

R-40 E.

$\frac{180}{5} = 36$
900 rpm.

T.
G
N.

REXBURG

woodmansee

13	25
27	27
27	OK P.D.
27	27

$28'' \times \frac{3}{8}$ in.
 $6'' \times \frac{5}{8}$ in. / wind stud.
 8 lateral 3" x 90'
 30' laterals

Sub divisions = 6

Area = 146 acres.

$Q = 850 \text{ gpm or } 95''$

1.9 *cf.*

Amend P.D & Land list

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 of Works
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 29, 1959
and the last publication having been made

on August 19, 1959.

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

Subscribed to and sworn to before me

this 19th day of August, 1959.

Rhea Lullmer

Notary Public.

(SEAL)

My commission expires 6-25-63

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

Notice is hereby given that at
10 o'clock a.m., on the 21st day
of August, 1959, at Rexburg,
County of Madison, State of Ida-
ho, before Mary Smith, Notary
Public, proof will be submitted
of the completion of works for
the diversion of 4.8 cubic feet

per second of the waters of un-
derground and of the application
to beneficial use of said water, in
accordance with the terms and
conditions of Permit No. G25108
heretofore issued by the Depart-
ment of Reclamation of the State
of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are: Es-
tate of J. Fred Smith, deceased,
Rexburg, 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, in accordance
with the plans accompanying the
application for such permit, is
4.8 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 4.8 cubic
feet per second.

4. The place where said water
is used is

N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 ac. in

RECEIVED
SEP 1 1959
Department of Reclamation



25108

June 12, 1959

Re: Permit G-25108
J. Fred Smith

Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Madam:

The original point of diversion, or location of the well was SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, and on January 18, 1957 an amendment to the point of diversion was approved for points in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21.

Enclosed is a sketch map from the file which is not identified except by Mr. Smith's name and land description. It checks with our approved sketch map. The acreage checks with that shown on the permanent record sheet of the permit.

Mrs. Smith should sign as executrix. We should have a certified copy of the Court Order naming her as the executrix. The Certificate of Completion of Works and the Water License will be in the name of J. Fred Smith Estate if we do not receive a copy of the Court Order of distribution prior to issuance.

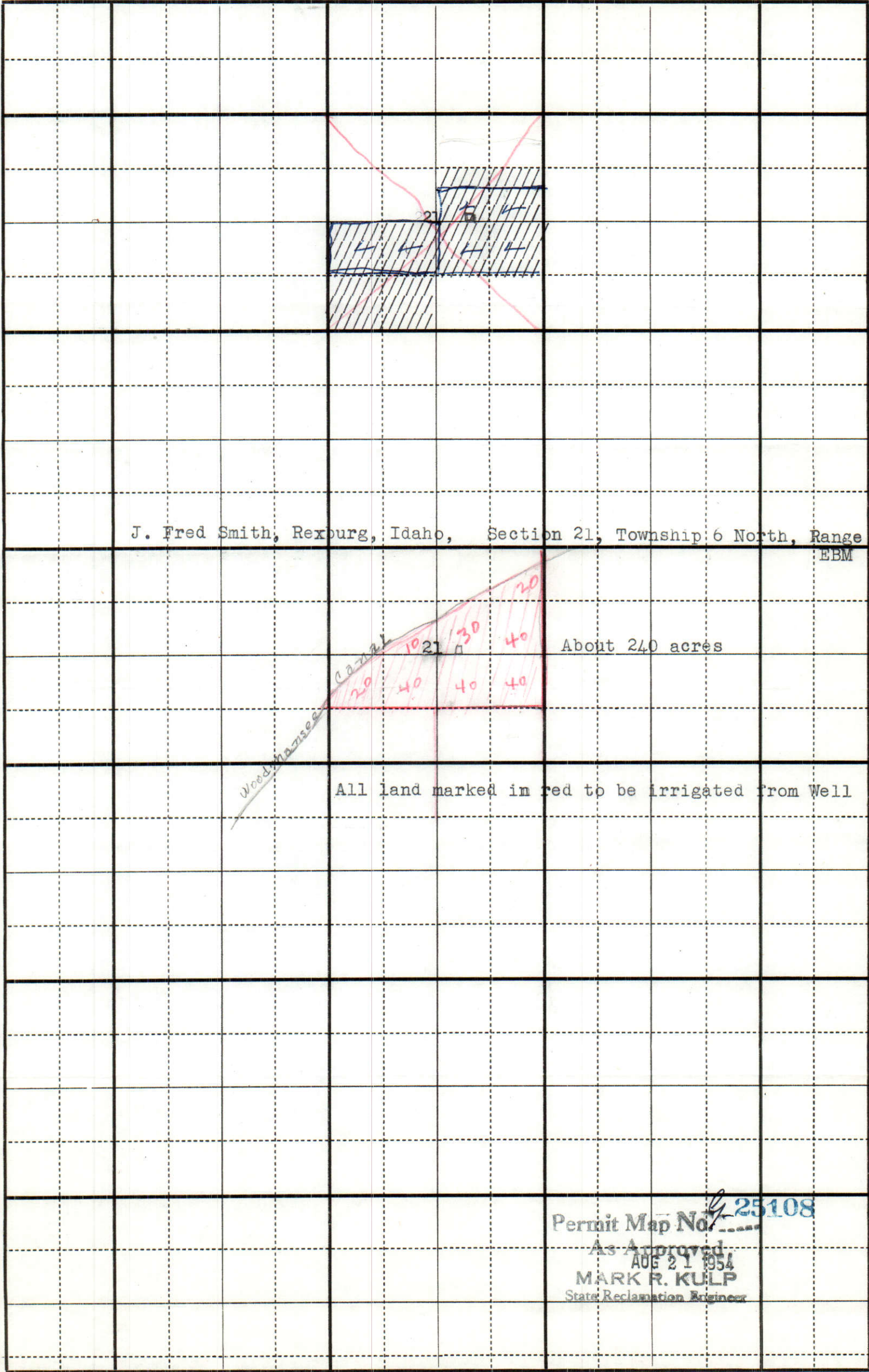
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc. map

J25108

RT



**NOTICE OF PROOF OF
COMPLETION OF WORK AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10 o'clock a.m., on the 21st day of August, 1959, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, proof will be submitted of the completion of works for the diversion of 4.8 cubic feet

per second of the waters of underground and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G25108 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 are Estate of J. Fred Smith, deceased, Rexburg, 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, in accordance with the plans accompanying the application for such permit, is 4.8 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 4.8 cubic feet per second.

4. The place where said water is used is

N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 ac. in

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 ac. in SE $\frac{1}{4}$

NW $\frac{1}{4}$, 30 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$,

SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$

all in Section 21, Township 6

North, Range 40 East, Boise

Meridian. Points of Diversion:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 21, T. 6 N., R. 40 E.B.M.

5. The date of priority which

said user is prepared to establish

is August 3, 1954.

GEORGE N. CARTER

State Reclamation Engineer

GEORGE N. CARTER

(Publ. July 29, Aug. 5, 12, 19, '59)

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 ac. in SE $\frac{1}{4}$
NW $\frac{1}{4}$, 30 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$
all in Section 21, Township 6
North, Range 40 East, Boise
Meridian. Points of Diversion:
SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 21, T. 6 N., R. 40 E.B.M.

5. The date of priority which
said user is prepared to establish
is August 3, 1954.

GEORGE N. CARTER

State Reclamation Engineer

GEORGE N. CARTER

(Publ. July 29, Aug. 5, 12, 19, '59)

State of Idaho
License and Certificate of Water Right

Water License No. G-25108

Amount 1.9 c.f.s.

Water District No.

Priority August 3, 1954

THIS IS TO CERTIFY that J. FRED SMITH - JOSEPHINE H. SMITH, Heir
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 3, 1954; that Permit No. G-25108
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.9 second feet, was issued thereunder on November 5, 1959, showing that said works
were completed on the 21 day of August, 1959; and that on the 21
day of August, 1959,

JOSEPHINE H. SMITH

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 a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-25108 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
11 of Licenses at page 6805, on the 5 day of November, 1959;

The right hereby confirmed dates from August 3, 1954;

The Point of Diversion is located

in the SE 1/4 NE 1/4, Sec. 21, Tp. 6 N., R. 40 E., B. M. County of Madison

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 1.9 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.	40 E.	21	NE 1/4 NE 1/4	20	25
			NW 1/4 NE 1/4	40	13
			SW 1/4 NE 1/4	30	27
			SE 1/4 NE 1/4	40	27
			NE 1/4 SE 1/4	40	27
			NW 1/4 SE 1/4	40	27
			Total number of acres to be irrigated:		146

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

5 day of November, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

22 2156

22-2156

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-32933
Permit No. G-25108
District No.

1. Name of Applicant: J. FRED SMITH
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 4.8 or Idaho
Miners' inches 240 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Underground water from a well
4. Location of point of diversion or well is in the SW 1/4 of the NE 1/4 of Section 21
Twp. 6 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 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Well and pump
8. Estimated cost of works: \$15,000.00
9. (a) Is reservoir to be used? No
(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 One 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) (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
6 N.	40 E.	21	20 30 40	10	40 20	40 40	240
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. <u>G-25108</u> Comes now J. Fred Smith and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. That the point of diversion is described in said permit as being located SW$\frac{1}{4}$NE$\frac{1}{4}$, S. 21, T. 6 N., R. 40 E.B.M. That he now requests that the point of diversion be changed to two points located in the SE$\frac{1}{4}$NE$\frac{1}{4}$, and NE$\frac{1}{4}$SW$\frac{1}{4}$, S. 21, T. 6 N., R. 40 E.B.M. That his reasons for desiring to make such change are as follows: One well does not supply sufficient water. It is necessary to put down another well. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Boise, Idaho, this 18th day of January 1957 /s/ J. Fred Smith							
Date of receipt at Department of Reclamation January 18, 1957			APPROVAL OF STATE RECLAMATION ENGINEER I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. /s/ Mark R. Kulp State Reclamation Engineer				
Recorded in the Department of Reclamation January 21, 1957							

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Completion of Works and Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108, to 21st, August, 1959.

Witness my hand this 21st day of January, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. G-25108 Under the)
Provisions of Section 5594, Idaho) ORDER REINSTATING PERMIT
Compiled Statutes.)
-----)

WHEREAS, Permit No. G-25108 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit to-wit: August 21, 1956; and,

WHEREAS, On the 7th day of January, 1957, notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 18th day of January, 1957 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were reasonably advanced; and,

WHEREAS, An Extension of Time is allowed to August 21, 1959, after examination of the said extension of time was approved by the State Reclamation Engineer, that the holder has acted in good faith; and,

IT IS, THEREFORE, Hereby Ordered that said Permit No. G-25108 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of March, 1957.

(SEAL) /s/ Mark R. Kulp
State Reclamation Engineer

IN THE PROBATE COURT OF MADISON COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF)
J. FRED SMITH,)
Deceased)
-----)
DECREE SETTLING FINAL ACCOUNT OF
EXECUTRIX AND FINAL DISTRIBUTION.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

.....

3. That all of the property of said estate and all of the property of which decedent at the time of his death was the owner of or otherwise interested in, was the community property of decedent and Josephine H. Smith, his surviving wife; that said Josephine H. Smith is entitled to have decreed and distributed to her the estate of said decedent, as provided by his Last Will and Testament.

.....

Dated this 13th day of July, 1959

/s/ Vernon C. Mortensen
Probate Judge

(The lands described in the permit are not described in other portions of the Will.
Copy of the Will in the file)

Recorded: September 16, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now JOSEPHINE H. SMITH and represents to the State Reclamation Engineer of the State of Idaho:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108.

That the point of diversion is described in said amendment to permit as being located $SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$ of said Section 21, T 6 N., R 40 E.B.M.

That she now requests that the point of diversion be changed to a point located Southeast corner of the South-west Quarter of the Northeast Quarter of Section 21, Township 6 North, Range 40 E.B.M. That the reason for desiring to make such change is as follows: The plan to drill another well was abandoned, and the holder of the permit desires to revert the point of diversion back to the original site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rexburg, Idaho, this 2nd day of September, 1959

/s/ Josephine H. Smith

Date of receipt at Department of Reclamation: September 10, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: September 16, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO G-25108

Comes now Mrs. Josephine H. Smith and represents to the State Reclamation Engineer of the State of Idaho:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho Permit No. G-25108.

That the point of diversion is described in said permit as being located: SE corner of the $SW\frac{1}{4}NE\frac{1}{4}$, of Sec. 21, T. 6 N., R. 40 E., B. M.

That she now requests that the point of diversion be changed to a point located $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 21, T. 6 N., R. 40 E., B. M.

That the reason for desiring to make such change is as follows:

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rexburg, Idaho, this 26 day of October, 1959

s/ JOSEPHINE H. SMITH

Date of Receipt at Department of Reclamation: October 28, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: November 5, 1959

s/ GEO. N. CARTER
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now Mrs. Josephine H. Smith, and represents to the State Reclamation Engineer of the State of Idaho

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

$NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 21, T. 6 North, Range 40 East, Boise Meridian, making a total of 146 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Rexburg, Idaho, this 26th day of October, 1959.

s/ JOSEPHINE H. SMITH

Date of receipt at office of Department of Reclamation: October 28, 1959

Continued -

APPROVAL OF STATE RECLAMATION ENGINEER ✓

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: November 5, 1959

Permit No. G-25108

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. FRED SMITH - JOSEPHINE H. SMITH, heir of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-25108, issued upon Application No. G-32933 bearing date of priority of August 3, 1954, authorizing the diversion of 4.8 second feet of the 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 1.9 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 6 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: 146 acres in NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 6 N., R. 40 E., B.M.

Witness my hand this 5 day of November, A.D. 1959

/s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: August 21, 1959

Certificate of Completion of Works Issued: November 5, 1959

LICENSE ISSUED FOR 1.9 SEC. FT.
Page 6805

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 12/30/98

TIME: 08:59:50

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
22-02156	SMITH, JOSEPHINE H.	C	08/03/1954	L/	GROUNDWATER	IRR	WR

A22-02156	SMITH, JOSEPHINE H	C	08/03/1954	L/	GROUNDWATER	IRR	AJ
	SMITH, JOHN H	C					

November 5, 1959

Re: Permit No. G-25108

Mrs. Josephine H. Smith
Rexburg, Idaho

Dear Mrs. Smith:

We enclose Applications for Amendments to the point of diversion and to the land list which have been duly recorded in this office, certificate of completion of works, license and certificate of water right issued on Permit No. G-25108.

We also enclose departmental receipt No. G-4418 in the amount of \$17.00, covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc. amendments
certificate
license
receipt

25108

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

OCT 28 1959
Department of Reclamation

October 27, 1959

Mrs. Edna P. Rutledge, Chief Clerk
Department of Reclamation
Boise, Idaho

Re: Permit No. G-25108

Dear Mrs. Rutledge:

I am enclosing herewith application
for amendment of the above numbered permit,
together with Mrs. Smith's check for \$17.00
for the necessary fees.

We do appreciate your help in this
matter.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosures

G25108

Geo. H. Carter

RECEIVED
OCT. 28 1959

Department of Reclamation

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now Mrs. Josephine H. Smith and
represent the State Reclamation Engineer of the State of Idaho;

That she is ~~(was)~~ the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108.

That the point of diversion is described in said permit as being located;
SE corner of the SW 1/4 NE 1/4
SE corner of the SW 1/4 NE 1/4 of Section 21, T. 6 N. R. 40 E., B.M.

That she now requests that the point of diversion be changed to a point
SE 1/4 NE 1/4
located SE 1/4 NE 1/4 Section 21, T. 6 N., R. 40 E., B.M.

That the reason for desiring to make such change is as follows:

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rexburg, Idaho, this 26th day of October, 1959

Josephine H. Smith

Date of receipt at Department of Reclamation October 28, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. H. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 89 of
Permits, at Page 25108
Nov. 5, 1959

Geo. H. Carter
State Reclamation Engineer

G-25108

October 22, 1959

Re: Permit No. G-25108

Mrs. Josephine H. Smith
Rexburg, Idaho

Dear Mrs. 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-25108 shows the well is (~~are~~) capable of conveying 95 miner's inches, or 1.9 c.f.s. of water for the irrigation of 146 acres.

Upon receipt of the statutory fees, totaling \$ 17.00 , we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$ 12.00 , based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of August 3, 1954 to the use of 1.9 second feet of subterranean water with the point of diversion in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 for irrigation of 146 acres in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, Township 6 North, Range 40 East, Boise Meridian.

Your permit shows the point of diversion to be in the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 and the lands to be irrigated to be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ all in Section 21, Township 6 North, Range 40 East, Boise Meridian. Please complete the enclosed application for amendment to the point of diversion and to the land list and return, with the above mentioned fees, to this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By(Mrs.) Edna P. Rutledge
Chief ClerkEFR:mr
enc. amendment 2

J25108

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

Permit No. G-25108

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

1. Name of applicant Mrs. Josephine H. Smith

2. Source of water supply: Underground water from a well

3. Location of point of diversion: Is in the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21
T. 6 N. R. 40 E.B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: Well = 20'4" x 16" h = 120'

lift = 120' to 125' 7.5 hp U.S. Motor #1021507
Peerless Turbine Pump No number. No protection:
6' x 8' concrete base. [] controls on panel to South 2'
Column = 180' x 8" delivery to west thru 8" into Y to
buried main. 8" x $\frac{7}{8}$ mi. & 6" x $\frac{3}{8}$ mi. size $\frac{1}{4}$ " nozzle (180)

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):

NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, all in Sec. 21, T. 6 N. R. 40 E.B.M.

3" x 30' l. lateral pipes extend 900' each side of main.

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

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

Remarks:

Mr. John Smith along

Q = by calculation

This examination was made on the 6 day of Oct, 1957

(Signed)

E. H. Humphrey
Examiner.

25108

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.

RECEIVED
OCT 22 1959

Department of Reclamation

E165214 Mrs. Josephine H. Smith
Rexburg, Idaho.
G-25108
Permit No.

Examination for Completion of Works and
Beneficial Use

County Madison

21-6N.-40E.
Q. 4.8 a.f.s.

S. 2 Well

P.D. SW. NE, Sec. 21, T. 6 N. - R. 40 E.

16" x 204 = well h = 120'

120 angles 1/4" @ 4'

Here Irrigation

5.7 gpm = 114" in 2.28 cfs.

Aug. 3, 1954

Aug. 21, 1959 (B.S.)

75 x 110 x 55' x 70' 88"

180
180 x 62'

- 18

use 850 gpm

10' dd = 95"

no other right

l = 150'

5 stage

120' x 10' col

U.S. 75' 4. 440V.
#1021507.

Pecorless Turbine
No number.

No protect
Cone. base 8' x 6'

[P] controls on
panel to South.

R-40	E.
------	----

180
5
900 rpm

T.
6
N.

REXBURG

WOODMANSEE

2 8" x $\frac{3}{8}$ " riv.
 6" x $\frac{5}{8}$ " riv. joined steel,
 6 laterals 3" x 900'
 30 laterals

Sub divisions = 6

Area = 146 ams.

$Q = 850 \text{ gms or } 95''$

1.8 of.

Amend R.D & Land List

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25108

REPORT ON PROOF OF Completion of Works and Beneficial Use

Mrs. Josephine H. Smith
Rexburg, Idaho

October 1, 1959

Re: Permit No. G-25108
Mrs. Josephine H. Smith

Mrs. Josephine H. Smith,
Rexburg, Idaho.

Dear Mrs. Smith:

We acknowledge receipt of the Deposition of Holder and two witnesses, also Affidavit of Publication in the Rexburg Standard, all submitted in proof of Completion of Works and Application of Water to Beneficial Use on Permit No. G-25108.

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. M. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

RR:pmk

cc: Mary Smith
Attorney at Law,
Rexburg, Idaho.

25108

Sept. 16, 1959

Re: Permit No. G-25108
Josephine H. Smith

Mary Smith
Attorney at Law
Lexburg, Idaho

Dear Miss Smith:

We enclose the Application for Amendment to the point of diversion issued on Permit No. G-25108 in the name of Josephine H. Smith, which has been duly recorded in this office

Very truly yours,

W. C. CALTON
State Declaration Engineer

by:

(Mrs.) Edna P. Rutledge
Chief Clerk

RP:ew
enc. amendment

25108

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

September 9, 1959

Mrs. Edna P. Rutledge, Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Permit No. G 25108

Dear Mrs. Rutledge:

I appreciated receiving your letter of September 1st regarding the above numbered permit and I am enclosing herewith application for Amendment to Revert to Point of Diversion which has been signed by Mrs. Smith. If there is anything further to do, please let us know.

I do appreciate all of the help and consideration that you have given me.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosure

25108

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G 25108

RECEIVED
SEP 10 1959
Department of Reclamation

Comes now Josephine H. Smith and
represent to the State Reclamation Engineer of the State of Idaho;

That she is (are) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G 25108.

That the point of diversion is described in said permit as being located ;
SE 1/4 NE 1/4 and NE 1/4 SW 1/4 of said Section 21, T 6 N., R 40 E. B. M.

That she now requests that the point of diversion be changed to a point
located Southeast corner of the Southwest Quarter of the Northeast
Quarter of Section 21, Township 6 North, Range 40 E. B. M.

That the reason for desiring to make such change is as follows:

The plan to drill another well was abandoned, and the holder of the
permit desires to revert the point of diversion back to the original
site.

That no one will be injured by such change, and that such change will be
made at Permit Holder's own risk.

Signed at Treasure, Idaho, this 2nd day of September, 1959

Josephine H. Smith

State of Reclamation September 10, 1959

STATE RECLAMATION ENGINEER

I, State Reclamation Engineer of the State of Idaho, HEREBY
approve this application for amendment to Permit to appropriate
the, No. G 25108. This approval constitutes
revert it to the original permit, to which it refers
application is approved only insofar as the
why.

825108

G. H. Butler
Reclamation Engineer

September 1, 1959

RE: Permit No. G-25108
Mrs. Josephine H. Smith

Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Miss Smith:

We acknowledge receipt of Deposition of Holder, with Decree of Distribution attached, Deposition of 2 witnesses, and Affidavit of Publication made in connection with Permit No. G-25108.

Enclosed is an application for amendment to revert the point of diversion back to the original site in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 North, Range 40 East Boise Meridian. Complete the amendment and return to this office.

Also enclosed is your blank check. After our engineer makes his inspection and report you will be notified as to the amount of the fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr
cc to Mrs. Josephine H. Smith
Rexburg
enclosures 2

25108

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

August 31, 1959

RECEIVED
SEP 1 1959
Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. G25108

Dear Mr. Carter:

I am enclosing herewith Deposition of Holder, Mrs. Josephine H. Smith, who is the surviving wife of J. Fred Smith, together with the Decree of Distribution in the matter of the estate of J. Fred Smith which decrees and distributes this particular permit to Mrs. Smith. I am also enclosing deposition of two witnesses, together with the affidavit of publication and my check in blank for your necessary fees.

You will note from the deposition of the holder and also of the witnesses, that the well is located in the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 21. Mr. Smith, during his lifetime, had planned to drill another well and I think the proceedings show that he had made application to change the point of diversion. However, only the one well was dug which proved to be adequate and it was not necessary to change the point of diversion from that shown in the original application.

If there is any further information you desire, please let me know.

Yours very truly,

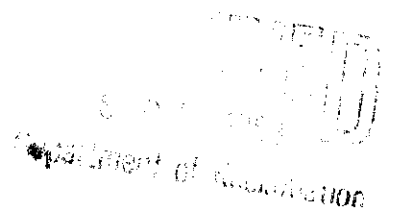
Mary Smith
Mary Smith

G25108

rs

Enclosures

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. G 25108

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. ✓ Mrs. Josephine H. Smith, Rexburg, Idaho. (Surviving wife of
I. Fred Smith who was a farmer). Decree of Distribution attached.

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. _____

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

Ans. G25108. August 2, 1954.

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

Ans. Subterranean flow from a well. Well located SE corner
SW¹/₄ NE¹/₄ Section 21, T 6 N., Range 40 E. B.M.

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. Depth of well, 204 feet; depth & size of casing 50 ft. 16 in. casing;
depth to water, 120 feet; measured by orifice, discharge 4.8 cfs. Pump has
a 10 in. discharge. 180 nozzles, size -11/64's. Operating pressure
45 lbs.

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. Irrigation. N¹/₂ SE¹/₄, NE¹/₄ SW¹/₄, 20 ac. in NW¹/₄ SW¹/₄, 10 ac. in SE¹/₄ NW¹/₄, 30 ac.
in SW¹/₄ NE¹/₄, SE¹/₄ NE¹/₄, 20 ac. in NE¹/₄ NE¹/₄, all in Section 21, Township 6 N.,
Range 40 E. B.M. It was dry farm land and as a result of the pump and
sprinkler system is now all irrigated land and has all produced irrigated
crops. The land was all improved for irrigated crop land.

25108

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. 4.8 cfs.

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.

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

Ans. Started using the water May 1, 1955. The land was all under cultivation from that date on and has produced irrigated crops since then. The entire 4.8 cfs. has been used since that date.

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)

Mrs. Josephine H. 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 21st day of August, A. D. 1959,

Mary Smith
Notary Public, residing at
Rexburg, Idaho.

My commission expires June 25, 1963

25108

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 19 1918
Department of Reclamation

Permit No. G25108

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. Eldon W. Smith, 39, Route 2, Rexburg, Idaho. Farmer.

Ques. 2. Are you acquainted with Josephine H. Smith, the holder of Permit No. G25108? How long have you known him and where does he reside?

Ans. 32 years. She resides at Rexburg, Idaho

Ques. 3. Have you read or heard read said Permit No. G25108, 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. SE corner SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 6 N., Range 40 E. B. M. Pumped into underground main and irrigation by sprinkler system.

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. 4.8 cubic feet per second. I estimate I have seen that much conveyed.

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. I was there when the engineer measured the water and he informed us that it was delivering 4.8 cfs, and I saw it delivering that amount.

G25108

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. Used for irrigation of cultivated crops. Prior to that the land was dry farm land. The land was improved for irrigation and is now all cultivated crop land. Used to irrigate N¹/₂SE¹/₄, NE¹/₂SW¹/₄, 20 ac. in NW¹/₂SW¹/₄, 10 ac. in SE¹/₂NW¹/₄, 20 ac. in SW¹/₂NE¹/₄, SE¹/₂NE¹/₄, 20 ac. in NE¹/₂NE¹/₄ all in Section 21, Township 6 N., Range 40 E.B.M.

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. Sandy Loam Soil. Needs 4.8 cfs 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. Have been present frequently ever since the well was drilled. I have seen the well in use and the crops being irrigated on numerous occasions.

(Signed) Eldon W. Smith

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, Idaho, County of Madison, State of Idaho, on this 21st day of August, A. D. 1959.

Mary Smith
Notary Public.

My commission expires 6-25-63

825108

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
SEP 1 1959
Department of Reclamation

Permit No. G25108

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. Ralph W. Huskinson, 31, Rexburg, Idaho, Farming.

Ques. 2. Are you acquainted with Josephine H. Smith, the holder of Permit No. G25108? How long have you known him and where does he reside?

Ans. 31 years.

Ques. 3. Have you read or heard read said Permit No. G25108, 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 well. SE corner SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T 6 N., R 40 E. B.M.
The water is pumped into an underground main and the land irrigated by sprinkler system.

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. 4.8 cfs. I estimate I have seen that much being conveyed.

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. I estimate I have seen the pump deliver 4.8 cfs. I estimated this from my experience with this type of pump and system.

G25108

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. Used to irrigate $N\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, 20 ac. in $NW\frac{1}{4}SW\frac{1}{4}$, 10 ac. in $SE\frac{1}{4}NW\frac{1}{4}$, 30 ac. in $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, 20 ac. in $NE\frac{1}{4}NE\frac{1}{4}$ all in Sec. 21, T 6N., R 40 E.B.M. All cultivated crop land and has been producing crops (irrigated) since 1955.

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. Sandy loam soil and requires at least 4.8 cfs. 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. Am an adjoining property owner and have seen the application to beneficial use during the entire irrigation season/each year since 1955.

(Signed)

Edith W. Johnson

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 21st day of August, A. D. 1959.

Mary Smith

Notary Public.

My commission expires June 25, 1963

25108

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 of Works
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 29, 1959
and the last publication having been made
on August 19, 1959.

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-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

John A. Porter

Subscribed to and sworn to before me

this 19th day of August, 1959.

Shea Sullivan

Notary Public.

(SEAL)

My commission expires 6-25-63

**NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at
10 o'clock a.m., on the 21st day
of August, 1959, at Rexburg,
County of Madison, State of Ida-
ho, before J. Fred Smith, Notary
Public, proof will be submitted
of the completion of works for
the diversion of 4.8 cubic feet
per second of the waters of un-
derground and of the application
to beneficial use of said water, in
accordance with the terms and
conditions of Permit No. 625108
heretofore issued by the Depart-
ment of Reclamation of the State
of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are Es-
tate of J. Fred Smith, deceased,
Rexburg, Idaho.

2. Said works of diversion will
be fully completed on the date

set for such completion, and
amount of water to be diverted
works are capable of conveying
to the place of use, in accordance
with the plans accompanying the
application for such permit, is
4.8 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 4.8 cubic
feet per second.

4. The place where said water
is used is
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 ac. in

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 ac. in SE $\frac{1}{4}$,
NW $\frac{1}{4}$, 30 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$,
all in Section 21, Township 6
North, Range 40 East, Boise
Meridian. Points of Diversion:
SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 21, T. 6 N., R. 40 E.B.M.

5. The date of priority which
said user is prepared to establish
is August 3, 1954.

GEORGE N. CARTER
State Reclamation Engineer
GEORGE N. CARTER
(Publ. July 29, Aug. 5, 12, 19, '59)

625108

CERTIFICATE

I HEREBY CERTIFY, the foregoing to be a full, true and correct copy of the original _____

DECREE SETTLING FINAL ACCOUNT OF EXECUTRIX AND FINAL DISTRIBUTION

in the matter of the estate of J. FRED SMITH,

Deceased.

on file in my office, in the above entitled estate.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the above entitled court this

13th day of **July**, 19 **59**

Vernon C. Mortensen
Probate Judge.

SEABURG
JOURNAL

25108

IN THE PROBATE COURT OF MADISON COUNTY, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE OF (

J. FRED SMITH, (

Deceased. (

DECREE SETTLING FINAL ACCOUNT
OF EXECUTRIX AND FINAL DISTRI-
BUTION.

Josephine H. Smith, the executrix of the estate of J. Fred Smith, deceased, having on the 30th day of June, 1959, rendered and filed herein a full account and report of her administration of said estate, which said account was for final settlement, and having with said account filed a petition for final distribution of said estate, and said account and petition this day coming on regularly to be heard, and proof having been made to the satisfaction of the court that notice of the settlement of said account and hearing of said petition in the manner and for the time required by law, has been duly and regularly given, the court finds:

1. That said account is in all respects true and correct;
2. That each and every allegations set forth in the report and petition for distribution accompanying said final account is true.
3. That said executrix duly caused to be made and returned to this court a true inventory and appraisement of the estate of deceased which had come to her possession or knowledge, as required by law.
4. That due and legal notice to creditors of said estate has been given in the manner and for the time required by law; that more than four months have elapsed since the first publication of notice to creditors, and the court has made and entered herein its decree establishing notice to creditors.
5. That all accounts due at the time of decedent's death have been paid; that all expenses of administration have been fully paid; that all taxes levied and charged against said estate have been paid in full; that all creditors claims presented and filed

125108

against said estate have been paid; that a Federal Estate Tax Return has been made and filed herein and the Federal Estate Tax has been paid by Josephine H. Smith, surviving wife of decedent, and said estate is now ready for distribution and now in a condition to be closed.

6. That J. Fred Smith died testate on the 8th day of April, 1958, at Rexburg, Idaho; that at the time of his death he was a resident of Rexburg, Madison County, Idaho; that he left surviving him the following named heirs and next of kin, to-wit: Josephine H. Smith, his widow; Marie Auderegg, his daughter; Lucille Roylance, his daughter; Ross F. Smith, his son; Eldon W. Smith, his son; and John H. Smith, his son.

7. That at the time of the death of J. Fred Smith, the whole of his said estate was the community property of decedent and Josephine H. Smith, his surviving wife; that said Josephine H. Smith is entitled to have decreed and distributed to her the estate of said decedent, as provided by his Last Will and Testament.

8. That decedent, by the terms of his Last Will and Testament admitted to probate on the day of May, 1958, gave, devised and bequeathed unto his wife, Josephine H. Smith, all of his estate of every kind and nature wheresoever situated.

9. That the residue of said estate remaining in the hands of your petitioner for distribution consists of the following described real and personal property:

Commencing at a point 63-3/4 feet North of the Southeast corner of Lot 1, Block 50 of the Original Rexburg Townsite, in the City of Rexburg, Madison County, State of Idaho, as per the recorded plat thereof, and running thence North 70 feet; thence West 297 feet; thence South 10 feet; thence West 33 feet; thence South 60 feet; thence East 330 feet to the place of beginning.

Contract of Sale dated January 12, 1951, between J. Fred Smith and Josephine H. Smith, his wife, first parties, and Frank L. Rasicot and Clara Rasicot, his wife, second parties, wherein first parties agree to sell and buyers to buy the following described real property situated in Rexburg, Madison County, Idaho: Commencing at a point 6 rods East of the Southwest corner of Lot 4, Block 19 of the City of Rexburg, Idaho, as per the recorded plat thereof, and running thence East 4 rods; thence North 20 rods; thence West 4 rods; thence South 20 rods to the place of beginning,

upon which contract of sale there was a balance due and owing on the date of death in the amount of \$2344.31.

Lots Numbers - All - 12 - in Unit Number 16 in the Wasatch Lawn District of the Fielding Memorial Park Cemetery in the County of Bonneville, State of Idaho.

Commencing at the Southeast corner of Lot 8, Block 4 of the Parker Addition to the City of Rexburg, Idaho, and running thence North 50 feet; thence West 142 feet; thence South 50 feet; thence East 142 feet to the place of beginning.

SE $\frac{1}{4}$ of Section 12; W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 13, Township 5 North, Range 40 E.B.M. and the SE $\frac{1}{4}$; Lots 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 7; Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 5 North, Range 41 E.B.M., all in Madison County, Idaho.

Savings Account, First Security Bank, Rexburg, Idaho
Savings Account, Idaho First National, Idaho Falls
Savings Account, Idaho Bank of Commerce, Rexburg
Savings Account, First Security Bank, Rexburg
Checking Account, Idaho Bank of Commerce, Rexburg
Checking Account, First Security Bank, Rexburg
Checking Account, Idaho First National Bank, Idaho Falls
Household goods and furniture
Rexburg City Warrants
Travelers Checks
Farm Equipment and machinery
1/2 interest in grain warehouse on railroad lease property
1956 Super Buick
Cert. #120 for 10 shares preferred stock Financial Credit Corporation and Cert. #120 for 10 shares common stock
6% Debenture, Financial Credit Corporation, dated July 1, 1956, and due April 1, 1961, for \$1,000.00
716.970 shares Investors Mutual
28 U. S. Government bonds, Series E, various dates between 1941 to 1946; Permit G 25108 to appropriate 4.8 CFS of the Public Waters of the state of Idaho.

10. That any other property and estate belonging to said decedent which is not now known or discovered and which may hereafter become known or discovered should be decreed and distributed as provided by the terms of said Last Will and Testament and more particularly set forth in paragraph 8 above.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the first and final account of said executrix be, and the same is hereby allowed, approved and settled.

2. That the report and petition for distribution accompanying said account be, and the same is hereby approved, ratified and confirmed.

3. That all of the property of said estate and all of the property of which decedent at the time of his death was the owner

of or otherwise interested in, was the community property of decedent and Josephine H. Smith, his surviving wife; that said Josephine H. Smith is entitled to have decreed and distributed to her the estate of said decedent, as provided by his Last Will and Testament.

4. That the residue of said estate and any other property not now known or discovered which may belong to the estate of said decedent, or which said estate may have an interest in, be, and the whole thereof is hereby decreed and distributed as follows:

To Josephine H. Smith the following described real and personal property:

Commencing at a point 63-3/4 feet North of the Southeast corner of Lot 1, Block 50 of the Original Rexburg Townsite, in the City of Rexburg, Madison County, State of Idaho, as per the recorded plat thereof, and running thence North 70 feet; thence West 297 feet; thence South 10 feet; thence West 33 feet; thence South 60 feet; thence East 330 feet to the place of beginning.

Contract of Sale dated January 12, 1951, between J. Fred Smith and Josephine H. Smith, his wife, first parties, and Frank L. Rasicot and Clara Rasicot, his wife, second parties, wherein first parties agree to sell and buyers to buy the following described real property situated in Rexburg, Madison County, Idaho; Commencing at a point 6 rods East of the Southwest corner of Lot 4, Block 19 of the City of Rexburg, Idaho, as per the recorded plat thereof, and running thence East 4 rods; thence North 20 rods; thence West 4 rods; thence South 20 rods to the place of beginning, upon which contract of sale there was a balance due and owing on the date of death in the amount of \$2344.31.

Lots Numbers - All - 12 - in Unit Number 16 in the Wasatch Lawn District of the Fielding Memorial Park Cemetery in the County of Benneville, State of Idaho.

Commencing at the Southeast corner of Lot 8, Block 4 of the Parker Addition to the City of Rexburg, Idaho, and running thence North 50 feet; thence West 142 feet; thence South 50 feet; thence East 142 feet to the place of beginning.

SE $\frac{1}{4}$ of Section 12; W $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 13; Township 5 North, Range 40 E.B.M. and the SE $\frac{1}{4}$; Lots 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 7; Lot 1; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 5 North, Range 41 E.B.M., all in Madison County, Idaho.

Savings Account, First Security Bank, Rexburg, Idaho
Savings Account, Idaho First National, Idaho Falls
Savings Account, Idaho Bank of Commerce, Rexburg
Savings Account, First Security Bank, Rexburg
Checking Account, Idaho Bank of Commerce, Rexburg
Checking Account, First Security Bank, Rexburg
Checking Account, Idaho First National Bank, Idaho Falls

Household goods and furniture
 Rexburg City Warrants
 Travelers Checks
 Farm Equipment and machinery
 1/2 interest in grain warehouse on railroad lease property
 1956 Super Buick
 Cert. #120 for 10 shares preferred stock Financial Credit Corporation and Cert. #120 for 10 shares common stock
 6% Debenture, Financial Credit Corporation, dated July 1, 1956, and due April 1, 1961, for \$1,000.00
 716.970 shares Investors Mutual
 28 U. S. Government bonds, Series E, various dates between 1941 and 1946; Permit G 25108 to appropriate 4.8 CFS of the Public Waters of the State of Idaho.
 Any other property and estate belonging to said decedent

which is not now known or discovered and which may hereafter become known or discovered, same is hereby decreed and distributed to Josephine H. Smith.

Dated this 13th day of July, 1959.

/s/ Vernon C. Mortensen
 Probate Judge.

State of Idaho } ss
 County of Madison,
 Filed for Record at the Request of
Mary Smith
 at 30 Minutes past 3
 O'clock P. M. this 17
 day of July, 1959
 and Recorded in Book 195
 of Decrees Page 149
 Records of Madison County
 State of Idaho
[Signature]
[Signature]
 Deputy
 Fee 3 50

RECORDED
 INDEXED

113053

25108

July 14, 1959

Mary Smith,
Attorney at Law,
Rexburg, Idaho.

Dear Miss Smith:

We are enclosing a small supply of Form 36
for your future use.

Please destroy all old Form #36 which you may
have on hand at this time.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pmk

825108

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

July 14, 1959

Re: Permit No. G-25108
Estate of J. Fred Smith

Mary Smith,
Attorney at Law,
Rexburg, Idaho.

Dear Miss Smith:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-25108, in the name of Estate of J. Fred Smith, Deceased. Final Proof is to be made before you, as Notary on the 21st day of August, 1959, at 10:00 o'clock A.M., at Rexburg, Idaho.

As of this date we have mailed the Notice to the Rexburg Standard 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 the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your 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:

(Mrs.) Edna P. Rutledge
Chief Clerk

G25108

EPR:Pk
cc: Applicant
Encl.

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: July 14, 1959

Re: Permit No. G-25108
Estate of J. Fred Smith, Deceased
Rexburg, Idaho.

Rexburg Standard,
Rexburg, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **August 21, 1959** the date set for proof;

the expense of the publication is to be paid by the applicant

Estate of J. Fred Smith, Deceased, of **Rexburg, Idaho**
Josephine H. Smith, Executrix

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

By

Chief Clerk

** 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.

25108

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
JUL 14 1959
Department of Reclamation

July 9,
1959

Mr. George N. Carter
State Reclamation Engineer
Bureau of Reclamation
Boise, Idaho

Permit No. G 25108
J. Fred Smith

Dear Sir:

I am enclosing herewith certified copy of Letters Testamentary in the matter of the Estate of J. Fred Smith, Deceased, together with two copies of Notice of Proof of Completion of Works etc. and Authorization to publish the notice signed by Mrs. Smith as Executrix.

In the event it is necessary to make any corrections or changes on the Notice of Proof this is your authority to do so.

We appreciate your cooperation and help in this matter and if there is anything additional for us to do or furnish you at the present time please let us know.

Yours very truly,

Mary Smith

Mary Smith

S

825108

RECEIVED

JUL 14 1959

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 8, 1959

(P. O.) Rexburg, 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 of Rexburg, Idaho published in
the county in which the works are situated.

ESTATE OF J. FRED SMITH, Deceased.

Euphine H. Smith
Executrix

(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.

825108

RECEIVED
JUL 14 1959

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

Department of Reclamation

Notice is hereby given that at 10:00'clock AM., on the 21st
day of August, 1959, at Rexburg, County of Madison
State of Idaho, before Mary Smith, Notary Public,
proof will be submitted of the completion of works for the diversion of
4.8 cubic feet per second of the waters of underground
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. G25108 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 are Estate of J. Fred Smith, Deceased, Rexburg, 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, in accordance with the plans accompanying the
application for such permit, is 4.8 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
4.8 cubic feet per second.

4. The place where said water is used is N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{2}$ SW $\frac{1}{4}$, 20 ac. in
NW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 ac. in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 30 ac. in SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, 20 ac. in
NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 21, Township 6 North, Range 40 East, Boise
Meridian.

Points of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 6 N. - R. 40 E, B. M.

5. The date of priority which said user is prepared to establish is
August 21, 1954.

Sam H. Carter

State Reclamation Engineer

G25108

CERTIFICATE

I HEREBY CERTIFY, the foregoing to be a full, true and correct copy of the original _____

Letters Testamentary in the Matter of the Estate of J. Fred

Smith, Deceased,

on file in my office, in the above entitled estate.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the above entitled court this

9th day of July, 19 59

Vernon C. Mortensen
Probate Judge.

SEBASTIAN
DAVID
JOURNAL

S 25108

LETTERS TESTAMENTARY

RECEIVED
JUL 14 1959
Department of Reclamation

IN THE PROBATE COURT OF MADISON COUNTY,
STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF

J. FRED SMITH

Deceased.

LETTERS TESTAMENTARY.

THE LAST WILL of J. Fred Smith, deceased,

a copy of which is hereto annexed, having been proved and recorded in the Probate Court of the County of
Madison, State of Idaho, Josephine Smith

who is named therein, is hereby appointed Executor.

WITNESS: Vernon C. Mortensen, Judge Clerk of the Probate Court

of the County of Madison, State of Idaho, with the seal of the Court affixed, the 19th
day of May 19 59

BY ORDER OF THE COURT:

(Seal)

/s/ Vernon C. Mortensen
Probate Judge.

Clerk.

STATE OF IDAHO, }
County of Madison. } ss.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of
the State of Idaho, and that I will perform, according to law, the duties of Executor of the Last Will
and Testament of J. Fred Smith, deceased.

/s/ Josephine Smith

Subscribed and sworn to before me this 19th day of May 19 59

(Seal)

/s/ Vernon C. Mortensen
Probate Judge.

Clerk.

No. _____

IN THE PROBATE COURT

County of Madison
STATE OF IDAHO

In the Matter of the Estate of

Deceased.

LETTERS TESTAMENTARY

Issued to

on the _____ day of

_____, 19____.

Filed _____, 19____.

Probate Judge.

By _____

Clerk.

REKRUZ
BAND
JOURNAL

LAST WILL AND TESTAMENT

OF

J. FRED SMITH

I, J. Fred Smith, being a resident of Rexburg, Madison County, Idaho, do make and declare this my Last Will and testament and hereby revoke all former wills made by me.

First: I give, devise, will and bequeath all my estate of every kind and nature to my wife, Josephine Smith.

Second: I appoint my wife, Josephine Smith, as executrix of my Last Will and Testament to serve without bond. I direct that my estate shall be settled without intervention of any court or courts and my executrix shall have the power, after filing an inventory of my estate, to mortgage, lease, sell and convey my real and personal property without an order of the court for that purpose, without notice, approval, or confirmation, and in all other respects administer and settle the estate without the intervention of the court. In the event Josephine Smith is unable to act as such executrix of my estate, I appoint my son, Eldon W. Smith to act as executor of this My Last Will and Testament without bond.

Third: I appoint W. Lloyd Adams and Mary Smith to act as attorneys in the probating of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand at Rexburg, Idaho this 7th day of November, 1955, in the presence of V. L. Oldham and Rhea Schroeder, who attest the same at my request and in my presence.

/s/ J. Fred Smith

The foregoing instrument, consisting of two pages, was, at the date hereof, signed, sealed, published, and declared by J. Fred Smith to be his Last Will and Testament in the presence of us, the undersigned, who at his request and in his sight and presence and in the sight and presence of each other, have hereunto subscribed our names as witnesses thereto.

/s/ V. L. Oldham

Residing at /s/ Rexburg, Idaho

/s/ Rhea Schroeder

Residing at /s/ Rexburg, Idaho

P 25108

June 12, 1959

Re: Permit G-25108
J. Fred Smith

Mary Smith
Attorney at Law
Nevada, Idaho

Dear Madam:

The original point of diversion, or location of the well was SW 1/4, Sec. 21, and on January 11, 1957 an amendment to the point of diversion was approved for points in SE 1/4 and NE 1/4, Sec. 21.

Enclosed is a sketch map from the file which is not identified except by Mr. Smith's name and land description. It checks with our approved sketch map. The acreage checks with that shown on the permanent record sheet of the permit.

Mrs. Smith should sign as executrix. We should have a certified copy of the Court Order naming her as the executrix. The Certificate of Completion of Works and the Water License will be in the name of J. Fred Smith Estate if we do not receive a copy of the Court Order of distribution prior to issuance.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc. map

J25108

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
JUN 12 1959
Department of Reclamation

June 11, 1959

RE: Permit No. G-25108

Mr. George N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Carter:

Mrs. J. Fred Smith has handed me your letter of instructions regarding the proof of completion of works and application of water to beneficial use under the terms under the above numbered permit, which are due not later than August 21, 1959.

Mr. Smith passed away last year and Mrs. Smith as executrix is probating his estate. In checking through the correspondence, we note that the application was ammended, giving another point of diversion in order that he might drill another well. As I understand it, the original point of diversion was located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 21, Township 6 North, Range 40 East B.M.. Mr. Smith never drilled the other well and Mrs. Smith would like to complete the proof as to the one well. As I understand it, this well waters the entire acreage included in the original application. I further note in checking the correspondence that apparently Mr. Smith filed a corrected map. I do not find a copy of the corrected map in his file, and would appreciate it if you would send me a copy. If it meets with your approval, we will fill in the notice of proof for the original well covering the entire acreage and drawing 4.8 cubic feet per second.

Yours very truly,

Mary Smith

G25108

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
Boise, Idaho

RE: Permit No. G-25108

Date June 1, 1959

J. Fred Smith
Rexburg, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. G-25108 are due not later than August 21, 1959.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point or points of diversion; and the location of use or the lands which are irrigated--all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper will will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enclosures Form 36-2, Form 11-1
instructions

B 25108

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. G-25108 Under the
Provisions of Section 5594, Idaho
Compiled Statutes.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. G-25108 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: August 21, 1956; and,

WHEREAS, On the 16 7th day of January, 1957 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 18th day of January, 1957 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were ~~fully completed within the time required~~; and, reasonably advanced, and

~~WHEREAS, On the 18th day of January, 1957 the holder and one witness were examined at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,~~

~~WHEREAS, an Extension of Time is allowed to August 21, 1959.~~
~~WHEREAS, After examination of the said deposition, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed within the time required under the terms of said Permit No. G-25108 and that the holder has acted in good faith;~~

IT IS, THEREFORE, Herby Ordered that said Permit No. G-25108 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of March, 1957.

Mark R. Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer
By _____ Assistant

B25108

January 21, 1957

Re: Permit No. G-25108

Mr. Fred J. Smith
Rexburg
Idaho

Dear Mr. Smith:

We enclose Application for Amendment to Permit No. G-25108 as to the point of diversion as described in the original Permit to read: SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 6 North, Range 40 East B.M. This amendment has been recorded in the Department of Reclamation in Book 89 of Permits, Page 25108 and should be attached to the original permit to which it refers and of which it now becomes a part,

Also enclosed is Approval for Extension of Time by the State Reclamation Engineer which has extended the time for completion of works and beneficial use in connection with Permit G-25108 to August 21, 1959.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Encls: (2)

B25108

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now J. Fred Smith and represents to the State
Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. G-25108.

That the point of diversion is described in said permit as being
located SW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 21, T. 6 N., R. 40 E. B. M.

That he now requests that the point of diversion be changed to two
points located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 21, T. 6 N., R. 40 E. B. M.
SE

That his reasons for desiring to make such change are as follows:
One well does not supply sufficient water. It is necessary to put
down another well.

That no one will be injured by such change, and that such change
will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 18th day of January 19 57

Date of receipt at Department of Reclamation Jan 18-57.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho,
hereby approve the above and foregoing application for amendment to Permit to
appropriate the Public Waters of the State of Idaho, No. G-25108. This
approval constitutes a new permit and is issued as an amendment to the original
permit, to which it refers and of which it becomes a part, and said application
is approved only insofar as the rights of others will not be adversely affected
thereby.

Mark R. Kulp
State Reclamation Engineer

825108

STATE OF IDAHO
Department of Reclamation

Permit No. G-25108

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Madison } ss

J. Fred Smith, of Rexburg, Idaho

State of _____, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 21, 1956

That he has heretofore put to beneficial use put down one well and irrigated 120 acres second feet of water and has irrigated _____ acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: The well did not yield as well as anticipated. Now it is necessary to drill an additional well; this has caused additional expense and delay. This has made it necessary to request additional time.

WHEREFORE, He asks that the State Reclamation Engineer
~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to August 21, 1959

Subscribed and sworn to before me this 18th day of January, 1959

Notary Public.

My commission expires _____

Date of receipt at office of Department of Reclamation _____

APPROVAL OF STATE RECLAMATION ENGINEER
~~Commissioner of Reclamation~~
I, MARK R. KULP, State Reclamation Engineer
~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108, to 21st August, 1959

Witness my hand this 21st day of January, 1959

G25108

Mark R. Kulp
State Reclamation Engineer

DELIVERING
EMPLOYEE

☐ Deliver ONLY addressee. (Does not apply to Certified mail.)

☐ Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. J. Fred Smith
(Signature or name of addressee)
2. By Mrs. Smith
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of Delivery

1-8, 1966

825108

P.T.

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF
DELIVERING OFFICE

RETURN TO

REGISTERED NO.

19643

CERTIFIED NO.

INSURED NO.

NAME OF SENDER

State Department of Reclamation

STREET AND NO. OR P. O. BOX

State House, Room 107

POST OFFICE

Boise

STATE

Idaho

R25108

POD Form 3811
July 1955



U. S. GOVERNMENT PRINTING OFFICE : 1955

850304-m

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

January 7, 1957

Re: Permit No. G-25108

To J. Fred Smith

Rexburg, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G-25108
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works & Beneficial Use proofs were due August 21, 1956

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. G-25108
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. G-25108 claims the use of 4.8 cubic feet per second of the
waters of Subterranean flow from a well with point of diversion located
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 21., Twp. 6 N., Rge. 40 E., B.M.
was approved August 21, 1954

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

7th day of January, 1957

State Reclamation Engineer.

By

Assistant.

G-25108

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

June 1, 1956

Mr. Fred Smith
Rexburg
Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-25108. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than August 21, 1956.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

825108

August 26, 1954

RE: Permit No. G-25108

Mr. J. Fred Smith
Rexburg
Idaho

Dear Mr. Smith:

We enclose Permit No. G-25108 together with departmental receipt No. G-730 for the \$6.00 filing fee.

You will note that we have changed Question 12 to show the land which you have marked on the corrected sketch map.

Although your application states that only one year will be required for completion of works and beneficial use, we have allowed two years or until August 21, 1956, within which to make these proofs.

However, they may be made at any earlier date that you are prepared to make them and we shall be glad to send you the necessary forms and instruction, upon request.

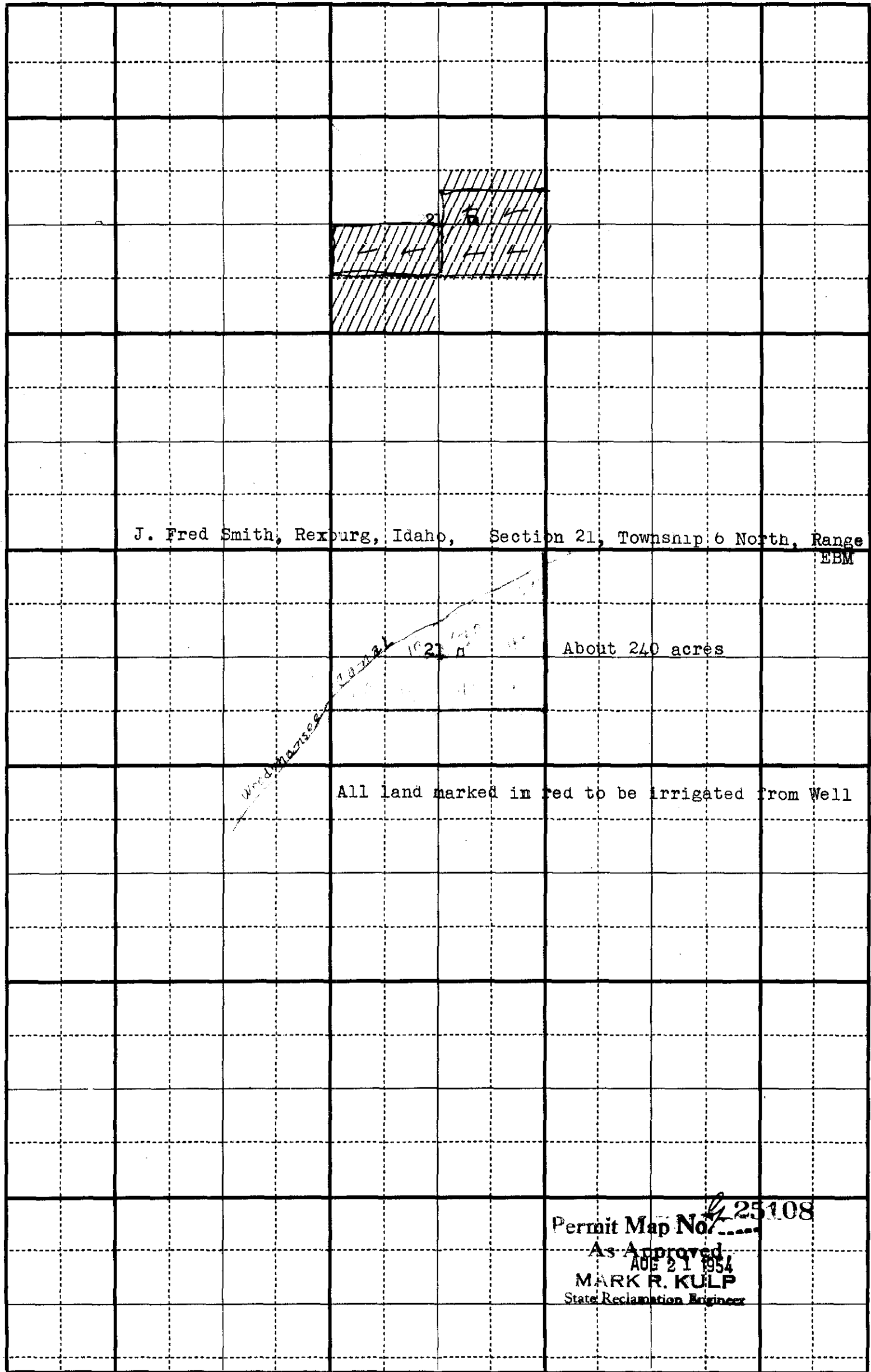
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

J25108



August 4, 1954

Mr. J. Fred Smith
Rexburg
Idaho

Dear Mr. Smith:

We are still at a loss to understand the land described in your application for Permit to appropriate water from a well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 6 North, Range 40 East B.M.

Your sketch map would seem to indicate the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 21 which would be 240 acres, but that does not agree with Question 12 of the application. Please indicate under Question 12 the acreage in each 40 acre subdivision and state whether or not the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21 should be included. This is cross-hatched on the map but is not checked.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

25108

July 22, 1954

Mr. J. Fred Smith
Rexburg
Idaho

Dear Mr. Smith:

We return your application for permit to appropriate water from a well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 6 North, Range 40 East B.M. with the request that you indicate under Question 12, the number of acres to be irrigated in each 40 acre subdivision.

Your sketch map would seem to indicate that the water is to be used on the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 21, making a total of 320 acres, but Question 12 only describes 240 acres, so it is important that the acreage in each 40 be shown under Question 12.

There is also a filing fee required with each application, which is at the rate of \$5.00 for the first second foot or 50 inches and twenty five cents additional for each additional second foot or fraction thereof.

The statutes allow a maximum of 1 inch per acre and if this water is to be used on 240 acres, you may apply for 240 inches or 4.8 cubic feet per second. The fee on this amount would be \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

825108

to beneficial use of said water, in accordance with the terms and conditions of Permit No. 62118 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 are: Estate of J. Fred Smith, deceased, Rexburg, Idaho.

2. Said works of diversion will be completed on the date

works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 4.3 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 4.3 cubic feet per second.

4. The place where said water

NW 1/4, Sec. 21, T. 6 N., R. 40 E., all in Section 21, Township 6 North, Range 40 East, Boise Meridian. Points of Diversion: SE 1/4 NE 1/4 and NE 1/4 SW 1/4, Sec. 21, T. 6 N., R. 40 E. B.M.

5. The date of priority which said user is prepared to establish is August 3, 1954.

GEORGE N. CARTER

State Reclamation Engineer

GEORGE N. CARTER

(Publ. July 29, Aug. 5, 12, 19, '59)