

#825

No 1687

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

Aug 12, 1982, and ending

with the issue of Aug 19, 1982

Fee \$ 1925

Subscribed and sworn to before me this 31st day

of Aug, 1982

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

SEP 9 1982

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4204

SMITH, WENDELL H.

RT. 2, PRESTON, ID 83263

Source: SPRING tributary to SINKS

Priority Date: 12/20/1919

Amount: 0.04 CFS

Diversion Point: NWSW Sec 04 T 13S

R 41 E, FRANKLIN Co.

Use: STOCKWATER (0.04 CFS)

from 1/01 to 12/31; DOMESTIC (0.04

CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 08 T 13S R

41E

Diversion Means: PIPE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 8/12 & 8/19/82

Legal No. 1687-28L - Pub. Aug. 12, 19, 1982

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 Wendell H. Smith
(Name of Claimant)
Rt. 2 Preston Idaho 83263 Telephone No. 852-0686
(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) Dec. 20 / 1919

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) 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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>Jan. 1</u> To <u>Dec. 31</u>
Quantity	<u>0.04 cfs</u>	Use	<u>Stock</u>	Period of Use From	<u>Jan. 1</u> To <u>Dec. 31</u>
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)
NW 1/4 SW 1/4, Sec. 4 Twp. 13S Rge. 41E B.M., County of Franklin
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 the spring in a 1 inch pipe 4125 feet more or less to the point of use

(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.

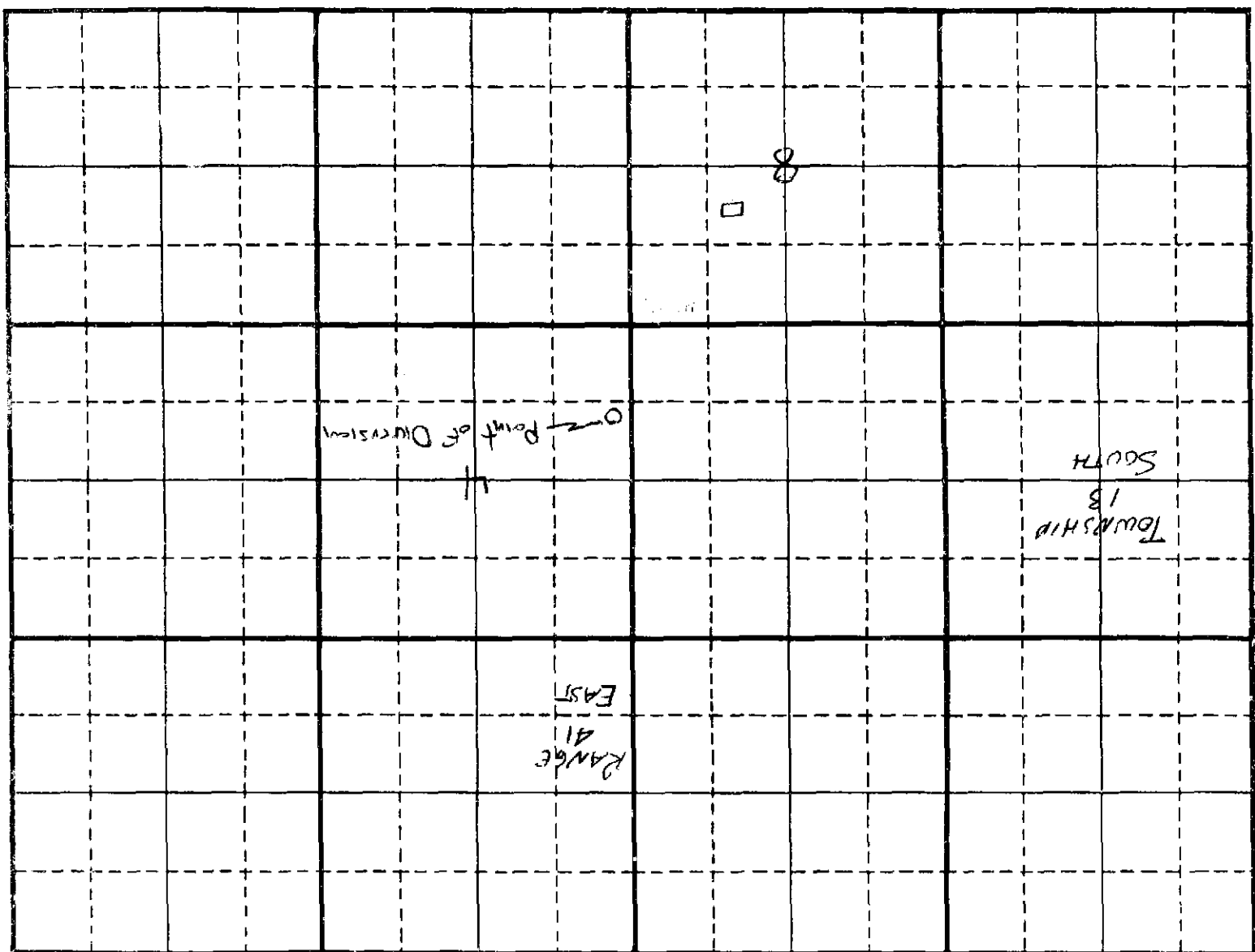
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	41E	8			X														

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Water is used for domestic and stockwater purposes

NOTE: Include here the type and number of stock watered: 75 head

(7) If you are claiming water as a member of an organization, list name of organization:



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) ss.
Marklin)

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 27th day of July, 1982
Notary Public
Residing at
Judy Smith
(Claimant)
Judy Smith
Marklin Estate

My commission expires
Large

FOR DEPARTMENT USE ONLY

Received by SM Date 7-28-82 Exception filed by: Forwarded to Date
Prelim. check by SM Date 7/29/82
\$30.00 fee received by SM Date 7-30-82 #00417
Published in Poston City Dates 8-12 & 8-19-82

#825

No 1687

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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

Aug 12

1982, and ending

with the issue of Aug 19, 1982.Fee \$ 1925Subscribed and sworn to before me this 31st dayof Aug, 1982

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

RECEIVED

SEP 9 1982

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIMS TO
WATER RIGHTS

Notice is hereby given that the following claim(s) and right(s) have been established by diversion and application to beneficial use:

13-4204

SMITH, WENDELL E.

RT. 2, PRESTON, ID 83263

Source: SPRING tributary to SINKS

Priority Date: 12/20/1919

Amount: 0.04 CFS

Diversion Point: NWSW Sec 04, T 13S

R 41 E, FRANKLIN Co.

Use: STOCKWATER (0.04 CFS)

from 1/01 to 12/31; DOMESTIC (0.04

CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 04, T 13S R

41E

Diversion Means: PIPE

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 E. Main Ave., Idaho Falls, Idaho 83402.

A. KENNETH J. JENN

Published 8/12 & 8/19/82 Director

Legal No. 1687-28L - Pub. Aug. 12, 1982

June 7, 1983

Wendell H. Smith
Rt. 2
Preston, ID 83263

13-4204

Dear Mr. Smith:

Enclosed is a claim to a water right and check #92-273 for \$30.00 that were received by this office, a retyped claim and a USGS map of the area.

To complete the retyped claim, complete item #1 with the month and day; item #5 point of diversion (appears to be NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20); and item 6B with number of homes and type and number of stock. If the copy of the USGS map appears to be a true and accurate map, attach the map to the claim.

Upon receipt of the completed, notarized claim and \$30.00 filing fee, (prior to 6-30-83) processing will begin.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

Enclosures

100-111111

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 30, 1982

WENDELL H. SMITH
RT. 2
PRESTON

ID 83263

RE: Claim No. 13-4204

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.

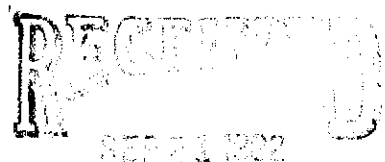
If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

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

Enclosure



Department of Water Resources

August 30, 1982

RE: Claim to a Water Right No. 13-4204 SMITH
No. 13-4205 FORSGREN

Preston Citizen
Box 472
Preston, Idaho 83263

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 August 12, and 18, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 13 4204 Applicant Abnall Smith

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Aug. 30, 1982
Sept. 13, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 9/21/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 5, 1982

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

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 AUGUST 30, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 8/12 & 8/19/82.

13-4204

SMITH, WENDELL H.

RT. 2. PRESTON. ID 83263

Source: SPRING tributary to SINKS

Priority Date: 12/20/1919

Amount: 0.04 CFS

Diversion Point: NWSW Sec 04 T 13S R 41E, FRANKLIN Co.

Use: STOCKWATER	(0.04 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: SWNE Sec 08 T 13S R 41E

Diversion Means: PIPE

July 7, 1982

Wendell H. Smith
Rt. 2
Preston, Idaho 83263

Dear Mr. Smith:

Enclosed you will find your claim to a water right and check #92-273 for \$30.00. Also enclosed is another claim for pen~~i~~ partially filled out.

As you can see the priority date on the new claim must have a month, day and year to the best of your knowledge.

Line 6 must match your place of use designation on your map. On your previous claim you listed the NE~~1~~NE~~1~~ of section 8 but had nothing drawn in that quarter on your map.

When everything has been completed you may sign and have the claim notarized and send it with your check for \$30.00 to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosures