

Form 243
12/89

RECEIVED

OCT 14 2003

Cl. No. 15-7251

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 01 2003

CLAIM TO A WATER RIGHT

Department of Water Resources
Eastern Region

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that

David Richards

(Name of Claimant)

11311 N 8400 W Malad Id 83252

(Mailing Address)

(Zip Code)

Telephone No: (208) 766-2555

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 8-7-1917
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

UNNAMED SPRING

tributary to SINKS

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 or af)

(Irrigation, Domestic, Stock, Etc.)

(Both dates inclusive)

(MM/DD) (MM/DD)

Quantity 0.04 Use DOMESTIC Period of Use From 1/1 to 12/31

Quantity 0.04 Use STOCK Period of Use From 1/1 to 12/31

Quantity _____ Use _____ Period of Use From _____ to _____

Quantity _____ Use _____ Period of Use From _____ to _____

4. 0.04 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NG $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 12S Range 35E B.M., Oneida County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

HAND PUMP, PIPE TO WATER THROUGH

DOES NOT EXCEED 2,500 GALLONS PER DAY

RECEIVED

SEP 02 2003

Department of Water Resources
Eastern Region

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
 D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	35E	11		D, S															

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
OLD CABIN AND STOCK

NOTE: Include here the type and number of stock watered: 500 CATTLE

7. Remarks: CATTLE DRINK FROM OTHER SOURCES AT SAME TIME

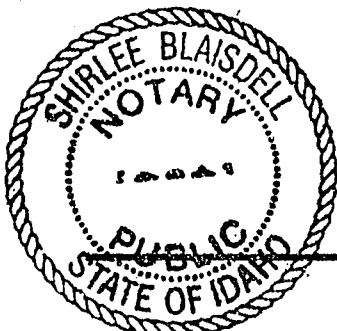
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

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 forgoing 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.

David Richards
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 28 day of July, 2003.



Shirlee Blaisdell
 Notary Public
 Residing at: Malad
 My commission expires: 1-23-2007

FOR DEPARTMENT USE ONLY

Received by <u>J.C.</u>	Date <u>8-1-03</u>	Published in <u>Idaho Enterprise</u>
Prelim. check by <u>John R. Mann</u>	Date <u>7-8-2003</u>	Publication dates <u>9/18 & 9/25/03</u>
Fee <u>\$325-</u>	Receipt # <u>E089066</u>	Publication checked by <u>SW</u> Date <u>10/7/03</u>
Receipt prepared by <u>J.C.</u>	Date <u>8-1-03</u>	Exceptions filed by _____

GENERAL AFFIDAVIT

State of Idaho
County of Oneida

BEFORE ME, the undersigned Notary, Shirlee Blaisdell
[name of Notary before whom affidavit is sworn], on this 28 [day of month] day of
July [month], 2003, personally appeared
David Richards [name of affiant], known to me to be a
credible person and of lawful age, who being by me first duly sworn, on his [his or her] oath,
deposes and says:

I Lorin Richards state that I have used
these water sources for stock water since the
1930's. My father also used these water sources
for stock water as early as the late 1800's.

[set forth affiant's statement of facts]

Lorin D. Richards power of Attorney by David Richards
[signature of affiant]

[typed name of affiant]

[address of affiant, line 1]

[address of affiant, line 2]

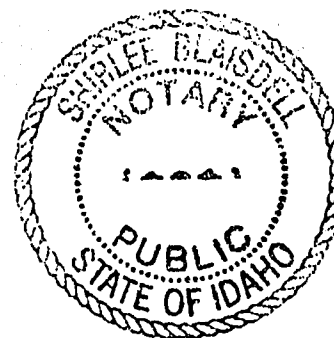
Subscribed and sworn to before me, this 28 [day of month] day of July
[month], 2003.

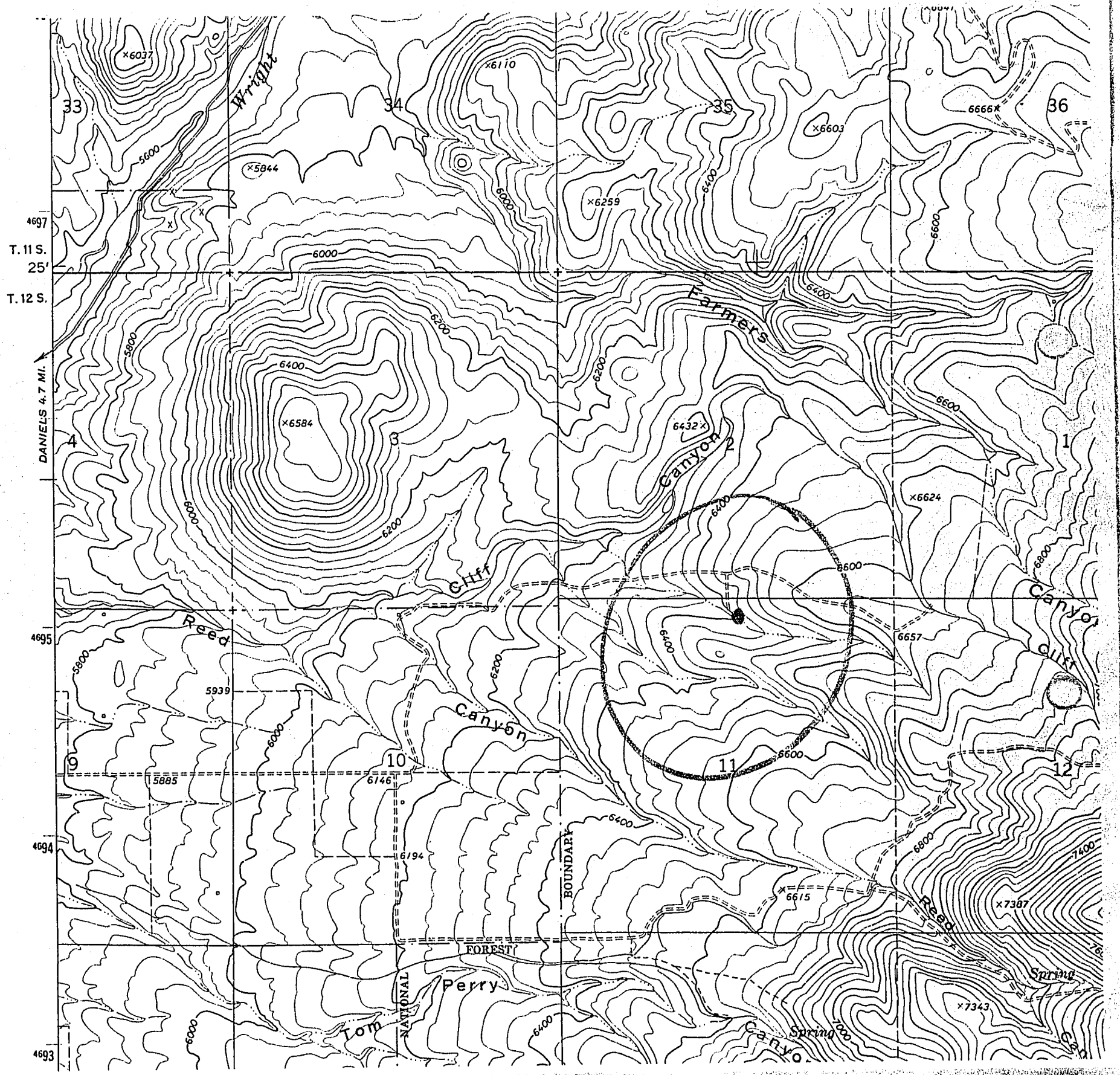
[Notary Seal:]

Shirlee Blaisdell
[signature of Notary]

Shirlee Blaisdell
[typed name of Notary]

NOTARY PUBLIC

My commission expires: 1-23, 2007.



120273

WARRANTY DEED
(GIFT)

For love and affection, LORIN D. RICHARDS and ANNALYLE RICHARDS, husband and wife, Grantors, do hereby grant, give and convey unto DAVID L. RICHARDS and HAYLEY RICHARDS, husband and wife, Grantees, whose address is 1331 E. Daniels Road, Malad, Idaho 83252, the following-described real property located in Oneida County, Idaho, to-wit:

The West half of the Southwest quarter of Section 1; the North half of the Southeast quarter; the Southwest quarter of the Southeast quarter of the Southwest quarter of the Northeast quarter, the South half of the Southwest quarter of the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southwest quarter of the Southeast quarter, the East half of the Southwest quarter of the Southeast quarter, and the Southeast quarter of the Southeast quarter of Section 2; Lots 1 and 2, the East half of the Northwest quarter, and the North half of the Northeast quarter of Section 11; and the North half of the Northwest quarter of Section 12: all in Township 12 South, Range 35 East, Boise Meridian

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. Said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises, that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 18 day of April, 1994.

Microfilm No. 120273

18 Day April, 1994

At Malad, Idaho County Oneida State Idaho

[Signature]
Oneida Co. Recorder

Fee \$ 2.00 Deputy

Recorded at Request of [Signature]

[Signature]
LORIN D. RICHARDS

[Signature]
ANNALYLE RICHARDS

The following claim(s) have been filed based on diversion and beneficial use of water:

DAVID RICHARDS
11311 N 8400 W
MALAD CITY ID 83252

15-7249

Point(s) of Diversion: SENENW S12 T12S R35E, ONEIDA County

Source SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Priority Date: 1/13/1916

Place Of Use: STOCKWATER

T12S R35E S12 NENW

15-7250

Point(s) of Diversion: SWNWSE S2 T12S R35E, ONEIDA County

Source Unnamed SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Priority Date: 8/7/1917

Place Of Use: STOCKWATER and DOMESTIC

T12S R35E S2 NWSE

15-7251

Point(s) of Diversion: NWNWNE S11 T12S R35E, ONEIDA County

Source SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.04 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Priority Date: 8/7/1917

Place Of Use: STOCKWATER and DOMESTIC

T12S R35E S11 NWNE

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls
ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on September 18 and 25, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 09, 2003

Legal Notice Department
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY ID 83252

RE: Application for Permit No. 15-7248, 15-7249, 15-7250, 15-7251

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before October 6, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
9/10/03
sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 09, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID RICHARDS
11311 N 8400 W
MALAD CITY ID 83252

RE: Water Right Claim No 15-7249, 15-7250, 15-7251

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the Idaho Enterprise on September 18 and 25, 2003. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

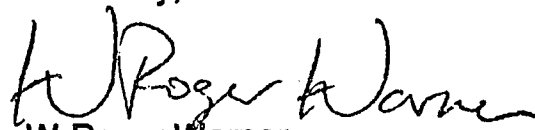
The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

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 the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,


W Roger Warner
Water Right Supervisor

WRW:sc

3051

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE* a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 the issue of 9-18-2003 and ending with the issue of 9-25-2003

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 1 day of October in the year of 2003
before me, Susan J. Wittman, a Notary Public,
personally appeared Kristine D. Smith, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2006

Received
10/17/03
JL

NOTICE
The following claim has been
filed based on diversion and ben-
eficial use of water:
DAVID RICHARDS
11311 N 8400 W
MALAD CITY ID 83252
15-7249
Point(s) of Diversion: SEENW
S12 T12S R35E ONEIDA
County
Source SPRING Tributary To
SINKS
Use: STOCKWATER 01/01 To
12/31 0.04 CFS
Total Diversion: 0.04 CFS
Priority Date: 1/13/1916
Place Of Use: STOCKWATER
T12S R35E S12 NENW
15-7250
Point(s) of Diversion: SWNWSE
S2 T12S R35E ONEIDA County
Source SPRING Tributary To
SINKS
Use: STOCKWATER 01/01 To
12/31 0.04 CFS
Use: DOMESTIC 01/01 To 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Priority Date: 00701917
Place Of Use: STOCKWATER
and DOMESTIC
T12S R35E S2 NWSE
15-7251
Point(s) of Diversion: NWNWNE
S11 T12S R35E ONEIDA
County
Source SPRING Tributary To
SINKS
Use: STOCKWATER 01/01 To
12/31 0.04 CFS
Use: DOMESTIC 01/01 To
12/31 0.04 CFS
Total Diversion: 0.04 CFS
Priority Date: 1/13/1917
Place Of Use: STOCKWATER
and DOMESTIC
T12S R35E S11 NWNE
Exceptions to a claim may be
filed with the Department of Wa-
ter Resource, Eastern Region,
800 N Skyline Dr Ste A, Idaho
Falls ID 83402 Together with an
exception fee of \$25.00
KARL J. DREHER, Director
Published on September 18 and
25, 2003.
L. #3051 9/18-9/25/03-21