

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: A29-04189
Date Received: 4/19/1990
Receipt No: 6013236
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: T. CRAIG SMITH 208-254-3981
Address: 1827 E ARIMO RD.
ARIMO, ID 83214
OR
Name: SANDRA SMITH 208-254-3981
Address: 1827 E ARIMO RD.
ARIMO, ID 83214

A2904189

2. Date of Priority: APR 01, 1942

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	37E	7	NW	SW	SW		BANNOCK

5. Description of diverting works:
PUMP, PIPELINE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	2.000		

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

8. Total consumptive use is 187.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	37E	7	NW		NE	3	IRR	8.0
			SE		NE	4	IRR	7.0
			NW		NW	5	IRR	25.0
			SE		NW	6	IRR	15.0
			NW		SW	7	IRR	5.0
			SE		SW	8	IRR	15.0

Section Acres 75.0

Total Acres 75.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

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): T. Craig Smith Date: 4/19/90
Date: _____

State of Idaho)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of April 19 90
Notary Public

Seal

Residing at Shoshone Falls, B.

My Commission Expires 22 Aug 1994

NOV 13 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04'89	10S 37E	7	NW	SW	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04'89	10S 37E	7		SW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NSR
10S	37E	7	NW	SW	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MARSH CREEK

RIVER: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-04189

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AI #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	7	NW	NE	3	SMITH, T CRAIG	A29-04189 / 8.0	29-04189 / 8.0	33.0		
			NW	NE		PORTNEUF IRRIGATION CO	A29-11277 / 28.4	- /			
			NW	NE		PORTNEUF IRRIGATION CO	A29-00051 / 28.4	29-00051 /			
10S	37E	7	SE	NE	4	SMITH, T CRAIG	A29-04189 / 7.0	29-04189 / 7.0	39.0		
			SE	NE		PORTNEUF IRRIGATION CO.		29-00051 /			
10S	37E	7	NW	NW	5	SMITH, T CRAIG	A29-04189 / 25.0	29-04189 / 25.0			
			NW	NW		ARIMO CORP	A29-02416 / 5.0	29-02416 / 2.0			
			NW	NW		ARIMO CORP	A29-12055 / 8.0	- /			
			NW	NW		BUDGE, RANDALL C	A29-04200 / 13.0	- /			
			NW	NW		BUDGE, RANDALL C	A29-04202 / 13.0	29-04202 / 40.0			
			NW	NW		HENDERSON RANCHES INC	A29-04203 / 13.0	- /			
			NW	NW		HENDERSON RANCHES INC	A29-11089 / 13.0	- /			
			NW	NW		HENDERSON RANCHES INC	A29-04201 / 13.0	- /			
			NW	NW	1	ARIMO CORP	A29-04408 / 2.0	29-04408 / 12.0			
			NW	NW	1	ARIMO CORP	A29-04423 / 19.0	- /			
			NW	NW	2	PORTNEUF IRRIGATION CO	A29-11277 / 29.6	- /			
			NW	NW	2	PORTNEUF IRRIGATION CO	A29-00051 / 29.6	29-00051 /			
10S	37E	7	SE	NW	6	SMITH, T CRAIG	A29-04189 / 15.0	29-04189 / 15.0	18.0		
			SE	NW		PORTNEUF IRRIGATION CO	A29-00051 / 19.6	29-00051 /			
			SE	NW		PORTNEUF IRRIGATION CO	A29-11277 / 19.6	- /			
			SE	NW		HENDERSON RANCHES INC	A29-04201 / 13.0	- /			
			SE	NW		BUDGE, RANDALL C	A29-04200 / 13.0	- /			
			SE	NW		BUDGE, RANDALL C	A29-04202 / 13.0	29-04202 / 40.0			
			SE	NW		HENDERSON RANCHES INC	A29-11089 / 13.0	- /			
			SE	NW		ARIMO CORP.		29-04423 / 20.0			
10S	37E	7	NW	SW	7	SMITH, T CRAIG	A29-04189 / 5.0	29-04189 / 5.0			
			NW	SW		PORTNEUF IRRIGATION CO	A29-00051 / 23.2	- /			
			NW	SW		PORTNEUF IRRIGATION CO	A29-11277 / 23.2	- /			
			NW	SW	5	SMITH, T CRAIG	A29-11491 /	- /			
			NW	SW	5	SMITH, T CRAIG	A29-11491 /	- /			
			NW	SW	5	SMITH, T CRAIG	A29-11490 /	- /			
			NW	SW	5	SMITH, T CRAIG	A29-11489 /	- /			
			NW	SW	5	SMITH, T CRAIG	A29-11488 / 3.0	- /			
			NW	SW	5	SMITH, SANDRA	29-11490 /	- /			
			NW	SW	5	SMITH, T CRAIG	29-11489 /	- /			
			NW	SW		HENDERSON RANCHES INC.		29-04202 / 40.0			
10S	37E	7	SE	SW	8	SMITH, T CRAIG	A29-04189 / 15.0	29-04189 / 15.0	38.0		
			SE	SW		PORTNEUF IRRIGATION CO	A29-00051 / 25.6	- /			
			SE	SW		PORTNEUF IRRIGATION CO	A29-11277 / 25.6	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AI #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	SW		HENDERSON RANCHES INC.		29-04202 / 40.0			

ADDITIONAL POI FOUND

TOTAL ACRES A29-04189 75.00 75.00 128.00

POI COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POI AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04189	WASH CREEK	SMITH, T CRAIG	2.000	0.026		
A29-00051	PORTNEUF RIVER	PORTNEUF IRRIGATING CO	55.000	0.016		
A29-02416	WASH CREEK	ARMO CORP	6.130	0.020		
A29-04200	SPRINGS	BUDGE, RANDALL C	1.030	0.003		
A29-04201	SPRING	HENDERSON RANCHES INC	3.030	0.010		
A29-04202	SPRINGS	BUDGE, RANDALL C	0.280			
	POND					
A29-04203	WASH CREEK	HENDERSON RANCHES INC	3.030	0.015		
A29-04408	SCHOOL SPRING	ARMO CORP	0.620	0.028		
A29-04423	SQUATTER CREEK SPRINGS	ARMO CORP	0.650	0.021		
A29-11089	SPRING	HENDERSON RANCHES INC	0.280			
A29-11277	PORTNEUF RIVER	PORTNEUF IRRIGATION CO	55.000	0.016		
A29-11488	GROUNDWATER	SMITH, T CRAIG	0.080	0.020		
A29-12055	OLD STACK SPRING	ARMO CORP	0.200	0.025		

LIST ALL RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11491	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	
R29-11491	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11490	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	
A29-11489	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	
29-11490	STOCKWATER	SMITH, SANDRA	FROM 01-01 TO 12-31	0.030 CFS	
29-11489	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	
A29-11488	STOCKWATER	SMITH, T CRAIG	FROM 01-01 TO 12-31	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "NC" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

Log for claim A29-04189

Spatial Dynamics LTD

6/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	7	NWNW	8	8.9	
10s37e	7	SWNW	7	6.5	
10s37e	7	SWNW	15	8.9	
10s37e	7	NWSW	25	17	
10s37e	7	NWSW	5	2	
10s37e	7	SWSW	15	19	
Totals:			75	62.3	

 **SPATIAL
DYNAMICS**

Water was originally pumped from Marsh Creek and brought to irrigated acreage in a ditch approximately one and one-quarter mile south of present pump in 1942. [SESW, Sec. 18, T. 10S, R. 37E]. Pump is owned by Robert W. Henderson of Arimo.

In 1965, we put in our own pump on Marsh Creek in present location. It is a 15 HP pump with 8" pipe approximately 300' long. The water is dumped into a ditch which flows approximately three-quarter miles north. Flood irrigation is practiced on all irrigated land at present time. Approximately fifteen acres of land owned by Robert W. Henderson on north end of ditch is irrigated with our pump. Fifteen (15) acres are shown on map.

AJ5809ND

NO. A20-94-89

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00

PAGE: 128

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	T CRAIG SMITH	04/01/1942	IRRIGATION	04-01 10-01	2.000 CFS	
C	SANDRA SMITH					
	1827 E ARIMO RD					
	ARIMO ID 83214					
	(208) 254-3981					
				TOTAL DIVERSION:	2.000 CFS	
				CONSUMPTIVE USE:		187.50 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T10S R37E S07

NWSWSW

BANNOCK County

Place of Use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac
10S	37E	7	: 03-08	04-07	: 05-25	06-15	: 07-05	08-15	: 09-05	10-01	: 11-01	12-01	: 13-01	14-01	: 15-01	75.0
TOTAL ACRES															75.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

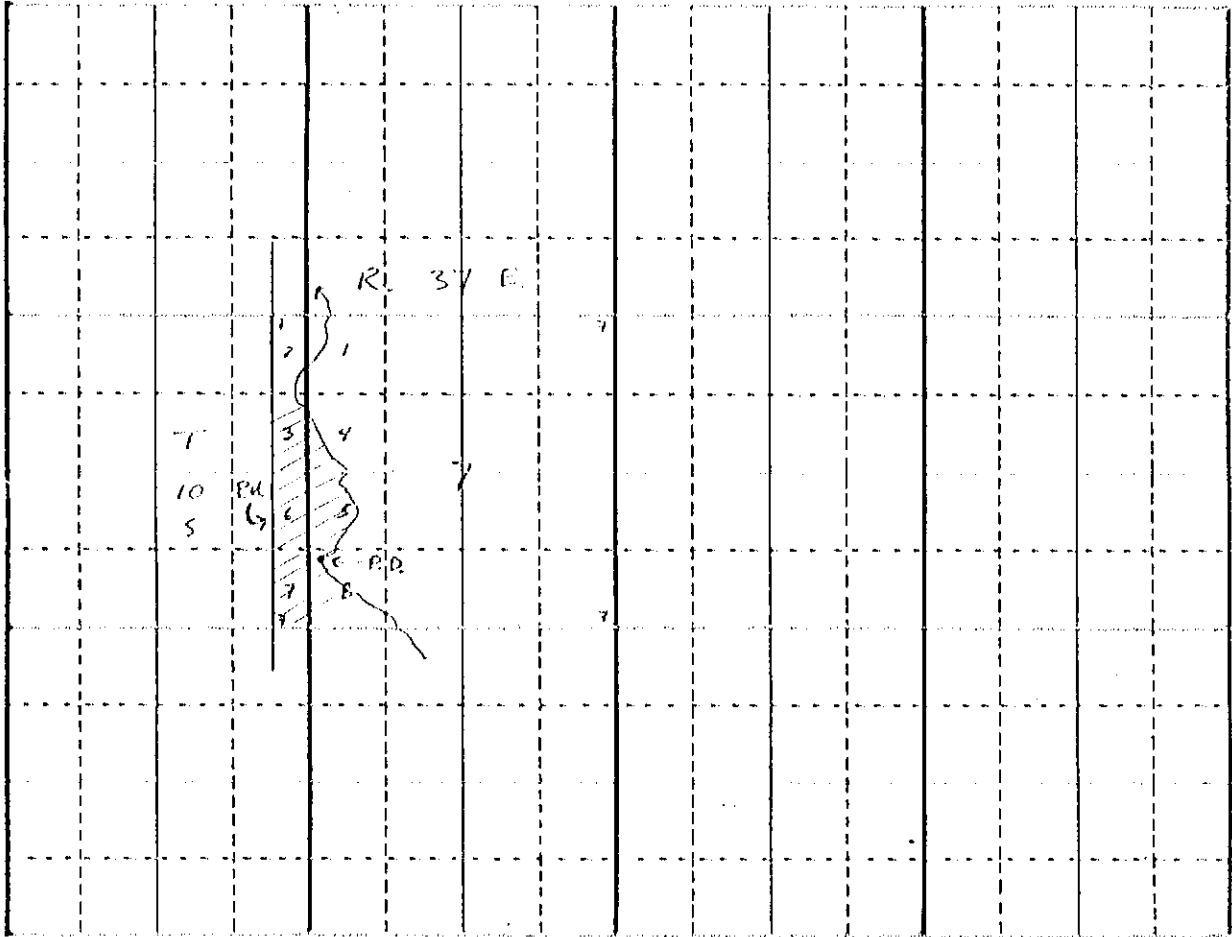
Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/19/90 VERNER 07/20/94 THOMPSON 03/29/95 POST-STD

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



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 affiant's knowledge.

Sworn to before me this 27th day of March

T. Craig Smith
(claimant)

William Wray
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by *SK* Date *27 March 81* Exception filed by: Forwarded to
Prelim. check by *HWD* Date *3-31-81* claimant by: Date
\$30.00 fee received by *SK* Date *3-31-81*
Published in *Idaho State Journal* *17/80*
Dates *4/09 & 4/16/81*

T. Craig Smith
A29-04189

RECEIVED

MAY 27 1998

EVIDENCE OF PRIORITY WATER RIGHT

In 1942, I put an irrigation pump on Marsh Creek to irrigate pasture and cropland north and downstream several miles. This includes the land currently owned by Craig Smith and T. J. Smith and Sons Inc. The ditch ran through their property so they could irrigate their pasture and hay as defined by claim # A29-04189. It also allowed me to irrigate a field I have north of their current boundary. Due to water loss and frequent wash outs, another pump was put in at current diversion point by Craig's father, T.J. Smith. It is being used to irrigate his land as well as mine north of his boundary.

You can still see the date 1942 imprinted in the cement at the discharge end of the pipe coming from my pump. This pump is still in use. The original ditch is still plainly visible and most of it is still in use. I have personal knowledge of Craig Smith's beneficial use and priority date as described in claim #A29-04189.

Signed: *Robert W. Henderson*

State of Idaho,

County of Bannock

On this 23 day of March in the year 1998, before me, *Robert W. Henderson*, a Notary Public in and for said State, personally appeared, Robert W. Henderson.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Belva Olsen Hansen
Notary Public for Id
Residing at MCCA in Idaho

MICROFILMED
NOV 13 1996