

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED CLAIM TO A WATER RIGHT AMENDED

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 Theron J. Smith
(Name of Claimant)
Rt.#2, Inkom, Idaho 83245 Telephone No. 775-3604
(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) May, 1904

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)
Portneuf River tributary to Snake River

(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	0.40 cfs	Use	Irrigation	Period of Use From	3/15 To 10/15
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)	0.40 cfs	TOTAL QUANTITY USED.			
(cfs, af)					

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 23 Twp. 7S Rge. 35E B.M., County of Bannock
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. 30 Hp. pump and ½ mile handline

(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	
7S	35E	23													7				7
		24									14								14

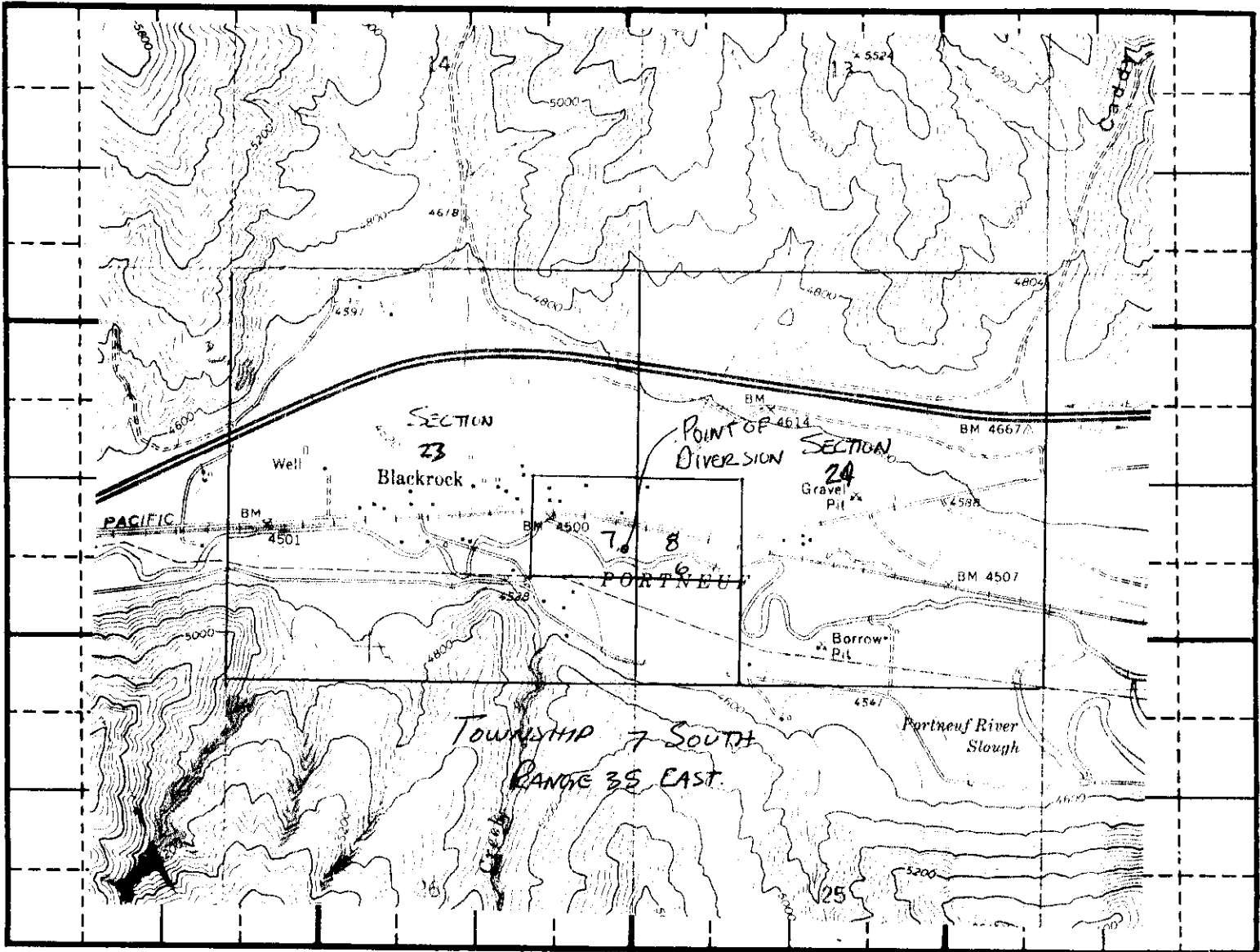
No. of acres 21

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:
you are claiming water as a member of an organization, list name of organization:

MICROFILMED

(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 31st day of March, 1983.

Theron Smith
(Claimant)
Colleen Wray
Notary Public
Residing at Idaho Falls, ID

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by S.M. Date 3-31-83 Exception filed by: _____ Forwarded to _____ Date _____
Exam. check by HWJ Date 4-04-83
\$30.00 fee received by N.A. Date 3-31-83
Published in Idaho State Journal
Dates 4/21 - 4/28/83

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

MAY 2 1983

Department of Water Resources
Eastern District Office

Jeri Larsen

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

April 21, 1983

19

April 28, 1983

19

19

19

19

19

19

19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Jeri Larsen

Subscribed and sworn to before me this 29th

day of April, 19 83

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Jeri Larsen

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

April 21	, 1983	, 19
April 28	, 1983	, 19
	, 19	, 19
	, 19	, 19
	, 19	, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this 29th

day of April, 19 83

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 29-4156

Notice is hereby given that Claim to a Water Right No. 29-4156 in the name of Theron J. Smith, Inkom, Idaho was filed with a priority date of May 1, 1904 for the diversion and application to beneficial use of .40 cfs of water from the Portneuf River tributary to the Snake River with the point of diversion within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, T. 7S, R. 35E, B.M. Bannock County; the water is claimed to be used from March 15 to October 15 for the irrigation of 15 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 7S, R. 35E. B.M.

The claimant now proposes to amend Claim No. 29-4156 amending the number of acres to be irrigated to 21.
Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.
S/A. KENNETH DUNN
Director
April 21, 28, 1983
No. 851

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 Theron J. Smith (Name of Claimant)
Rt. #2, Inkom, Idaho 83245 (Mailing Address) Telephone No. 775-3604 (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) May 1904

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)
Portneuf River tributary to Snake River

(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	.40	Use	Irrigation	Period of Use From March 15	To October 15
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) .40 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 23 Twp. 7S Rge. 35E B.M., County of Bannock
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.
30 H.P. pump and ½ mile handline

(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	
7S	35E	23													7				7
		24																	8

No. of acres 15

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

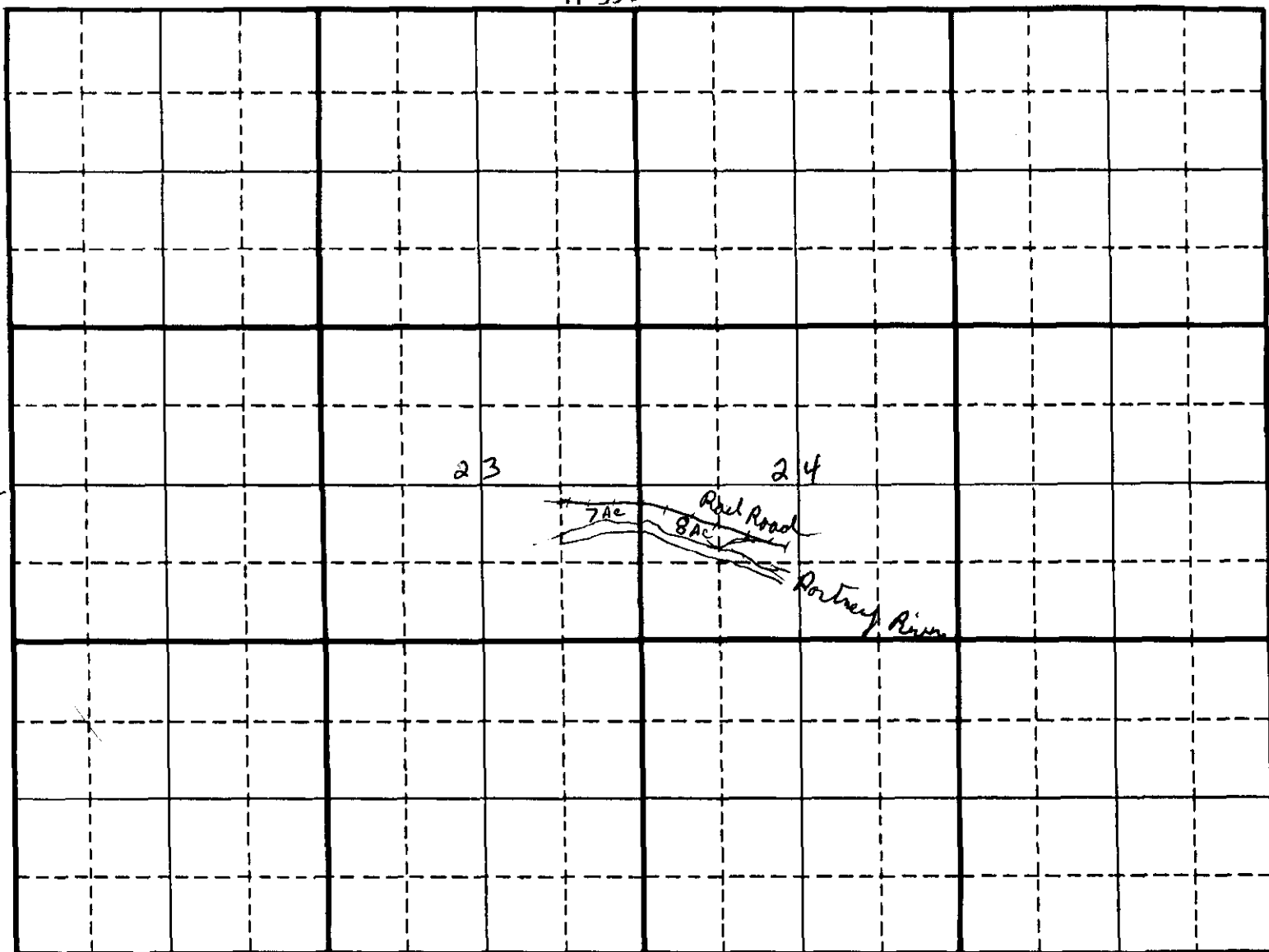
NOTE: Include here the type and number of stock watered:

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

MICROFILMED

(8) Remarks _____

A 35E



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 1 day of February, 1980.

Theron Smith
(Claimant)
Kathleen A. Walker
Notary Public
Residing at Idaho Falls

My commission expires life

FOR DEPARTMENT USE ONLY

Received by KW Date 2/7/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JE Date _____ claimant by: _____
\$20.00 fee received by KW Date 2/11/80 #15581
Published in Idaho State Journal
Dates 2/21 & 2/28/80

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Lyle Judd

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

February 21, 1980, 19.....
February 28, 1980, 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Lyle Judd
28th

Subscribed and sworn to before me this 28th day of February, 1980

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

FEB 29 1980

Department of Water Resources
Eastern District Office

RECORDED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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:

29-4156
SMITH, THERON J.
RT. 2, INKOM, ID 83245
Source: PORTNEUF R. tributary to SNAKE R.
Priority Date: 05/01/1904
Amount: 0.40 CFS
Diversion Point: NESE Sec 23 T 07S R 35E, BANNOCK Co.
Use: IRRIGATION (0.40 CFS) from 03/15 to 10/15
Place of Use: NESE Sec 23 T 07S R 35E NWSW Sec 24 T 07S R 35E FOR 15 ACRES
Diversion Means: PUMP & HANDLINE.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.
S/C. STEPHEN ALLRED
Director
Feb. 21, 28, 1980
No. 316

Lyle Todd

being first duly sworn on oath deposes and says: That *she* was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

February 21, 1980 19.....
February 28, 1980 19.....
..... 19.....
..... 19.....
..... 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Lyle Todd

Subscribed and sworn to before me this *28th*

day of *February*, 1980

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

FEB 29 1980

Department of Water Resources
Eastern District Office

[Handwritten initials]

May 11, 1983

RE: Amended Claim to a Water Right No. 29-4156

Theron J. Smith
Rt. #2
Inkom, Idaho 83245

Dear Mr. Smith:

The Department of Water Resources has completed the processing of your amended 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 amended 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 amended 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 amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 18, 1983

RE: Amended Claim to a Water Right No. 29-4156 SMITH
Claim to a Water Right No. 29-4320 BENNETT
29-4321 SAXTON
29-4322 BENNETT
29-4323 BENNETT
29-4324 GILBERT

Tom Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

Dear Mr. Bloxham:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure (6)

MICROFILMED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 29-4156

Notice is hereby given that Claim to a Water Right No. 29-4156 in the name of Theron J. Smith, Inkom, Idaho was filed with a priority date of May 1, 1904 for the diversion and application to beneficial use of .40 cfs of water from the Portneuf River tributary to the Snake River with the point of diversion within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, T. 7S, R. 35E, B.M. Bannock County; the water is claimed to be used from March 15 to October 15 for the irrigation of 15 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 7S, R. 35E, B.M.

The claimant now proposes to amend Claim No. 29-4156 amending the number of acres to be irrigated to 21.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the Idaho State Journal on 4/21 & 4/28/83.

UNRECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT
(Amended) 29-4156
Right Number _____ Applicant 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.
WD #29

May 9, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date May 10, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5-17-83

MICROFILMED

RE
MAY 17 1983
Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 29-4156 Applicant 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 Ernest Carlson Date 3/17/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 3/21/80

MICROFILMED

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MARCH 13, 1980

THERON J. SMITH
RT. 2
INKOM

ID 83245

RE: Claim No. 29-4156

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

RECEIVED
MAR 14 1980
ID 83245

February 20, 1980

RE: Claim to a Water Right No. 29-4156

Theron J. Smith
Rt. #2
Inkām, ID 83245

Dear Mr. Smith:

Attached herewith is Departmental Receipt No. 15581 in the amount of \$20.00 for the above referenced claim to a water right.

Sincerely,

KAY WALKER
Secretary

KW:k
~~Attach~~

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

FEBRUARY 14, 1980

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

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 MARCH 10, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 2/21 & 2/28/80.

MICROFILMED

SMITH, THERON J.

RT. 2, INKOM, ID 83245

Source: PORTNEUF R. tributary to SNAKE R.

Priority Date: 05/01/1904

Amount: 0.40 CFS

Diversion Point: NESE Sec 23 T 07S R 35E, BANNOCK Co.

Use: IRRIGATION (0.40 CFS) from 03/15 to 10/15

Place of Use: NESE Sec 23 T 07S R 35E NSW Sec 24 T 07S R 35E
FOR 15 ACRES

Diversion Means: PUMP & HANDLINE.

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