

Identification No. _____
Claim No. 29-4006
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 Delmo Smith
post office address Bancroft, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 7 South
Range 38 East B.M. located on Subterrean
(name of source)
tributary to _____ in _____ 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:

Irrigation	<u>June 1, 1951</u>	amount: <u>2.25</u>	c.f.s. or _____	acre feet
Stock Water	<u>September 1, 1951</u>	amount: <u>.01</u>	c.f.s. or _____	acre feet
		amount: _____	c.f.s. or _____	acre feet
		Total claimed <u>2.26</u>	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 <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>October 31</u>	(both dates inclusive)
use <u>Stock Water</u>	period of use from <u>September 1</u>	to <u>December 31</u>	(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 _____
_____ ; 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 pumped ; depth of well is 150 feet; diameter of well is 16 inches; type of pump is 75 HP V.T.P.
capacity of pump is 1400 g.p.m.; name and address of well driller is Cushman-Johnson
_____ ;

29-4006

Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____feet; maximum length of pipe line to first place of use is 2600feet; diameter of pipe line is 8 5/8 inches; type of pipe _____Steel _____; grade of pipe per 1000 feet is _____Level _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

Total number of acres to be irrigated 160

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?_____ 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 300 Beef Stock

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 _____

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge. 18th
March, 1968 Delmo Smith
(Date) (Signature of Claimant)

State of Idaho }
County of Caribou } ss.
On this 18th day of March 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Wallace M. Transtrum
WALLACE M. TRANSTRUM
Notary Public residing at Soda Springs, Idaho

My commission expires 8-28-69

For Department Use Only

Received by <u>ef</u> Date <u>4-21-69</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>DMH</u> Date <u>5-9-69</u>	_____	_____	_____
Fee received by <u>ef</u> Date <u>5-9-69</u> Fee \$ <u>10⁰⁰</u>	_____	_____	_____
Approved for publication by <u>1</u>	_____	_____	_____
Published in _____ Dates _____	_____	_____	_____

29-4006

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</u> c.f.s. or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or _____	acre feet
	Total claimed:		<u>1.2</u> c.f.s. or _____	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.

REMITTANCE ADVICE

WALLACE M. TRANSTRUM, ATTORNEY ACCOUNT
SODA SPRINGS, IDAHO 83276

DETACH BEFORE DEPOSITING

Statutory filing fee - Delmo Smith - Claim of Water Right, Mancroft, Idaho

2.26 cfs. diverted Section 26, Township 7 South, Range 38 East

April 30, 1969

Re: Claim to a Water right
Delmo Smith

Wallace H. Transtrum
Attorney at Law
35 W. Center
Soda Springs, Idaho

Dear Mr. Transtrum:

We are in receipt of your letter of April 18, 1969, and Mr. Delmo Smith's claim to a water right.

Please be advised that the \$6 you mention in your letter and Departmental receipt no. W-371 were in connection with licensing fees for permit 29-2302. We will, therefore, require a \$10 statutory filing fee as called for under Section 42-225a of the Idaho Code. Please remit this fee at your earliest convenience so we may continue processing Mr. Smith's claim.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McLaughlin
Appropriation Examiner

DWN:tg
Enc: none

29-4006

LAW OFFICES
WALLACE M. TRANSTRUM
ATTORNEY AT LAW
PHONE 547-3944

35 WEST CENTER
SODA SPRINGS, IDAHO 83276

April 18, 1969

State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

RECEIVED
Department of Reclamation

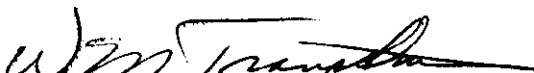
Gentlemen:

Re: Delmo Smith, Bancroft, Idaho

Enclosed is Mr. Smith's Claim to a Water Right for 2.25 c.f.s. to be diverted in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, Township 7 South, Range 38 East, B.M.

Mr. Smith has in his possession Receipt No. W-371 issued on July 29, 1968, in the amount of \$6.00 which is the required filing fee.

Very truly yours,


Wallace M. Transtrum

WMT/jl

Enc.

29-4006

STAT ENT

Caribou County Sun

PRINTERS - PUBLISHERS

OFFICIAL NEWSPAPER FOR COUNTY OF CARIBOU,
CITIES OF SODA SPRINGS, GRACE AND BANCROFT

Soda Springs, Idaho 83276

June 2, 1969

Re: Claim Water Right No. 29-4006
Delmo Smith

May 22-29 Publish Notice of Claim

\$6.90

I heroby 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 same has been paid.

V. E. Lansberry
.....
V. E. Lansberry

Department of Reclamation
Statehouse - Annex 2
Attention: Donald W. McElDowney
Boise, Idaho 83707

submitted 6-9-69

29-4006

**Affidavit of
Publication**

JUN 6 1969

Department of Reclamation
County of Caribou } ss.
State of Idaho }

V. E. Lansberry

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County, that said newspaper
has been published in said Coun-
ty uninterruptedly and continu-
ously for over seventy-eight con-
secutive weeks, prior to the first
publication of the annexed notice
or advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition
of said newspaper and not in any

supplement thereof for Two....
successive weekly issues thereof,
the date of the first publication

being the 22nd..... day

of May....., 1969.

The date of the last publication

being the 29th..... day of

May....., 1969.

X

Subscribed and sworn to be

fore me this 5..... day

of June....., 1969.

David J. Lansberry

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

27 day of Oct.....

1970.

Delmo Smith

**NOTICE OF CLAIM TO A
WATER RIGHT NO. 29-4004**

Notice is hereby given that
Delmo Smith, Bancroft, Idaho,
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 2.26
cubic feet per second of water
from a groundwater source with
point of diversion in NE 1/4 SW 1/4,
Sec. 26, T. 7 S, R. 36 E, B. M.,
Caribou County, the water is
claimed to be used from April 1
to October 31 for irrigation and
from September 1 to December
31 for stock water with a priority
of June 1, 1961 for 2.25 cubic
feet per second and September 1,
1961, for .01 cubic feet per sec-
ond; the place of use is S 1/4 NE 1/4,
N 1/4 SE 1/4, Sec. 27, T. 7 S, R. 36 E,
B. M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho, on
May 22, and May 29, 1969.

29-4004

June 11, 1969

Re: Claim to a Water Right No. 29-4006

Mr. Delmo Smith
Bancroft, Idaho

Dear Mr. Smith:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 29-4006. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. 2998 in the amount of \$10.00 which covers the filing fee for the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court needs the information.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:tg
Enc: Receipt No. 2998
cc: Mr. Wallace M. Transtrum
Attorney At Law
35 W. Center
Soda Springs, Idaho

29-4006

W. [REDACTED]
Notice is hereby given that Delmo Smith, Baberoff, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 2.25 cubic feet per second of water from a groundwater source with point of diversion in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 7 S., R. 38 E., B. M., Caribou County, the water is claimed to be used from April 1 to October 31 for irrigation and from September 1 to December 31 for stock water with a priority of June 1, 1951 for 2.25 cubic feet per second and September 1, 1951, for .01 cubic feet per second; the place of use is S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 27, T. 7 S., R. 38 E., B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

29-1006 R. KEITH HIGGINSON
State Reclamation
Engineer gnb

Published in the Caribou County Sun, Soda Springs, Idaho, on May 22, and May 28, 1952

May 15, 1969

Re: Claim to a Water Right No. 29-4006- Delmo Smith

Caribou County Sun
Soda Springs, Idaho

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 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 of Reclamation, 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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:tg

Enc: legal notice (1)

29-4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 29-4006

Notice is hereby given that Delmo Smith, Kanabots, Idaho
has filed a claim to a water right
established by diversion and application to beneficial use of 2.26
cubic feet per second ~~acre/feet~~ of water from a groundwater source
with point of diversion in _____
NE 1/4 Sec. 26, T. 7 S., R. 38 E., E. M., Caribou County the water is
claimed to be used from April 1 to October 31 for irrigation
and from September 1 to December 31 for stockwater with a priority of June 1, 1951 for 2.25
cubic feet per second and / September 1, 1951 for .01 cubic feet per second
S 1/4, NE 1/4, Sec. 27, T. 7 S., R. 38 E., E. M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Caribou County Sun, Soda Springs, Idaho
on May 22, and May 29, 1969.

29-4006