

02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4065

CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245
Telephone Number: (208)775-3604

RECEIVED
MAR 17 2003
WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Copies of deeds for Indian rights are inclosed

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3/14/03

SIGNATURE:

Carma B. Smith

Please print your name:

Carma B. Smith

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

3-14-03

Ms. Carma Smith
5137 W Portneuf Rd ph: 208 -
Inkom ID 83245-1611 775-3604

Craig.

The following deeds are
inclosed to help determine
our Indian Water Rights =

- 1) Martin Kipehwe - Indian
- 2) Samuel J. Palmer - Non Indian
- 3) Martin Palmer - " "
- 4) Innon & Carma Smith " "

Please contact me if you
need more information.

Sincerely

Carma Smith

P.S. May I have
a copy of the
Peace Treaty?

Please send me
a copy

1173158
92208-24. I. O.

The United States of America.

10

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Martin Kizchue, an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The southwest quarter of the southwest quarter of Section twenty-four and the southeast quarter of the southeast quarter of Section twenty-three in Township seven South of Range thirty-five east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the promises, and in accordance with the provisions of the Act of Congress of February 23, 1901 (31 Stat., 686), HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Martin Kizchue and to his heirs, the lands above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Martin Kizchue and to his heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may set fit to remove the restriction. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in lieu of one dated May 3, 1902 and shall not operate to extend the restriction declared in that patent.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of APRIL in the year of our Lord one thousand nine hundred and TWENTY-FIVE and of the Independence of the United States the one hundred and FORTY-NINTH.

By the President: Calvin Coolidge
By Viola B. Pugh, Secretary.

(SEAL) M. P. LeRoy, Recorder of the General Land Office.

RECORDED: Patent Number 958545

RECORDED JAN 25 1927 12 20 PM in Book 55 of Deeds page 605 Records of Blaine County State of Idaho at the request of Stephen Janus, Fort Hall.
Lillian Sponberg, Recorder Fee \$1.00 By Anna Keefe, Deputy

8-1888

1943-84

OFFICE OF THE CLERK
COUNTY OF BINGHAM
JAN 15 1944
1943

DEED NONCOMPETENT INDIAN LANDS.

THIS INSTRUMENT, Made and entered into this Thirtieth day of November one thousand nine hundred and twenty-three by and between [REDACTED] of Fort Hall, Idaho, non-competent Fort Hall Indian, party of the first part, and Samuel J. Burns, of Bonanza, Idaho, party of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TWENTY ONE HUNDRED THIRTY TWO (\$21,132) dollars, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto said party of the second part the following-described land and premises situated in Bannock County, State of Idaho, to wit:

South-west quarter (SW/4) of the north-west quarter (NW/4) of section twenty-four (24) and the south-east quarter (SE/4) of the south-east quarter (SE/4) of section twenty-three (23) township seven (7) south, range thirty-five (35) east of the Boise Meridian, Idaho, containing eighty (80) acres more or less. A.C.S. attached and recorded.

"And there is reserved from the lands hereby granted a right of way for ditches and canals constructed by the authority of the United States.

together with all the improvements thereon and the appurtenances thereto in anywise. And the said party of the first part, for himself and his heirs, executors, administrators, does hereby covenant, promise, and agree to and with the said party of the second part, his heirs and assigns, that they will forever warrant and defend the title to the land and premises so granted, against the claim of all persons, claiming or to claim by, through, or under him or her.

To have and to hold said described premises unto the said party of the second part, his heirs, executors, administrators, and assigns, forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Witnesses:

Robert R. Burns
Frances E. Burns

Martin Kizehue (SIGNED)
(Finger Print)
Witness.

STATE OF IDAHO)
County of Bingham) ss:

BE IT REMEMBERED, That on this First day of December, A. D. 1923, before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Martin Kizehue, to me personally known to be the identical person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Witnesses:

Robert R. Bur
Frances E. Bu

Martin Kizehne
(Tinga

ant)
S. Park.

(SEAL)

STATE OF IDAHO)

ss:

County of Blaine)

BE IT REMEMBERED, That on this First day of December, A. D. 1923, before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Martin Kizehne, to me personally known to be the legal person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Robert R. Burns

Notary Public
Fort Wall, Idaho.

(SEAL)

My commission expires April 1, 1925.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
APR 11 1924

The within deed is respectfully submitted to the Secretary of the Interior, with the recommendation that it be approved.

C. F. Hauke
Chief Clerk.

DEPARTMENT OF THE INTERIOR,
APR 17 1924

The within deed is hereby approved.

F. M. Goodwin
Assistant Secretary.

OFFICE OF INDIAN AFFAIRS,
LAND DIVISION,
December 30, 1923

Recorded in Deed Book,
Indian Lands, Vol. 52, page 363

This instrument was filed for record on the 25 day of Jan, 1924 at 12:01 o'clock P.M.
and duly recorded in Book 55, on page 606 at the request of C. W. Palmer
Lillian Sponberg, Recorder Fee \$1.20

By Anna Heede, D. W.

The State of Idaho, County of Bannock

Notary Public

This Indenture, Made this 19th

day of

November

in the year of our Lord

One Thousand Nine Hundred and Twenty-seven

Samuel J. Palmer and Nora I. Palmer, his wife

of Locatello

County of

Bannock

State of

Idaho

do hereby certify

of the

first part, and

of Locatello

County of

Bannock

State of

Idaho

do hereby certify

the second part:

WITNESSETH: That the parties hereto have acknowledged to me the execution of the same

One

lawful money of the United States of America to

whereof is hereby acknowledged and for other purposes and to the intent that the same

by these presents, Grant, Bargain, Sell and Convey unto the said party of the second part, the sum of

being in the County of Bannock, State of Idaho, more fully described as follows:

The Northwest quarter of the Section Twenty-four; and the southeast quarter of the Section Twenty-three; in Township Seven (7) North, Range Thirty-Five (35) East of the Boise Meridian, and containing 40 acres, more or less. Together with all water, water rights, privileges and franchises belonging to or with the said lands, or any part thereof, for the irrigation of the same or for domestic or other purposes thereon, and all dams, ditches, flumes, canals, pipelines, or other works used for the storage, diversion or conveyance of any such waters or in connection therewith, now or hereafter existing, or any part or parcel thereof.

Together with, all and singular, the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances thereto in anywise appertaining unto the said party of the second part, and to his heirs and assigns forever.

his heirs the said premises in the quiet and peaceable possession of the said party of the second part, and against all and every person or 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 hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Paul Bistline

Samuel J. Palmer

Nora I. Palmer

STATE OF IDAHO,

County of Bannock

On this 19th day of November

a Notary Public

Palmer, his wife

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 the certificate first above written.

Paul Bistline

Notary Public.

Residence Locatello, Idaho

(SEAL)

748621

THIS INDENTURE made this 125 2nd day of January in the year of our Lord, One Thousand Nine Hundred and sixty nine, between

Hyrum Martin Palmer and Grace Palmer, husband and wife
of Pocatello, County of Bannock, State of Idaho
the parties of the first part, and Theron J. Smith and Gerna Smith, husband and wife
of Pocatello, County of Bannock, State of Idaho
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations ----- DOLLARS, lawful money of the United States of America, to day in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit: Parcels of land lying South of the Portneuf River in the East 1/2 SE 1/4 Section 23, in the North 1/2 SW 1/4 Section 24 and the SW 1/4 SW 1/4 Section 24 all in T.7S., R.35E., B.M., Bannock County Idaho, more particularly described as follows: Beginning at a point on the South 1/16 line of said Section 23, 516 feet East of the Southeast 1/16 corner of said Section 23; Thence continuing East along said 1/16 line 300 feet; Thence at right angles North to the centerline of the Portneuf river; Thence Southeasterly along the centerline of said Portneuf River to the West line of said Section 23; Thence South along the East line of said Section 23, 1542 feet, more or less, to the Southeast corner of said Section 23; Thence West along the South line of said Section 23, 1004 feet, more or less, to a point 316 feet East of the East 1/16 corner of said Section 23; Thence N 90° 53' E, 1320 feet, more or less, to the Point of Beginning, containing 31.4 acres, more or less. And beginning at the South 1/16 corner on the West line of Section 24, T.7S., R.35E., B.M.; Thence North along said West line of Section 24, 222 feet, more or less, to the centerline of the Portneuf River; Thence Southeasterly along said centerline of the Portneuf River to the South 1/16 line of said Section 24; Thence West along said South 1/16 line 2075 feet, more or less, to the Point of Beginning, containing 10 acres, more or less. And the SW 1/4 SW 1/4 Section 24, T.7S., R.35E., B.M., containing 40 acres, more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or 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 and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Theron J. Smith

Hyrum Martin Palmer [SEAL]
Grace Palmer [SEAL]

Hyrum Martin Palmer [SEAL]
Grace Palmer [SEAL]

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7-2

748621

STATE OF IDAHO

COUNTY OF BANNOCK

} ss:

On this 9th day of January, in the year 1969, before me
P. W. Carlson, a Notary Public in and for said County and
State, personally appeared Hyrum Martin Palmer and Grace Palmer

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.

P. W. Carlson
Notary Public

Residence Pocatello, Idaho

My commission expires June 1, 1972.

NOTARY SEAL

NO 748621
RECEIVED AT REQUEST OF

Theron Smith
85 MAY -3 18:31

424
OFFICIAL RECORDS IN
BANNOCK COUNTY, IDAHO
LARRY W. GYAN RECORDER
FEE 4.00 DEPUTY ka

Jan. 16, 1995

My husband Martin Palmer began pumping water from the Portneuf River in 1924 to irrigate this said property. He purchased this property which was an Indian Allotment with the understanding it had water rights to water that was available.

He first used an old Fordson tractor for power to propel an eight inch pump. We pumped water to the high point of the field into an irrigation ditch which we constructed using surveying instruments to obtain the proper gravity flow. We used canvas dams in the ditches and moved them from place to place as needed.

During the depression the old tractor was wearing out so Martin decided to build a water wheel to propel the pump, by using several different sizes of gears, pulleys and belts the water wheel generated enough power to pump the water.

He later built a more improved water wheel which we used until electric power was available. We still used the irrigation ditches for several years until we could afford to purchase a new pump and a sprinkler system. We later sold this property to Theron Smith.

MICROFILMED

NOV 13 1990

Grace Palmer

SUBSCRIBED AND SWORN to, before me, the undersigned, Notary Public, this 16th day of January, 1995.

IDAHO
COONE

NOTARY PUBLIC TO STATE OF IDAHO

DIVERSION
VOLUME

1.46 CFS

182.50 AFA

Tributary to: SNAKE RIVER

MESE

Stage: STATUTORY CLAIM
BANNOCK County

NE

TOTAL ACRES

Non-Irrigation Uses: NONE.

Verified Date: 01/20/1994

Field Inspection Flag:
Presumption Flag:

I agree with this filing date as
the division was placed on my father's
property.

SUBSCRIBED AND SWORN TO, before me, the undersigned Notary Public, this 15 day of January, 1995.

Dr W Barber
Greenville Me

NOTARY PUBLIC-STATE OF IDAHO
Commission Expires: 10/09