

Identification No. _____
Claim No. 63-4173
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

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

1. Name of claimant KENNETH T. Smith
post office address 6010 OUTLOOK AVE BOISE, IDAHO 83703
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 19 Township 4 NORTH
Range 2 EAST B.M. located on GROUNDWATER
(name of source)
tributary to _____ in ADA County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
August 14, 1968 amount: .03 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use DOMESTIC period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of N/A
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is 41 feet; diameter of well is 6 inches; type of pump is JAQUZZI
capacity of pump is 20 g.p.m.; name and address of well driller is MR. DARBELL
RANDALL RT #2 MERIDIAN, IDAHO ;

c. Conveying works: length of ditch to place of use is N/A feet; width of ditch at top is N/A feet; width of bottom of ditch is N/A feet; depth of water is N/A feet; grade of ditch per 1000 feet is N/A feet; material through which ditch passes is N/A; maximum length of pipe line to first place of use is N/A feet; diameter of pipe line is N/A inches; type of pipe N/A; grade of pipe per 1000 feet is N/A. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible N/A

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

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

[illegible]

Total number of acres to be irrigated 21A

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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

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

7. Where water is used for domestic or municipal purposes give number of families served 13 ONE
name of town supplied _____

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

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
None

State of Idaho

County of ADA

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 10th day of April, 1972

[Signature]
Claimant

[Signature]
Notary Public

Residing at Boise, Idaho

My commission expires 12/13/74

For Department Use Only

Received by <u>ef</u>	Date <u>4-21-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>D</u>	Date <u>4-21-1972</u>			
Fee received by <u>rip</u>	Date <u>4-21-72</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>Dec</u>			<u>63 4143</u>	
Published in <u>IDAHO STATESMAN</u>	Dates <u>5-4-75-11-72</u>			

INSTRUCTIONS

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

Paragraph No.

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

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

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

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

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

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

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

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

300 NORTH 6TH

IN ACCOUNT WITH

DIAL 343-5411

THE IDAHO STATESMAN

BOISE, IDAHO

FOR LEGAL ADVERTISING

Idaho Dept. of Water Administration
Statehouse- Annex 2
Boise, Idaho 82707

DATE	DESCRIPTION	LINES/TIMES	CHARGES	CHECK	CREDITS	BALANCE
	BALANCE STATEMENT RENDERED					
MAY 11 72	APRIL 63 4143 Kenneth F. Smith	26L 2x	9.10			9.10
I hereby certify that the above account is correct and just, that services were actually rendered as charges and that we have not received payment therefor. Signed STATESMAN PRINTING CO. By <u> </u>						

TERMS: NET 10 DAYS
THE IDAHO STATESMAN

63 4143

AMOUNT IN
THIS COLUMN
IS BALANCE
DUE

300 NORTH 6TH

IN ACCOUNT WITH

DIAL 343-5411

THE IDAHO STATESMAN

BOISE, IDAHO

FOR LEGAL ADVERTISING

• Idaho Dept. Water Administration
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• Boise, Idaho 82707
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I hereby certify that the above account is correct and just, that services were actually rendered as charged and that we have not received payment therefor. Signed STATESMAN PRINTING CO. By <i>[Signature]</i>						

TERMS: NET 10 DAYS
THE IDAHO STATESMAN

LAST AMOUNT IN
THIS COLUMN
IS BALANCE
DUE

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Georgene Davis

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two ~~consecutive~~ insertions, beginning with the issue of May 4, 19 72, and ending with the issue of May 11, 19 72.

Georgene Davis

Subscribed and sworn to before me this 24th
day of May, 19 72.

Jana A. Young

Notary Public for Idaho, Residing at Boise, Idaho

62 4143

WATER RIGHT NUMBER 63-4143

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 23

ACT
ION

N OWNER LAST NAME - SMITH
N ADDRESS LINE 1 - 6010 OUTLOOK AVE.

FIRST NAME - KENNETH F.

N
N SOURCE - GROUNDWATER

CITY - BOISE

STATE - ID ZIP CODE - 83703

N STAGE - STATRY CLM

PRIORITY - 08-14-1968 COUNTY - ADA

TOTAL DIV. RATE - .0300CFS

N DIVERSION POINT - NESW 19 04N 02E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0300CFS

N USE - DOMESTIC

PLACE OF USE - 1WN 04N RNG 02E SEC 19 TRACT NESW

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 163-4143
OTd No. _____ New No. _____

Record

1. Original Owner: Kenneth F. Smith

Present Owner: _____

2. Address: 6010 Outlook Ave.3. City: Boise State: Id Zip: 837034. A. Source of Water: Gr

B. Tributary of: _____

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

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

C. Priority Date: 8-14-1968D. County: 01E. Total Diversion Rate: .03

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>NESW</u>	<u>19</u>	<u>4N</u>	<u>2E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 1-1 to 12-31 for D purposes. Amount .03
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: D

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	
4N	2E	19									D								

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

June 1, 1972

Re: Claim to a Water Right No. 63-4143

Kenneth F. Smith
6010 Outlook Avenue
Boise, Idaho 83703

Dear Mr. Smith:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor
State Office

DWM:CR

Enc: copy of claim

63 4143

May 24, 1972

Re: Application for Permit No. 63-7578 - Bureau of Land Management
63-7589 - Richard M. Phillips
Claim to a Water Right No. 63-4143 - Kenneth F. Smith

The Idaho Statesman
Post Office Box #2640
Boise, Idaho 83701

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the two (2) above referenced applications for permit and the claim to a water right.

The legal notices for Application No. 63-7578 and for Claim No. 63-4143, were to have been published in your paper on May 4 and 11, 1972. The legal notice for Permit No. 63-7589 was to have been published on April 27 and May 4, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Dorian Clay
Water Resource Examiner
Western District

DC:CS

63 4143

April 28, 1972

Re: Claim to a Water Right No. 63-4143
Application for Permit No. 63-7592- Kenneth F. Smith
- City of Boise (Kroeger Park)

The Idaho Statesman
Post Office Box #2640
Boise, Idaho 83701

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Kenneth H. Folt
District Engineer
Western District

KHF:CS

Enc: Legal Notices (2)

63 4143

*Bill Submitted
5-31-72
d.s.*

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4143

Notice is hereby given that KENNETH E. SMITH
5010 Outlook Ave., Boise, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.03 cubic feet per second ~~acre feet~~
of water from a ground water source
with point of diversion in the NE 1/4, Section 19, Twp. 4 N, Rge.
2 East, B.M., Ada County

The water is claimed to be used from January 1, to December 31
for domestic purposes
with a priority of August 14, 1968;
the place of use is within the NE 1/4, Section 19, Twp. 4 N, Rge. 2 E.
B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Idaho
on May 4, 1972 and May 11, 1972

63 4143

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 21, 1972

Kenneth F. Smith
6010 Outlook Avenue
Boise, Idaho 83703

Dear Mr. Smith:

Attached herewith is your Receipt No. 8346 in the amount of \$ 10.00
for your application for permit (claim)
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

63 4143

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

April 18, 1972

Mr. Kenneth T. Smith
6010 Outlook Avenue
Boise, Idaho 83703

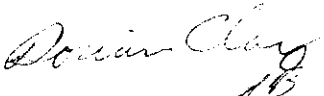
Dear Mr. Smith:

We are returning your Claim to a Water Right form and personal check #92-1, in the amount of \$10.00. In reviewing your claim, we found two (2) items that require clarification before we can process it.

Item #2 should list your source of water supply and the county in which your water development lies, as well as the legal description of your point of diversion.

Please return the claim form with the necessary clarifications as soon as possible, so that we may begin our processing.

Very truly yours,


Dorian Clay
Appropriation Examiner

DC:cs

Enc: check #92-1 (\$10.00)
Claim to a Water Right

63 4143