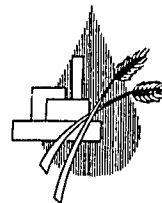


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Bert P. Marble
(Name of Claimant)

460 Mill, Malad, ID 83252 Telephone No. 766-2960
(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) August 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)

Crowther Reservoir tributary to Spring 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>0.04cfs</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) 0.04cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 16 Twp. 14S 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. Water is diverted from a gravity line from Crowther Reservoir.

The reservoir is located in the NW¼ SE¼ and NE¼ SW¼, Sec. 16, T.14S, R. 36E.

- (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	
14S	36E	21								2									2

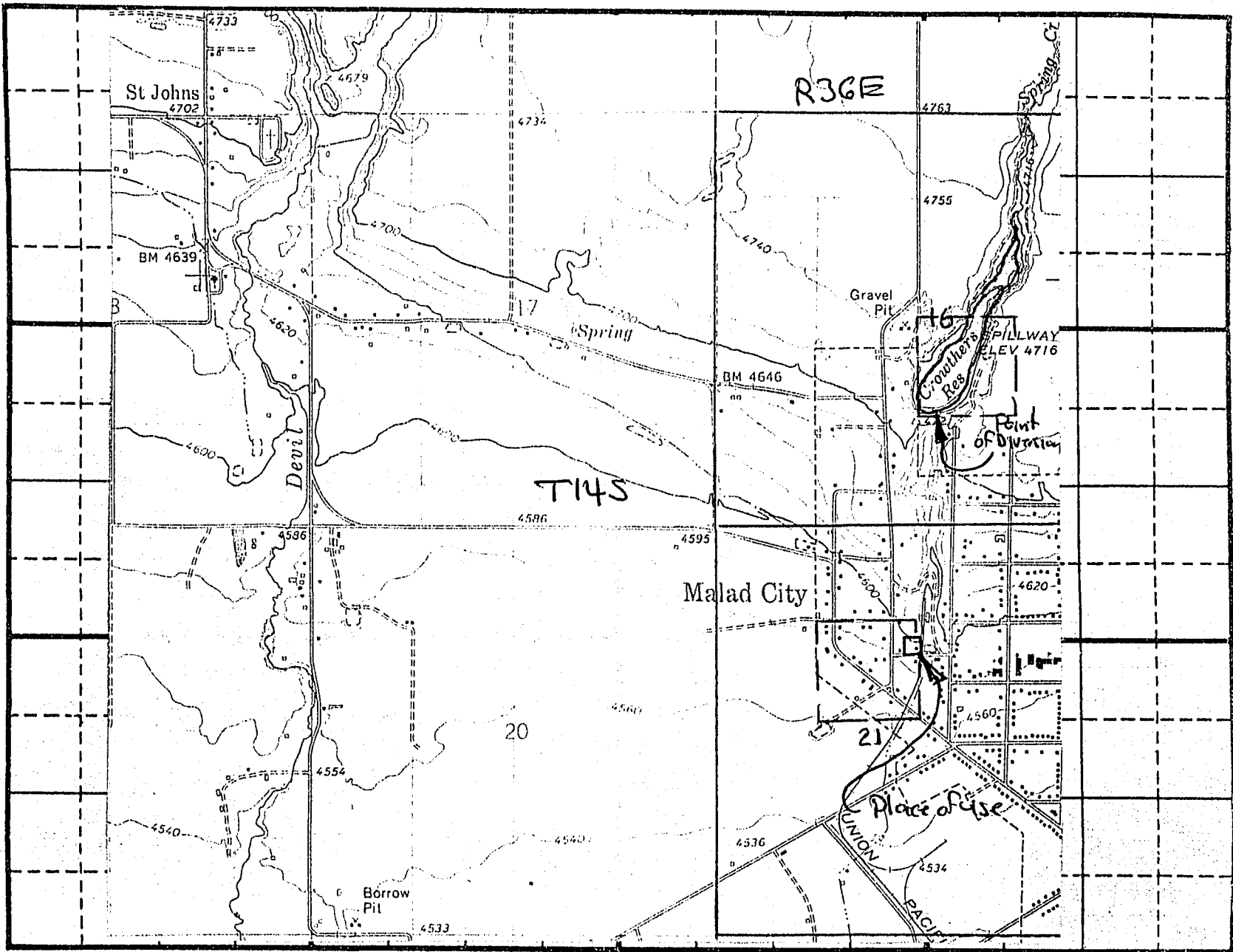
No. of acres 2

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 A spring has been in use since August 1955. When Crowther Dam was built the spring was traded to the mill for a water right from the reservoir.



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 20th day of

December, 19 83
(Claimant)

Wendy J. Thomas
Notary Public
Residing at Malad, Idaho

My commission expires 6/17/84

CW 12-22-83 FOR DEPARTMENT USE ONLY
Received by JM Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWJ Date 8-15-83 12-22-83
\$30.00 fee received by CW Date 6-28-83 #25638 claimant by: _____
Published in Idaho Enterprise
Dates 1/5 & 11/2/84

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Oneida } ss.

Teri 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 January 5, 1984, and ending with the issue of January 12, 1984.

Teri L. Daniels
Fee \$ 15.60

Subscribed and sworn to before me this 25th day of Jan, 1984.

Ken Hawley
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19

RECEIVED

JAN 26 1984

Department of Water Resources
Eastern District Office

Water claim

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:
15-4191

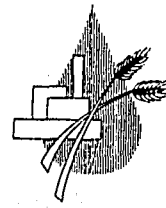
Marble, Bert R.
460 Mill, Malad, Id 83252
Source: CROWTHER RESERVOIR
trib. to SPRING CREEK
Priority Date: 08-01-1955
Diversion Pt: NWSE Sec 16 T 14S R 3
Use: IRRIGATION (0.04 CFS)
In: SENW Sec 21 T 14S R 36E FOR
acres

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 1-5 & 1-12-84. T1

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 Bert R. Marble

460 Mill, Malad, ID 83252

(Name of Claimant)

Telephone No. 766-2960

(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) August, 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)
Crowther Reservoir tributary to Spring 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>0.04</u>	<u>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) 0.04 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 1/4, Sec. 21 Twp. 14S 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. Water is diverted from a gravity line from Crowther

Reservoir. The reservoir is located in the NW 1/4 SE 1/4 and NE 1/4 SW 1/4,
Sec. 16, T. 14S, R. 36E

- (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	
14S	36E	21								2									2

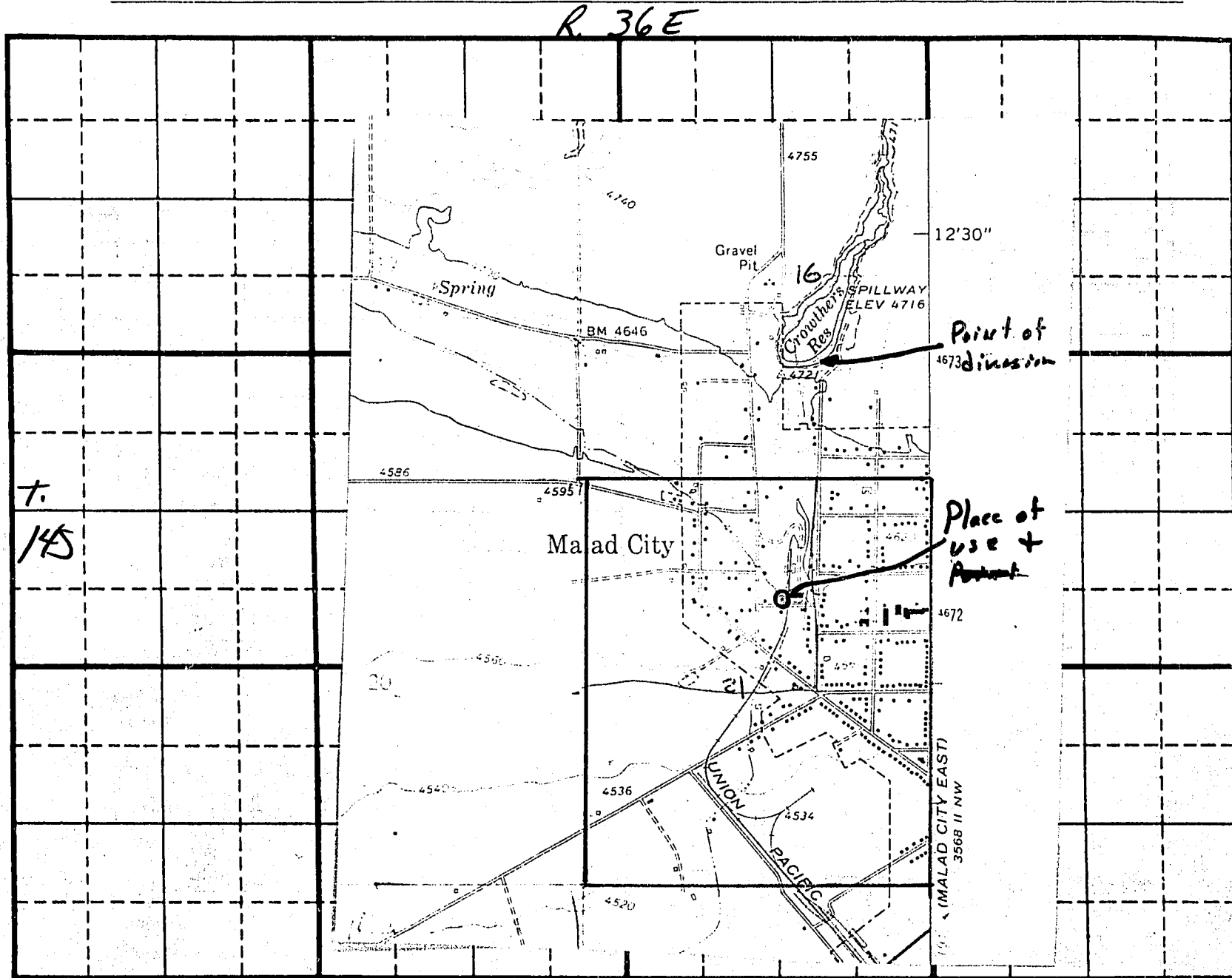
No. of acres 2

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 A spring has been in use since August 1955. When
Crowther Dam was built the spring was traded to the
mill for a water right from the reservoir.



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 June, 1983.

Bert R. Markle
(Claimant)
Allen Gray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>Jm</u>	Date <u>6-28-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>8-15-83</u>		claimant by:	
\$30.00 fee received by <u>AW</u>	Date <u>6-28-83</u>			
Published in <u>#25638</u>				
Dates				

15-4191

MARBLE, BERT R.

460 MILL, MALAD, ID 83252

Source: CROWTHER RESERVOIR trib. to SPRING CREEK

Priority Date: 08/01/1955

Diversion Pt: NWSE Sec 16 T 145 R 36E

Use: IRRIGATION (0.04 CFS)

In: SENW Sec 21 T 145 R 36E FOR 2 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 1/5 & 1/12/84.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 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 JANUARY 23, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

October 21, 1983

Bert Marble
460 Mill
Malad, ID 83252

Dear Mr. Marble:

Enclosed is a new claim form based on the original you submitted. The original claim had the point of diversion in the SWNE of Section 22. The point of diversion is that point where water is diverted from the source (Crowther Res.). This point must be the NWSE of Section 16.

If everything looks correct on this new claim, sign and have the claim notarized and resubmit it to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosures

November 16, 1983

Bert Marble
460 Hill
Malad, ID 83252

Dear Mr. Marble:

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 October 21, 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 December 21, 1983. A returned claim postmarked later than December 21, 1983 will be assessed the current filing fee of \$100.00.

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWS

Right Number 15 4191 Applicant Marble

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.

Jan. 23, 1984

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Feb 9, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 2/15/84

RECEIVED
FEB 13 1984

Department of Water Resources

January 24, 1984

RE: Claim to a Water Right No. 15-4191 MARBLE

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 January 5 and 12, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 23, 1984

BERT R. MARBLE
460 MILL
MALAD

ID 83252

RE: Claim No. 15-4191

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

file 15-4191

March 19, 1984

RE: Claim to a Water Right No. 15-4191 BERT R. MARBLE

Terrell Jones, President
Malad Valley Irrigation Company
Malad, Idaho 83252

Dear Mr. Jones:

We have received the exception dated March 14, 1984, 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

dd: IDWR - State Office
R.M. Whittier, Attorney

March 19, 1984

RE: Claim to a Water Right No. 15-4191

Bert R. Marble
460 Mill
Malad, Idaho 83252

Dear Mr. Marble:

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

R.M. WHITTIER
JOHN C. SOUZA
MONTE R. WHITTIER

WHITTIER & SOUZA, P.A.
ATTORNEYS AT LAW
940 EAST CLARK
POCATELLO, IDAHO 83201

P. O. BOX 4082
PHONE 233-6444

March 15, 1984

RECEIVED

MAR 16 1984

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
State of Idaho
Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Re: Claim to a Water Right No. 15-4191, Bert R. Marble

Dear Mr. Carlsen:

Enclosed please find the Affidavit of Terrel Jones, President of Malad Valley Irrigation Co., in reference to the above entitled matter.

This affidavit is in protest the claimed water right of Mr. Marble, and describes why this particular claim to a water right is not correct. Please incorporate it as part of the file.

Would you please make note of this objection and advise this office of any further action to be taken.

Your attention to the above is appreciated.

Very truly yours,

WHITTIER & SOUZA, P.A.

R. M. Whittier
R. M. WHITTIER *ck*

RMW/ck

Enclosure

RECEIVED

IN THE MATTER OF:
Protest to Water Right
Claim of Burt R. Marble
No. 15-4191

MAR 16 1984

MAR 15 1984

Department of Water Resources
Eastern District Office

AFFIDAVIT

State of Idaho

County of Oneida

Malad Valley Irrigation Co., by and through its X President
Terrell Jones, and he

being first duly sworn,

deposes and says: That he is the officer of Malad Valley
Irrigation Co. He hereby protests the claim to a water right
by Burt R. Marble as noted in claim no. 15-4191, filed with
the State of Idaho, Department of Water Resources, for the
following reasons:

The water Mr. Marble is claiming is from streams and
ditches owned and managed by Malad Valley Irrigation Co.
All water in said streams is appropriated and shares of stock
have been issued for all water diverted down that channel.
There is no surplus water that is left unused that is not
appropriated. Malad Valley Irrigation Co. objects to any
appropriation of water by Burt R. Marble or any other person
not holding shares in Malad Valley Irrigation Co.

Terrell Jones
(Signature)

Subscribed and sworn to before me this 14 day of March, 1984

Salvatore M. Wright
(Notary Public)

Residing at Malad, Oneida County
My Commission Expires Sept 15 - 1987