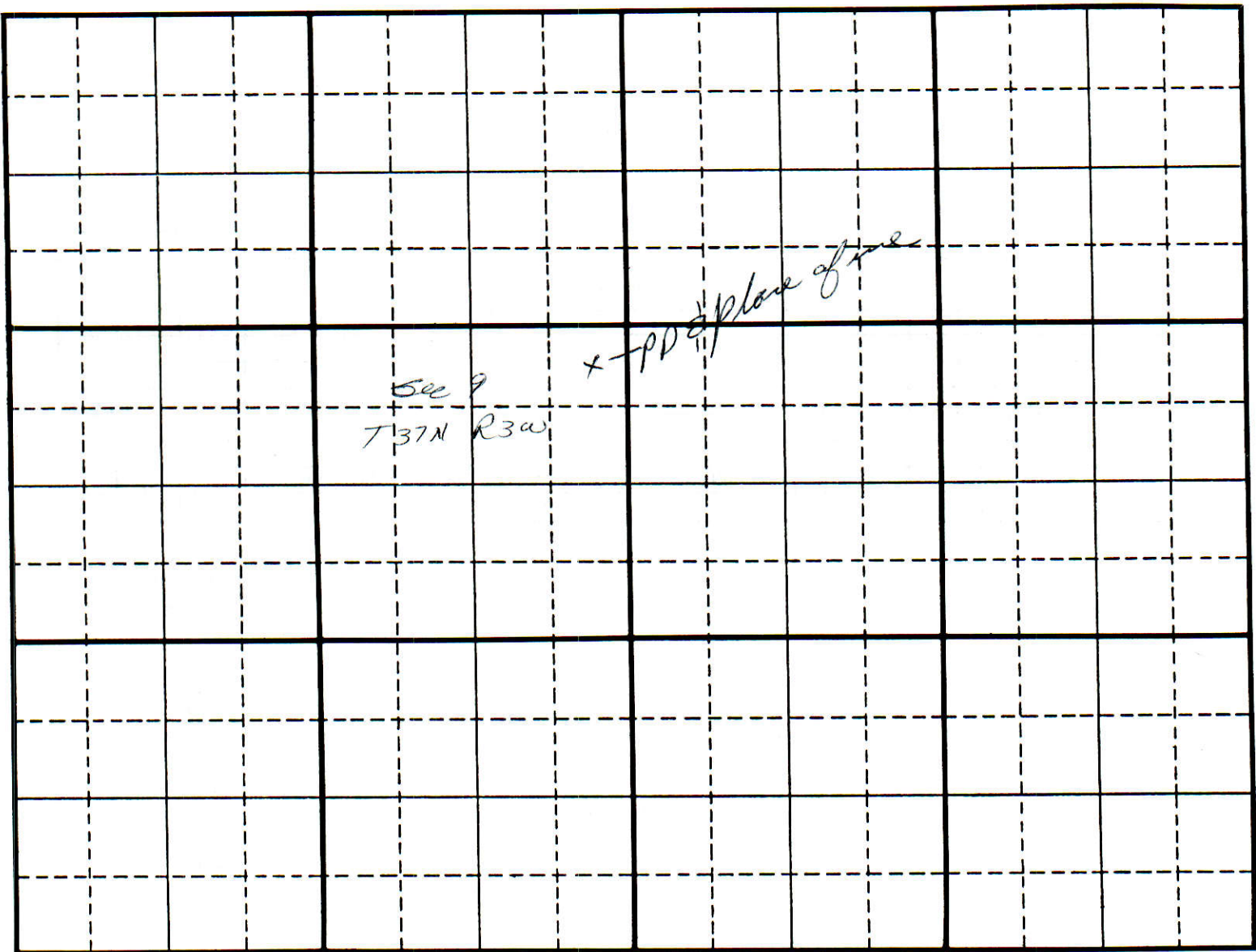


(8) Remarks _____



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 Soutwai) 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.

Sworn to before me this 3 day of October, 1978.
+ Donald M Smith
(Claimant)

Ala Burt
Notary Public
Residing at Postdam, Md

My commission expires September

FOR DEPARTMENT USE ONLY			
Received by <u>X</u>	Date <u>10/3/78</u>	Exception filed by:	Forwarded to
Prelim. check by <u>KE</u>	Date <u>10/3/78</u>		claimant by:
\$20.00 fee received by <u>JK</u>	Date <u>10/3/78</u> (12/1/3)		
Published in <u>Daily Idahoan</u>			
Dates <u>10-12-78</u>			
<u>01/10-20-79</u>			

Affidavit of Publication

STATE OF IDAHO
County of Latah

SS.

A. J. Marnieau

being first duly sworn, on oath,
deposes and says:

That he is the printer of The DAILY IDAHONIAN, a newspaper of general circulation, printed and published daily except Sunday at Moscow, Latah County, Idaho, in compliance with Sections 60-106, 60-107, and 60-108 of the Idaho Code and the amendments thereto; that the notice of which the annexed is a full, true and correct printed copy was published in the regular and entire issues of said newspaper and not in a supplement thereto, upon the following

dates: *October 12,*
19, 1978

the same being the dates designated for the publication of said legal notice.

[Signature]
Subscribed and sworn to before

me this *18th* day of *October*
1978

Carol Hleener

Notary Public,
residing at Moscow, Idaho

NOTICE TO CLAIM TO WATER RIGHT

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

86-4051

Donzal Smith

Rt 1 Box 94, Juliaetta, Id

Priority Date: 1950

Amount: 0.04 cubic ft/sec

Source: spring

Means: gravity flow pipe

Diversion Pt: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 T37N R3W

BM Latah Co

Place of Use: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 T37N R3W

BM

Use: domestic from Jan 1 to Dec 31

Any exception to any claim to water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

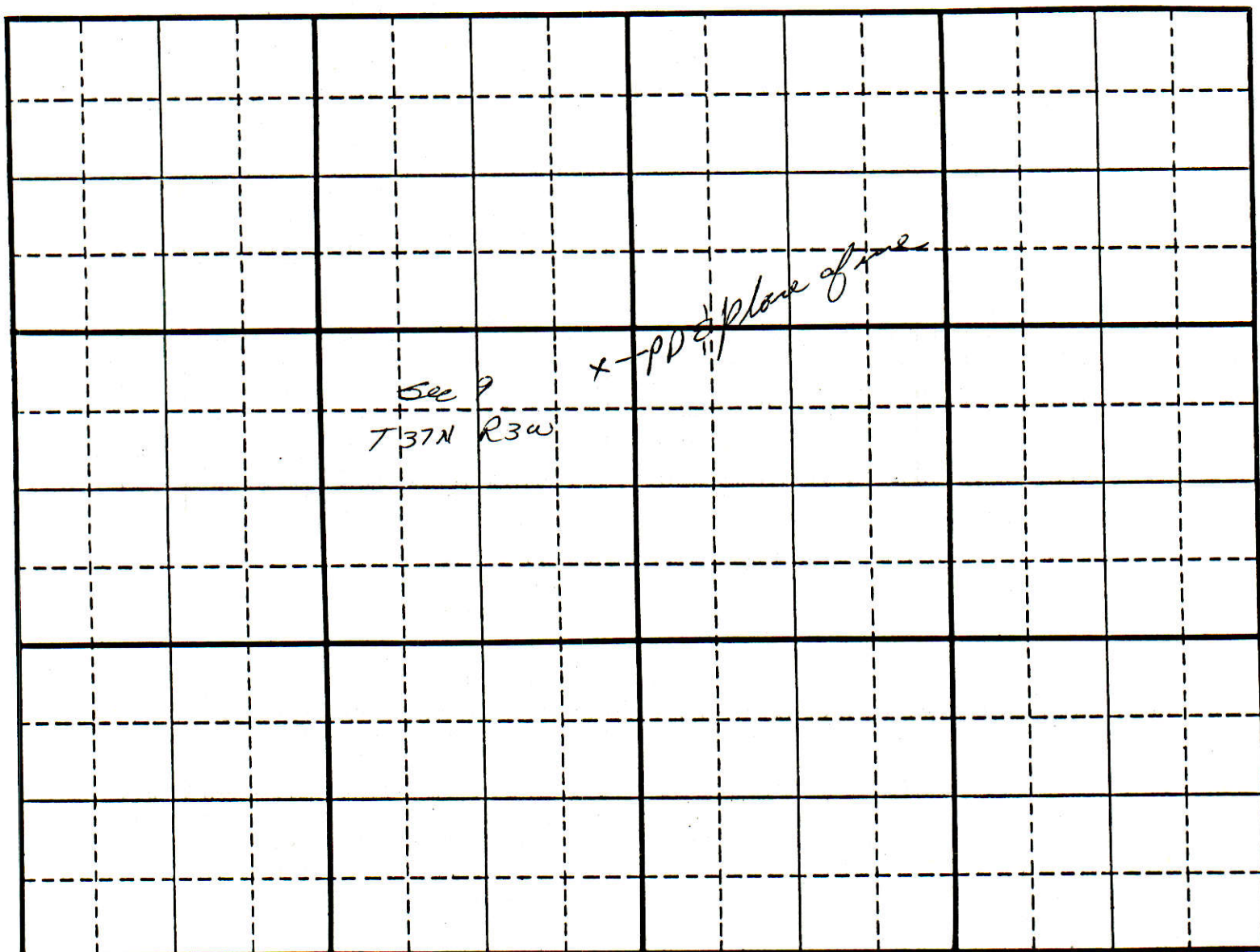
C STEPHEN ALLRED
Director

Oct. 12, 19, 1978

OK
10-20-78
[Signature]

RECEIVED
OCT 20 1978
IDAHO DEPARTMENT OF WATER RESOURCES
COEUR D'ALENE, IDAHO

(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 Sootenai) 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.

Sworn to before me this 3 day of October, 1978.
+ Douglas M Smith (Claimant)

Alva Burt
Notary Public
Residing at Postholm, Id

My commission expires September

FOR DEPARTMENT USE ONLY

Received by <u>X</u>	Date <u>10/3/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KE</u>	Date <u>10/3/78</u>		claimant by:	
\$20.00 fee received by <u>X</u>	Date <u>10/3/78</u> (12113)			
Published in <u>Postholm, Id</u>				
Dates <u>10-12-19-78</u>				

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 Donzal Smith
(Name of Claimant)
Rt #1 Box 94, Sublette, ID Telephone No. 276-7571
(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) 1950

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)
Unnamed Spring tributary to _____

(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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</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) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 9 Twp. 37N Rge. 3W B.M., County of Latah
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. Gravity flow pipe line to place of use.

(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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
37N	3W	9	X																

No. of acres _____

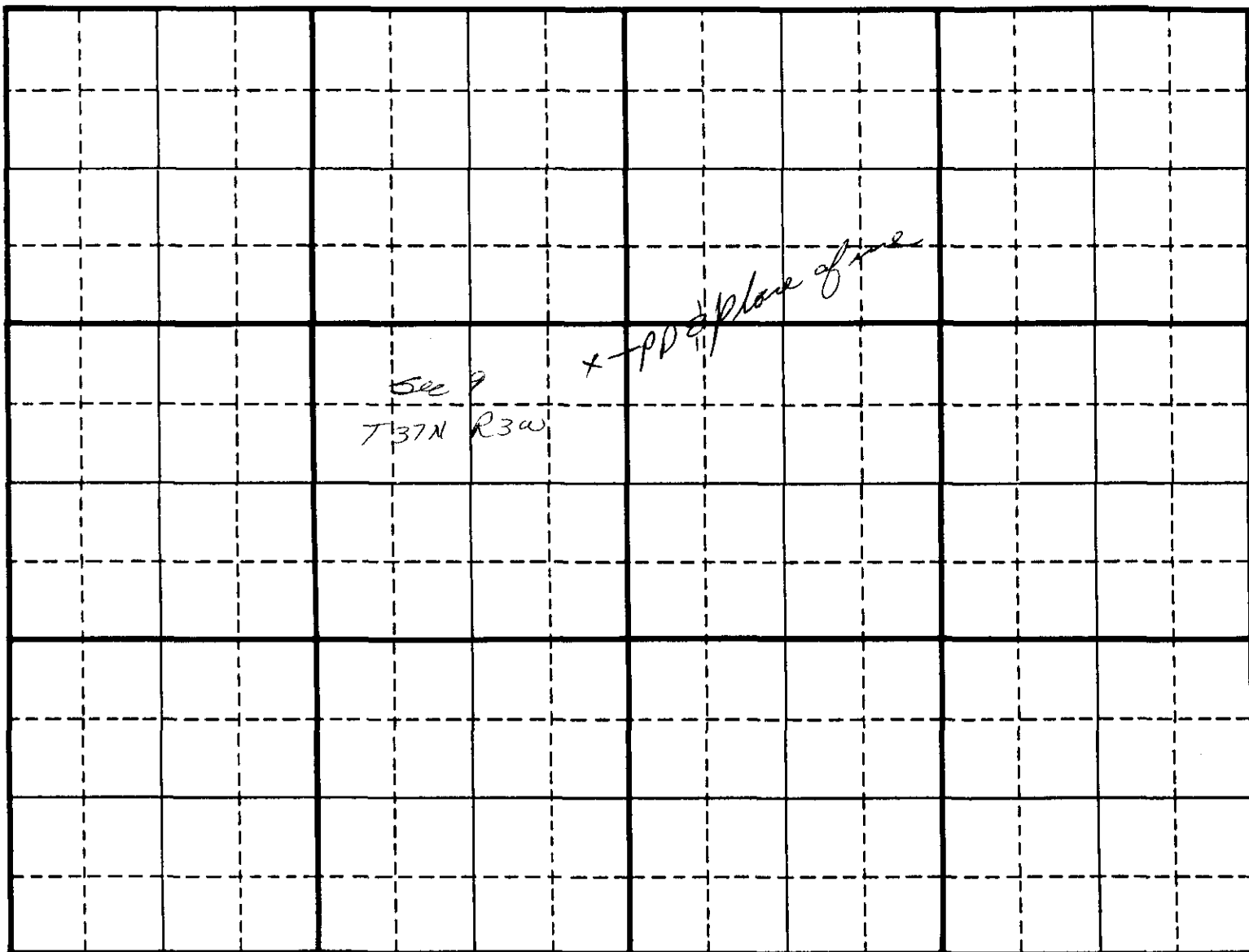
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Domestic for one house hold.

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 Latah) 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.

Sworn to before me this 3 day of October, 1978.
+ Ronald M Smith
(Claimant)

Alta Burt
Notary Public
Residing at Postholm, Id.

My commission expires September

FOR DEPARTMENT USE ONLY

Received by X Date 10/3/78 Exception filed by: _____ Date _____
Prelim. check by KE Date 10/3/78
\$20.00 fee received by X Date 10/3/78 (12113)
Published in Postholm, Idaho
Dates 10-12-19-78
OK 10-20-78

Affidavit of Publication

STATE OF IDAHO
County of Latah

} ss.

A. J. Marnieau
being first duly sworn, on oath,
deposes and says:

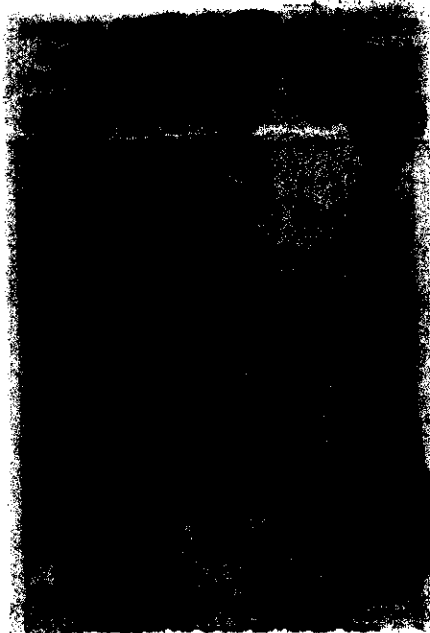
That he is the printer of The
DAILY IDAHONIAN, a newspaper
of general circulation, printed and
published daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106,
60-107, and 60-108 of the Idaho
Code and the amendments there-
to; that the notice of which the
annexed is a full, true and correct
printed copy was published in the
regular and entire issues of said
newspaper and not in a supple-
ment thereto, upon the following

dates: October 12,
19, 1978

the same being the dates desig-
nated for the publication of said
legal notice.

[Signature]
Subscribed and sworn to before
me this 18th day of October
19 78
Carol Fleener

Notary Public,
residing at Moscow, Idaho



DL

10-20-78
[Signature]

MICROFILMED

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

Donzal Smith

(Name of Claimant)

Rt #1 Box 94, Juliaetta, Id

(Mailing Address)

(Zip Code)

Telephone No. 276-7571

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) 1950

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)

Unnamed Spring

tributary to

(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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</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) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 9 Twp. 37N Rge. 3W B.M., County of Latah

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. Gravity flow pipe line to place of use.

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T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
37N	3W	9	X																

No. of acres _____

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

Domestic for one house hold.

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:

[Handwritten signature]

(8) **Remarks** _____

Sec 9
T37N R3W

x - PD of place of line

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 Boone) 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.

Sworn to before me this 3 day of October, 1978.

Notary Public
Residing at 222 Holman Ave

My commission expires September

FOR DEPARTMENT USE ONLY

Received by X Date 10/3/78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RE Date 10/3/78 claimant by: _____
\$20.00 fee received by JP Date 10/3/78 (12113)
Published in Day National _____
Dates 10-12-78 _____

WATER RIGHT NUMBER 86-4051

WATER RIGHTS EDIT REPORT

10/02/79

PAGE 105

ACT
ION

N OWNER LAST NAME - SMITH
N ADDRESS LINE 1 - RT. 1 BOX 94

FIRST NAME - DONZAL

CITY - JULIAETTA

STATE - ID

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 06-01-1950 COUNTY - LATAH

TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - NENE 09 37N 03W

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

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - 1WN 37N RNG 03W SEC 09 TRACT NENE

IDENT. NO. 86-4051

I D A H O 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

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 86-4051
 Old No. New No.

Record

1. Original Owner: Ronald Smith

Present Owner: _____

2. Address: Box 94

3. City: Julietta State: CO Zip: _____

4. A. Source of Water: spring
 B. Tributary of: _____

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

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

C. Priority Date: 6-1-1950

D. County: 57

E. Total Diversion Rate: .04

F. Total Diversion Volume: _____

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

H. Water District: _____

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NE</u>	<u>9</u>	<u>37N</u>	<u>3W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 1-1 to 12-31 for D purposes. Amount .04
 (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

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

October 20, 1978

RE: Claim No. 86-4051

Donzal Smith
Rt 1 Box 04
Julietta, Id 83535

Dear Mr Smith,

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 can be of further assistance, please feel free to contact us.

Yours truly,

ROBERT G. HAYNES, P. E.
Northern Regional Supervisor



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 4, 1978

RE: Application No. 86-7092
Claim No. 86-4051

Daily Idahonian
Box 399
Moscow, Id 83843

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill Mawhood
10-20-78
[Signature]

NOTICE OF CLAIM TO WATER RIGHT

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

Any exception to any claim to water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C STEPHEN ALLRED
Director

Published in the Daily Idahonian, Moscow, Id
on October 12 and October 19, 1978

86-4051

Donzal Smith

Rt 1 Box 94, Juliaetta, Id

Priority Date: 1950

Amount: 0.04 cubic ft/sec

Source: spring

Means: gravity flow pipe

Diversion Pt: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 T37N R3W BM Lath Co

Place of Use: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 T37N R3W BM

Use: domestic from Jan 1 to Dec 31

Daily Idahonian