

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04006
Date Received: 1/17/1990
Receipt No: 11005537
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELMO SMITH 208-648-7774
Address: BANCROFT, ID 83217
OR
Name: MADA SMITH 208-648-7774
Address: BANCROFT, ID 83217

2. Date of Priority: JUN 01, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	38E	26	NE	NE	SW		CARIBOU

5. Description of diverting works:
150'X16" WELL WITH A 75HP PUMP. MAINLINE TO WHEEL LINES/HAND LIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.250		
STOCKWATER	09/01	12/31	0.010		

7. Total Quantity Appropriated is:
2.260 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 RANGE.

A29-04006

Page 1

Date: 01/17/90

MICROFILMED
NOV 13 1992

A2904006



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	38E	27	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-02302 FROM SAME WELL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Delma Smith* Date: 1/17/90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of January 1990

[Signature]
Notary Public

Seal

RESIDING AT IDAHO FALLS, IDAHO
Residing at MY COMMISSION EXPIRES 8-22-1994

My Commission Expires _____



Log for claim A29-04006

Spatial Dynamics BTD

6/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	27	SWNE	40	40	
07s38e	27	SENE	40	39	
07s38e	27	NESE	40	40	
07s38e	27	NWSE	40	40	
Totals:			160	159	

AJ5809NP
No. A29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 93

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION	04-01 10-31	2.250 CFS	
C	MADA SMITH		STOCKWATER	09-01 12-31	0.010 CFS	
	BANCROFT ID 83217					
	(208) 648-7774					
				TOTAL DIVERSION:	2.260 CFS	
				CONSUMPTIVE USE:		400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R38E S26 NENESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	38E	27	:			40		40	:							40		40		:	160.0
																			TOTAL ACRES	:	160.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

Other Rights: 29-02302 FROM SAME WELL

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10165 A29-02302 A29-10165

Dates: Exam Made Date: Verified Date: 03/12/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/17/90 MOBILE3 03/29/95 POST-STD

Identification No. _____
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Delmo Smith
post office address Bancroft, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 7 South
Range 38 East B.M. located on Subterranean
(name of source)
tributary to _____ in _____ County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

Irrigation	<u>June 1, 1951</u>	amount: <u>2.25</u> c.f.s. or _____ acre feet
Stock Water	<u>September 1, 1951</u>	amount: <u>.01</u> c.f.s. or _____ acre feet
		amount: _____ c.f.s. or _____ acre feet
		Total claimed <u>2.26</u> c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>April 1</u> to <u>October 31</u>	(both dates inclusive)
use <u>Stock Water</u>	period of use from <u>September 1</u> to <u>December 31</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 150 feet; diameter of well is 16 inches; type of pump is 75 HP V.T.P.
capacity of pump is 1400 g.p.m.; name and address of well driller is Cushman-Johnson
_____ ;

27 4/20/52

[illegible]

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

08-756 - **15** - **15**

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

34-1006

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

WR RIGHT NUMBER 29-4006

WATER RIGHTS EDIT REPORT

12/07/79

PAGE 51

OWNER LAST NAME - SMITH

FIRST NAME - DELMO

CITY - BANCROFT

STATE - ID

SOURCE - GROUNDWATER

STAGE - STATRY CLM

DIVERSION POINT - NESW 26 07S 38E

FROM - 04-01 TO - 10-31 USE - IRRIGATION

FROM - 09-01 TO - 12-31 USE - STOCKWATER

USE - IRRIGATION

PRIORITY - 05-01-1951 COUNTY - CARIBOU

TOTAL DIV. RATE - 2.2600CFS

USE DIV. RATE - 2.2500CFS

USE DIV. RATE - .0100CFS

PLACE OF USE - T4N 07S R4G 38E SEC 27 TRACT SWNE

AC 40 TRACT SENE

AC 40

TRACT NESE

AC 40 TRACT NWSE

AC 40

REMARKS - PRIORITIES ARE 5-1-1951 OF 2.25 CFS & 9-1-1951 OF .01 CFS.
NON IRRIG USE - S/300 RANGE.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

Old No.

New No.

/ 29-4006

Record

1. Original Owner: Delmo Smith

Present Owner: _____

2. Address: 63. City: Bancroft State: Id Zip: _____4. A. Source of Water: gw

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 6-1-1951D. County: 29E. Total Diversion Rate: 2.26

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESW</u>	<u>26</u>	<u>7S</u>	<u>38E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-31 for A purposes. Amount 2.25
(cfs or AC-Ft/yr)from 9-1 to 12-31 for S purposes. Amount .01

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. priority dates ~~are~~; 6-1-1951 [^] * 9-1-1951 [^]
B. of 2.25 yrs of .01 yrs.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

S/300 range

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

RECEIVED
FEB 17 1995

Department of Water Resources
Eastern District Office

7 February 1995

State of Idaho
Department of Water Resources
900 North, Skyline Drive
Idaho Falls, Idaho 83402-1718

Ref: Evidence of Priority
Delmo Smith
No. A29-04006

Idaho Department Water Resources:

I testify that Delmo Smith has been using the water identified by Water right number A29-04006 based on Beneficial Use, for 160 Acres of land, described as, Township 7 South, Range 38 East, Section 27, NE SWNE SENE, SE SWSE SESE, since 1951.

Hyrum M. McLain
Hyrum McLain
16 South, 2 West
Bancroft, Idaho
83217

Oprie Knowles
Notary
Exp. Date 8/26/99

RECEIVED
NOV 13 1990

State of Idaho
Department of Water Resources
900 North, Skyline Drive
Idaho Falls, Idaho 83402-1718

RECEIVED

FEB 17 1995

Department of Water Resources
Eastern District Office

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No. A29-04006

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I testify that Delmo Smith has been using the water identified by Water right number A29-04006 based on Beneficial Use, for 160 acres of land, described as, Township 7 South, Range 38 East, Section 27, NE SWNE SENE, SE SWSE SESE, since 1951.

Hazel Croney

Hazel Croney
2501 Kelly Road
Bancroft, Idaho
83217

*Notary Approved
Exp. Date 8/20/99
Bancroft,
Idaho*

NOV 13 1990

AJ5809NP
No. A29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION	04-01 10-31	2.25 CFS	
C	MADA SMITH		STOCKWATER	09-01 12-31	0.01 CFS	
	BANCROFT ID 83217					
	(208) 648-7774					
				TOTAL DIVERSION:	2.26 CFS	
				CONSUMPTIVE USE:		400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R38E S26 NENESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	38E	27	:			40	40	:					:					:	40	40			:	160.0
																					TOTAL ACRES		160.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

Other Rights: 29-02302 FROM SAME WELL

Dates: Exam Made Date: Verified Date: 03/12/1985

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

NOV 13 1994

AJ5809NP
No. A29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
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	BANCROFT ID 83217					
	(208) 648-7774					
				TOTAL DIVERSION:	2.26 CFS	
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Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R38E S26

NENESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07S	38E	27	:					40		40	:							40		40	:	160.0
																			TOTAL ACRES		160.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

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Dates: Exam Made Date:

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12/29/94 13:00