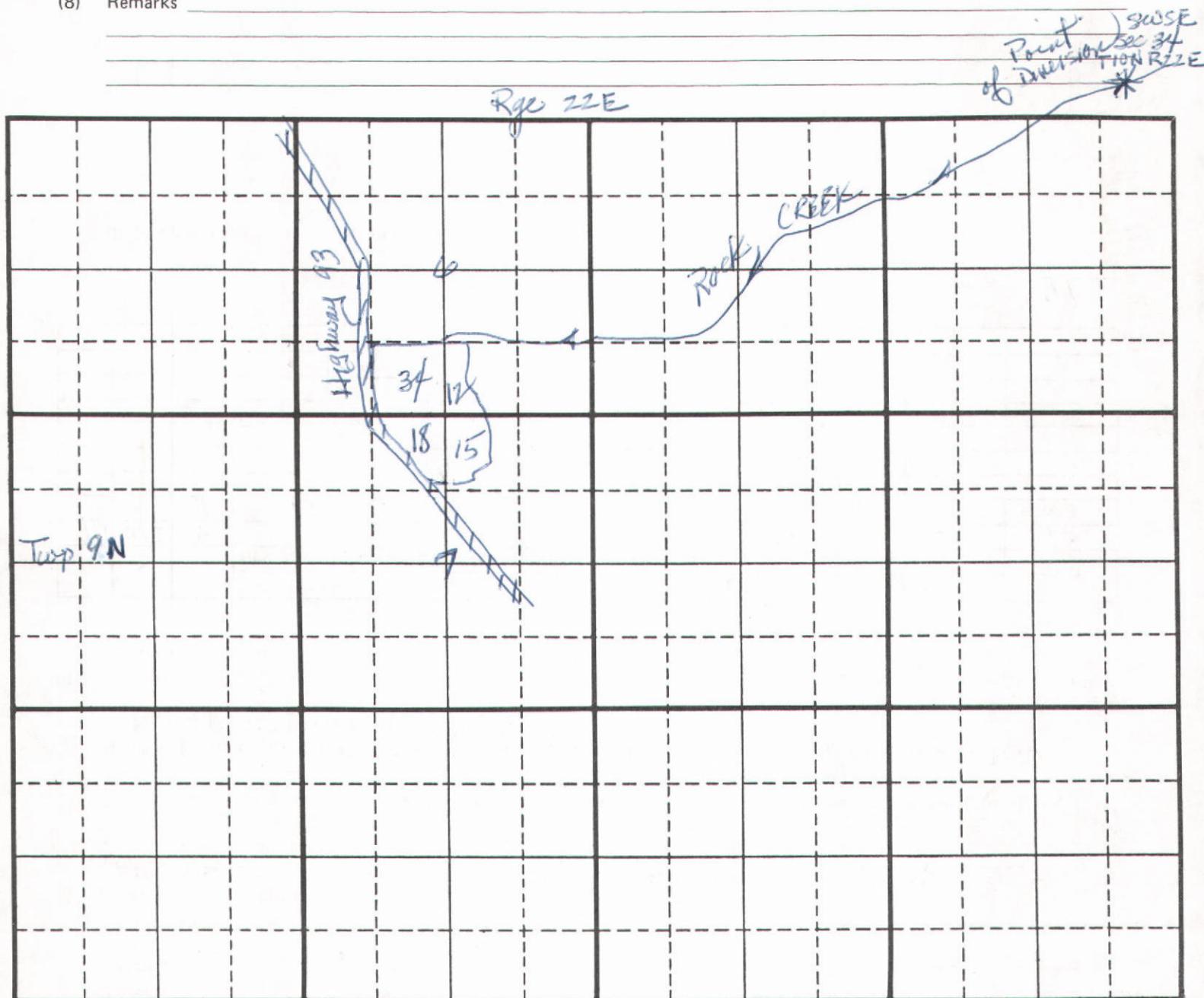


(8) Remarks



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 Custer) 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.

Wiley F. Smith
(Claimant)

Sworn to before me this 24 day of April, 19 79.

Larry D. Silver
Notary Public
Residing at Mackay

My commission expires Life.

FOR DEPARTMENT USE ONLY

Received by dh Date 5-15-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ARK Date 4/24/79 _____ claimant by: _____
\$20.00 fee received by dh Date 5-15-79 #11882 _____
Published in Custer Publishing Company _____
Dates May 24 & 31, 1979 _____

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 Francis L. Smith &/or Wiley F. Smith
Star Rt. Mackay, Idaho (Mailing Address) (Name of Claimant) 83251 (Zip Code) Telephone No. 588-2218 588-2577

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) May 1911

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) Rock Creek tributary to snicks

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>320 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 320 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 34 Twp. 10N Rge 22E B.M., County of Custer
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. Concrete diversion with spillway into a concrete ditch
Acres are flood irrigated.

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>9N</u>	<u>22E</u>	<u>6</u>												<u>34</u>			<u>12</u>		<u>46</u>
		<u>7</u>			<u>15</u>				<u>18</u>										<u>33</u>

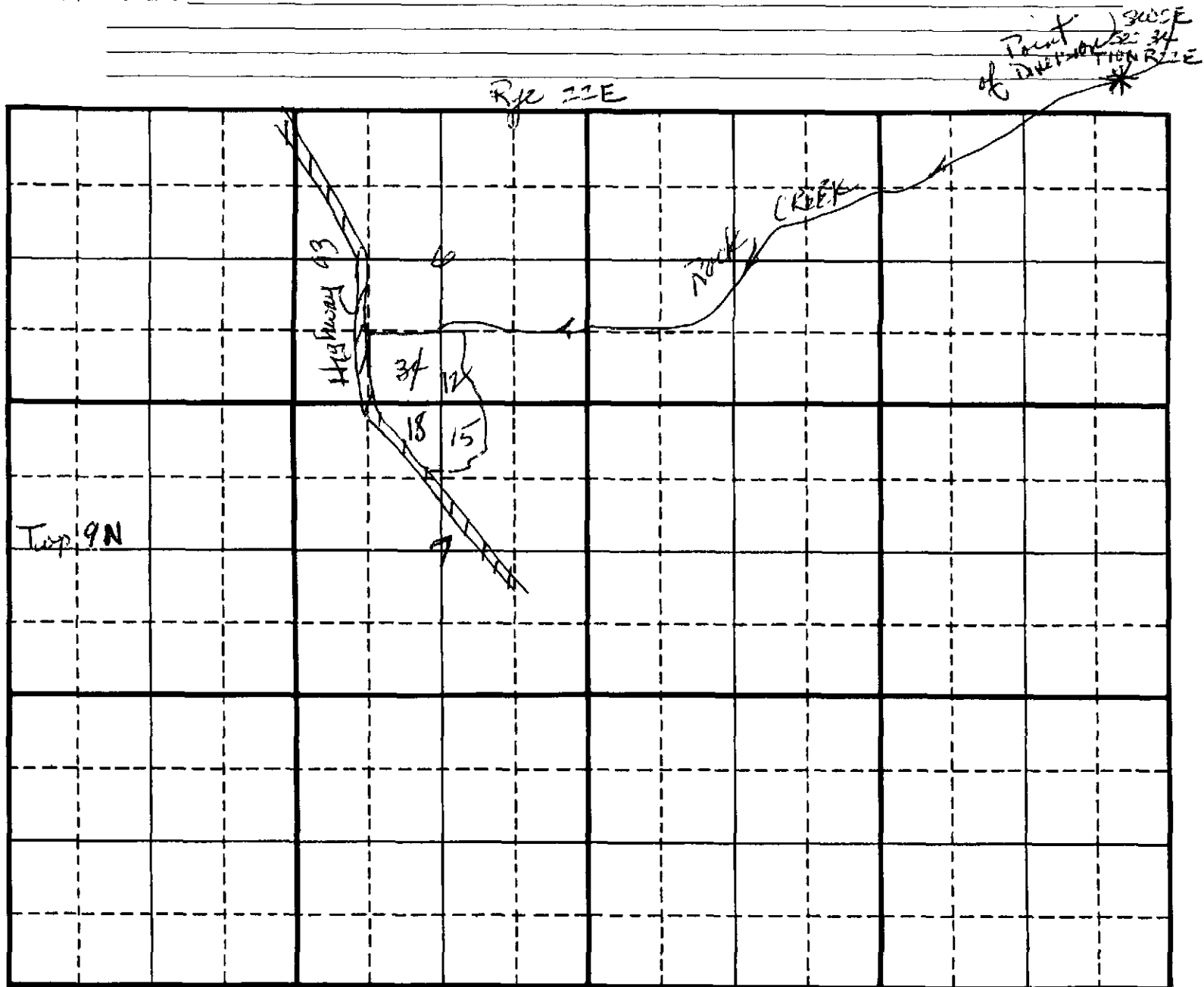
No. of acres 79

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

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:

(8) Remarks



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 Custer) 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.

Wiley F. Smith
(Claimant)

Sworn to before me this 24 day of April, 1977.

Larry N. Sime
Notary Public
Residing at Madison

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-15-79</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>4/24/79</u>		claimant by	
\$20.00 fee received by <u>dh</u>	Date <u>5-15-79</u>	#11882		
Published in <u>Custer Publishing Company</u>				
Dates <u>May 24 & 31, 1979</u>				

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1, MARGARET PARKS

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2
consecutive weeks, commencing with
the issue dated MAY 24 . . . ,
1979 and ending with the issue
dated MAY 31 , 1979..

Margaret Parks

Subscribed and sworn to before
me this 1 day of June . . . ,
1979.

Jandra M. Jones
Notary Public, residing at Challis,
Idaho. My commission expires on

April 30, 1983.....

RECEIVED

JUN 4 1979

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS OF WATER RIGHTS

Notice is hereby given that the
following claim to water rights have
been established by diversion and
application to beneficial use

34-4039

SMITH, FRANCIS L. &/or WILEY
F

STAR ROUTE MACKAY, ID 83251
Source ROCK CREEK tributary to
SINKS

Priority Date 05/01/1911

Amount 3.20 CFS

Diversion Point SWSE Sec 34 T 10N
R 22E, CUSTER Co

Use IRRIGATION (3.20 CFS) from
04/01 to 11/01

Place of Use, SESW SWSE Sec 06 T
09N R 22E NWNE NENW Sec 07 T
09N R 22E FOR 79 ACRES

Diversion Means DITCH

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

C STEPHEN ALLRED

Director

Published 5/24 & 5/31/79

MICROFILMED

34-4039



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 4, 1983

Mr. Wiley Smith
Mackay, ID 83251

Dear Mr. Smith:

Pursuant to our telephone conversation, I have researched our records for valid water rights from Arentson Gulch Creek, Rock Creek, and Cedar or Dry Creek in the following names:

Alvin (Al) West
Mamie West
Bert or Will Bascom
David Fulton
John Jarvis
Wiley or Francis Smith

In the case of the Utah Construction Co., vs. John F. Abbott, et al., dated October 21, 1925, the waters of Rock Creek and Cedar Creek, otherwise known as Dry Creek, were decreed. I have enclosed copies of the rights decreed to E. W. Bascom, Alvin West and Mamie West.

Licenses 34-2030, 34-2035 and Claim 34-4039 show priority dates predating the decree of October 21, 1925, which identify the same sources that were decreed in the above mentioned case. Enclosed are copies of the above rights along with copies of right No. 34-2288 licensed to David Fulton for ground-water, License 34-2303 from Cedar or Dry Creek and Claim 34-4005, Arentson Gulch Creek.

Please remit \$4.50 for the enclosed copies. If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett

ROBERTA GARRETT
Records Supervisor

RG:sc

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JUNE 11, 1979

FRANCIS L. SMITH
WILEY F. SMITH
STAR ROUTE
MACKAY

ID 83251

RE: Claim No. 34-4039

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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MAY 18, 1979

Challis Messenger
C/O Custer Publishing Co.
P. O. Box 405
Challis, Idaho 83226

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 billings to this office before JUNE 11, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

100-100000-100000
100-100000-100000
100-100000-100000

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:

34-4039-

SMITH, FRANCIS L. &/or WILEY F.

STAR ROUTE, MACKAY, ID 83251

Source: ROCK CREEK tributary to SINKS

Priority Date: 05/01/1911

Amount: 3.20 CFS

Diversion Point: SWSE Sec 34 T 10N R 22E, CUSTER Co.

Use: IRRIGATION (3.20 CFS) from 04/01 to 11/01

Place of Use: SESW SWSE Sec 06 T 09N R 22E NWNE NENW Sec 07 T 09N R 22E
FOR 79 ACRES

Diversion Means: DITCH

Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 5/24 & 5/31/79.

May 22, 1979

Francis L. Smith
Wiley E. Smith
Star Route
Mackay, Idaho 83251

Dear Sirs:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 11882 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number _____

Applicant Francis L. Smith
#10220 Daley F. 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 Adams Date 6/11/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jme Date 6/19/79