

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Bennie Smyer (Name of Claimant)
Box 573 Albion, Idaho 83311 Telephone No. 673-6642
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) March 31, 1882

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Howell Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)			
			(Mo., Day)		(Mo., Day)	
Quantity	<u>1.10</u>	Use <u>irrigation</u>	Period of Use From	<u>Apr 1</u>	To	<u>Oct 1</u>
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	

(4) 1.10 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 15 Twp. 12S Rge. 25E B.M., County of Cassia
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Ditches

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	25E	15						13	19	1	4	12	4	2					55

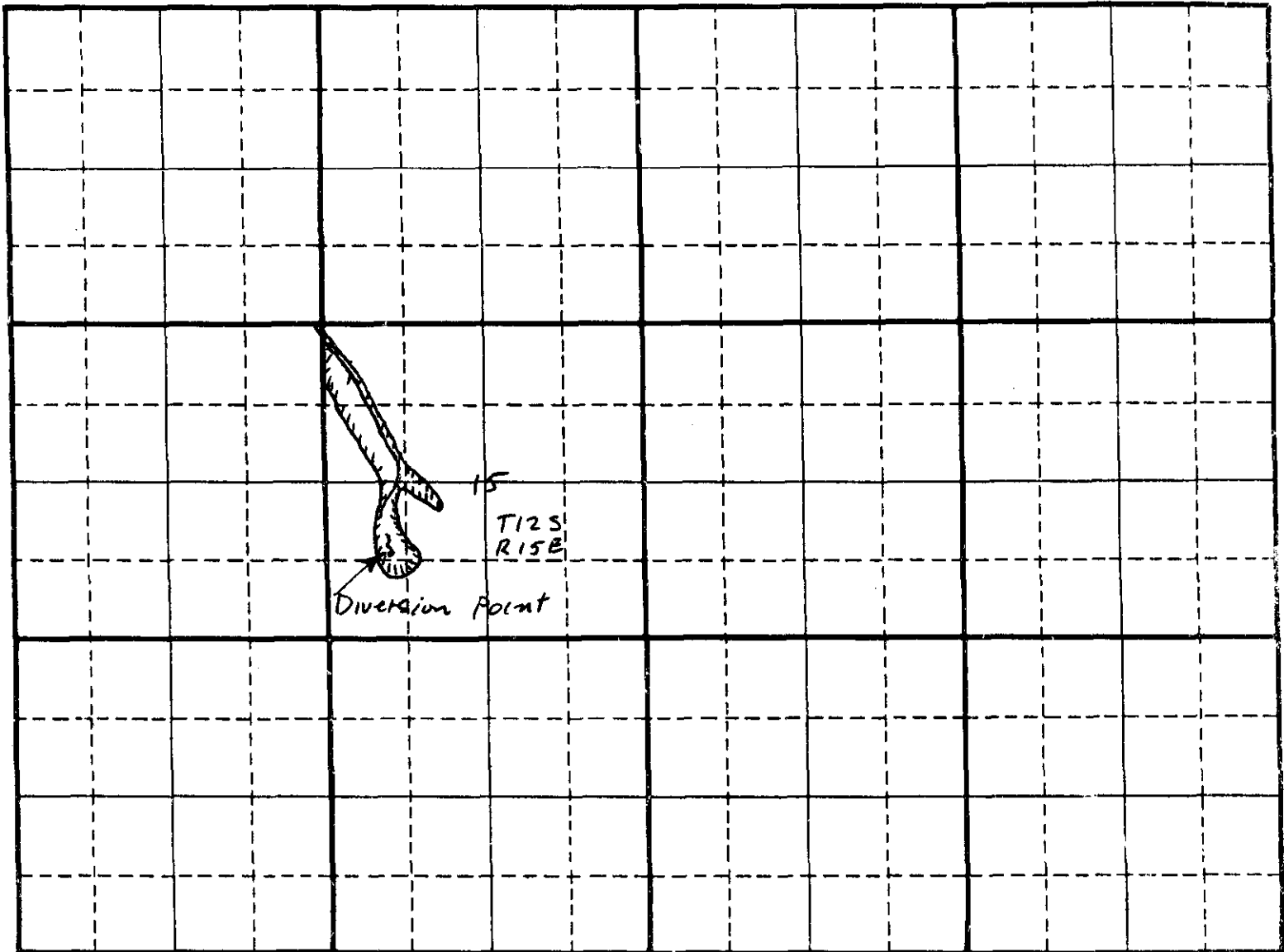
No. of acres 55

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

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

Bernie Smyer
(Claimant)

Sworn to before me this 23 day of September, 19 82.

Loren O. Halmer
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires life

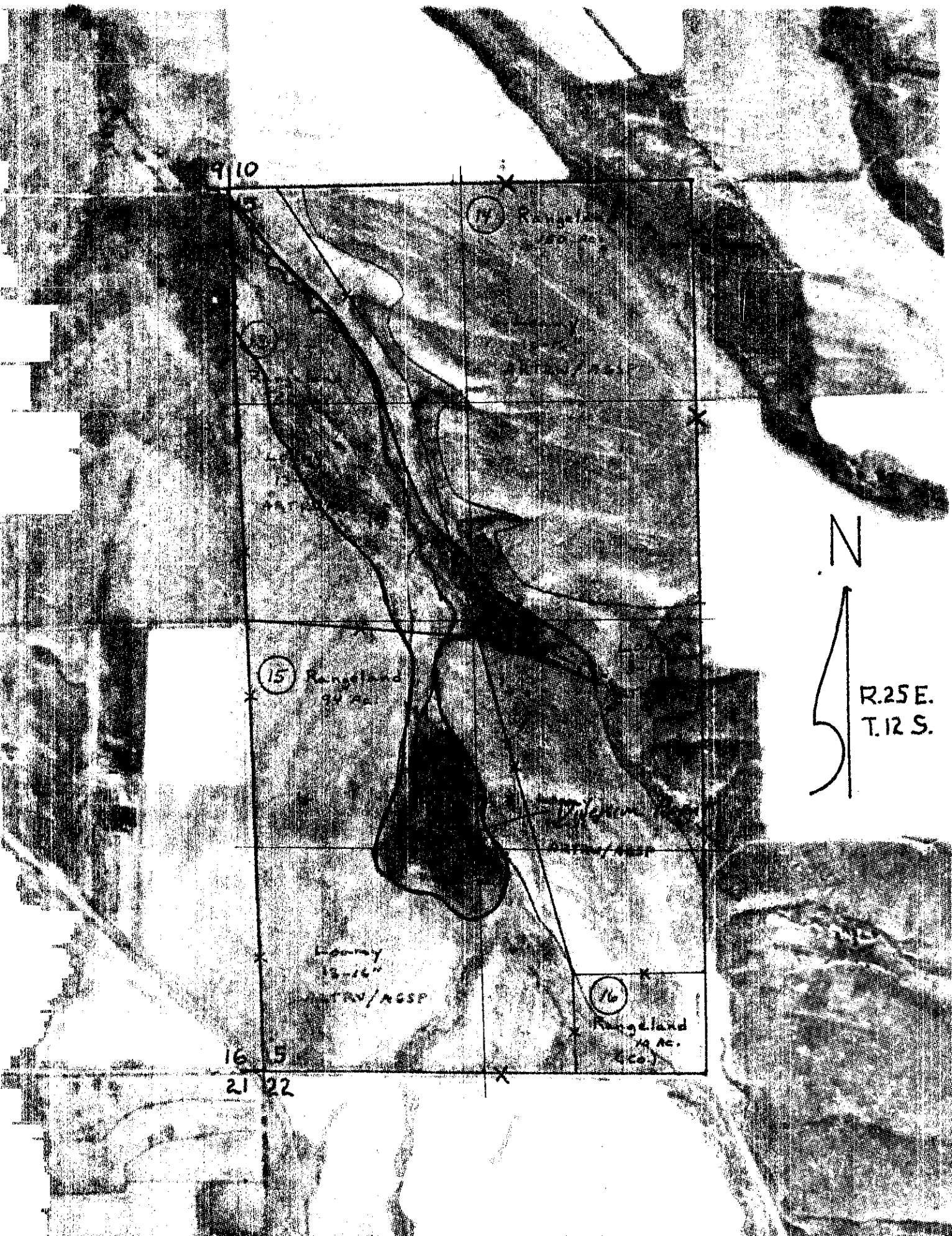
FOR DEPARTMENT USE ONLY			
Received by <u>LH</u>	Date <u>9/23/82</u>	Exception filed by:	Forwarded to
Prefim. check by <u>JF Stanton</u>	Date <u>9-24-82</u>		claimant by:
\$30.00 fee received by <u>macepa</u>	Date <u>9/23/82</u>	<u># 20967</u>	
Published in <u>South Idaho Press</u>			
Dates <u>9/30</u> <u>10/12/82</u>	<u>10/14</u> & <u>10/21/82</u>		

10-1095-16
1-27-1973

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

Owner BENNIE SMYER Operator SMIE
County CASSIA State IDAHO Date SEPT 1982
Approximate acres _____ Approximate scale 8" = 1 MILE 1" = 660'
Cooperating with EAST CASSIA Conservation District _____
Plan Identification _____ Photo number _____
Assisted by RICHARD LAVENDER USDA Soil Conservation Service



21307

CONSERVATION PLAN MAP

BENNIE SMYER

Operator SAME

CHSS18

IDRHO

Date SEPT 1982

Approximate scale 8" = 1 MILE 1" = 660'

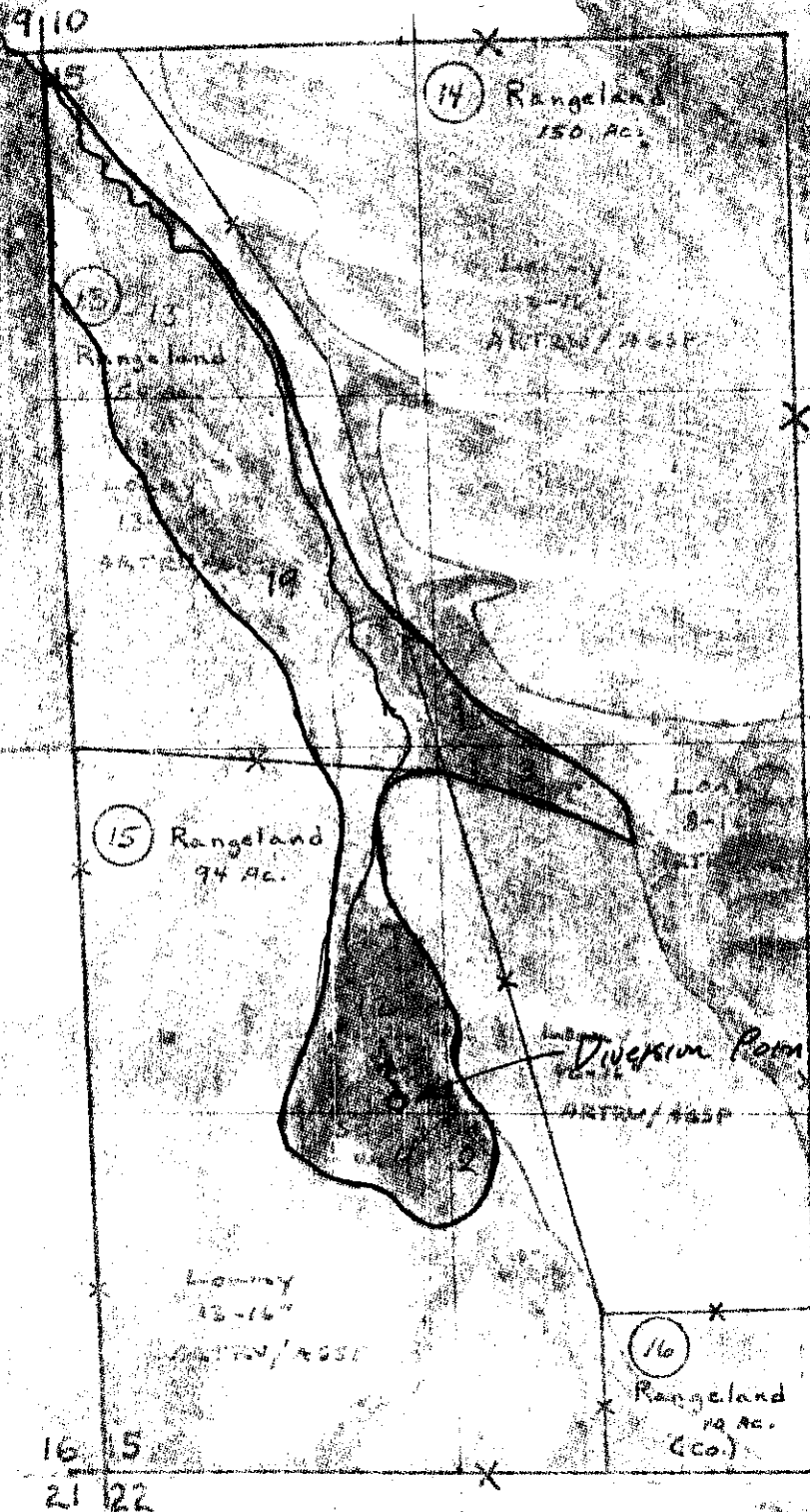
PROJECT CHSS18

Conservation District

Photo number

BY RICHARD LAVENDER

USDA Soil Conservation Service



R.25E.
T.12S.

21307

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Shirley L. Krieger, being first
duly sworn, deposes and says that he is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for Two
consecutive weeks, commencing with the issue
dated Oct 14 1982, and ending
with the issue dated Oct. 21, 1982

Subscribed and sworn to before me
this 12th day of Nov.

1982

City State

Notary Public

Cost of Publication \$25.74..

Notary Fee

Total Cost \$25.74..

claim(s) to water right(s) have been made for
diversion and application to beneficial use:

48-4188

SMYER, BENNIE, BOX 573, albion, ID. 83311.
Source: SPRING tributary to HOWELL CREEK.
Priority Date: 3/31/1882. Amount: 1.10 CFS.
Diversion Point: NWSW Sec. 15 T 12S R 25E
CASSIA Co. Use: IRRIGATION (1.10 CFS) from
04/01 to 10/01. Place of Use: NWNW SWNW
SESW NWSW SWSW SESW Sec. 15 T 12S R 25E
FOR 55 ACRES. Diversion Means: DITCHES.

Any exception to any claim of water right may
be filed with the Director of the Idaho Department
of Water Resources, 1041 Blue Lakes Blvd.,
North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN
Director

Published in the South Idaho Press September 30
and October 7, 1982.

ok
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NOV 15 1982

OF WATER RESOURCES
TWIN FALLS, IDAHO

SOUTH IDAHO PRESS

BURLEY, IDAHO

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STATE OF IDAHO) ss.
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Cathy Staker Notary Public

Cost of Publication\$25.74..
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Total Cost\$25.74..

82-284

10-1

NOTICE OF CLAIM TO WATER RIGHTS

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

45-4158

SMYER, BENNIE, BOX 573, albion, ID. 83311.
Source: SPRING tributary to HOWELL CREEK.
Priority Date: 3/31/1882. Amount: 1.10 CFS.
Diversion Point: NWSW Sec. 15 T 12S R 25E
CASSIA Co. Use: IRRIGATION (1.10 CFS) from
04/01 to 10/01. Place of Use: NWNW SWNW
SESW NESW NWSW SWSW SESW Sec. 15 T 12S R 25E
FOR 55 ACRES. Diversion Means: DITCHES.

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North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN
Director

Published in the South Idaho Press September 30
and October 7, 1982.

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NOV 15 1982

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 20, 1982

BENNIE SMYER
BOX 573
ALEXON

ID 83311

RE: Claim No. 45-4158

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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NOV 22 1982

Department of Water Resources

45-4158-

SMYER, BENNIE

BOX 573, ALBION, ID 83311

Source: SPRING tributary to HOWELL CREEK

Priority Date: ~~09/27/1982~~ 3/31/1982
~~XXXXXXXXXX~~

Amount: 1.10 CFS

Diversion Point: NWSW Sec 15 T 12S R 25E, CASSIA Co.

Use: IRRIGATION (1.10 CFS) from 04/01 to 10/01

Place of Use: NWNW SWNW SENW NESW NWSW SWSW SESW Sec 15 T 12S R 25E
FOR 55 ACRES

Diversion Means: DITCHES

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Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published ~~9-30~~ 10/7/82. + 10/14/82

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82-284

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/s/ A. KENNETH DUNN

Director

Published in the South Idaho Press September 30 and October 7, 1982. Continued

*called cancellation
10/6/82
[Signature]
1982*

S T A T E O F I D A H
D E P A R T M E N T O F W A T E R R E S O U R C E S
S o u t h e r n R e g i o n

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 24, 1982

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 18, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
SEP 27 1982
TWIN FALLS, IDAHO