

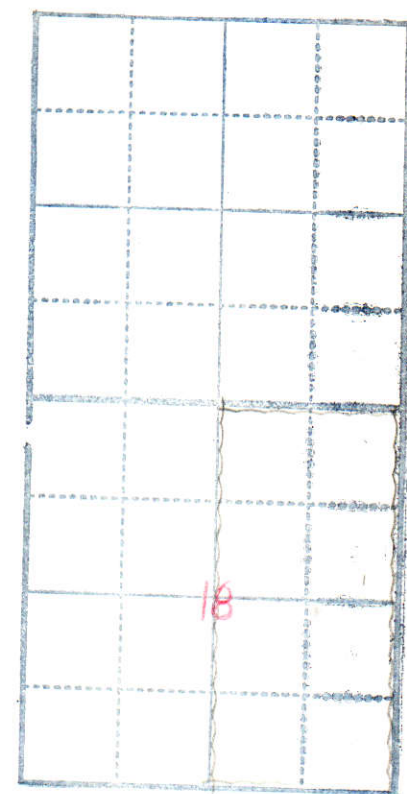
22-2181

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36858
Permit No. G- 28874
District No.

1. Name of Applicant: Leo M. Smith
Postoffice address: Thornton County: Madison State: Idaho
2. Quantity of water claimed: 300 miners inches
 - (a) Rate of withdrawal in cubic feet per second 6.0 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18
Twp. 5 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well turbine pump, and sprinkler system
8. Estimated cost of works: \$ 40,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 6.0 (cubic feet per second, inches or gallons per minute) is for new lands.



R-40 E.

T.
5
N.

TO U.S. HWY. 191
AND THORNTON

RD.

18

Cellar

80

79

80

80

319

Subdivisions

8

AREA

319

Q

504 cfs or 25 ft/mile

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, John A. Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Proof of Completion
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on July 13, 1961
and the last publication having been made
on August 3, 1961.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at
4:00 p.m., on the 7th day of Aug-
ust 1961, at Rexburg, County of
Madison, State of Idaho, before
W. B. Kennedy, Notary Public,
at (address) 8 Carlson Ave.,
proof will be submitted of the
completion of works for the di-
version of 6.0 cubic feet per sec-
ond of underground water from
a well, and of the application to
beneficial use of said water, in
accordance with the terms and
conditions of Permit No. G-
28874, heretofore issued by the
Department of Reclamation of
the State of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Leo
M. Smith Thornton, Idaho.

2. Said works of diversion will
be fully completed on the date
set for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is 6.0 cubic
feet per second.

3. The use to which said water
has been applied is irrigation
purposes, and the amount ap-
plied to beneficial use is 6.0
cubic feet per second.

4. The point of diversion of
said water is the Northeast
Quarter of the Southeast Quar-
ter of Section 18, Township 5
North, Range 40 E. B. M. Madi-
son County, Idaho.

5. The place where said water
is used is the East Half of Sec-
tion 18, Township 5 North
Range 40 East Boise Meridian,
Madison County, Idaho.

6. The date of priority which
said user is prepared to es-
tablish is July 19, 1960.

GEO. N. CARTER
State Reclamation Engineer
(Publ. July 13, 20, 27, Aug. 3,
1961)

RECEIVED
AUG 11 1961
Department of Reclamation

Department of Reclamation

Subscribed to and sworn to before me
this 4th day of August, 1961.

John C. Porter
Notary Public.
(SEAL)

My commission expires 5-24-64

28874

sec.
18

well

The ground shown in the map above is
the East 1/2 of Sec. 18 Twp. 5 North,
Rge. 40 E.B.M.

legend:

Permit Map No. 28874
As Approved **JUL 26 1960**
GEO. N. CARTER
Reclamation Engineer

— main line for
sprinkler system
— lateral lines

State of Idaho
License and Certificate of Water Right

Water License No. G-28874

Amount 5.04 c.f.s.

Water District No.

Priority July 19, 1960

THIS IS TO CERTIFY that LEO M. SMITH
of Thornton, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 19, 1960; that Permit No. G-28874
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.04 second feet, was issued thereunder on March 12, 1963, showing that said works
were completed on the 7th day of August, 1961; and that on the 7th
day of August, 1961,
LEO M. SMITH

of Thornton, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28874 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7565, on the 12 day of March, 1963;
The right hereby confirmed dates from July 19, 1960;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 18, Tp. 5N, R. 40 E., B. M. Madison County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 5.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	40 E.	18	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	39
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40
			Total number of acres to be irrigated:		319

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
12th day of March, 1963.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 27578

Amount 3.42 c.f.s.

Water District No.

Priority Sept. 29, 1958

THIS IS TO CERTIFY that HARLO B. RIGBY
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 29, 1958; that Permit No. 27578
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.42 second feet, was issued thereunder on March 19, 1963, showing that said works
were completed on the 20th day of November, 1961; and that on the 20th
day of November, 1961,

HARLO B. RIGBY

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of waste water -
drainage ditch, a tributary of Snake River, for the purpose of irrigation
, under Use Permit No. 27578 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7566, on the 19 day of March, 1963;

The right hereby confirmed dates from September 29, 1958;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 29, Tp. 6 N., R. 39 E., B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	39 E.	29	NW 1/4 SW 1/4	20	22
		30	NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	18	29
			Total number of acres to be irrigated:		171

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of March, 1963.

s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

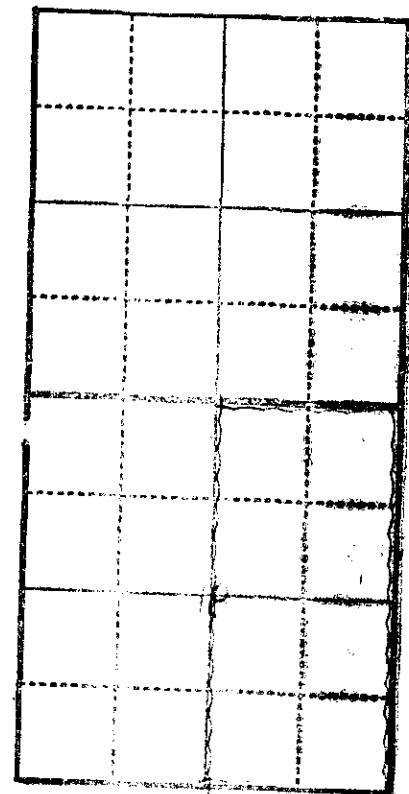
22-2181

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36858
Permit No. G- 28874
District No.

1. Name of Applicant: Leo M. Smith
Postoffice address: Thornton County: Madison State: Idaho
2. Quantity of water claimed: 300 miners inches
 - (a) Rate of withdrawal in cubic feet per second 6.0 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18
Twp. 5 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well turbine pump, and sprinkler system
8. Estimated cost of works: \$ 40,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 6.0 (cubic feet per second, inches or gallons per minute) is for new lands.



BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By

Date of first receipt at Department of Reclamation: 1:00 P.M. July 19, 1960

Corrected application received:

The number of this permit is G— 28874

Recorded in Book 101 Page 28874 Approved July 26, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 26, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 26, 1965

Witness my hand this 26th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLLOW, Acting, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th
day of July, 1960.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ W. E. DREYLOW,
Acting Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			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	
5 N	40 E	18	40	40	40	40	Permit No. G-28874 ← CERTIFICATE OF COMPLETION OF WORKS								40	40	40	40	320
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that LEO M. SMITH, of Thornton, County of Madison, and State of Idaho, the holder of Permit No. G-28874, issued upon Application No. G-36858, bearing date of priority of July 19, 1960, authorizing the diversion of 6.0 second feet of waters of a well, County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .04 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE ¹ / ₄ SE ¹ / ₄ , Sec. 18, T. 5 N., R. 40 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																			
31.9 acres in E ¹ / ₂ , Sec. 18, T. 5 N., R. 40 E., B. M.																			
Witness my hand this 12 day of March, A. D. 1963																			
s/ RALPH W. THOMAS Deputy State Reclamation Engineer																			
Proof of Completion of Works Made: August 7, 1961																			
LICENSE ISSUED FOR 5.04 SEC. FT. page 7565																			

WATER RIGHT NUMBER 22-2181

OWNER LAST NAME - SMITH FIRST NAME - LEO M. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - THORNTON STATE - ID ZIP CODE - 83453 ✓
SOURCE - GROUNDWATER TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 07-19-1960 COUNTY - MADISON TOTAL DIV. RATE - 5.0400 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NESE 18 05N 40E LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - TO - USE - IRRIGATION USE DIV. RATE - 5.0400 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 05N RNG 40E SEC 18 TRACT NENE LOT AC 40 TRACT NWNE LOT AC 40
TRACT SWNE LOT AC 40 TRACT SENE LOT AC 39
TRACT NESE LOT AC 40 TRACT NWSE LOT AC 40
TRACT SWSE LOT AC 40 TRACT SESE LOT AC 40
DATE - TOTAL ACRES 319

DECREE NAME -
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 28874
PROOF MADE - FLD EXAM - COND. OF APPROVAL - ✓
DIVERSION MEANS -

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 28874 / 22-2181
Old No. New No.

Record

1. Original Owner: Lee M. Smith

Present Owner: _____

2. Address:

3. City: Thornton State: ID Zip: _____

4. A. Source of Water: GW

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

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

C. Priority Date: 7-19-1960

D. County: 65

E. Total Diversion Rate: 5.04

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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESE</u>	<u>18</u>	<u>5N</u>	<u>40E</u>		

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

from _____ to _____ for A purposes. Amount 5.04
(cfs or ~~AG~~ 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: 28874

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

22-2181

● **Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 549-4111

Agricultural Investments

RECEIVED

May 20, 1977

Department of Water Resources

Department of Reclamation
State of Idaho
Boise, ID

Re: Loan No. 92882-H, Smith
Water Permit No. G28874

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit number G28874 as described in Mortgage Deed dated July 25, 1962, given by Leo M. Smith and Nadine W. Smith.

Said mortgage was recorded in the Public Records of Madison County, in Book 205, page 133.

Sincerely,

Jean Wright
Jean Wright
Agricultural Investment Division

jw
enc
cc: Ag-Land Mortgage Company

March 12, 1963

Re: Permit No. G-28874

Leo M. Smith
Thornton, Idaho

Dear Mr. Smith:

Enclosed are the Certificate of Completion of Works and License and Certificate of Water Right issued on Permit No. G-28874.

Also enclosed is departmental receipt No. G-7780, in the amount of \$21.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

28874

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho
August 30, 1962

Re: Permit No. G-28874

Leo M. Smith
Thornton, Idaho

Dear Mr. Smith:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28874 shows the well is ~~(are)~~ capable of conveying ²⁵² miner's inches, or 5.04 c.f.s. of water for the irrigation of 319 acres.

Upon receipt of the statutory fees, totaling \$21.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$16.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of July 19, 1960 to the use of 5.04 second feet of subterranean water with the point of diversion in the NE 1/4 Sec. 18, for irrigation of 319 acres in the E 1/2 Sec. 18, T. 5 N., R. 40 E., B.M.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

28874

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-28874

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant LEO M. SMITH, Thornton, Idaho
2. Source of water supply: a well - subterranean
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ of Section 18
T. 5 N. R. 40 E. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same: 200 HP U.S.
Motor # 1223654, Johnston Pump # JR4841 (1800 GPM @ 380' h)
Deereless Booster Pump # 138566 with a 75 HP GE Motor # RS175020

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$, Sec. 18, T. 5 N., R. 40 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Indian pipe mover present at time of examination

Measured by taking pressure readings along each lateral.

This examination was made on the 9th day of August, 19 62

(Signed)

Lynn Johnson

Examiner.

28874

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

28874
RECEIVED
AUG 23 1962

Department of Reclamation

356-5143
Leo M. Smith
Thornton, Idaho

Permit No. G-28874

Completion of Works
Examination for and Beneficial Use

County Madison

Sec. 18 T. 5N R. 40E

Quantity: 6.0 a.f.s.

Sources: Well

P.D.: NE SE, Sec. 18, T. 5N, R. 40E

Use: Irrigation

Filed: July 19, 1960

Due: July 26, 1965

Extension: —

Completion of Works: —

Other Rights: none

R-40 E.

T.
5
N

RD.

18

40

40

40

39

40

40

40

40

80

79

80

80

College

TO U.S. HWY. 191

AND THORNTON

319

Subdivisions

8

AREA

319

Q

5.04 cfs or 25 ft/min

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28874

Leo M. Smith
Thornton, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

28874

March 5, 1963

Re: Permit No. G-28874

Mr. Leo M. Smith
Thornton, Idaho

Dear Mr. Smith:

Returned herewith is the check you sent.

Kindly sign and return.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. check

28874



J. R. SIMPLOT COMPANY

FERTILIZER & MINING DIVISION

PHONE CEDAR 2-6620

P. O. BOX 912

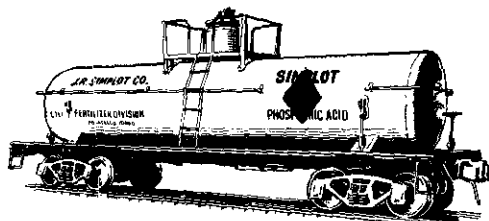
POCATELLO, IDAHO

Gentlemen
Enclosed is for \$21.00
for Completion work and
License Certificate for Water
Right Fee. Permit #.

G. 28874.

Sincerely

Leo M. Smith
Shawto, Ida



28874

August 21, 1961

Re: Permit No. G-26874

Leo M. Smith
Thornton, Idaho

Dear Mr. Smith:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Rexburg Standard, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: W. B. Kennedy
Attorney at Law
Rexburg, Idaho

28874

**The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO**

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, John A. Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Proof of Completion
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on July 13, 1901
and the last publication having been made

on August 3, 1901.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

John A. Porter
Notary Public.

Subscribed to and sworn to before me
this 4th day of August, 1901.

John C. Porter
Notary Public.
(SEAL)

My commission expires 5-24-04

RECEIVED
AUG 11 1901
Department of Reclamation

1. The purpose of the...
2. The...
3. The...
4. The...
5. The...
6. The...
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8. The...
9. The...
10. The...

W. B. KENNEDY
ATTORNEY AT LAW
REXBURG, IDAHO

August 9, 1961

RECEIVED
AUG 11 1961
Department of Reclamation

State of Idaho,
Department of Reclamation,
Boise, Idaho.

Re: Permit No. G-28874
Leo M. Smith.

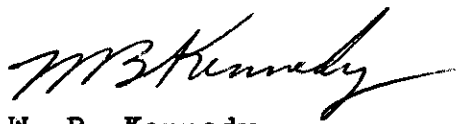
Gentlemen:

Pursuant to notice given the hearing was regularly held and the depositions completed and executed by the Holder and Witnesses.

Accordingly, I enclose herewith the Depositions and Affidavit of Publication.

Please advise when final approval will issue.

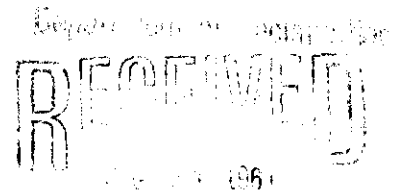
Yours very truly,


W. B. Kennedy

WBK/m

28874

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Department of Reclamation

Permit No. G-28874

Proof of Application of Water to Beneficial Use

**and Completion of Works
Deposition of Holder**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Leo M. Smith, Thornton, Idaho, Farmer.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-28874, dated July 26, 1960, priority date July 19, 1960.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Underground water - NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Twp. 5 North,
Rge. 40 East, B.M., in Madison County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well depth - 294 feet. No casing, but 12 inch column.

Depth to water - 245 feet.

Pump discharge - 2400 gallons per minute, was measured by regular
measuring device. 12" discharge into 10" line.

495 5/32" nozzles. 60 lbs. operating pressure.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water has been used for irrigation in the entire SE $\frac{1}{4}$ and
the NE $\frac{1}{4}$ of Section 18, Twp. 5 North, Rge. 40 East, B.M., in Madison
County, Idaho, a full $\frac{1}{2}$ Section containing 320 acres. The entire
tract has actually been irrigated.

28874 RT

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. None

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. None

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Said water was applied to said land during the month of October, 1960, and from May 12th, 1961 to August 7th, 1961, and at said times the entire 320 acres was sprinkled.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

Leo M. Smith

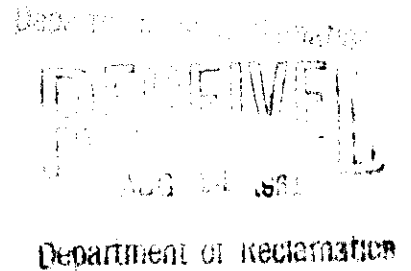
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rexburg, County of Madison,

State of Idaho, on this 7th day of August, A. D. 1961.

W. B. Kennedy
Notary Public for Idaho.

My commission expires 2/13/62

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. G-28874

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Grant M. Bowen, 55, Madison County, Farmer, Thornton, Idaho.

Ques. 2. Are you acquainted with Leo M. Smith, the holder of Permit No. G-28874? How long have you known him and where does he reside?

Ans. Have known him about 40 years. He resides at Thornton, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-28874, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Underground water. Place of diversion is in NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Twp. 5 North, Rge. 40 East, B.M., Madison County, Idaho. Sprinkling system used in connection with well and pump.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. None

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 2400 gallons per minute was measured by regular measuring device when well was tested.

28874

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water has been used for irrigation on the entire East Half of Section 18, Twp. 5 North, Rge. 40 East, B.M., Madison County, Idaho, a full 1/2 section containing 320 acres. The entire tract has actually been irrigated by sprinkling.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dry farm land on Rexburg Bench. I estimate it would require about 320 miner's inches for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I am a neighbor and actually witnessed the application of the water to said land during the month of October, 1960, and from May 12th, to August 7th, 1961, at which times the system was discharging it's full capacity of 2400 gallons per minute.

(Signed) Grant M. Bowen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 7th day of August, A. D. 1961.

M B Kennedy
Notary Public.

My commission expires 2/13/62

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Department of Reclamation

Permit No. G-28874

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Levi E. Thomason, 57, Madison County, Farmer, Thornton, Idaho.

Ques. 2. Are you acquainted with Leo M. Smith, the holder of Permit No. G-28874? How long have you known him and where does he reside?

Ans. Have known him about 40 years. He resides at Thornton, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-28874, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Underground water. Place of diversion is in NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Two/ 5 North, Rge. 40 East, B.M., Madison County, Idaho. Sprinkling system used in connection with well and pump.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. None

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 2400 gallons per minute was measured by regular measuring device when well was tested.

28874

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. This water has been used for irrigation on the entire East Half of Section 18, Twp. 5 North, Rge. 40 East, B.M., Madison County, Idaho, a full 1/2 section containing 320 acres. The entire tract has actually been irrigated by sprinkling.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dry farm land on Rexburg Bench. I estimate it would require about 320 miner's inches for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I am a neighbor and actually witnessed the application of the water to said land during the month of October, 1960, and from May 12th, to August 17th, 1961, at which times the system was discharging it's full capacity of 2400 gallons per minute.

(Signed) Levi E. Thomason

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 7th day of August, A. D. 1961...

W B Kennedy

Notary Public.

My commission expires 2/13/62

August 11, 1961

Re: Permit No. G-28874
Leo M. Smith

W. B. Kennedy
Attorney at Law
Rexburg, Idaho

Dear Mr. Kennedy:

Returned herewith are the three depositions you submitted to this office with the affidavit of publication.

We presume the depositions were signed before you on August 7th. If so, kindly complete the certificate on all three depositions.

We cannot tell when the field engineer will be able to make the examination of the works, however it is possible that it will not be until next year.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew
Enc. depositions

28874

Form No. 11
2M - 10/60

RECEIVED
JUN 28 1961

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 22, 1961

(P. O.) Thornton, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Rexburg Standard - Journal of Rexburg, Idaho published in
the county in which the works are situated.

Leo E. Smith

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per
second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

28874

July 10, 1961

Re: Permit No. G-28874
Leo M. Smith

Rexburg Standard-Journal
Rexburg, Idaho

Dear Sirs:

On June 26, 1961, a notice for publication was mailed to you on the above numbered permit in the name of Leo M. Smith, requesting a tear sheet or copy of the first publication.

To date we have not received such
one be mailed to proofing purposes.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI,
Water Rights Clerk

HP:ew

28874

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

June 26, 1961

Re: Permit No. G-28874

Mr. Leo M. Smith,
Thornton, Idaho.

Dear Mr. Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28874. The proofs are to be made at 4:00 o'clock P.M., on the 7th day of August, 1961, ~~1959~~ before W. B. Kennedy, 8 Carlson Ave., Rexburg, Idaho, Notary Public.

As of this date we have mailed the Notice to the Rexburg Standard-Journal with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna P. ~~Stutledge~~
Chief Clerk

Encl.

EPR: pak

cc: Notary

28874

July 29, 1960

Re: Permit No. G-26874

Mr. Leo M. Smith,
Thornton, Idaho.

Dear Mr. Smith:

We enclose Permit No. G-26874 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5048 which was issued covering payment in the amount of \$6.25 for the filing fee of the above mentioned permit.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

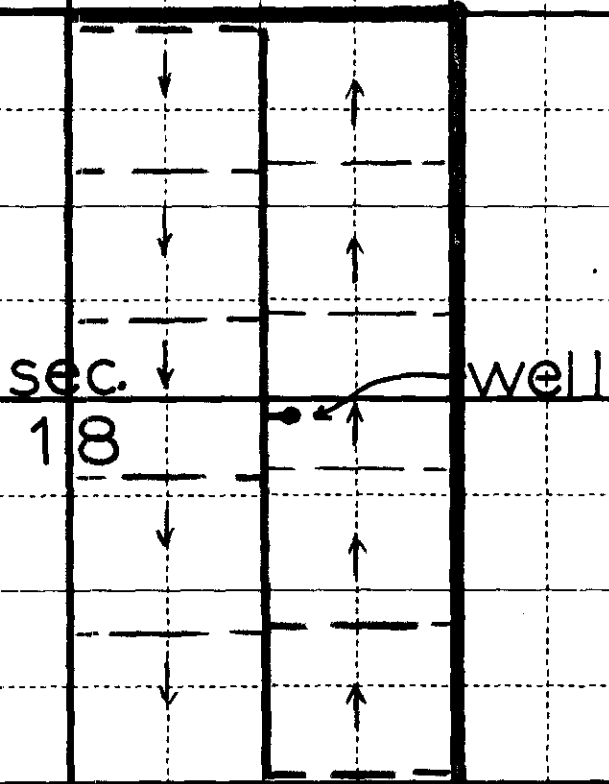
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:spk

28874

NAME OF APPLICANT Leo M. Smith Thornton Idaho

Form No. 0



The ground shown in the map above is
the East $\frac{1}{2}$ of Sec. 18 Twp. 5 North,
Rge. 40 E.B.M.

legend:

Permit Map No. 28874
As Approved JUN 26 1960
GEO. N. CARTER
Reclamation Engineer

——— main line for
sprinkler system
——— lateral lines

SCALE: $\frac{1}{8}$ Inches Equal 1 Mile. Draw Plan in Ink.

4

28874

**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 4:00 p.m., on the 7th day of August 1961, at Rexburg, County of Madison, State of Idaho, before W. B. Kennedy, Notary Public, at (address) 8 Carlson Ave., proof will be submitted of the completion of works for the diversion of 6.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28874, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Leo M. Smith Thornton, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.0 cubic feet per second.

4. The point of diversion of said water is the Northeast quarter of the Southeast Quarter of Section 18, Township 5 North, Range 40 E. B. M. Madison County, Idaho.

The place where said water is used is the East Half of Section 18, Township 5 North, Range 40 East Boise Meridian, Madison County, Idaho.

The date of priority . . .

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28874

Date: June 26, 1961

Rexburg Standard-Journal
Rexburg, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to August 7, 1961 the date set for proof; the expense of the publication is to be paid by the applicant

Leo M. Smith

of

Thornton, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

28874

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

JUN 26 1961

Department of Reclamation

Notice is hereby given that at 4:00 P.M., on the 7th day of August 1961, at Rexburg, County of Madison, State of Idaho, before W. B. Kennedy, Notary Public, at (address) 8 Carlson Ave., proof will be submitted of the completion of works for the diversion of 6.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23374, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Lee M. Smith
Thornton, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.0 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6.0 cubic feet per second.

4. The point of diversion of said water is the Northeast Quarter of the Southeast Quarter of Section 18, Township 5 North, Range 40 E.B.M. Madison County, Idaho.

5. The place where said water is used is the East Half of Section 18, Township 5 North Range 40 East Boise Meridian, Madison County, Idaho.

6. The date of priority which said user is prepared to establish is July 19, 1960

D. H. Warner
State Reclamation Engineer

28874