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JAN 14 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

)
) ss.
)

I, David Mark Brown do solemnly

swear that I am the Publisher of
The Blackfoot News which is a daily newspaper of general
circulation published each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper having been so
published at Blackfoot, aforesaid for more than one year
past; that said newspaper heretofore complied with all the
provisions of Chapter 154 of the Sessions Laws of Idaho of
1933, approved March 11, 1933, and duly designated,
pursuant to law, a particular day of the week as the day on
which legal notices required by law or by the order of any
Court of competent jurisdiction within the State of Idaho
shall be published to-wit: Friday of each week; that the
notice attached hereto and which is a part of this affidavit
and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on
the 6th day of January, 19 77

and the last publication having been made on the
13th day of January, 19 77

notice was published in the regular and entire issue of every
number of the paper as aforesaid during the period and time
of publication, and that notice was published in the
newspaper and not in a supplement.

Subscribed and sworn to before me this 13th

day of January, 19 77

Patricia H. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1977

NOTICE OF CLAIM TO A WATER RIGHT

No. 35-4052

Notice is hereby given that
Thorn Springs Ranch, Pingree,
Idaho has filed a claim to a
water right established by
diversion and application to
beneficial use of 2.64 cubic feet
per second of water from a
ground-water source with point
of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 1, T. 4S, R. 33E, B.M.,
Bingham County.

The water is claimed to be
used from Apr. 1 to Nov. 1 for
stockwatering purposes for 400
head of beef cattle and for the
irrigation of 126 acres with a
priority of Apr. 1, 1950; the

place of use is within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 1, T. 4S, R. 33E, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

(4913)

Pub.: 1-6, 13

333

NOT RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Thorn Springs Ranch
(name of claimant)
of Pingree, Idaho
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Groundwater
_____, tributary to _____

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>2.52</u>	Use	<u>Irrigation</u>	Period of Use:	From <u>April 1</u>	To <u>Nov. 1</u>
Amount	<u>0.12</u>	Use	<u>Stockwater</u>	Period of Use:	From <u>April 1</u>	To <u>Nov. 1</u>
Amount	_____	Use	_____	Period of Use:	From _____	To _____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)		(both dates inclusive)	

(3) Total quantity of water claimed: 2.64 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1950

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 1 Twp. 4S Rge. 33 E B. M. County of Bingham
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. 16" well with 25 hp pump open discharge surface irrigation. (static level 5 ft)

(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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	33E	1			33						15			25		33	20		126

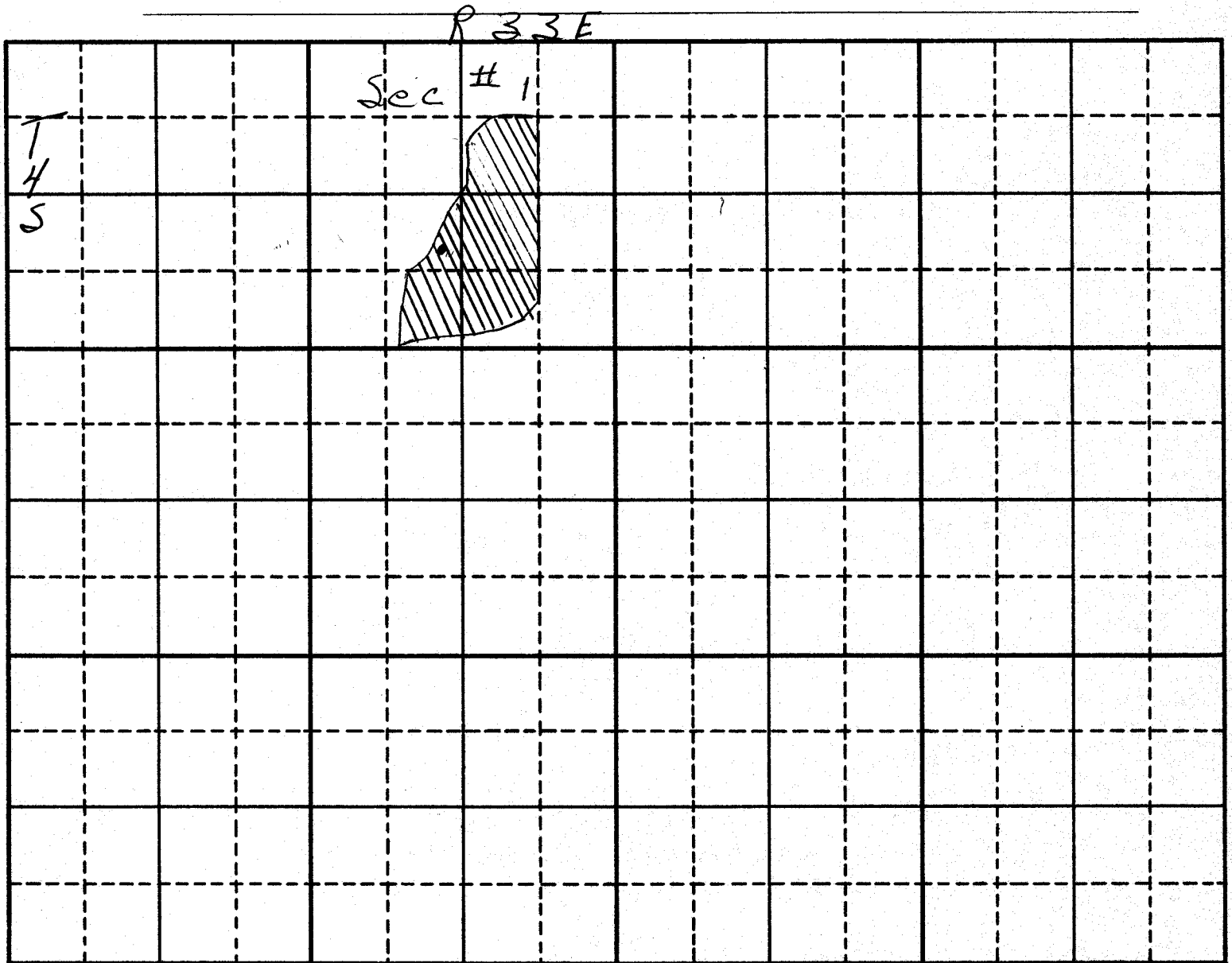
Total No. of acres 126

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 400 head of beef cattle

(7) If you are claiming water as a member of an organization, list name of organization: Thorn Spring Ranch is a partnership

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(8) Remarks Some of the discribed lands are unsurveyed and are part of lot T-2018



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 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 affiants knowledge.

Sworn to before me this 23rd day of December

Karl Slayton
(Claimant)

Ronald D. Carpenter
Notary Public
Residing at IDAHO FALLS, ID.

My commission expires 2/14/78

For Department Use Only

Received by <u>RDC</u>	Date <u>12/23/75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>12/23/75</u>		claimant by:	
\$10.00 fee received by <u>RDC</u>	Date <u>12/23/75</u>			
Approved for publication by <u>Mr. 12/14/77 #4474</u>				
Published in <u>Blackfoot News</u>				
Dates <u>Jan. 6 + 13, 1977</u>				

4-525
4-922
13820380

IDAHO POWER COMPANY
ELECTRIC SERVICE AGREEMENT

TOWN Blackfoot DIVISION Eastern SCHEDULE NO. 71&24

CONNECTED LOAD:

25 H.P. 230 Volts 3 Phase 3 Wire
 H.P. Volts Phase Wire
 K.W. Volts Phase Wire

Smith Brothers,

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply, electric service to the amount of Twenty Five Horsepower, in the form of three phase alternating current, at approximately 60 cycles per second and 230 volts, for Customer's irrigation operations, at or near Pingree, in Bingham County, State of Idaho for a term of Five year(s) from and after April 1, 1950, in accordance with and subject to the Company's rules and regulations and Schedule No. 71 & 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near

All payments shall be made at the Company's office at Blackfoot. The Customer agrees to pay, regardless of the amount of power actually consumed, the monthly and seasonal or annual minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and rules and regulations as now in effect are attached hereto as a part of this agreement.

Subject to Company's ability to obtain required labor, materials, equipment, and satisfactory rights of way, service will be supplied by April 1, 1950.

In consideration of the special investment required to be made by the Company in additional special facilities necessary for Customers service, Customer agrees to pay an annual minimum billing for irrigation service in the amount of \$ 250.00 for the term of this agreement, and shall pay to company the sum of \$417.53 representing the agreed excess cost of additional facilities required to supply service, which payment shall not be subject to refund.

Dated July 26, 1949.

Attest
Witness

Ired H. Vogt.

Smith Bros.
By Clarence Smith
Customer
IDAHO POWER COMPANY,
D. H.

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JAN 14 1977

Department of Water Resources
Eastern District Office

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the Idaho Department of Water
Resources, 1500 Lincoln Road,
Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

(4913)
Pub.: 1-6, 13

333

January 24, 1977

RE: Claim to a Water Right No. 35-4052, 35-4053, and 35-4054

Thorn Springs Ranch
Pingree,
Idaho 83262

Gentlemen:

The Department of Water Resources has completed the processing of your claims to water rights and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claim (3)

RECEIVED
JAN 27 1977
WATER RESOURCES
DIVISION
BOISE, IDAHO

December 30, 1976

RE: Claim to a Water Right No. 35-4052)
35-4053) THORN SPRINGS RANCH
35-4054)

Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-14-77 by CW

RDC:CW

Enc: Legal Notice (3)

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R. KEITH HIGGINSON
Director
(4913)

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NO. 35-4052

the J.
the A.
the G.