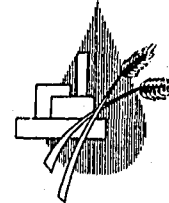


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Kid Creek Land-Trust Harold R Smith Trustee
(Name of Claimant)
1125 Spruce Pocatello Idaho 83201 Telephone No. 232-6982
(Mailing Address) (Zip Code)

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) June 1914

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) 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:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.04</u>	Use <u>Stock water</u>	Period of Use From <u>4-1</u>	To <u>9-1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.08cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
N-W 1/4 NW 1/4, Sec. 36 Twp. 12S Rge. 40E B.M., County of Franklin
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.
pipeline (gravity) 3/4 inch pipe.

- (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	
12S	40E	36					X												

No. of acres _____

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

Domestic & very limited stock watering. Some seasons
No watering of stock is used.

NOTE: Include here the type and number of stock watered: less than 20 cattle (Not Dairy)

- (7) If you are claiming water as a member of an organization, list name of organization:
Kid Creek Land-Trust - Harold R Smith Trustee

(8) Remarks The Reason we are filing this is because there are three households who use this source of water. We do not intend to charge this as there is ample water with reasonable use in most years

Section 36
T 12 S
R 40 E
NW 1/4 of NW 1/4

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 affiant's knowledge.

Sworn to before me this 17th day of MARCH

My commission expires LIFETIME

BP 3/25/83 FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>3-18-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWJ</u>	Date <u>3-25-83</u>		claimant by:	
\$30.00 fee received by <u>BP</u>	Date <u>3-28-83</u>	<u>#25560</u>		
Issued in <u>Preston Citizen</u>				
<u>417 c</u>	<u>4/14/83</u>			

My commission expires

Received by BP
Prelim. check by CW
\$30.00 fee received by HWS
Published in Preston 4/17/83
Dates 4/17/83
Date 3-25-83
Date 3-28-83

IN THE MATTER OF:

Claim To
Water Right

AFFIDAVIT

State of Idaho
County of Bonanza

Arthur T Smith

being first duly sworn,

deposes and says:

I bought the NW-NW + NE-NW 1/4 and moved on this property in June of 1914. This spring (surface water) is located on the NW-1/4 (NW). This water has been used for domestic use & limited stock watering (less than 50) continuously from June 1914 to the present time.

This property NW-NW is in a Trust established by me. Section 36 12.5 40E

Some years after 1916 there were two other individuals connected to this source of water.

95 years old

Arthur T Smith
(Signature)

Subscribed and sworn to before me this 17th day of March, 1983

Notary Public

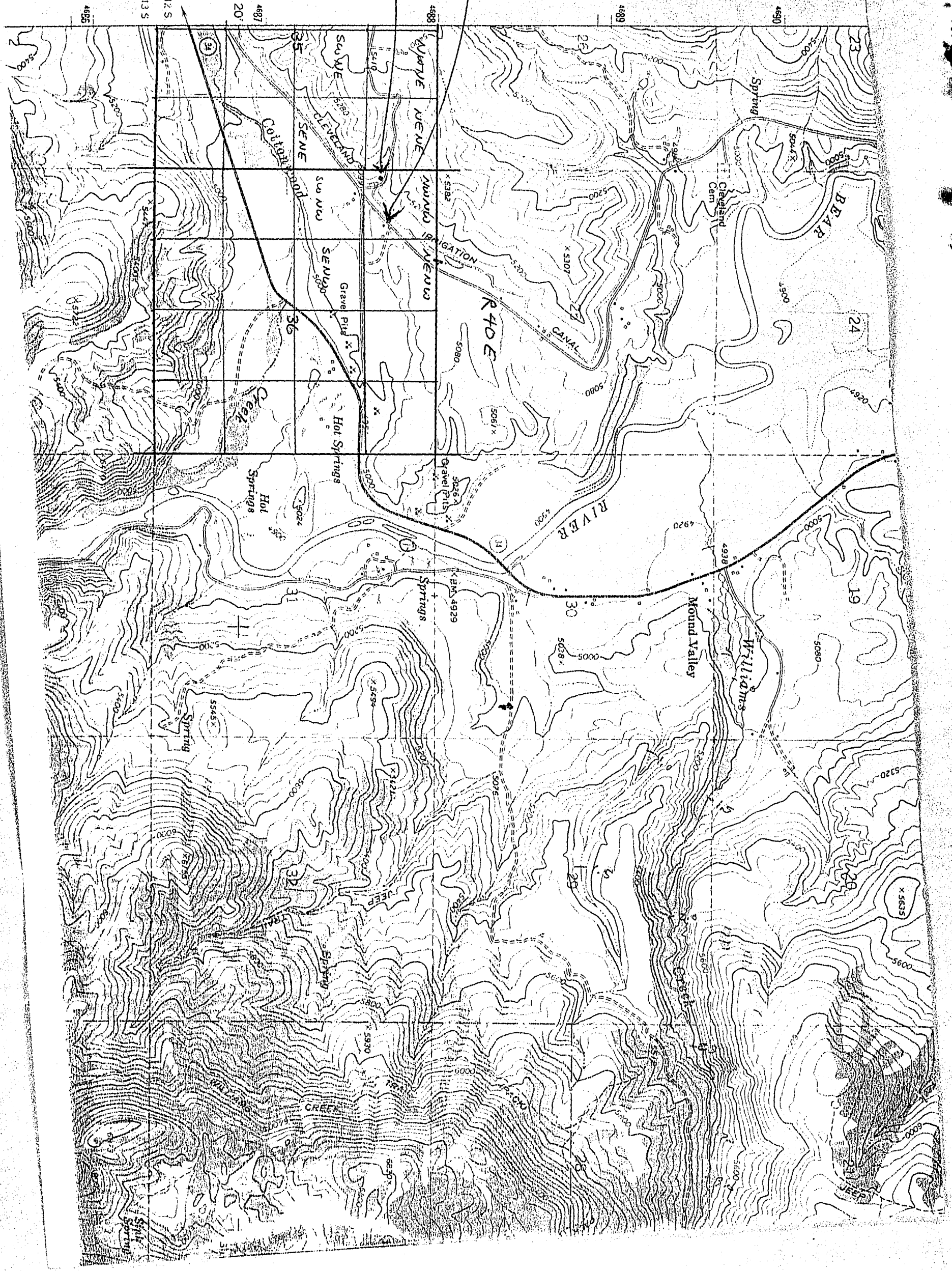
Residing at LOCATELLO IDAHO
My Commission Expires LIFETIME

Place of
use
by pipeline
Source

T
12
S

PRESTON U.S. 911 21 MI.
14 MI. TO IDAHO 36

T 12 S
T 13 S



#875

APR 28 1983

No 1813

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher 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

April 7, 1983 and ending

with the issue of April 14, 1983.

Fee \$ 13.13

Subscribed and sworn to before me this 21st day of April, 1983.

Kenn O. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

MAY 9 1983

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

13-4221

KID CREEK LAND TRUST

1125 SPRUCE, POCA TELLO, ID 83201

Source: SPRING tribu. to SINKS

Priority Date: 06/01/1914

Diversion Pt: NWNW Sec 36 T 12S R 40E

Use: STOCKWATER (0.04 CFS)

Use: DOMESTIC (0.04 CFS)

In: NWNW Sec 36 T 12S R 40E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/7 & 4/14/83.

Legal No. 1813 -21L- Published April 7, 14, 1983.

13-4221-

KID CREEK LAND TRUST

1125 SPRUCE, POCA TELLO, ID 83201

Source: SPRING trib. to SINKS

Priority Date: 06/01/1914

Diversion Pt: NWNW Sec 36 T 12S R 40E

Use: STOCKWATER	(0.04 CFS)
DOMESTIC	(0.04 CFS)

In: NWNW Sec 36 T 12S R 40E

Proofed by
Phone
4/3/83
BP

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 4/7 & 4/14/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 30, 1983

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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 along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 25, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

March 21, 1983

Harold Smith
1125 Spruce
Pocatello, ID 83201

Dear Mr. Smith:

Enclosed is your claim to a water right. The claim could not be processed because there was no fee included.

You may resubmit your claim with the statutory filing fee of \$30.00 to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AWJ

Right Number 13 4221 Applicant Smith

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date May 20, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 5/25/83

April 25, 1983

RECEIVED
MAY 25 1983

Department of Water Resources

RECEIVED
MAY 23 1983

Department of Water Resources

April 27, 1983

RE: Claim to a Water Right No. 13-4221 KID CREEK LAND

Preston Citizen
P.O. Box 472
Preston, ID 83263

Gentlemen :

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on April 7 and 14, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 25, 1983

KID CREEK LAND TRUST
1125 SPRUCE
POCATELLO ID 83201

RE: Claim No. 13-4221

Dear Claimant:

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

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure