

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

11 4070

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 Lowell Smart. (Name of Claimant)
Box 29, Georgetown Idaho (Mailing Address) 83239 (Zip Code) Telephone No. 847-0629

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) 1926

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)
unnamed spring tributary to sinks.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.06 cfs.</u>		Use <u>stockwater.</u>		Period of Use From <u>May 1</u>	To <u>Oct. 31</u>
Quantity <u>0.06 cfs.</u>		Use <u>diversion to storage</u>		Period of Use From <u>May 1</u>	To <u>Oct. 31</u>
Quantity <u>0.10 gpd</u>		Use <u>storage for stockwater</u>		Period of Use From <u>May 1</u>	To <u>Oct. 31</u>
Quantity		Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4, Sec. 29 Twp. 10S Rge. 43E B.M., County of Bear Lake
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. An unlined ditch 2ft. wide 1ft. deep conveys water to a stockwater reservoir.

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	43E	29																	
		22															X		

No. of acres _____

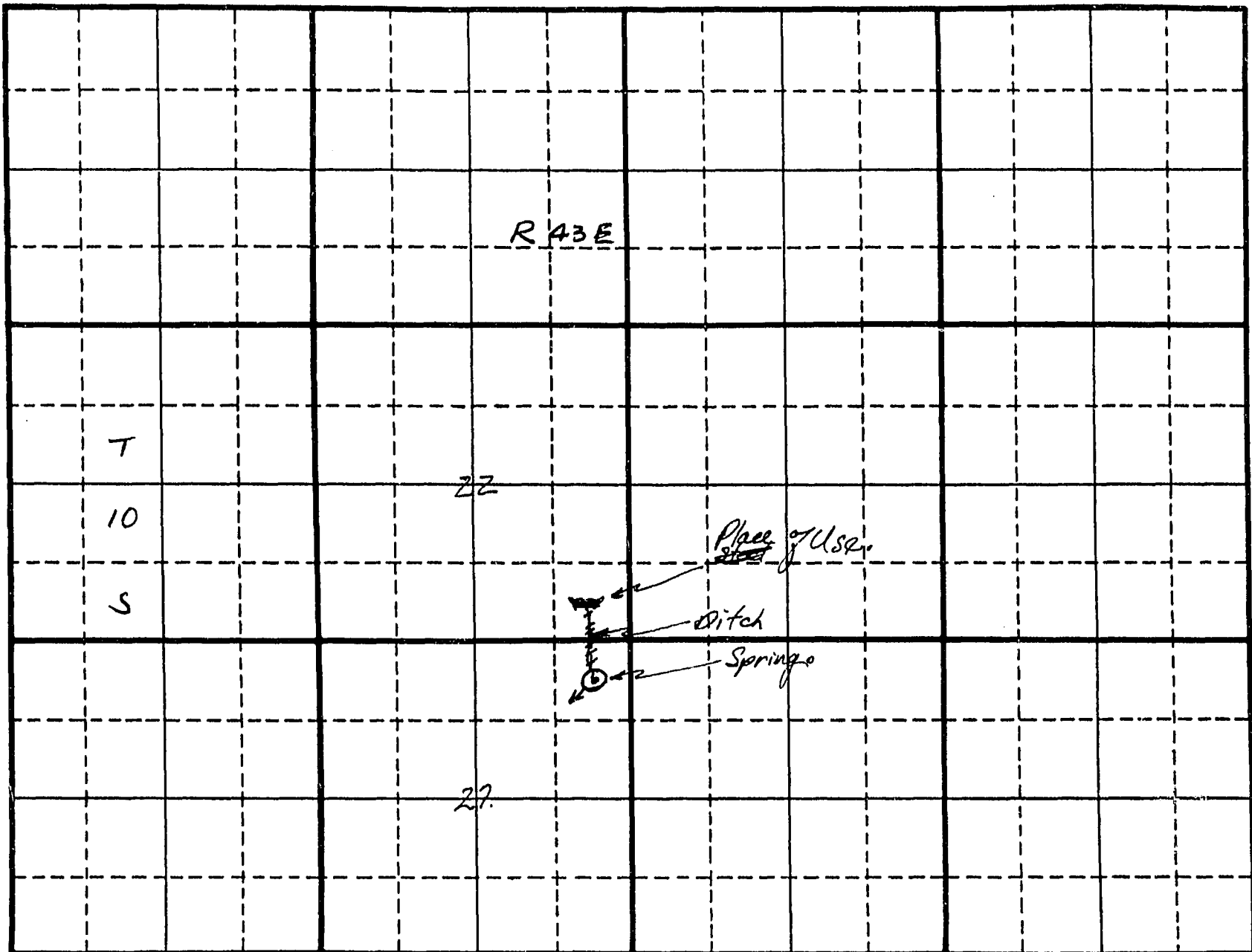
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: water is diverted from spring and used for watering stock, by collecting the water in a small storage reservoir.

NOTE: Include here the type and number of stock watered: 75 cows, 1200 sheep.

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

News Examplar Aug. 29 - 31, 1978
#11505 \$20

(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 Beau Lake) 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 16th day of August, 19 78.

Louise Smart
(Claimant)

Allen L. Miller
Notary Public
Residing at Bozeman, Idaho

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>8/17/78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>8/17/78</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>8/17/78</u>			
Published in <u>News-Examiner</u>				
Dates <u>8/24 & 31, 1978</u>				

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Loren M. Thompson
being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 24, 19*78*, and ending with the issue of *August 31*, 19*78*

Fees, *15.02*

Subscribed and sworn to before me this *31* day of *August*, 19*78*

Maude Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

Public Notices

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4070

Notice is hereby given that Lowell Smart, Georgetown, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from an unnamed spring tributary to sinks with point of diversion in the NE¼NE¼, Sec. 27, T. 10S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from May 1 to Oct. 31 for stockwatering for 75 cows, 1200 sheep with a priority of 1926; the place of use is within the SE¼SE¼, Sec. 22, T. 10S, R. 43E, B.M.

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

C. STEPHEN ALLRED
Director

Published in the News-Examiner, Montpelier, Idaho on Aug. 24 and Aug. 31.

A 24-31

RECEIVED

SEP 8 1978

Department of Water Resources
Eastern District Office

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

August 9, 1978

Mr. Lowell Smart
Ms. Marilyn Smart
Box 29
Georgetown, Idaho 83239

Dear Mr. Smart:

In view of the information you provided during our telephone conversation this day, the Department is returning the applications for permits you recently submitted and checks No. 92-127 totalling \$45.00.

Also enclosed you will find two blank claim forms and two rough draft claims to water rights completed by me from information provided on your original applications.

Please review the rough drafts and make any necessary changes. Be sure to indicate a priority date as specified in Item 1. When you feel the rough drafts are in proper form, transfer the information to the blank claim forms, then sign these forms in the presence of a notary and forward them to our office with the statutory fee of \$20.00 per claim.

Should you have any questions concerning this matter, please feel free to contact me.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosures

Attachment: 3 checks No. 92-127
\$10.00, \$10.00 & \$25.00

C
O
P
Y

August 21, 1978

RE: Applications for Permit - No. 11-4070 and 11-4071

Lowell and Marilyn Smart
Box 29
Georgetown, Idaho 83239

Dear Lowell and Marilyn Smart:

Attached herewith is Departmental receipt No. 11505 in the amount of \$40.00 for the two above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Division

RDC:dh
Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4070

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has filed a claim to a water right established by diversion and application
to beneficial use of 0.06 cubic feet per second ~~acre feet per annum~~
of water from an unnamed spring tributary to sinks
with point of diversion in the NE 1/4 Sec. 27, T. 10S, R. 43E, B.M.,
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for 75 cows, 1200 sheep
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Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

~~XXXXXXXXXXXXXXXXXXXX~~
C. STEPHEN ALLRED
Director

Published in the News- Examiner, Montpelier, Idaho
on Aug. 24 and Aug. 31

CW-L

August 18, 1978

RE: Two Water Right Claims, No. 11-4071 and No. 11-4070

The News Examiner
P.O. Box 728
Montpelier, Idaho 83254

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 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.

Very truly yours,

Ron Carlson

RON CARLSON, Supervisor

Bill submitted 9.11.78 by dh

dh
2 Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 12, 1978

Mr. Lowell Smart
Box 29
Georgetown, Idaho 83239

Dear Mr. Smart:

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 can be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Regional Supervisor

Enclosure