

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 Chester S. Smith Farms, Inc. c/o Earl G. Smith, Sec.
(Name of Claimant)
P.O. Box F, Grace, Idaho 83241 Telephone No. 425-3272
(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) August 1, 1948

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 Mercer 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>.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.03 cfs</u>	Use	<u>Stockwater</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .07 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 30 Twp. 9S Rge. 35E B.M., County of Power
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. Headbox to 1" pipeline to home, lawn and gardens.

(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	
9S	34E	25																X	

No. of acres

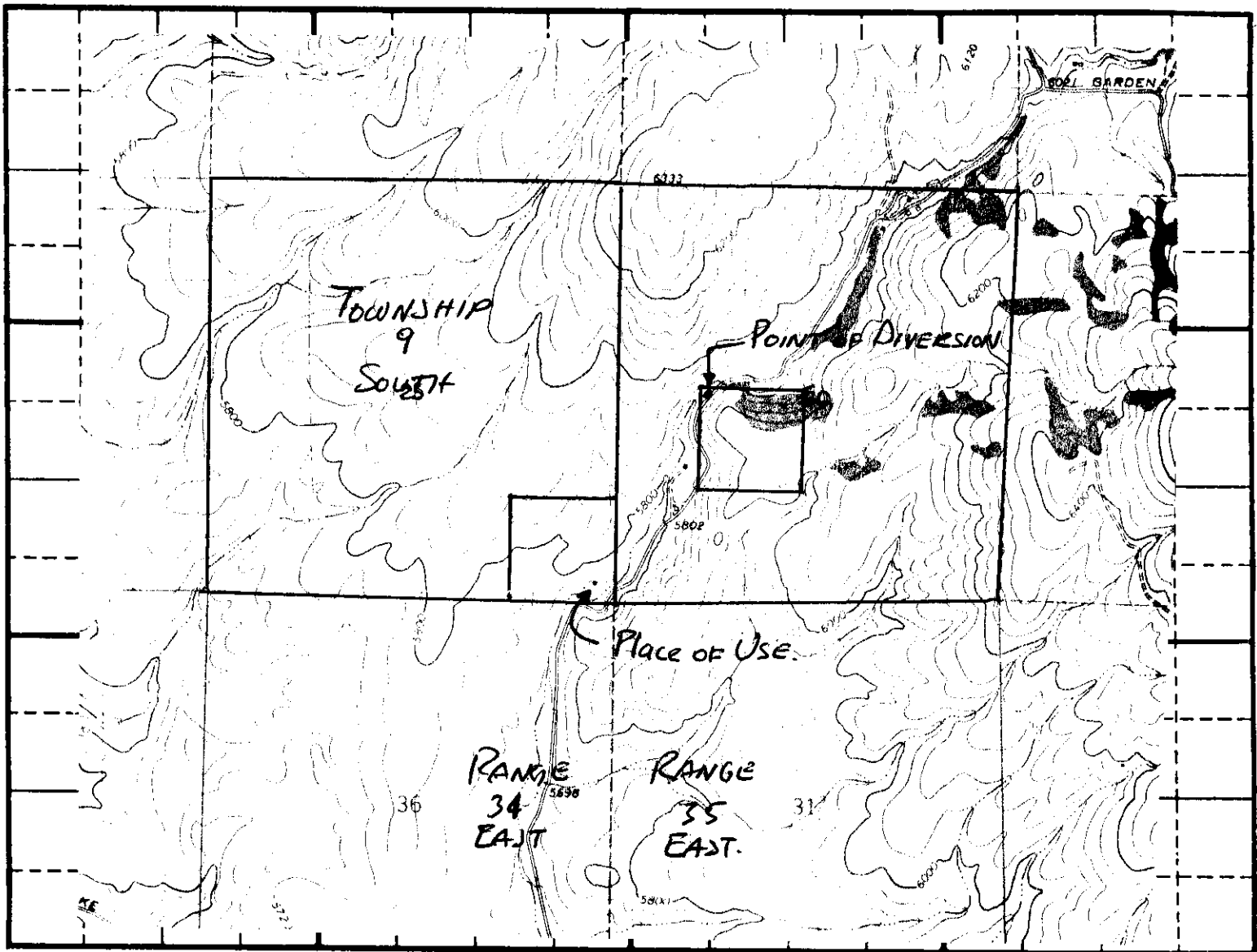
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use at one home

NOTE: Include here the type and number of stock watered: 100 head of cattle

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

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(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 Bonneville) 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 29th day of March

Earl H. Smith Sec.
(Claimant)

19 83

Callen Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by SM Date 3-29-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Rcw Date 3-30-83 claimant by: _____
\$30.00 fee received by BP Date 3-29-83 #2557B
Published in Power County Press
4/14 - 4/21/83 5-18+8-25-83

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100-443886-100

STATE OF IDAHO } S.S.
COUNTY OF POWER }

Department of Water Resources
Eastern District Office

on oath, states:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

the date of last publication being the

.....25..... day of May....., 19.....83.....

(Signed) Brett Crompton

Subscribed and sworn to before me this

.....26..... day of May....., 19.....83.....

.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) 10 day of March 19 86.....

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NOTICE OF CLAIMS TO WATER RIGHTS
The following claims have been filed with the State Engineer for diversion and beneficial use:

UNITED IRRIGATORS
CHESTER T. SMITH FARMS, INC.
P.O. BOX 4, CLACK ID 8341
Source: SPRING HRS. AS MERCER CREEK and IRRIGATION CANAL
Priority Date: 10/1/1946
Diversion: 10/1/1946
Use: STOCK WATER (0.45 CFS)
DOMESTIC (0.4 CFS)
In: 3225 S.W. 25 T. 45S R. 34E
N. 34E
FUNK AND POVEY FARMS
RT. 1, BOX 133A, AMERICAN FALLS, ID 83411
Source: GROUNDWATER
Priority Date: 8/31/1963
Diversion: 8/31/1963
Use: IRRIGATION (0.45 CFS)
In: 3225 S.W. 25 T. 45S R. 34E
30E W. 45 ACRES

UNITED IRRIGATORS
C. DUNN, Dir.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

Brett Crompton..... being first duly sworn

on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publica-

tion being the 18 day of May, 1983

the date of last publication being the

25 day of May, 1983

(Signed)

Brett Crompton

Subscribed and sworn to before me this

26 day of May, 1983

R. A. Hager
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

10 day of March 1986

NOTARY PUBLIC

Department

Eastern District Office

Legal Notice

Published in the Power County Press May 18 and 25, 1983.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use:

29-4316

CHESTER S. SMITH FARMS, INC.

P.O. BOX F, GRACE, ID 83241
Source: SPRING trib. to MERCER CREEK

Priority Date: 08/01/1948
Diversion Pt: NESW Sec 30 T 09S R 35E

Use: STOCKWATER (0.03 CFS)
DOMESTIC (0.04 CFS)

In: SESE Sec 25 T 09S R 34E

35-4145

FUNK AND POVEY FARMS
RT. 1, BOX 123A, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Priority Date: 03/01/1963

Diversion Pt: SWNW Sec 02 T 07S R 30E

Use: IRRIGATION (2.37 CFS)

In: NWSW SWSW Sec 02 T 07S R 30E FOR 43 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Chester S. Smith Farms, Inc.
P. O. Box F
Grace, Idaho, 83241

September 2, 1983

RE: Claim No. 29-4316

State of Idaho
Department of Water Resources
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho, 83402

Attention Ronald D. Carlson
Eastern Region Supervisor



Department of Water Resources
Eastern District Office

Dear Sir;

Enclosed you will find an AFFIDAVIT signed by Ralph B. Lusk
July 20th, 1983 and notarized by Kenneth Bullock-
Residing at McCammon, Idaho.

Please update your records in Idaho Falls and send this
AFFIDAVIT to Boise, Idaho as double verification regarding
our CLAIM TO A WATER RIGHT- RE: Claim No. 29-4316.

Sincerely yours,

Secretary Treasurer
Earl G. Smith

RECEIVED

))))))

RECORDED

State of Idaho
County of Power

CLAIM TO A WATER RIGHT
Claim No. 29-4316

Chester S. Smith Farms, Inc.

~~Tel. No.~~

C/O Earl G. Smith, Sec., P.O. Box F, Grace, Idaho, 83241

425-3272

(1) Date of Priority: When was the water first applied to a beneficial use? August 1, 1948

(2) Describe the source of water: Spring
Tributary to Mercer Creek

(3) Quantity: .04 cis Use: Domestic

.03 cfs use: Stockwater

~~(4) .07 cfs Total Quantity used~~

(5) (A) Point of diversion (Location of Point where water is diverted
NE 1/4 SW 1/4 from its source) Sec 30 Twp 9S-Rge 35E, B.M..
County of Power

5(B) Describe means of diversion of water:

Headbox to 1" pipeline to home, lawn and gardens

6(A) Describe location of use

Township 9S., Range 34E. & Section 25 & SE 1/4

(B) If water is used for other than irrigation:
Domestic use at one home

Note: Type & number of stock watered: 100 head of cattle

Ralph B. Lusk
(Signature)

Subscribed and sworn to before me this 20 day of July, 1983

Kenneth Bullard
(Notary Public)

Residing at McCammon
My Commission Expires Life

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

Right Number 29 4316 Applicant Chester S. Smith Farms

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 Ernest Carlson Date June 10, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 6/16/83

May 2, 1983
June 6, 1983

RECEIVED
JUN 16 1983

Department of Water Resources

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 2, 1983

CHESTER S. SMITH FARMS, INC.
P.O. BOX F
GRACE ID 83241

RE: Claim No. 29-4316

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,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

May 5, 1983

RE: Claim to a Water Right No. 35-4145 FUNK & POVEY
29-4316 SMITH FARMS

Power County Press *226-5294*
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 14 and 21, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 6, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

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 MAY 2, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/14 & 4/21/83.

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29-4316

CHESTER S. SMITH FARMS, INC.

P.O. BOX F, GRACE, ID 83241

Source: SPRING trib. to MERCER CREEK

Priority Date: 08/01/1948

Diversion Pt: NESW Sec 30 T 09S R 35E

Use: STOCKWATER (0.03 CFS)
DOMESTIC (0.04 CFS)

In: SESE Sec 25 T 09S R 34E

Published in the Power County
Press May 18 and 25, 1983.

NOTICE OF CLAIMS TO WATER
RIGHTS

The following claims have been
filed on water rights created by
diversion and beneficial use:

29-4316

CHESTER S. SMITH FARMS,
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P.O. BOX F, GRACE, ID 83241

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