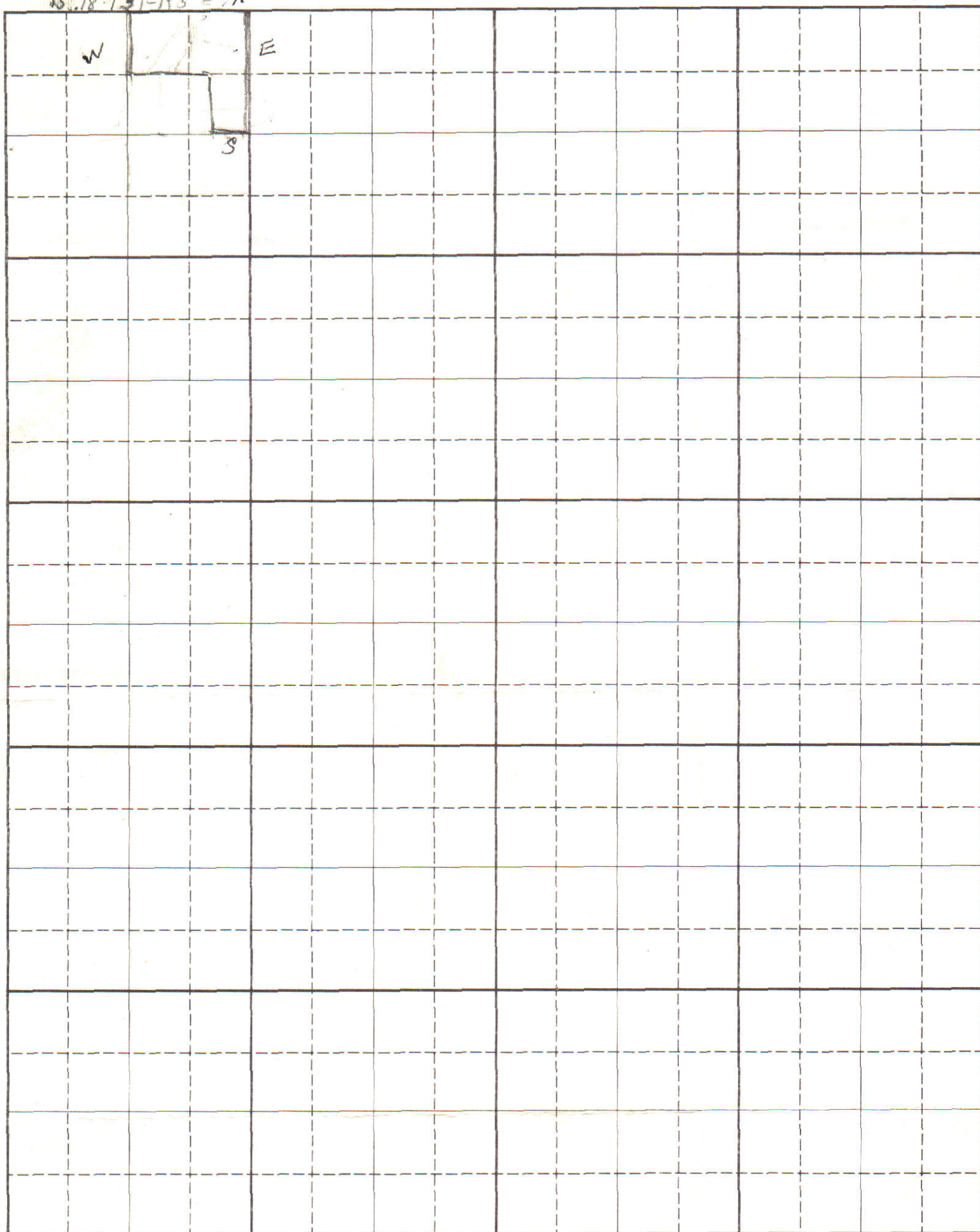


$\frac{N}{2} - \frac{NE}{4}$
 $\frac{N}{2} - \frac{SE}{4} - \frac{NE}{4} - 18 - 4E$

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

S. 18 T. 31 N. R. 5 E. N



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

84 4906

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
A M E N D E D
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 Fonney E. Smith
(Name of Claimant)
Rt. 2, Box 485 Kooskia, Idaho 83539 Telephone No. _____
(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) 1951

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)
Luke's Gulch Creek tributary to Clearwater River, South Fork

(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>0.33</u>	Use <u>Domestic</u>	Period of Use From <u>6/1</u>	To <u>9/1</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) 0.33 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 18 Twp. 31N Rge. 4E B.M., County of Idaho
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 pipeline and ditch

(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	
31N	4E	18		X															

No. of acres _____

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

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: _____

RECORDED

NOTICE OF CLAIMS
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:

85-4118

CASH, VANCE &/or
BONNABELLE
RT. 2, BOX 28,
GRANGEVILLE, ID 83530
Source: GROUNDWATER
Priority Date: 09/01/1960
Amount: 0.20 CFS
Diversion Point: SESE Sec
23 T30NR 03E, IDAHO Co.
Use: DOMESTIC (0.20 CFS)
from 01/01 to 12/31
Place of Use: SESE Sec 28 T
30NR 03E
Diversion Means: WELL,
PUMP & PIPE

85-4119

SMITH, FONNEYE.
RT. 2 BOX 435, KOOSKIA,
ID 83539
Source: LUKE'S GULCH
CREEK tributary to
CLEARWATER RIVER,
SOUTH FORK
Priority Date: 01/01/1951
Amount: 0.33 CFS
Diversion Point: SWNE Sec
8 T31NR 04E, IDAHO Co.
Use: DOMESTIC (0.33 CFS)
from 06/01 to 09/01
Place of Use: NWNE Sec 18
T31NR 04E
Diversion Means:
GRAVITY-FLOW PIPE &
DITCH

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 4055 Gov't Way,
Boise, Idaho, 83725.

C. STEPHEN ALLRED
Director
Published 8/1 & 8/8/79.

Ag 1-8

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly

sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 1 day of August, 1979,
and the last publication on the 8 day of
August, 1979; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 10 day
of August, 1979.

Maile J. Stacey, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

1979

Department of
Agriculture

FILED

85-4119
Identification No. 84-4006
Claim No. 84-4006
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Fogney E. Smith
post office address Stites Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 18 Township 34N ij
Range 4E B.M. located on Lukes Gulch Creek ij
(name of source)
tributary to South Fork of Clearwater Idaho 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:
First used 1951 amount: 33 c.f.s. or _____ acre feet
Used from June to Sept. amount: _____ c.f.s. or _____ acre feet
each year 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 Garden period of use from June 1 to Sept 1 (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 Gravity flow by pipe culvert
length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with 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 _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

-
-
-
-

- 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_____

- [illegible]

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 _____

7. Where water is used for domestic or municipal purposes give number of families served _____ 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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

I would like to file the claim so as to be safe from losing the water to others who never have used the water before. I have used said water since 1951.

State of Idaho

County of IDAHO

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.

Lorrey E. Smith
Claimant

Sworn to before me this 16 day of July, 1971.

Ray L. Linton
Notary Public
Residing at Clearwater, IDAHO

My commission expires 9.23.72

For Department Use Only

Received by ej Date 7-20-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by JA Date 7-20-71

Fee received by ej Date 7-20-71 Fee \$10 ⁰² # 6951

Approved for publication by _____

Published in Cottonwood Chronicle Dates 8-5 + 8-12-71

82 2006

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.

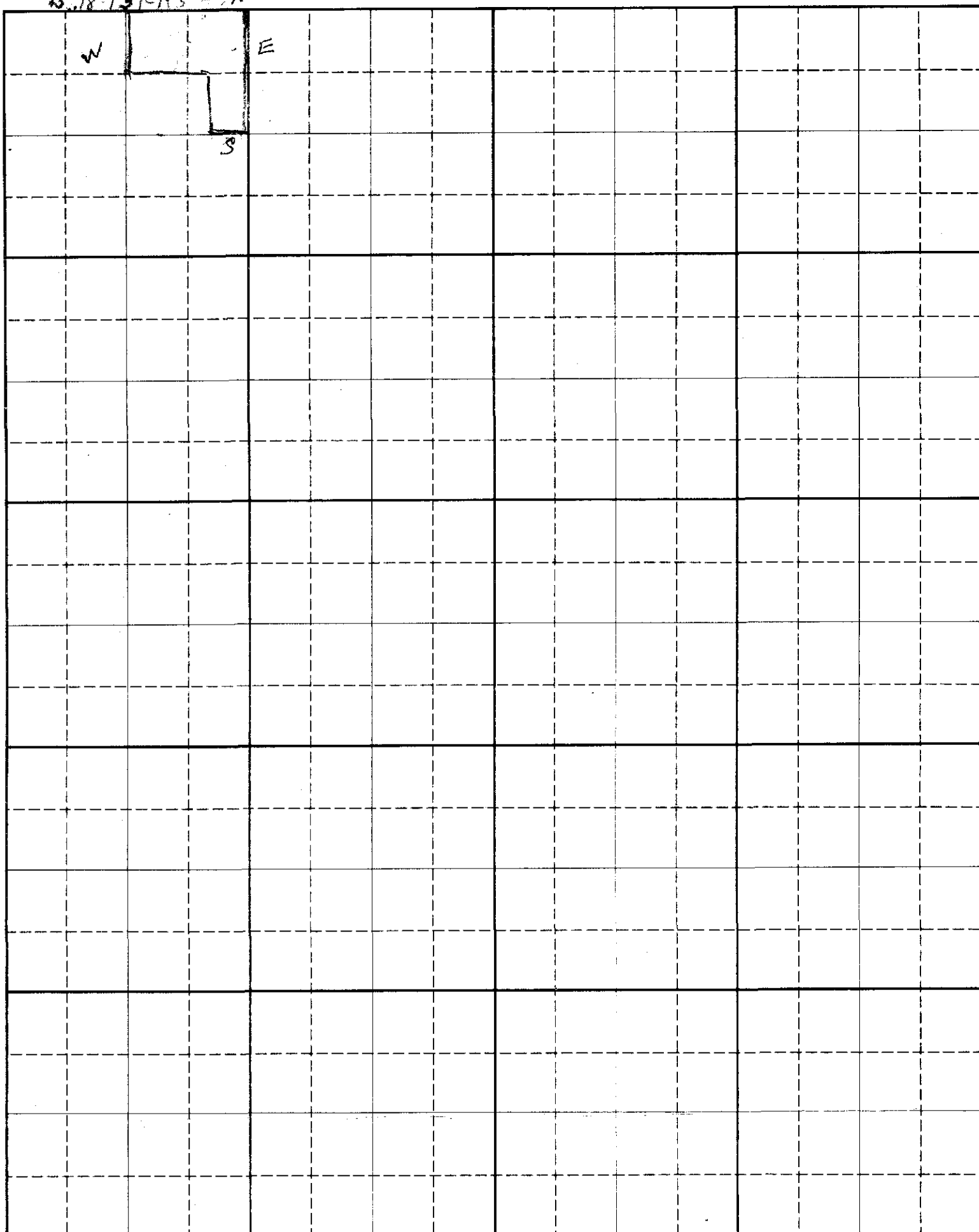
Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

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

$\frac{N}{2}$ NE $\frac{1}{4}$
 $\frac{N}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18 - 22

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

S. 18 T. 31 N. R. 5 E. N



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

84 4916

Received by _____ Date _____ Time _____
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

84 4016

Affidavit of Publication

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

NOTICE OF CLAIM TO A WATER RIGHT No. 84-4006

Notice is hereby given that Fonney E. Smith, Stites, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.33 cubic feet per second of water from Lukes Gulch Creek, trib. to South Fork of Clearwater River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 34N, R. 4E, B.M., Idaho County.

The water is claimed to be used from June 1 to Sept. 1 for garden irrigation with a priority of 1951; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 34 N, R. 4E, B.M.

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

R. KETH HIGGINSON
Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on Aug. 5 and Aug. 12, 1971.

I, Lloyd D. Rose
~~C. F. WILDER~~, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said newspaper for 2 weeks, being published 2 times, the first publication being on the 5th day of August, 1971, and the last publication on the 12th day of August, 1971; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Subscribed and sworn to before me this 12th day of August, 1971.

R. Keth Higginson, Notary Public,
for the State of Idaho, residing at Cottonwood, Idaho.

IDENT. NO. 84-4006

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]

August 26, 1971

Re: Claim to a Water Right No. 84-4006

Forney E. Smith

Stites, Idaho 83552

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 Sections 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
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

84 4006

July 28, 1971

Re: Claim No. 79-4003 - Elmer Taylor
" " 84-4006 - Fonney E. Smith

Cottonwood Chronicle
Box 157
Cottonwood, Idaho 83522

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 our 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 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. 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,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 8-18-71 By hw

DWM:cr

Enclosures

84 4006

Public Notice

NOTICE OF CLAIM TO A WATER RIGHT

~~No. 84-4006~~

Notice is hereby given that Fonney E. Smith, Stites, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.33 cubic feet per second of water from Lukes Gulch Creek, trib. to South Fork of Clearwater River with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 34N, R. 4E, B.M., Idaho County. *8-3-71*

The water is claimed to be used from June 1 to Sept. 1 for garden irrigation with a priority of 1951; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, T. 34 N, R. 4E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on Aug. 5 and Aug. 12, 1971.

84 4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 84-4006

Notice is hereby given that Fonney E. Smith, Stites, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.33 cubic feet per second ~~acresfeet~~ of water from Lukes Gulch Creek, trib. to South Fork of Clearwater River with point of diversion in the NE1/4, Sec. 18, T. 34N, R. 4E, B.M.,
Idaho County

The water is claimed to be used from June 1 to Sept. 1 for garden irrigation with a priority of 1951; the place of use is within the NE1/4, Sec. 18, T. 34N, R. 4E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on Aug. 5 and Aug. 12, 1971

84 4006

July 20, 1971

Fonney B. Smith
Stites,
Idaho 83552

Dear Mr. Smith:

Attached herewith is your receipt No. 6951 in the amount of \$ 10.00
for your claim application

which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

84 4006

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]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HK

Right Number 85-4119

Applicant Forney Smith

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By [Signature]

Date 8/13/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature]

Date 8/24/79

MICROFILMED

85-4119-

SMITH, FONNEY E.

RT. 2 BOX 485, KOOSKIA, ID 83539

Source: LUKE'S GULCH CREEK tributary to CLEARWATER RIVER, SOUTH FORK

Priority Date: 01/01/1951

Amount: 0.33 CFS

Diversion Point: SWNE Sec 18 T 31N R 04E, IDAHO Co.

Use: DOMESTIC (0.33 CFS) from 06/01 to 09/01

Place of Use: NWNE Sec 18 T 31N R 04E

Diversion Means: GRAVITY-FLOW PIPE & DITCH

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

AUGUST 20, 1979

FONNEY E. SMITH
RT. 2 BOX 485
KOOSKIA

ID 83539

RE: Claim No. 85-4119

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,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

RECORDED
INDEXED