

IN THE MATTER OF:

Claim 15-4026 - Smith Farms

State of Idaho

County of Oneida

RECEIVED

APR 18 1979

Department of Water Resources
Eastern District Office

AFFIDAVIT

I, Nathaniel R. Jones

being first duly sworn,

deposes and says: To my personal knowledge, the only irrigation of the lands described in the above referenced claim was done before 1940 for approximately one-half acre of garden area. Since 1940, the area has been dry farmed and no water from Dry Creek has been used to irrigate any of the lands described in Claim 15-4026.

I own Decree 15-0002 which is the same source of water Smith Farms are claiming.

The point of diversion of Smith Farms is above my point of diversion and would interfere with my decreed right.

Nathaniel R. Jones
(signature)

Subscribed and sworn to before me this 18th day of April 19 79.

Charles W. Jones
(notary public)

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

IN THE MATTER OF:

State of Idaho

County of _____

RECEIVED

AFFIDAVIT MAY 9 1979

Department of Water Resources
Eastern District Office

being first duly sworn,

deposes and says: I FILE AN EXCEPTION TO CLAIM NO 15-4026
IN THE NAME OF SMITH FARMS.

THE WATER THAT COMES FROM DRY CREEK
AND RUNS INTO DEEP CREEK HAS ALREADY BEEN
ALLOCATED ACCORDING TO A DECREE OF 1910.

WE HAVE BEEN USING THE WATER AS STIPULATED
IN THAT DECREE. ~~AND~~ AS NEAR AS I CAN
DETERMINE ALL WATER HAS BEEN USED BY
THE PARTIES NAMED IN THE DECREE. IT APPEARS
THAT THERE WOULD NOT BE SUFFICIENT WATER FOR
ADDITIONAL USE.

Oliver H. Fredrickson
(signature)

Subscribed and sworn to before me this 8 day of May 1979.

Mildred J. Lunn
(notary public)

Residing at Malad, Idaho
My commission expires 3-19-82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT

AMENDED

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 Smit Farm

(Name of Claimant)

333 South 100 West, Malad, Idaho 83252

Telephone No. 766-4096

(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) April 1, 1923

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)
Dry Creek tributary to Deep Creek

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

				(Both dates inclusive)	
	(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	1.00 cfs	Use	Irrigation	Period of Use From 4/1	To 10/1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.00 cfs TOTAL QUANTITY USED.

(cfs. gpd. AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4 Sec. 32 Twp. 13S Rge. 37E B.M., County of Oneida

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. Two private ditches, 3' x 2' deep

(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]

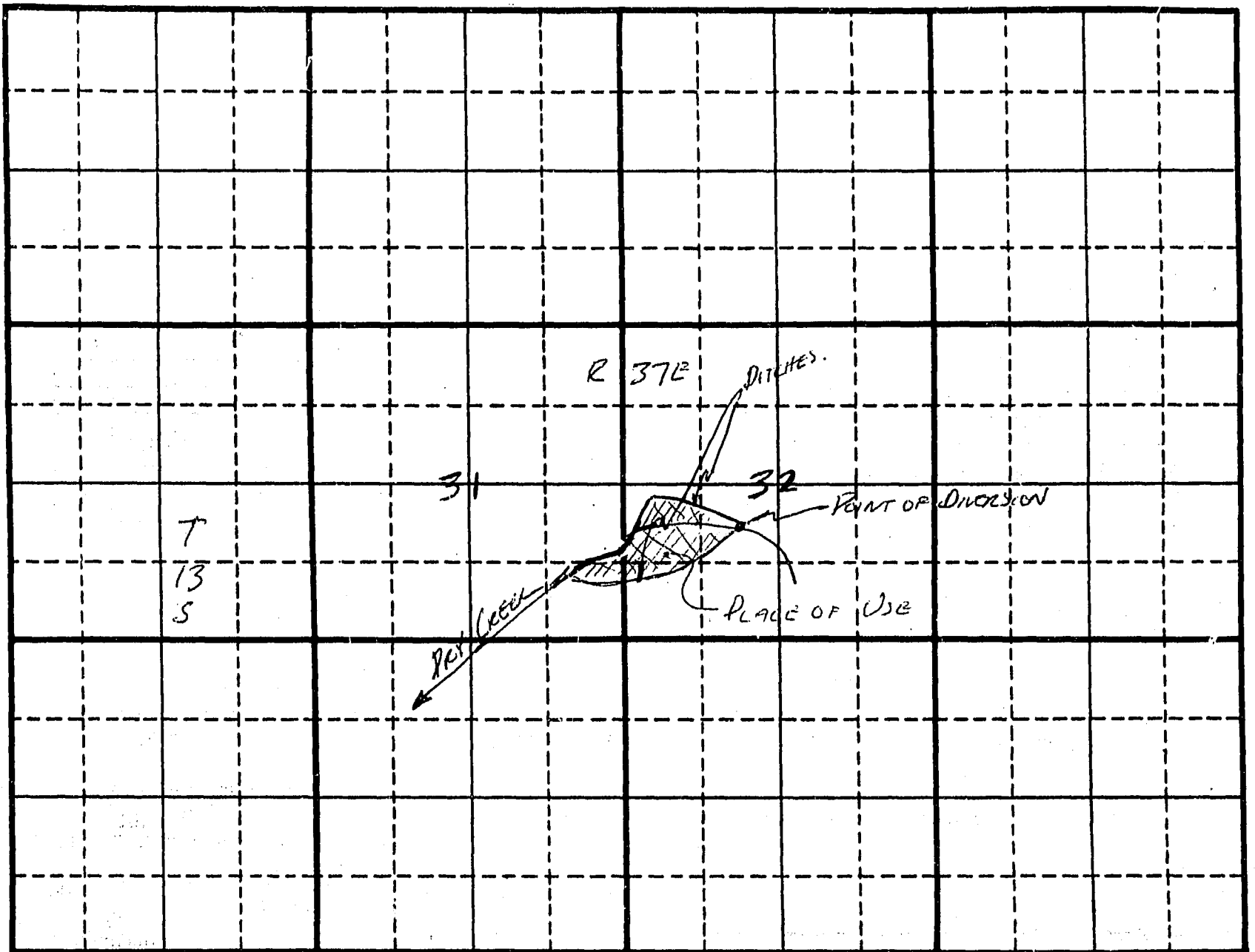
No. of acres 30

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

NOTE: Include here the type and number of stock watered:

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

(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 Oneida) 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 2ND day of May, 19 79.
Smith Farm by Lucille Smith Laws
(Claimant)

Cindy Williams
Notary Public
Residing at Malad, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>5-03-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SM</u>	Date <u>4-26-79</u>		claimant by:	
\$20.00 fee received by <u>N/A</u>	Date _____			
Published in <u>Idaho Enterprise</u>		Olive H. Fredrickson	dh	6-14-79
Dates <u>May 10 & 17, 1979</u>		Nathaniel R. Jones	dh	6-14-79

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 Smith Farm
(Name of Claimant)
333 So 100 W MALAD 83252 Telephone No. 766-4096
(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) X 1 April 1923

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)
DRY CK tributary to Deep CK

(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.)	Period of Use From		To	
		(Mo., Day)	(Mo., Day)	(Mo., Day)	(Mo., Day)
<u>1.0</u>	<u>Irrigation</u>	<u>Apr</u>	<u>1</u>	<u>Oct</u>	<u>1</u>
Quantity	Use	Period of Use From	To	Period of Use From	To
Quantity	Use	Period of Use From	To	Period of Use From	To
Quantity	Use	Period of Use From	To	Period of Use From	To
Quantity	Use	Period of Use From	To	Period of Use From	To

(4) 1.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 32 Twp. 14S Rge. 37E B.M., County of ONEIDA
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.
2 Private Ditches 3' x 2' deep.

(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	
<u>14S</u>	<u>37E</u>	<u>32</u>									<u>7</u>	<u>15</u>	<u>2</u>						<u>24</u>
		<u>31</u>															<u>6</u>		<u>6</u>

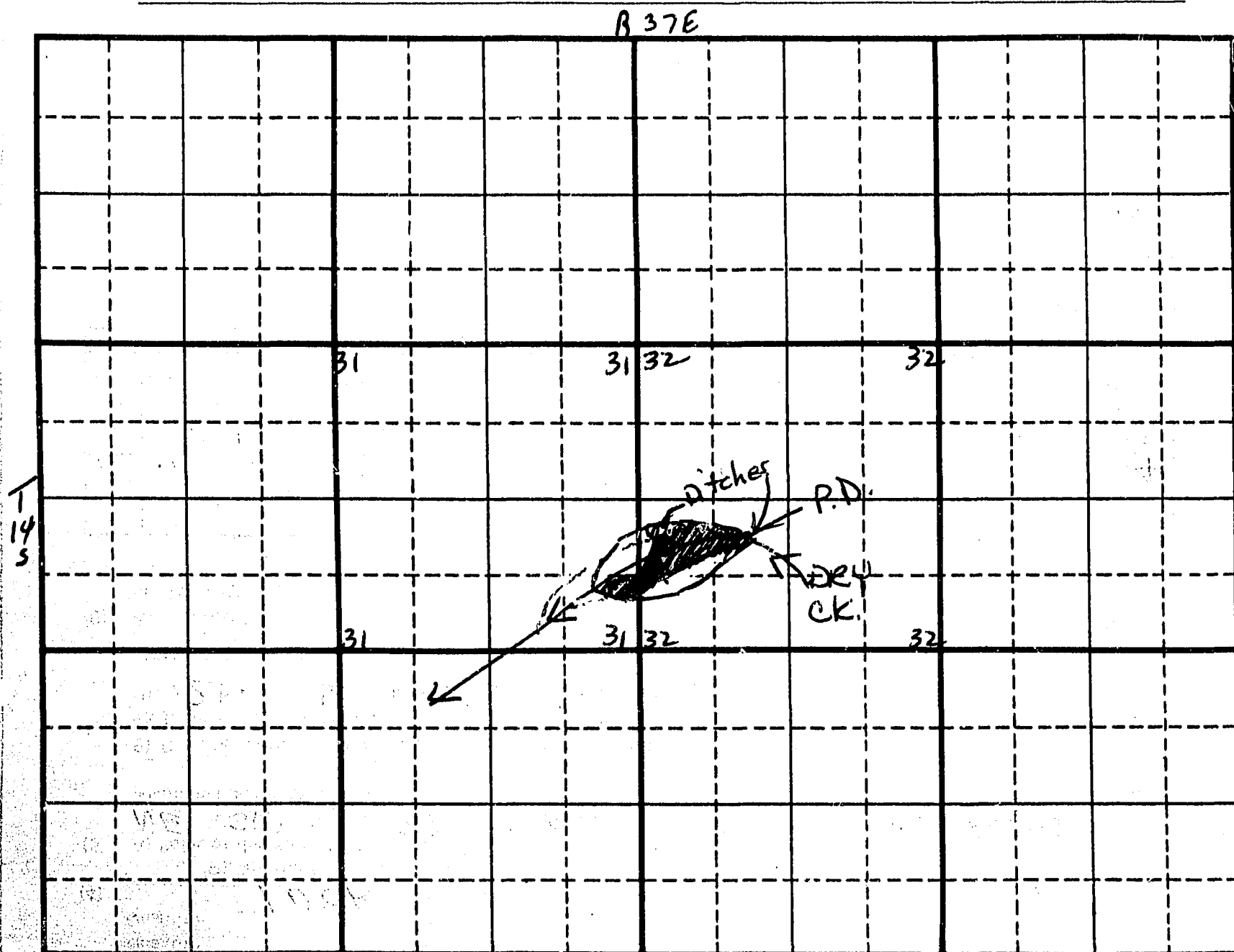
No. of acres 30

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

NOTE: Include here the type and number of stock watered:

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

(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 Oneida) 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 29th day of March, 19 79.

X Lucille Smith Laws
(Claimant)

Cindy Williams
Notary Public
Residing at Malad, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>3-30-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>APK</u>	Date <u>3/30/79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>3-30-79</u> #12985	Nathaniel R. Jones on 4/18/79	dh	
Published in <u>Idaho Enterprise</u>		Olive H. Fredrickson	dj	6-14-79
Dates <u>April 12 & 19, 1979</u>				

RECEIVED

JUN 4 1979

Department of Water Resources
Eastern District Office

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT**

No. 15-0028

NOTICE IS HEREBY GIVEN that Smith Farm filed a claim to a water right established by diversion and application to beneficial use of 1.00 cfs of water from Dry Creek (tributary) to Deep Creek with point of diversion in the NE 1/4 SW 1/4, Sec. 32, T. 14S, R. 37E, B.M., Oneida County. The water was claimed to be used from 4-1 to 11-1 for the irrigation of 30 acres, with a priority of April 1, 1923; the place of use is within the N 1/2 SW 1/4, SW 1/4 SW 1/4, Sec. 32, SE 1/4 SE 1/4, Sec. 31, T. 14S, R. 37E, B.M.

The claimant now proposes to amend the point of diversion to within the NE 1/4 SW 1/4, Sec. 32, T. 14S, R. 37E, B.M., Oneida County and the place of use to within the N 1/2 SW 1/4, SW 1/4 SW 1/4, Sec. 32, SE 1/4 SE 1/4, Sec. 31, T. 14S, R. 37E, B.M.

Any exception to this amended claim to a 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 Idaho Enterprise, Malad, Idaho on May 10 & 17, 1979.

5-10-17-79

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Mylene Allerton being first duly sworn on oath, states: That she is Secretary of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three-fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the County of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and

not in any supplement thereof for 2 successive weekly issues thereof of the date of the first publication being the

10th day of May, 1979, the day of the last publication being the 17th day of May, 1979.

Subscribed and sworn to before me this 25th of May, 1979.

Carlo N. Hess
Notary Public, residing at Malad, Idaho

My Commission expires the 15th day of July, 1979.

Costs: 36 lines at 23c per line first insertion \$ 8.74

..... lines tabulated as 34 1/2c per line \$

15c per line each subsequent insertion \$ 3.45

TOTAL \$ 12.19

(Rates for legal notices are fixed by Idaho law)

NOTICE OF CLAIMS
TO WATER RIGHTS
NOTICE IS HEREBY GIVEN
that the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:

No. 15-4025

JONES, OREN J.
ROUTE 1, BOX 243, MALAD,
ID. 83252.
Source: SPRING CREEK
tributary to MALAD RIVER
Priority Date: 04-01-1890
Amount: 2.00 CFS
Diversion Point: NWSW Sec.
28 T 14S R. 36E, Oneida Co.
Use: IRRIGATION (2.00 CFS)
from 04-01 to 05-15
Place of Use: NWNW SWNW
Sec. 33 T. 14S R. 36E SENE Sec.
32 T. 14S R. 36E for 43 ACRES
Diversion Means: DITCH

No. 15-4026

SMITH FARM
333 SOUTH 100 WEST,
MALAD, ID. 83252
Source: DRY CREEK
tributary to DEEP CREEK
Priority Date: 04-01-1923
Amount: 1.00 CFS
Diversion Point: NESW Sec.
32 T. 14S R. 37E, Oneida Co.
Use: IRRIGATION (1.00 CFS)
from 04-01 to 10-01
Place of Use: NESW NWSW
SWSW Sec. 32 T. 14S R. 37E SESE
Sec. 31 T. 14S R. 37E for 30
acres
Diversion Means: DITCHES

No. 15-4027

SCHWARTZ, DALE
214 WEST 300 NORTH,
MALAD, ID. 83252.
Source: LITTLE MALAD
RIVER tributary to BEAR
RIVER
Priority Date: 03-20-1918
Amount: 0.04 CFS
Diversion Point: NENW Sec.
12 T. 13S R. 34E SWSW SESW
Sec. 01 T 13S R 34E, Oneida Co.
Use: STOCKWATER (0.02
CFS) from 09-01 to 12-01
DOMESTIC (0.02 CFS) from
04-01 to 11-01
Place of Use: SWSW SESW
Sec. 01 T 13S R 34E NENW Sec.
12 T 13S R 34E
Diversion Means: PUMP &
PIPELINES

No. 15-4028

BRIGGS, HOWARD W.
ROUTE 1, MALAD, ID. 83252
Source: UNNAMED
SPRINGS tributary to SINKS
Priority Date: 04-21-1950
Amount: 1.00 CFS
Diversion Point: SWSW Sec.
05 T. 13S R 35E NENE Sec. 07 T
13S R 35E NWNW Sec. 08 T 13S R
35E, Oneida Co.
Use: IRRIGATION (0.80 CFS)
from 04-01 to 11-01
STOCKWATER (0.20 CFS)

No. 15-4029

PRICE, JOHN W.
ROUTE 1, BOX 231, MALAD, ID. 83252
Source: GROUNDWATER
Priority Date: 06-01-1907
Amount: 0.04 CFS
Diversion Point: SWNW
SESW Sec. 35 T 14S R 35E,
Oneida Co.
Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31
Place of Use: SWNW SENW
Sec. 35 T 14S R 35E
Diversion Means: TWO
ARTESIAN WELLS &
DELIVERY SYSTEM

No. 15-4030

GROVER, NORMAN
404 EAST 2nd SOUTH,
BRIGHAM CITY, UT. 84302
Source: GROVER SPRING
(BOND SPRING) tributary to
GROVER HOLLOW
Priority Date: 03-01-1909
Amount: 0.06 CFS
Diversion Point: SWSW Sec.
08 T 16S R 35E, Oneida Co.
Use: DOMESTIC (0.02 CFS)
from 01-01 to 12-31
STOCKWATER (0.02 CFS)
from 01-01 to 12-31
IRRIGATION (0.02 CFS) from
04-01 to 11-01
Place of Use: SWNW Sec. 30 T
16S R 35E for 2 acres
Diversion Means: HEADBOX
& PIPELINES

No. 17-4027

HUBBARD, CLARK L.
HOLBROOK ROUTE,
MALAD ID. 83252
Source: GROUNDWATER
Priority Date: 03-01-1963
Amount: 0.15 CFS
Diversion Point: SWSW Sec.
29 T 14S R 33E, Oneida Co.
Use: STOCKWATER (0.06
CFS) from 01-01 to 12-31
IRRIGATION (0.09 CFS) from
04-01 to 11-01
Place of Use: SWSW Sec. 29 T
14S R 33E for 30 acres
Diversion Means: WELL,
PUMP & SPRINKLER
SYSTEM
Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1515

Lincoln Road, Idaho Falls, Idaho
83401.

C. STEPHEN ALLRED

Director
Published in The Idaho Enter-
prise 4-12 & 4-19 79.
4-12-19 79

AFFIDAVIT OF PUBLICATION

MAY 10 1979

Department of Water Resources
Eastern District Office

Anna J. Ellis being first duly sworn on
oath, states That *She* is *Sooner*
Idaho Enterprise, a newspaper of general circulation
in da County, Idaho published weekly at Malad, in said
that said newspaper has been published in said
uninterruptedly and continuously for over seventy-
insecutive weeks, prior to the first publication of the
& notice or advertisement:

said Idaho Enterprise was at all of the times of publi-
f said notice a newspaper of general circulation made
least four pages of at least five columns each, printed
on matter or stereotyped forms of at least seventeen
one-fourths inches depth, and said newspaper during
the times of publication aforesaid had more than 200
subscribers thereto living within the County of
in which said newspaper was published at regular
not less frequently than once a week.

The annexed notice was published per clipping attach-
ed a regular and entire edition of said newspaper and

any supplement thereof for 2 successive weekly
ereof of the date of the first publication being the

of May, 1979, the day of the last

on being the 19 day of May

I and sworn to before me this 9th of May

James H. Fredericksen
Notary Public, residing at Malad, Idaho

Commission expires the 9th day of May, 1980

Costs at 23c per line first insertion \$ 32.89

Costs tabulated as 34 1/2c per line \$

Costs each subsequent insertion \$ 21.45

TOTAL \$ 54.34

Costs for legal notices are fixed by Idaho law)

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: APK

Right Number _____ Applicant Smith Farm

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. ~~1/1/78 - 12/31/78~~
- ☒ Point(s) of diversion. ~~At the mouth of the river~~
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jan Date 7/12/79

April 2, 1979

Ms. Lucille Smith Laws
Smith Farm
333 South 100 West
Malad, Idaho 83252

Dear Ms. Laws:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 12985 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use.

15-4026-

SMITH FARM

333 SOUTH 100 WEST, MALAD, ID 83252

Source: DRY CREEK tributary to DEEP CREEK

Priority Date: 04/01/1923

Amount: 1.00 CFS

Diversion Point: NESW Sec 32 T 14S R 37E, ONEIDA Co.

Use: IRRIGATION (1.00 CFS) from 04/01 to 10/01

Place of Use: NESW NWSW SWSW Sec 32 T 14S R 37E SESE Sec 31 T 14S R 37E
FOR 30 ACRES

Diversion Means: DITCHES

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

C. STEPHEN ALLRED

Director

Published 4/12 & 4/19/78.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 6, 1979

Idaho Enterprise
P. O. Box 205
Malad City, Idaho 83252

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 billings to this office before APRIL 30, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

April 26, 1979

Lucille Smith Laws
Smith Farm
333 South 100 West
Malad, Idaho 83252

Dear Ms. Laws:

Claim to Water Right No. 15-4026

During our final review of the above mentioned claim to a water right, it was determined that the legal description for the place of use and point of diversion was incorrect. For your convenience, we have retyped an amended claim which requires your notarized signature. Before returning the amended claim, the legal descriptions should be checked to insure their accuracy and changes which you make should be initialed.

Once you have reviewed the claim and signed it in the presence of a notary public, please return it to our office for further processing. Should you have any questions, feel free to contact our eastern regional office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number 15-4026 amended Applicant Smith Farm

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. nta

FINAL REGIONAL PROCESSING REVIEW:

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

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 15-4026

Notice is hereby given that Smith Farm filed a claim to a water right established by diversion and application to beneficial use of 1.00 cfs of water from Dry Creek tributary to Deep Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 14S, R. 37E, B.M., Oneida County. The water was claimed to be used from 4/1 to 11/1 for the irrigation of 30 acres, with a priority of April 1, 1923; the place of use is within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 14S, R. 37E, B.M.

The claimant now proposes to amend the point of diversion to within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 13S, R. 37E, B.M., Oneida County and the place of use to within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 13S, R. 37E, B.M.

Any exception to this amended claim to a 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 Idaho Enterprise, Malad, Idaho on May 10 & 17, 1979

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 4, 1979

Idaho Enterprise
P. O. Box 205
Pocatello, Idaho 83252

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 copy of proof to this office for review before the first publication date. If you cannot publish the notice on the specified 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 bill to this office before MAY 29, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

June 14, 1979

Mrs. Dewey Fredrickson
284 North 100 West
Malad, Idaho 83352

Dear Mrs. Fredrickson:

Re: Amended Claim No. 15-4026 - Smith Farms

We have received the exception you filed on Claim to a Water Right No. 15-4026, so it will not be necessary for you to file another exception for the amending of said claim. The claimant is only amending the township of the legal descriptions for the point of diversion and place of use, as they were described incorrectly on the original claim.

Sincerely,

STEVE McCOMBICK
Water Resource Analyst

SM:dh

STEVE McCORMICK

WHAT DOES THIS CHANGE MEAN? SHOULD
WE FILE AN EXCEPTION TO THIS ALSO? IF SO
PLEASE SEND US A FORM.

THANK YOU

Barth S. Erickson

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT**

No. 15-1026

NOTICE IS HEREBY GIVEN that Smith Farm filed a claim to a water right established by diversion and application to beneficial use of 1.00 cfs of water from Dry Creek tributary to Deep Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 14S, R. 37E, B.M., Oneida County. The water was claimed to be used from 4-1 to 11-1 for the irrigation of 30 acres, with a priority of April 1, 1923; the place of use is within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 14S, R. 37E, B.M.

The claimant now proposes to amend the point of diversion to within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 13S, R. 37E, B.M., Oneida County and the place of use to within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 13S, R. 37E, B.M.

Any exception to this amended claim to a 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 Idaho Enterprise, Malad, Idaho on May 10 & 17, 1979.

5-10-17, 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 26, 1979

Nathaniel R. Jones
Malad,
Idaho 83252

RE: Amended Claim 15-4026

Dear Mr. Jones:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 26, 1979

Olive H. Fredrickson
284 North 100 West
Malad, Idaho 83252

RE: Amended Claim 15-4026

Dear Mr. Fredrickson:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

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

June 26, 1979

Smith Farm
333 South 100 West
Malad, Idaho 83252

RE: Amended Claim 15-4026

Dear Sir:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

RONALD D. CARLSON
Regional Supervisor

RDC/dh

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 30, 1979

SMITH FARM
333 SOUTH 100 WEST
MALAD ID 83252

RE: Claim No. 15-4026 - Amended

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