

No. 567

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Barth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in 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
Oct. 7, 1971, and ending
with the issue of Oct. 14, 1971.

Dorothy A. Barth
Fees, \$ 10.80

Subscribed and sworn to before me this 29
day of Oct., 1971

Steve B. Lloyd
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1974

RECEIVED

NOV 4 1971

Department of Water Administration

No. 567

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4017

Notice is hereby given that
Rex Ford Smith, Route #3,
Weiser, Idaho has filed a claim
to a water right established by
diversion and application to
beneficial use of 0.80 cubic feet
per second of water from
Weiser River with point of
diversion in the NE1/4NE1/4,
Sec. 5, T. 10N, R. 5W, B.M.,
Washington County.

The water is claimed to be
used from April 1 to Oct. 31
for the irrigation of 30 acres
with a priority of Oct. 21, 1953;
the place of use is within the
NE1/4NE1/4, Sec. 5, T. 10N,
R. 5W, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Oct. 7
and Oct. 14, 1971. 58-2s

67 4017

67-4017
Identification No. 24532/67-2237P
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Rex Ford Smith
post office address Rt 3, Weiser, Idaho 83672
2. The point of diversion is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 5 Township 10 North
Range 5 West B.M. located on Weiser River
(name of source)
tributary to Snake River in Washington County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Oct. 21, 1953 amount: .8 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .8 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation period of use from April 1 to Oct. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of Pump with intake in river. No diversion necessary; length is 2 feet; height is 2 feet; width at bottom is 2 feet; width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known There has been no increase in water pumped but a change in way and pump. A 4' diameter concrete pump built in bank of river with motor on top and pump in water. Water pumped into a 12' stand pipe then into a concrete box for distribution.

- b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

From 1953 until 1970 we sprinkled. In fall of '69 we leveled and are now using gravity irrigation from an open ditch with siphon tubes.

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attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- d. If water is stored: name of reservoir ;
total capacity of reservoir is acre feet; active capacity of reservoir is acre feet;
year construction commenced ; year completed ; date first used ;
period of storage is from to ; is reservoir drained each year ;
is reservoir on or off stream explain

if feeder canal is used give maximum carrying capacity 2 c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built Yes, if so, give dates and describe the enlargement

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 30

Explain any significant increase in area irrigated since first use, give dates and acreages if known None

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 0

7. Where water is used for domestic or municipal purposes give number of families served 0
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. 0

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

I had a permit issued by Mark R. Kulp. Issued 16th of
July 1954. Through unavoidable circumstances and a little
negligence I was canceled out. All these records are on
file in your office. I do not know what else I could
say except that I have been using the water each summer
since 1953 and must have it at my place is of little
value. Thank you for your help.

State of Idaho }
County of _____ } 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.

R. G. Smith
Claimant

Sworn to before me this 9 day of Sept., 1971

Verna M. Anderson
Notary Public

Residing at Weiser, Idaho

My commission expires 8-15-73

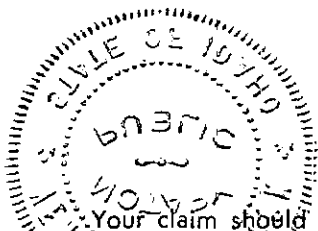
For Department Use Only

Received by <u>ej</u>	Date <u>9-13-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>ej</u>	Date <u>9-14-71</u>			
Fee received by <u>ej</u>	Date <u>9/15/71</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Weiser Signal</u>	Dates <u>10-7-71 10-14-71</u>			

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INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or	<u> </u> acre feet
	Total claimed:		<u>1.2 c.f.s.</u> or	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

No. 567

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

Dorothy A. Barth, being duly sworn,
deposes and says:

That he is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for 2 consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in 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
Oct. 7, 1971, and ending
with the issue of Oct. 14, 1971.
Dorothy A. Barth
Fees, \$ 10.80

Subscribed and sworn to before me this 29
day of Oct., 1971
John A. Lloyd
Notary Public, Residing at Weiser, Idaho.
My Commission Expires 4-1-, 1974

RECEIVED

OCT 4 1971

Department of Water Administration

No. 567
NOTICE OF CLAIM
TO A WATER RIGHT
No. 67-4017

Notice is hereby given that
Rex - Ford Smith, Route #3,
Weiser, Idaho has filed a claim
to a water right established by
diversion and application to
beneficial use of 0.80 cubic feet
per second of water from
Weiser River with point of
diversion in the NE1/4NE1/4,
Sec. 5, T. 10N, R. 5W, B.M.,
Washington County.

The water is claimed to be
used from April 1 to Oct. 31
for the irrigation of 30 acres
with a priority of Oct. 21, 1953;
the place of use is within the
NE1/4NE1/4, Sec. 5, T. 10N,
R. 5W, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse,
Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho on Oct. 7
and Oct. 14, 1971. 58-2s

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ACT
ION

N OWNER LAST NAME - SMITH

FIRST NAME - REX FORD

N ADDRESS LINE 1 - RT. 3

N SOURCE - WEISER RIVER

CITY - WEISER

STATE - ID

TRIBUTARY OF - SNAKE RIVER

N STAGE - STATRY CLM

PRIORITY - 10-21-1953 COUNTY - WASHINGTON TOTAL DIV. RATE - .8000CFS

N DIVERSION POINT - NENE 05 10N 05W

N FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE - .8000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 10N RNG 05W SEC 05 TRACT NENE AC 30

IDENT. NO. 67-4017

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Old No.

New No.

1. Original Owner: Rox Ford Smith

Present Owner: _____

2. Address: Rt. 3

3. City: Waukegan State: IL Zip: _____

4. A. Source of Water: Waiser River

B. Tributary of: Snake River

5. A. Stage 1(A,P,L,D,S,J): $\mathbb{S}$

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 10-21-1953

D. County: 87

E. Total Diversion Rate: .8

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District: —

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>NE NE</u>	<u>5</u>	<u>10^N</u>	<u>5^W</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for FT purposes. Amount .8
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount

from	to	for	purposes.	Amount

from to for purposes. Amount _____

from to for purposes. Amount

from to for purposes. Amount

8. Use Code: ~~A~~

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: _____

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

November 16, 1971

Re: Claim to a Water Right No. 67-4017

Rex Ford Smith
Route #3
Weiser, Idaho 83672

Dear Mr. Smith:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

67 4017

October 27, 1971

Re: Claim No. 67-4017 - Rex Ford Smith

The Weiser Signal
P. O. Box 709
Weiser, Idaho 83672

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on October 7th and October 14th, 1971.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

67 4017

No. 567

NOTICE OF CLAIM
TO A WATER RIGHT

No. 67-4017

Notice is hereby given that Rex Ford Smith, Route #3, Weiser, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second of water from Weiser River with point of diversion in the NE1/4NE1/4, Sec. 5, T. 10N, R. 5W, B.M., Washington County.

The water is claimed to be used from April 1 to Oct. 31 for the irrigation of 30 acres with a priority of Oct. 21, 1953; the place of use is within the NE1/4NE1/4, Sec. 5, T. 10N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Weiser Signal, Weiser, Idaho on Oct. 7 and Oct. 14, 1971. 58-2s

*Galley
Proof.*

*D.K.
10-7-71
J.B.*

67 4017

September 29, 1971

Re: Claim No. 67-4017 - Rex Ford Smith

The Weiser Signal
P.O. Box 709
Weiser, Idaho 83672
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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bill submitted 11-11-71 By CR

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Legal Notice

67 4017

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4017

Notice is hereby given that Rex Ford Smith, Route #3,

Weiser, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.80 cubic feet per second ~~acres feet~~ of water from Weiser River

with point of diversion in the NE~~1~~NE~~4~~, Sec. 5, T. 10N, R. 5W, B.M.,
Washington County

The water is claimed to be used from April 1 to Oct. 31 for the
irrigation of 30 acres

with a priority of Oct. 21, 1953;

the place of use is within the NE~~1~~NE~~4~~, Sec. 5, T. 10N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Weiser Signal, Weiser, Idaho
on Oct. 7 and Oct. 14, 1971

67 4017

September 17, 1971

Rex Ford Smith
Route #3
Weiser, Idaho 83672

Dear Mr. Smith:

Attached herewith is your receipt No. 8255 in the amount of \$ 10.00
for your claim application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

67 4017

~~WEISER HIGH SCHOOL BAND~~

FORD SMITH, DIRECTOR

ROUTE ~~ONE~~ 3

WEISER, IDAHO

83672

RECEIVED

Sept 13 1967
Jin

Department of Water Administration

Mr. Bobby D. Fleener
Department of Water Admin
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Fleener:

Thank you for sending the application and the letter
of Aug 27.

Enclosed please find filled in application and the \$10.00 fee.

Sincerely,
Ford Smith

67 4017