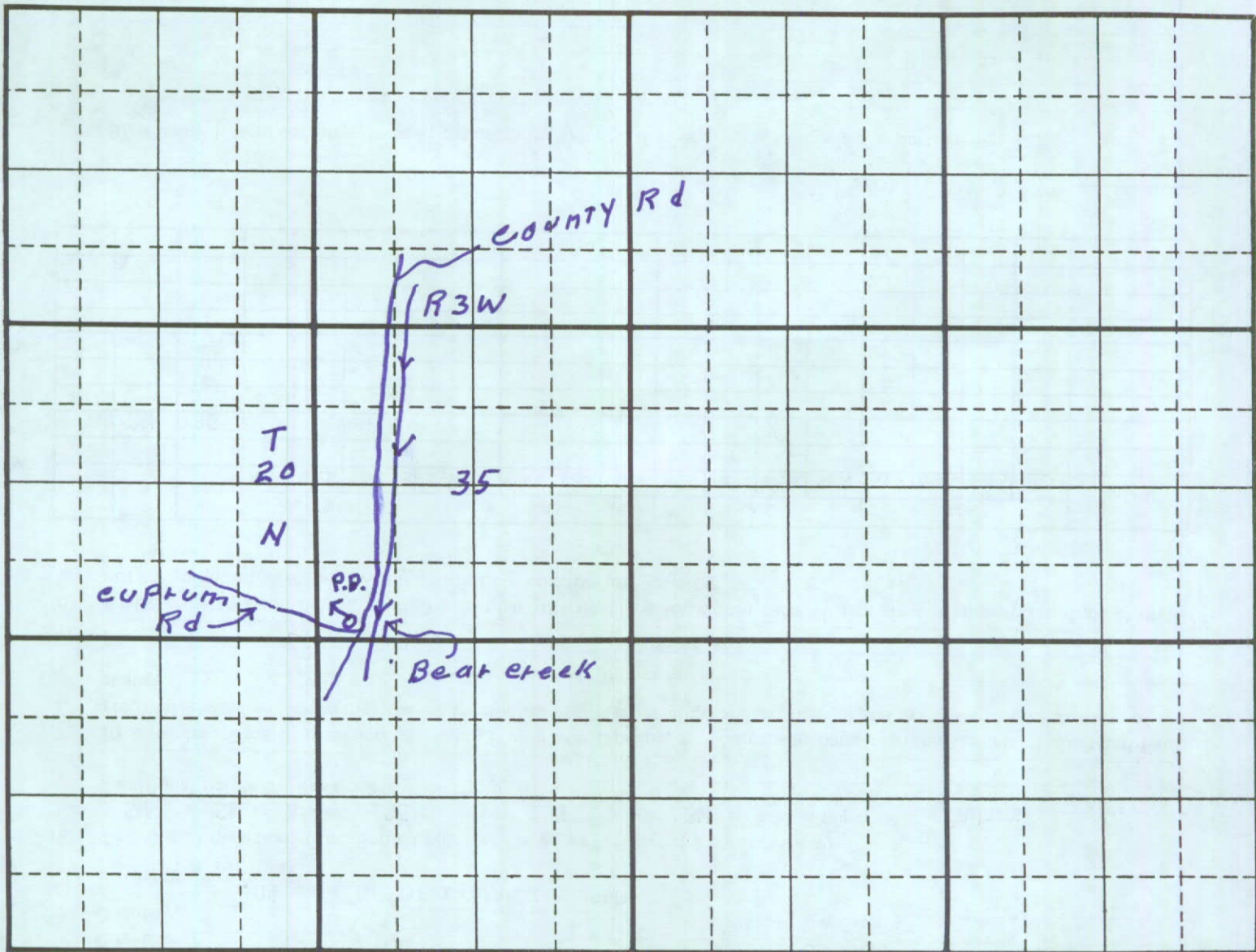


(8) Remarks Spring is on county road right of way - pipeline to place of use.



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 Gem) 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.

Hugh Smith
(Claimant)

Sworn to before me this 3 day of January, 1979.

Emmett
Notary Public
Residing at

My commission expires lifetime

#12533 FOR DEPARTMENT USE ONLY

Received by AK4 Date 1/3/79 Exception filed by: Fowarded to Date
Prelim. check by Date
\$20.00 fee received by AK4 Date 1/3/79 claimant by: AK 2/6/79
Published in Adams County Leader
Dates Jan 18-25

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claims to

No. 69-4013 & 69-4014 Hugh Smith

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two (2)

consecutive weeks, the first publication of the

same being made in the issue dated January 18.1979

and the last in the issue dated January 25.1979 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said

"Notice"

as aforesaid.

Subscribed and sworn to before me this 29th

day of January, 1979

Deputy Scamey

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

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

69-4013

SMITH, HUGH

ROUTE 1, BOX 178, BUHL, ID 83316

Source: SPRING tributary to BEAR CREEK

Priority Date: 07/01/1936

Amount: 0.04 CFS

Diversion Point: SWSW Sec 35 T 20N R 03W, ADAMS Co.

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

Place of Use: SWSW Sec 35 T 20N R 03W

Diversion Means: PIPELINE

69-4014

SMITH, HUGH

ROUTE 1, BOX 178, BUHL, ID 83316

Source: UNNAMED STREAM tributary to BEAR CREEK

Priority Date: 07/01/1902

Amount: 0.36 CFS

Diversion Point: SWSW Sec 35 T 20 N R 03W, ADAMS Co.

Use: IRRIGATION (0.36 CFS) from 04/15 to 10/15

Place of Use: SWSW Sec 35 T 20N R 03W FOR 18 ACRES

Diversion Means: GRAVITY DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published 1/18 & 1/25/79.

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.

Notice is hereby given that Hugh Smith
(Name of Claimant)
Route 1, Box 178, Buhl, ID 83316 Telephone No. 543-5013
(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) 7/1/1936

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 Bear 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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>.04</u>		Use <u>Domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</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) .04 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 35 Twp. 20N Rge. 3W B.M., County of Adams
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.

(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	
<u>20N</u>	<u>3W</u>	<u>35</u>											X						

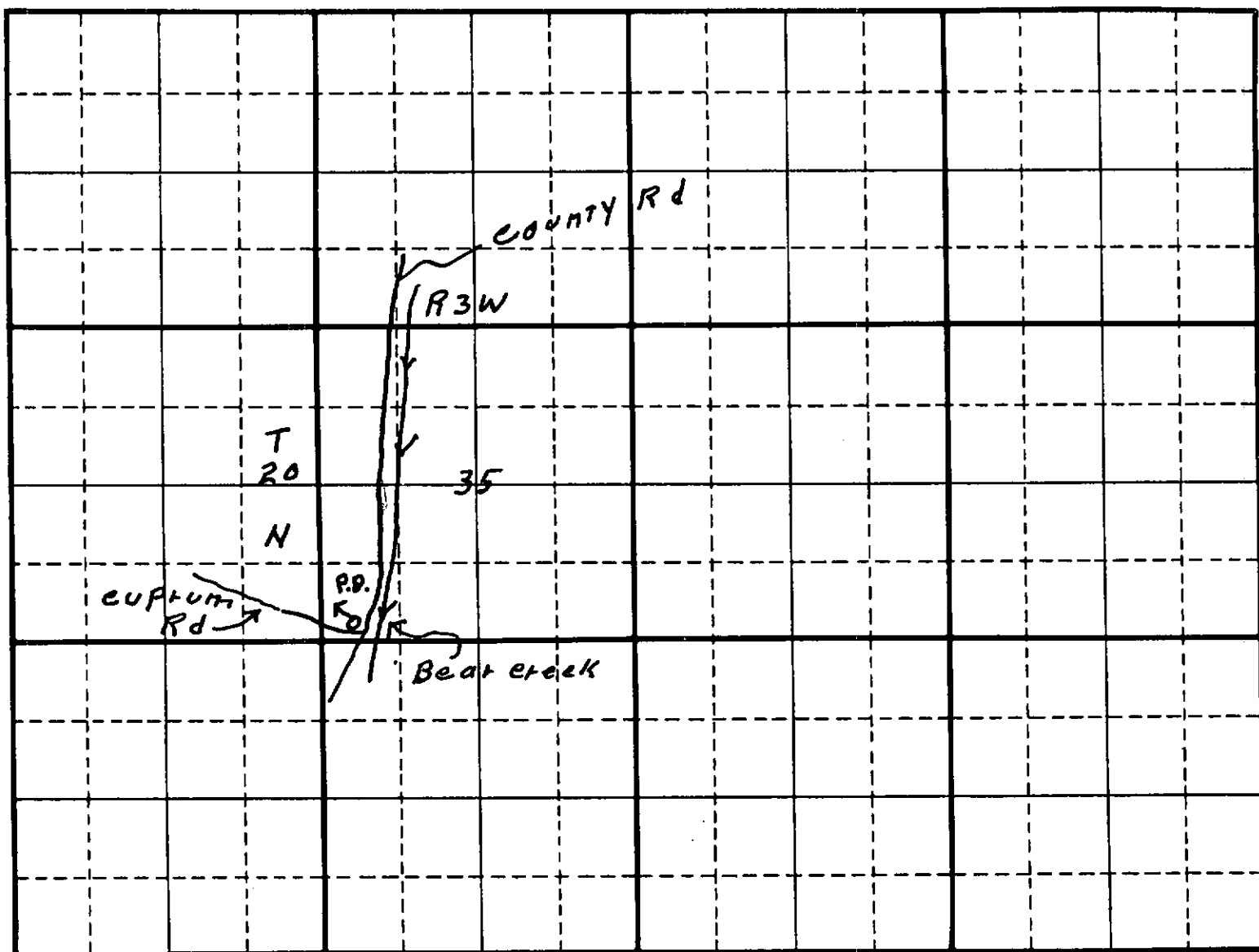
No. of acres _____

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 Spring is on county road right of way - pipeline to place of use.



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 Gem)

) 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.

Hugh Smith
(Claimant)

Sworn to before me this 3 day of January, 19 79.

Notary Public
Residing at

Emmett

My commission expires

lifetime

#12533

FOR DEPARTMENT USE ONLY

Received by JKH Date 1/3/79 Exception filed by:

Forwarded to Date

Prelim. check by Date

claimant by:

\$20.00 fee received by JKH Date 1/3/79

Published in Adams County Leader

Dates Jan. 18-25

JKH 2/6/79

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

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No. 69-4013 & 69-4014 Hugh Smith as per clipping

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said " Notice" as aforesaid.

Subscribed and sworn to before me this 29th

day of January, 19 79

Dorothy Leomey
Notary Public for Idaho,
Residing at Council, Idaho

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69-4013

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Place of Use: SWSW Sec 35 T 20N R 03W

Diversion Means: PIPELINE

69-4014

SMITH, HUGH
ROUTE 1, BOX 178, BUHL, ID 83316

Source: UNNAMED STREAM tributary to BEAR CREEK

Priority Date: 07/01/1902

Amount: 036 CFS

Diversion Point: SWSW Sec 35 T 20 N R 03W, ADAMS Co.

Use: IRRIGATION (0.36 CFS) from 04/15 to 10/15

Place of Use: SWSW Sec 35 T 20N R 03W FOR 18 ACRES

Diversion Means: GRAVITY DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published 1/18 & 1/25/79.

OK
KK
2/5/79

RECEIVED

FROM Carter Fritschle

DATE 3-9-88

TO A69-04025, 69-4025, 69-4013

SUBJECT

Water right claims 69-4013 and 69-4025 appear to have the same p.d. and p.u. Mr. Jordan based his claim on 69-4025 because it included three domestic uses and stockwater, instead of just one domestic use. 69-4013 will probably not have an adjudication claim filed on it.

MICROFILMED

APR 04 1988

Carter Fritschle
SIGNATURE

RECEIVED
APR 10 1979

April 10, 1979

Department of Water Resources

STATEMENT BY APPLICANT, Mr. Hugh Smith

RE: Exception filed on Claim to Water Right Nos. 69-4014 and 69-4013
By Mr. John Dyer, of Seven Devils Ranch

69-4014:

John Dyer has no further use for the water as it comes down the natural drainage after he has finished using it. The only way he could possibly use it is to pump it back -- but there are no facilities or electricity to do so.

Mr. Smith intends to claim his share of the water in the Bear Ditch which diverts from Bear Creek.

69-4013:

This spring rises on the county road right of way. It crosses the Seven Devils property for approximately 50 feet. The water has always been used on the Smith's property for domestic use.

Hugh S Smith

State of Idaho

County of Ada

} ss.

Sworn to before me this 10 day of April, 1979.

Kathryn A. Walker
Notary Public

Residing at Boise

My commission expires life

MICROFILMED

APR 04 1988

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

claim
Application No. 69

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) DOB 3 Jan 78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) ECB 3 Jan 78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) _____

(12) OK OK

Final date for protests 2/5/79

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W By dlw Date 2-5-79

RECEIVED
FEB 08 1979

Department of Water Resources

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

FEBRUARY 26, 1979

HUGH SMITH
ROUTE 1, BOX 178
BUHL

ID 83316

RE: Claim No. 69-4013

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 E. SHAW
Western Region Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

JANUARY 11, 1979

Adams County Leader
Box 22
Council, ID 83612

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 FEBRUARY 5, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

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Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published 1/18 & 1/25/79.

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