable possession of the said party of the second part, his heirs
and assigns, against the said parties of the first part, and their heirs, and against
all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will
WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Silas L. Anderson
Mary Anderson

STATE OF IDAHO,

ss.

County of Oneida

On this 19th day of May in the year 1959, before me

E. L. Scott a Notary Public and for said State, personally appeared Silas L. Anderson and wife, Mary Anderson

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

E. L. Scott
Notary Public for the State of Idaho,
Residing at Malad City, Idaho

No. 37582

WARRANTY DEED

Silas L. Anderson, et ux

TO—

J. Moroni Ward

Dated May 19, 1959, 19
STATE OF IDAHO,

ss.

County of Oneida

I hereby certify that this instrument was filed for record at the request of

J. Moroni Ward
at 15 minutes past 2 o'clock
of P. M., this 12th day
of December, A. D. 1958

in my office, and duly recorded in Book

of 12 at page

Chas. H. Sweetser, Jr.
Ex-Officio Recorder.

By M. L. Sweetser Deputy

Fees, \$ 1.25

Mail to

15-4182-

WARD, J. MORONI

245 W. 400 N., MALAD, ID 83252

Source: SPRING trib. to SAMARIA CREEK

Priority Date: 05/19/1959

Diversion Pt: NESE Sec 14 T 15S R 35E

Use: IRRIGATION (1.00 CFS)

In: NESW NWSW SWSW SESW Sec 13 T 15S R 35E FOR 50 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 12/8 & 12/15/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 30, 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 DECEMBER 27, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

August 22, 1983

J. Moroni Ward
245 West 400 North
Malad, ID 83252

Dear Mr. Ward:

Enclosed is a new claim form and a copy of the claim you submitted. Line two must declare where the springs water would naturally flow. Does it seep or is it a tributary to Samaria Creek. You need to select the correct one and put it on line two of the new claim.

You will need to sign and have the new claim notarized before you send it in but no additional fee is necessary.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWE:jk

Enclosures

November 7, 1983

J. Moroni Ward
245 West 400 North
Malad, ID 83252

Dear Mr. Ward:

On June 28, 1983 the Department of Water Resources received your claim to a water right filed in accordance with Section 42-242 of the Idaho Code requiring all beneficial use water rights be recorded with the state. This claim was reviewed by our staff and subsequently returned on August 22, 1983 with a cover letter outlining the modifications you needed to make for the claim to be in form to process.

The fee at the time you submitted your claim was \$30.00. However, starting July 1, 1983 the statutory fee for filing a claim was substantially increased to \$100.00. Since your claim was originally received when the lower fee was in effect, we will accept your claim at that rate provided it has been corrected and returned no later than November 21, 1983. If your claim is not returned by this date, administrative action will be taken to cancel the original filing. Should you desire to file the claim at a later date, the filing fee will be \$100.00.

The staff at our office will be glad to answer questions or assist you in properly completing the claim form.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 15 4187 Applicant Ward

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.

Dec 27, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Jan 5, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Sc Date 1/10/84

RECEIVED
JAN 10 1984
Department of Water Resources
Sc



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

December 28, 1983

RE: Notice of Correction No. 17-4059 NEAL
Application for Transfer No. 15-2070 JONES
Application for Permit No. 17-7109 FOREST SERVICE
Claim to a Water Right No. 15-4188 JONES
15-4187 WARD

Idaho Enterprise
P.O. Box 205
Malad City, 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 December 8 and 15, 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

DECEMBER 27, 1983

J. MORONI WARD
245 W. 400 N.
MALAD

ID 83252

RE: Claim No. 15-4187

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