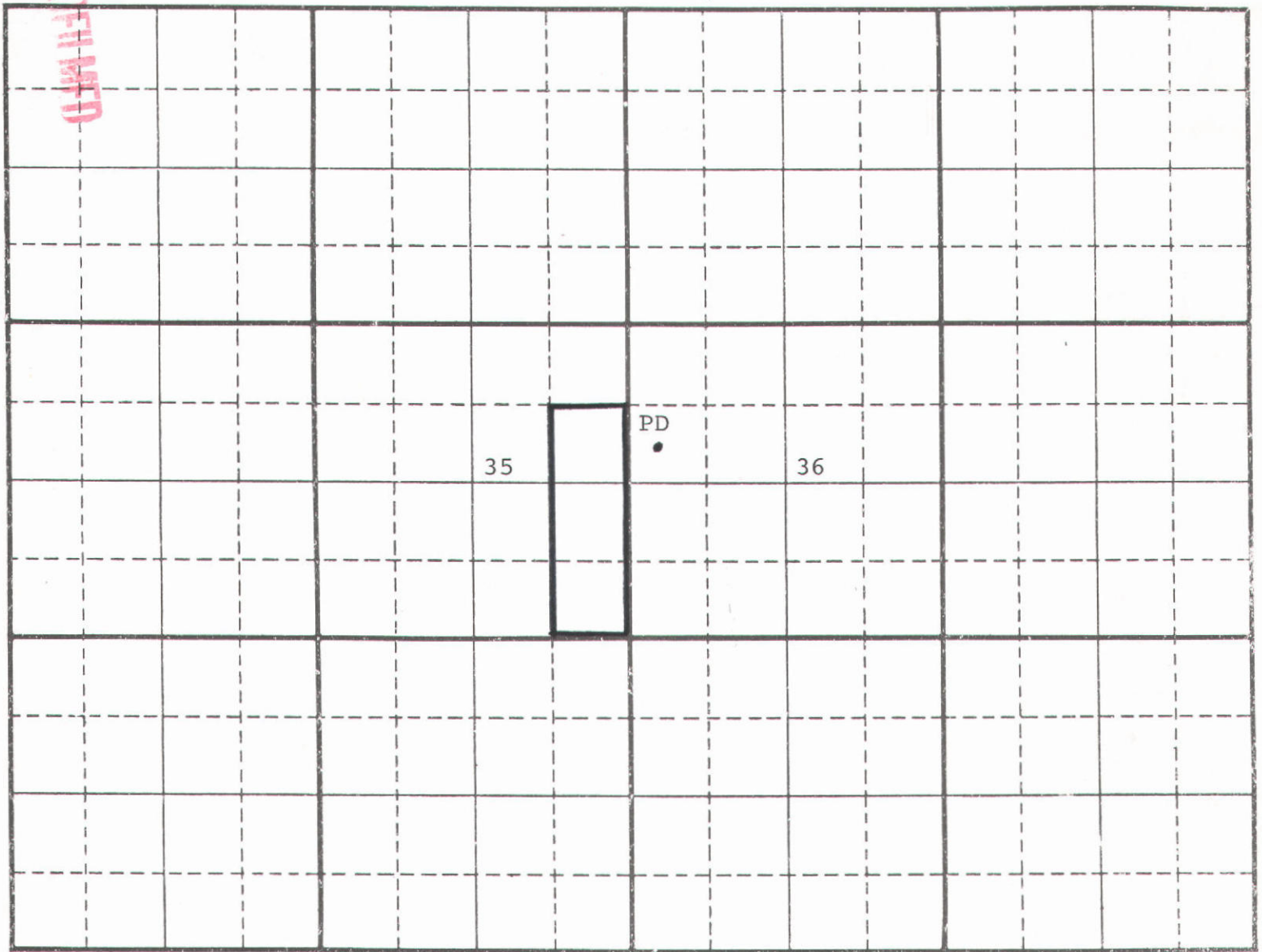


(8) Remarks _____

T. 2 S., R. 7 E., B.M.



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 Ada) 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 affiant's knowledge.

Jean M. Smith McCarthy individually and as Personal Representative of the Estate of Bill Smith, deceased, ✓ Jean M. Smith McCarthy (Claimant)

Sworn to before me this 2nd day of May, 19 84.

Joseph J. Thachabing
Notary Public
Residing at Boise, Idaho

My commission expires life

FOR DEPARTMENT USE ONLY

Received by JG Date 5/9/84 Exception filed by: _____ Date _____
Prelim. check by GLS Date 6/6/84
\$30.00 fee received by JG Date 5/9/84 # 34426
Published in Mountain Home News
Dates 6/28 & 7/5/84

Forwarded to _____ Date _____
claimant by: _____

RECEIVED

JUL 6 1984

**NOTICE OF CLAIM
TO WATER RIGHT**

The following claim has been filed
on water right created by diversion
and beneficial use:

61-4140 *VP*

BILL SMITH EST.
C/O JEAN M. SMITH, REP., 905
WARM SPRINGS AVE., BOISE,
ID 83702

Source: FRENCHMAN SPRINGS
trib. to RATTLESNAKE CREEK

Priority Date: 08/20/1892

Diversion Pt: SWNW Sec 36 T 02S
R 07E

Use: IRRIGATION (1.24 CFS);
STOCKWATER (0.05 CFS)

In: SENE NESE SESE Sec 35 T
02S R 07E FOR 62 ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, Western Region, State-
house, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 06/28 & 07/05/84.

Department of Water Resources
Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, *Lloyd S. Waters* do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the *28* day
of *June*, 19*84*, and
the last publication having been made on the
5 day of *July*,
19*84*; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this *5th*

day of *July*, 19*84*

Abraham W. Swenson
Notary Public

RECEIVED
JUL 6 1984

Department of Water Resources
Western Regional Office

MICROFILMED

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.
Jean M. Smith McCarthy individually and as Personal
Notice is hereby given that Representative of the Estate of Bill Smith, deceased
(Name of Claimant)
905 Warm Springs Avenue, Boise, Idaho 83702 Telephone No. (208) 342-5757
(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) August 20, 1892

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)
Frenchman Springs tributary to Rattlesnake Creek

(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>1.24 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>March 15</u>	To <u>November 15</u>
Quantity	<u>0.05 cfs</u>	Use	<u>Stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>December 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.29 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec 36 Twp. 2 S. Rge. 7 E. B.M., County of Elmore
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. Diversion dam and ditches

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Irrigation																
2	S	7 E	35			8									28			26	62
				Stockwater															
2	S	7 E	35			X									X			X	

No. of acres 62

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater for 200 cattle or 1,000 sheep at various times between
January 1 and December 31

NOTE Include here the type and number of stock watered
(7) If you are claiming water as a member of an organization, list name of organization:

\$100

Received by _____
Prelim. check by _____
Fee received by _____
Published in _____
Dates 6/28 & 7/5/84

FOR DEPARTMENT USE ONLY
Date 5/9/84
Exception filed by _____
Date 5/9/84
Forwarded to _____
Date _____
Claimant by _____

My commission expires 1/1/85

Boise, Idaho

Notary Public

Sworn to before me this 2nd day of May, 1984.

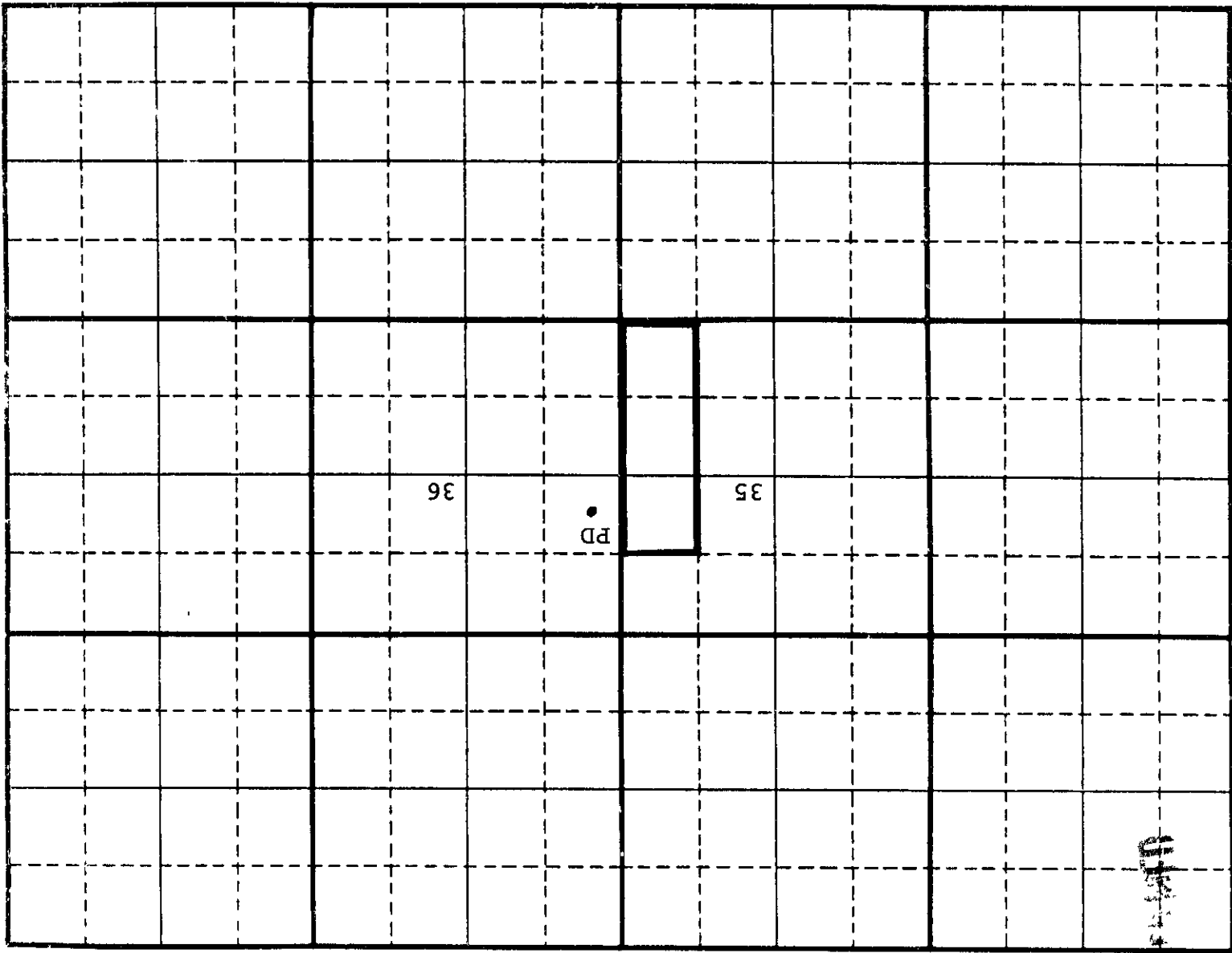
Jean M. Smith McCarthy individually and as Personal Representative of the Estate of Bill Smith, deceased.

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.

State of Idaho)
County of Ada)
ss.)

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.

Scale 2 inches equal 1 mile.



T. 2 S., R. 7 E., B.M.

(8) Remarks

RECEIVED

JUL 6 1984

Department of Water Resources
Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters..... do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

... 2 ... consecutive weeks, the first publica-
tion having been made on the 28.... day
of June, 1984, and
the last publication having been made on the
... 5 ... day of July,
1984 ; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

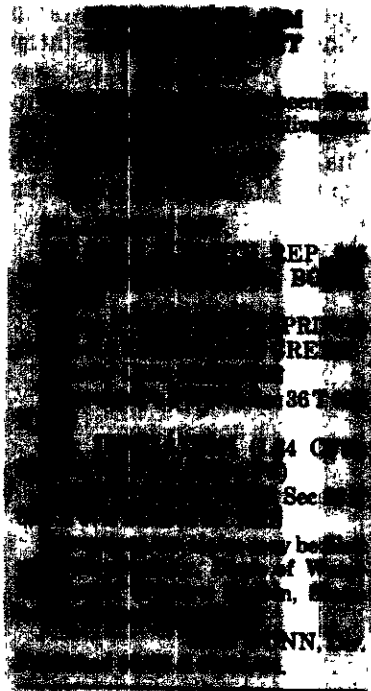
And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 5th...

day of July, 1984

Dean W. Swenson
Notary Public



RECEIVED
JUL 6 1984

Department of Water Resources
Western Regional Office

07-1711

RECEIVED

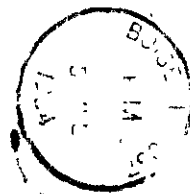
JUL 6 1984

Department of Water Resources
Western Regional Office

Mountain Home News

P. O. BOX 0
MOUNTAIN HOME, IDAHO 83647

Idaho Dept. of Water Res.
Western Region
Statehouse
Boise, ID 83720



Mountain Home News

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

Right Number 61-440 Applicant Bill Smith Estate

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. 7/6/84
- ☒ Claim published correctly. mtw Home Owners
RD 1 34426
- ☒ Exceptions processed. 6/28 & 7/5/84

By DBS Date 7/16/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/19/84

RECEIVED
JUL 19 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JUNE 21, 1984

Mountain Home News
Drawer 0
Mountain Home, ID 83647

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. 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 JULY 16, 1984.

Yours truly,

JUDY PENSE
Secretary

Encl.

RECEIVED
JUN 21 1984

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.

Published 06/28 & 07/05/84.

34

61-4140-

BILL SMITH EST.

C/O JEAN M. SMITH, REP., 905 WARM SPRINGS AVE., BOISE, ID 83702

Source: FRENCHMAN SPRINGS trib. to RATTLESNAKE CREEK

Priority Date: 08/20/1892

Diversion Pt: SWNW Sec 36 T 02S R 07E

Use. IRRIGATION	(1.24 CFS)
STOCKWATER	(0.05 CFS)

In: SENE NESE SESE Sec 35 T 02S R 07E FOR 62 ACRES

MICHIGAN LIMITED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

JULY 18, 1984

BILL SMITH EST.
C/O JEAN M. SMITH, REP.
905 WARM SPRINGS AVE.
BOISE ID 83702

RE: Claim No. 61-4140

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,

DAVID B. SHAW
Western Region Supervisor

Enclosure

