

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Scale: 2 inches equal 1 mile.

LOTS-1-2-3-4 SEC 35 TWP 1S RCE 2W

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.

_____, 19 76.
Dianne Stewart
 Notary Public

Residing at

Received by DRB Date 6-14-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by DJC Date 4-13-76 claimant by: _____
\$10.00 fee received by CS Date 4/13/76 # 3738
Approved for publication by RB 5-3-76
Published in Owyhee Nugget
Dates Apr 25 1976

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 22 day of April, 1976, and the last publication being on the 29 day of April, 1976;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 29 day of April, 1976.

Leona S. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

RECEIVED

MAY 3 1976

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT No. 02 - 4020

Notice is hereby given that PHILLIP SMITH, Melba, ID has filed a claim to a water right established by diversion and application to beneficial use of 360 acre feet of water from the Snake River trib. to Columbia River with the point of diversion in Government Lot 2, Sec. 35, T. 1 S., R. 2 W., B. M., Owyhee County.

The water is claimed to be used from April 1 to October 10 for irrigation of 60 acres with a priority of 1946; the place of use is within the Govt. Lots 1 & 2 (N $\frac{1}{2}$ NE $\frac{1}{4}$) and Lots 3 and 4 (N $\frac{1}{2}$ NW $\frac{1}{4}$) Sec. 35, T. 1 S., R. 2 W., B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON,
Director

Published in the Owyhee Nugget, Marsing, ID on April 22, 1976 and April 29, 1976.

OK
5-3-76
RB

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Phillip Smith
(name of claimant)

of Star Route, Box 39, Melba, ID, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snake River
, tributary to, Columbia

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>360 AF</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>Oct. 10</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or 360 acre feet
per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1946

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 T2 NW 1/4 NE 1/4 Sec. 35 Twp. 1S Rge. 2W B. M. County of Owyhee
 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. 20 Hp electric motor 400 feet 8 inch pipeline

- (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.

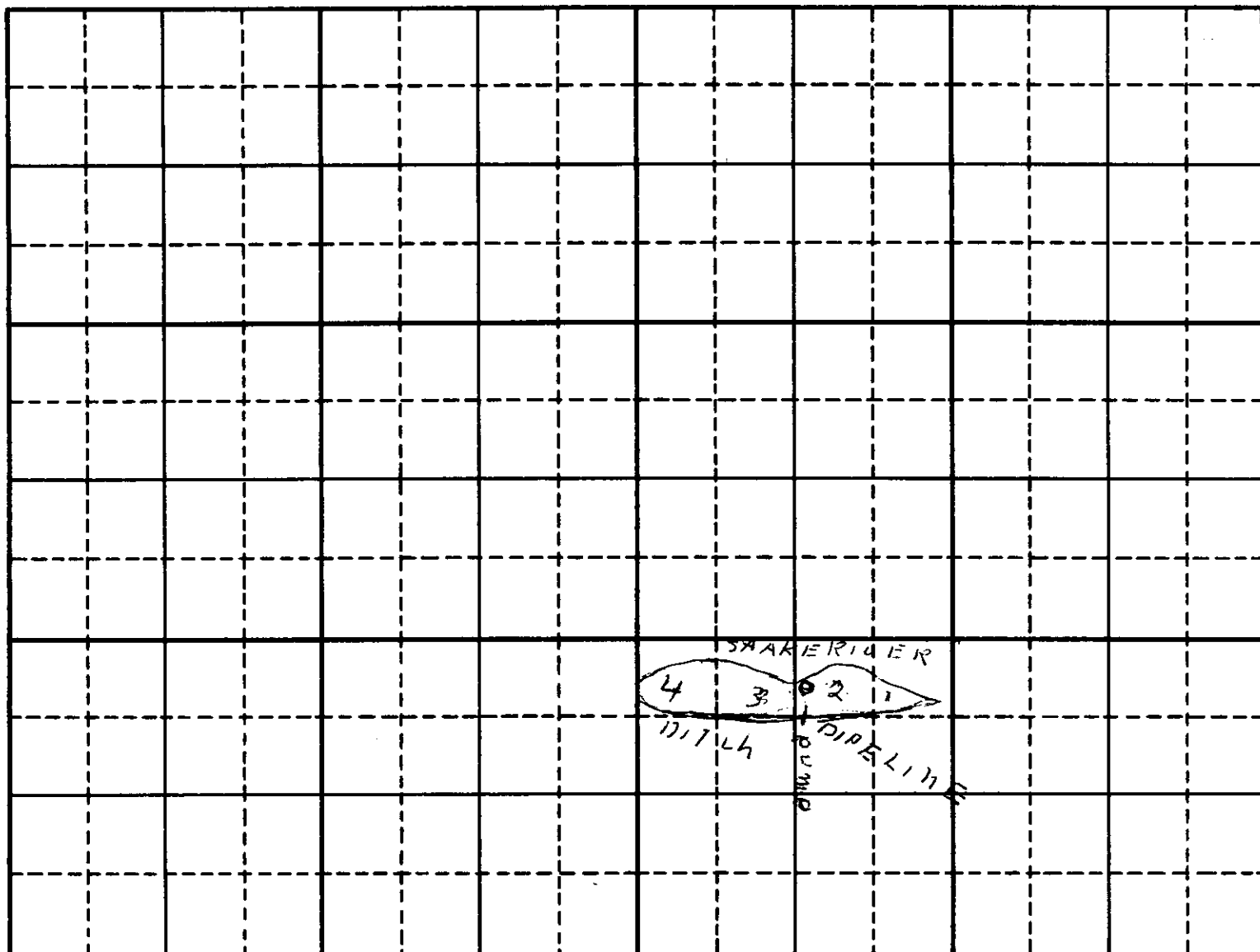
[illegible]

Total No. of acres 60

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

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

(8) Remarks Pump on river bank pumping from river



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.

LOTS-1-2-3-4 SEC 35 TWP 15 RGE 2 W

State of Idaho)
) ss.
County of _____)

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.

Sworn to before me this 10th day of April

Philip Smith
(Claimant)

Dianne Stewart
Notary Public

Residing at Manpa, Idaho

My commission expires 1-1-77

For Department Use Only

Received by <u>DRB</u>	Date <u>6/4/76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>PJC</u>	Date <u>4-13-76</u>		claimant by:	
\$10.00 fee received by <u>CS</u>	Date <u>4/13/76</u>	# 3738		
Approved for publication by <u>RB</u>	<u>5-3-76</u>			
Published in <u>Owyhee Nugget</u>				
Dates <u>Apr 25 1976</u>				

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

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That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 29 day of April, 1976.

Frank S. Hawes
NOTARY PUBLIC

My commission expires 9-10-76

(SEAL)

A WATER RIGHT

Notice is hereby given that PHILIP SMITH, Notary Public, has filed a claim to a water right established by diversion and application to beneficial use of 200 acre feet of water from the Snake River trib. to Columbia River with the point of diversion in Government Lot 2, Sec. 35, T. 1 S., R. 2 W., B. M., Owyhee County.

The water is claimed to be used from April 1 to October 10 for irrigation of 60 acres with a priority of 1946; the place of use is within the Govt. Lots 1 & 2 (NW 1/4) and Lots 3 and 4 (NW 1/4) Sec. 35, T. 1 S., R. 2 W., B. M.

All exceptions to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720.

JEFF HIGGINSON,
Director
Published in the Owyhee Nugget, Marsing, Idaho, April 29, 1976

OK
5-3-76
RB

June 12, 1990

Phillip and Ida Anna Smith
HC 39
Melba, ID 83641

Dear Mr. and Mrs. Smith:

Re: Permit No. 02-04020 and 02-7426

On May 9, 1990, the department received the proof of beneficial use form along with the \$175 filing fee. It appears that you have submitted proof of beneficial use for essentially three rights.

A02-04020 is an Snake River Adjudication Claim filed based on a Claim to a Water Right. The original claim informed the department that you had developed a water right using 360 AF of water from the Snake River for irrigation of 60 acres with a 1946 priority date. You later modified the first claim by filing a Snake River Adjudication Claim showing 50 acres of irrigation with the other information being the same. This is one water right.

It is not necessary to file a proof of beneficial use for these types of right. So the information on either the Claim to a Water Right or the Snake River Adjudication Claim should not reflect on the proof of beneficial use form.

Permit No. 02-7426 is the second right. It proposed the diversion of water from the Snake River for irrigation of 40 acres at a diversion rate of 0.80 cfs (an inch per acre) from the same point of diversion as A02-4020 with a priority date of the day the application for permit was filed, which is February 25, 1988. For this right, it is necessary to submit the proof of beneficial use form.

The third right is an unrecorded right. It is not necessary to make a record for water used for stock when the amount of water consumed is less than 2,500 gallons per day or the number of cattle is less than 350 head. Even though this is an unrecorded use of water, it is still a valid right.

Note the enclosed copy of the proof of beneficial use form. I propose to change it by reducing the irrigated acreage to 40 acres and the rate

June 12, 1990

of diversion to 0.80 cfs as recorded on Permit No. 02-7426. I also propose to remove the stockwater use from the proof form. Since I will be reducing the rate of diversion, a \$75 refund is necessary. (It usually takes from two to four weeks to process a refund).

I will hold the proof form for 15 days. If I do not hear from you within this period of time, I will assume you agree with the changes.

Please review this information carefully. If you have any question or need more discussion on these right, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

June 7, 1976

Re: Claim to a Water Right No. 02-4020

Phillip Smith
Star Route, Box 39
Melba, ID 83641

Dear Mr. Smith:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 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 a 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 may be of further assistance, please feel free to call upon us.

Sincerely,

L. GLEN SAXTON, P.E.
Western District Engineer

LGS:

Enclosure

May 11, 1976

Re: Claim to a Water Right No. 02-4020

Phillip Smith
Star Route
Box 39
Melba, ID

Dear Mr. Smith:

Enclosed is your Claim to a Water Right which was received in this office on April 13, 1976. Please note that the Notary Seal was not placed upon the claim.

Please contact the Notary Public and have the seal pressed on the claim; then return it to our office for further processing.

Sincerely,

RITA BENDELE
Senior Clerk

RB

Enc.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 15, 1976

Re: Claim to a Water Right No. 02-4020 -- Phillips Smith
Application for Permit No. 02-7228 -- Harper Valley Water Co.
57-7159 -- Carl E. &/or Dolores L. Musall
57-7160 -- Mayday Mines

Owyhee Nugget
Marsing,
Idaho 83639

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. 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 in 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)

Sincerely,

Bill submitted
5-3-76
RB

NOTICE OF CLAIM TO A WATER RIGHT

No. 02-4020

Notice is hereby given that PHILLIP SMITH

Malba, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 360 ~~cubic feet per second~~ XXXXXX acre feet of water
from the Snake River trib. to Columbia River
with the point of diversion in ~~the~~ Government Lot 2 Sec 35 T1S-R2W R.M.,
Owyhee County.

The water is claimed to be used from April 1 to October 10
for irrigation of 60 acres

with a priority of 1946;
the place of use is within the XXXXXX
Govt. Lots 1 & 2 (SE1/4) & Lots 3 & 4 (NE1/4) Sec 35 T1S-R2W R.M.,

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Owyhee Nugget, Marsing, ID
on April 22, 1976 and April 29, 1976.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

April 14, 1976

Phillip Smith
Box 39
Star Route
Melba, ID 83641

Dear Mr. Smith:

Enclosed is your Receipt No. 3738 in the amount of \$ 10.00

for ~~Claim to a Water Right~~ which was received in this
office on April 12, 1976.

Sincerely,

CATHY L. SHAW
Senior Clerk

CLS:cs

Enclosure