

Claim No. 13 4040

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 springs
sinks, tributary to, _____
- (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>0.12</u> | Use <u>Domestic</u> | Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u> |
| Amount <u>0.02</u> | Use <u>Stockwater</u> | Period of Use: From <u>Jan. 1</u> To <u>Dec. 31</u> |
| 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: 0.12 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) March 11, 1882

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)
NE ¼ NW ¼, Sec. 28 Twp. 14S Rgc. 40E B.M. County of Franklin
Additional points of diversion: SW ¼ NW ¼, Sec. 28, T. 14S, R. 40E, B.M.

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. 600 ft. 1½ in. pipe supplies water to one house from spring in NE ¼ NW ¼; 1800 ft. 1½ in. pipe supplies water to two houses and stockwater troughs from spring in SW ¼ NW ¼

- (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.

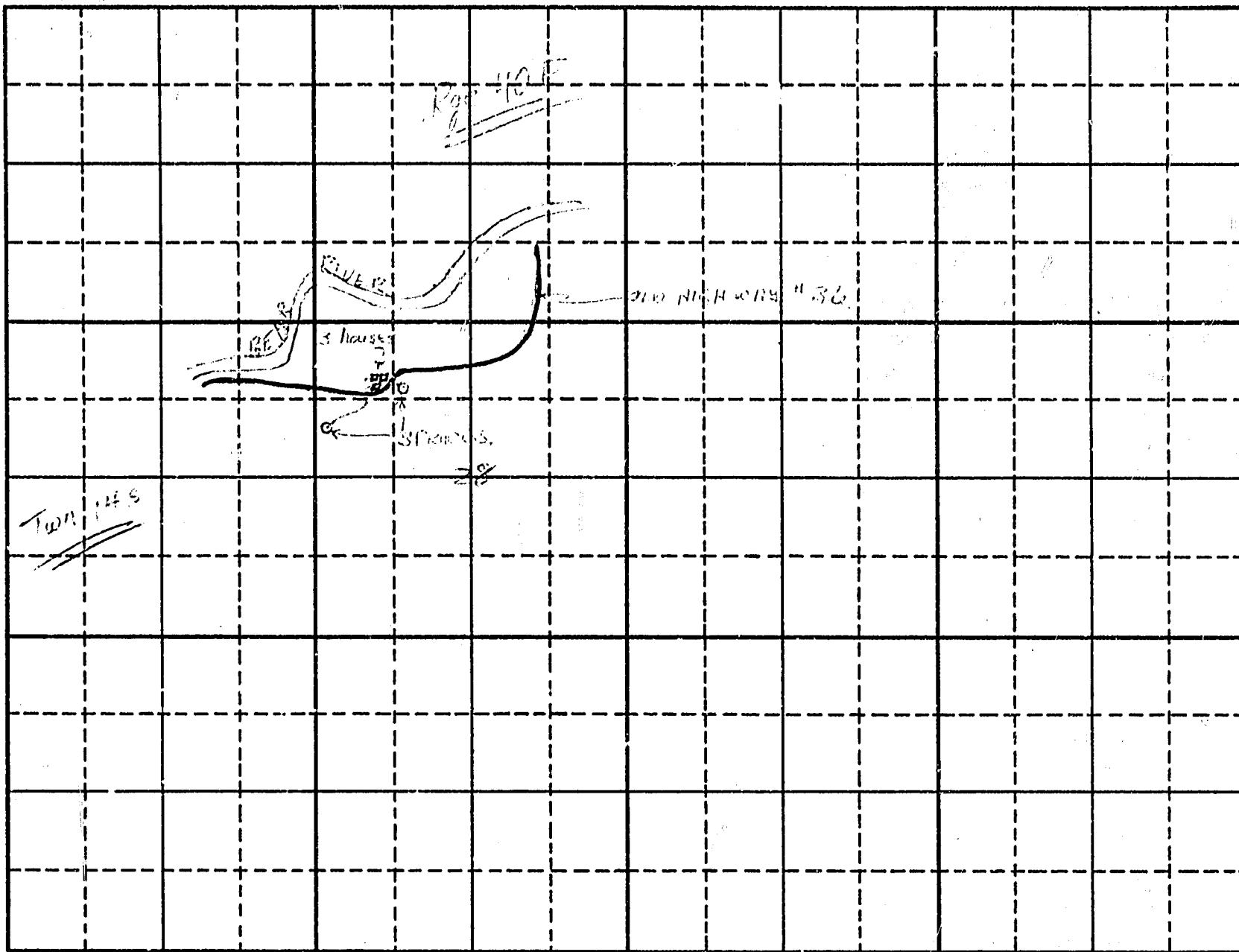
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
14S	40E	28						X											

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
The two unnamed springs supply water to 3 houses and 2 stockwatering troughs and used to sprinkle lawn and gardens.

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

(8) Remarks The 3 houses and stockwater are located in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 14S, R. 40E, B.M. Number of stock varies from 15 to 50 head.



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 affiants knowledge.

Sherr L Smith
(Claimant)

Sworn to before me this 18th day of January, 1977.

Loren D. Halman
Notary Public
Residing at Idaho Falls, Id.

My commission expires March 26, 1979

For Department Use Only

Received by <u>OW</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>OW</u>	Date <u>1-18-77</u>			
Approved for publication by <u>Mr. 2-7-77 #4502</u>				
Published in <u>Creston Citizen</u>				
Dates <u>Jan 27 & Feb 3, 1977</u>				

No 278

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

RICHARD D. STOCKDALE

being duly sworn,

deposes and says:

That he is the Office Manager of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once

a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of 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

JAN. 27, 1977, and ending

with the issue of FEB. 3, 1977.

Richard D. Stockdale

Fee \$ 13.32

Subscribed and sworn to before me this 27th day
of January, 1977.

Rottis W. Casperson

Notary Public, Residing at Preston, Idaho

My Commission Expires August 11, 1980

RECEIVED

FEB 7 1977

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4040

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 0.12 cubic feet per second of water from unnamed springs with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 14S, R. 40E, B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for three families and stock-watering purposes for 15 to 50 head of beef with a priority of March 11, 1882; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 14S, R. 40E, 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 Preston Citizen, Preston, Idaho on January 27 and February 3, 1977.

Legal No. 278 — Pub. Jan. 27 and Feb. 3, 1977.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4040

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 0.12 cubic feet per second ~~XXXXXX~~
of water from unnamed springs
with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 14S, R. 40E,
B.M., Franklin County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
for three families and stockwatering purposes for 15 to 50 head of beef
with a priority of March 11, 1882;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 14S, R. 40E, 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 Preston Citizen, Preston, Idaho
on January 27 and February 3, 1977

Me. J. H. C.

January 21, 1977

RE: Claim to a Water Right No. 13-4038 MCGREGOR
" " " No. 13-4040 SMITH
" " " No. 13-4041 SMITH

Preston Citizen
Box 472
Preston, Idaho 83263

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 2-07-77 by CW

RDC:CW

Enc: Legal Notice (3)

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)