

Claim No. 13 4039

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 Theo L. Smith
(name of claimant)
of Rt. #2, Preston, Idaho
(mailing address), claims a right to the diversion and beneficial use of
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) unnamed spring
_____, tributary to, irrigation ditch
- (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>0.02</u>	Use <u>domestic</u>	Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</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: 0.02 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) June, 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 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)
SE ¼ NE ¼, Sec. 32 Twp. 11S Rge. 39E 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. 400 ft. of 1 in. pipe conveys water from spring to a 200 gal. storage tank on other side of logging road from spring

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	39E	32													X				

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Supplies domestic water for one family during summer and on weekends during winter.

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

24E

22

SPRINK

STORAGE TANK

11S

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.

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.

Notary Public
Residing at Idaho Falls, Id

For Department Use Only

Received by <u>CU</u>	Date <u>1-18-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>1-18-77</u>		claimant by:	
\$10.00 fee received by <u>CU</u>	Date <u>1-18-77</u>			
Approved for publication by <u>CU</u>	<u>2-11-77</u>	<u>4503-</u>		
Published in <u>State State Journal</u>				
Dates <u>Jan 27 & Feb 3 1977</u>				

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

FEB 11 1977

Department of Water Resources
Eastern District Office

PATRICIA RECK

LEGAL ADVERTISEMENTS

W NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4039
Notice is hereby given that Theo
L. Smith, Preston, Idaho has filed
a claim to a water right
established by diversion and
application to beneficial use of
0.02 cubic feet per second of water
from unnamed spring with point
of diversion in the SE 1/4 NE 1/4, Sec.
32, T. 11S, R. 39E, B.M., Bannock
County.
The water is claimed to be used
from Jan. 1 to Dec. 31 for
domestic purposes for one family
with a priority of June, 1948 the
place of use is within the
NE 1/4 SE 1/4, Sec. 32, T. 11S, R. 39E,
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.
R. KEITH HIGGINSON
Director
January 27, 1977
February 3, 1977
No. 61 *me*

being first duly sworn on oath deposes and says: That *SNE*
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:

<i>JANUARY 27</i> , 19 <i>77</i>	, 19.....
<i>February 3</i> , 19 <i>77</i>	, 19.....
....., 19.....	, 19.....
....., 19.....	, 19.....
....., 19.....	, 19.....

That said paper has been continuously and uninterruptedly pub-
lished 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.

Patricia Reck

Subscribed and sworn to before me this *10th*

day of *February*, 19*77*

Dyane Roberts

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4039

Notice is hereby given that Theo L. Smith,
Preston, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~XXXXXX~~
of water from unnamed spring
with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T. 11S, R. 39E, B.M.,
Bannock County

The water is claimed to be used from Jan. 1 to Dec. 31
for domestic purposes for one family
with a priority of June, 1948;
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 11S, R. 39E, 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.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on January 27 and February 3, 1977

*me-f.
me-Q.*

January 21, 1977

RE: Claim to a Water Right No. 13-4039 SMITH

Idaho State Journal
Box 431
Pocatello, Idaho 83201

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,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 2-11-77 by Cal

RDC:GW

Enc: Legal Notice (1)

February 14, 1977

RE: Claim to a Water Right No. 13-4039, 13-4040 and 13-4041

Mr. Theo L. Smith
Rt. #2
Preston, Idaho 83263

Dear Mr. Smith:

The Department of Water Resources has completed the processing of your claims to water rights and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 claims do not, in themselves, guarantee you water rights; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. 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
Supervisor,
Eastern Region

RDC:CW

Enc: Copy of Claims (3)