

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended

CLAIM TO A WATER RIGHT

RECEIVED
MAR 13 2020
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 Wendell H Smith

Mailing Address: C/O Robert & Olivia Boyack Living Trust; DaLene Smith; (Name of Claimant) 3168 E Hwy 36, Preston, ID 83263
2808 E Hwy 36, Preston, ID 83263

Telephone No: (208)852-0448 Email: bob.boyack@hotmail.com

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) 11/12/1888
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 Stream tributary to Bear 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 or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity	<u>0.4 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>04/01</u> to <u>11/01</u>
Quantity	<u>0.06 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity	_____	Use _____	Period of Use From _____ to _____
Quantity	_____	Use _____	Period of Use From _____ to _____

4. 0.4 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 20 Township 14S Range 40E B.M., Franklin 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.
Water flows from spring into pipeline to property.

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	
14S	40E	20											2/D				11/D	D	13
14S	40E	29		5.5/D			6.5/D												12
																			25

TOTAL ACRES 25

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

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

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)
) ss.
 County of Franklin)

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.

Paul Oliver Boyack
 Claimant's Signature (and title if claim is for an organization)
Nathene Smith March, 2020

Sworn to before me this 11 day of _____



Leiza Povey
 Notary Public
 Residing at: Clifton, Idaho
 My commission expires: _____

Received by FN Date 3/13/2020 Published in _____
 Prelim. check by _____ Date _____ Publication dates _____
 Fee _____ Receipt # _____ Publication checked by _____ Date _____
 Receipt prepared by _____ Date _____ Exceptions filed by _____