

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: A29-07028
Date Received: 1/17/1990
Receipt No: 11005537
Received By: EBV

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

A2907028



2. Date of Priority: MAR 24, 1969

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	15	SE	SW	SW		CARIBOU

5. Description of diverting works:
CONCRETE PIPELINE INTAKE TO 15" GRAVITY FLOW SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	1.000		

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

8. Total consumptive use is 141.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07028

Page 1

Date: 01/17/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	14	SW	SW		IRR	16.0
						Section Acres	16.0
		23	NE	NE		IRR	39.0
			NW	NE		IRR	37.0
			NE	NW		IRR	10.0
						Section Acres	86.0
		24	NW	NW		IRR	39.0
						Section Acres	39.0
						Total Acres	141.0

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:
29-00126

14. Remarks:

15. Basis of Claim: LICENSE

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 ☒ 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): *Dilma 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 19 90

Seal

[Signature]
Notary Public

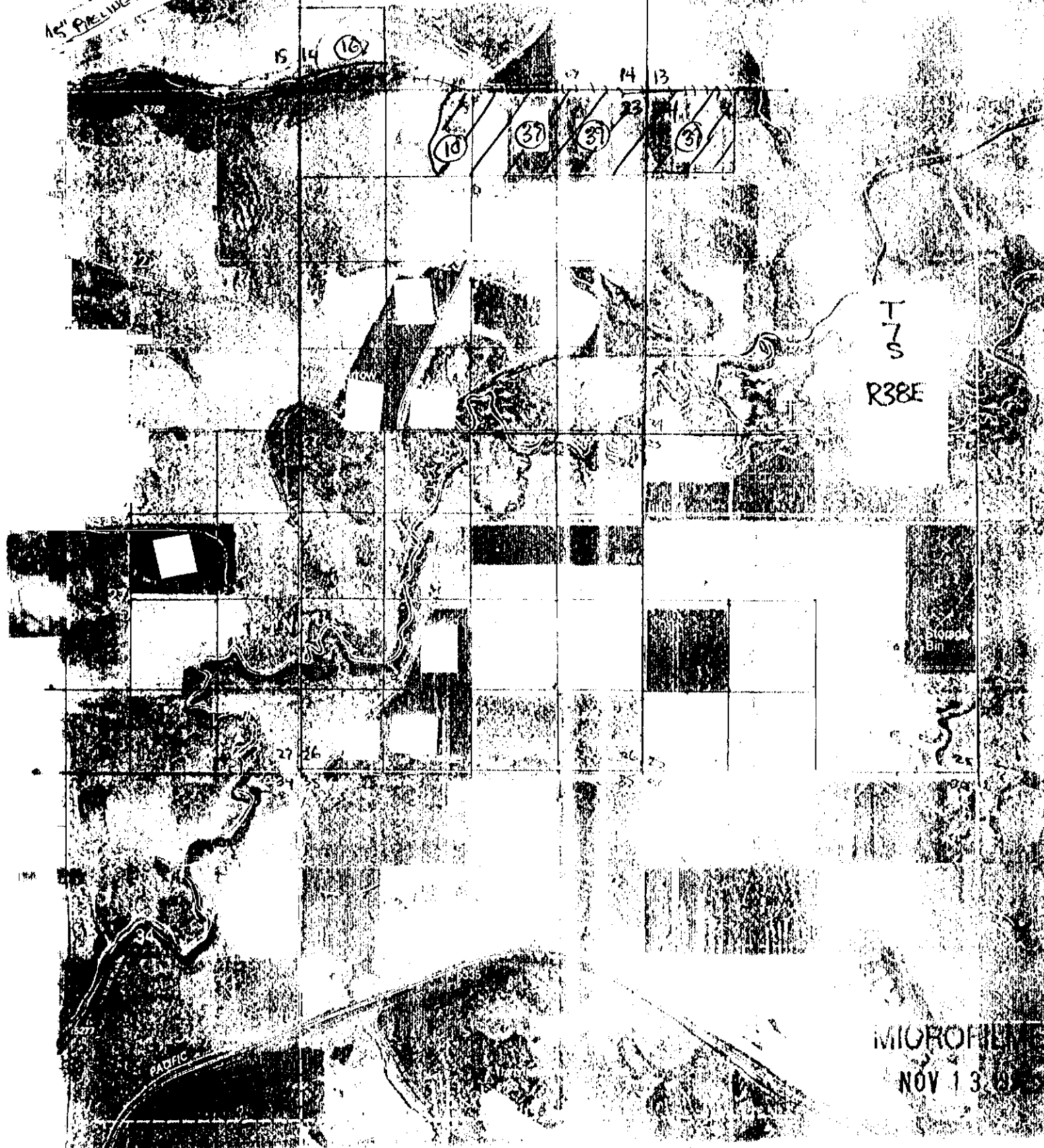
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1994

Residing at _____

My Commission Expires _____

A29-00126
A29-07028

15' PIRLING HEADINGS



T
7
S
R38E

MICROFILMED
NOV 13 1965

Log for claim A29-07028

Spatial Dynamics LTD

6/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	14	SWSW	16	15	
07s38e	23	NENE	39	39	
07s38e	23	NWNE	37	34	
07s38e	23	NENW	10	9.5	
07s38e	24	NWNW	39	39	
Totals:			141	136.5	

AJ5809NP
No. A29-07028

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 106

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	03/24/1969	IRRIGATION	04-15 11-15	1.000 CFS	
C	MADA SMITH					
	BANCROFT ID 83217			TOTAL DIVERSION:	1.000 CFS	
	(208) 648-7774			CONSUMPTIVE USE:		141.00 AFA

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R38E S15 SESWSW

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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
07S	38E	14	:								:								:						:									16.0	
07S	38E	23	:		39		37				:		10						:						:									86.0	
07S	38E	24	:								:		39						:						:									39.0	
																												TOTAL ACRES	141.0						

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-00126

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00126

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00103 A29-00104 A29-00105 A29-00106 A29-00126 A29-10260 A29-10322

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.
- 003 - Use of water under this right is supplemental to all existing
- water rights with the same purpose and place of use.

Dates: Exam Made Date: Verified Date: 03/26/1985 Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7028 Priority March 24, 1969 Amount 1.0 cfs

THIS IS TO CERTIFY, that JOHN C. WHITE
of Bancroft, Idaho, has complied with the terms and conditions of Permit
No. 29-7028 issued pursuant to Application for Permit dated March 24, 1969
and has submitted proof to the Department of Water Resources on July 1, 1974
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.04 cfs of water from King Creek
tributary to the Portneuf River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>Nov. 15</u>	at <u>1.0</u> cfs and	<u>424 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
424 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 15,
Twp. 7 S, Rge. 38 E, B. M. in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	38 E	14											16						16
		23	39	37			10												86
		24					39												39

Total number of acres irrigated 141

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
February, 19 75.

MICROFILMED

Director

9-1125

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPROVED

- 2028

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
7 S	38 E	14											40						40
		23	40	40			40												120
		24						40											40

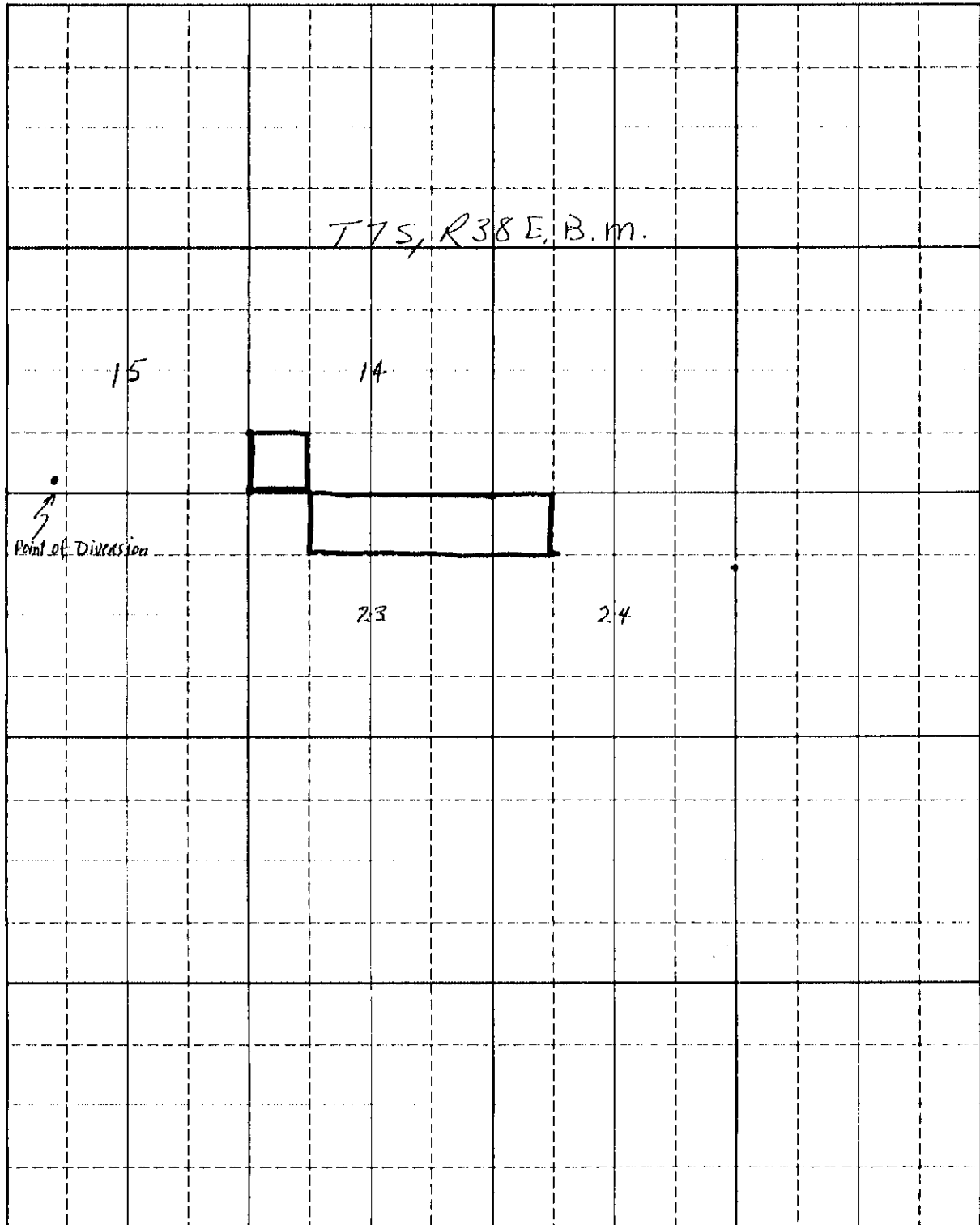
Total number of acres to be irrigated 200

c. Describe any other water rights used for the same purposes 1 cfs. as per Department of Reclamation Order 1037, recorded Volume 5 of Decrees, Page 755 and 2, 412 1/2 Toponce Creek Water which is early right expiring by June 1

9. a. Who owns the property at the point of diversion Asa F. Hatch
b. Who owns the land to be irrigated or place of use applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing written easement dated June 20, 1968, Asa F. Hatch and Elizabeth Hatch to John C. White and Rose D. White and recorded in the records of Caribou County, Idaho

10. Remarks The Toponce Creek water is an early right and is usually run out by the first of June. This water is severely needed as supplemental to the original 1 cfs. as per the above-referenced Order.

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John C. White
(Applicant)

29-7027

Received by DMH Date 3-24-69 Time 9:00am
Preliminary check by DMH Fee \$20.00
Received by 11 Date 3-24-69
Publication prepared by bo Date 4-4-69
Published in Caribou City Sun
Publication dates 4-10-4-14-69
Publication approved to Date 4-8-69
Priority reduced to 99 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by CSH DMH
DMH

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7028, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 74.
- c. Other: This permit is supplemental to all prior rights. Subject to regulation by the watermaster. The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 11th day of July, 19 69.

R Keith Hygin
State Reclamation Engineer

WRD417

WATER RIGHTS PROOF READING REPORT

03/07/85

PAGE 1

WATER RIGHT NUMBER 29-7028

OWNER LAST NAME - WHITE

FIRST NAME - JOHN C.

ORIG OWNER -

VERIFIED RIF

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BANCROFT

STATE - ID ZIP CODE - 83217

SOURCE - KING CREEK

TRIBUTARY OF - PORTNEUF RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 03-24-1969 COUNTY - CARIBOU

TOTAL DIV. RATE - 1.0000 -CFS

TO DIV. VOLUME -

424.00 AFA TRFR/AMEND -

WATER DIST. - 29

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSW 15 07S 38E LOT

REDIV -

272.0 452.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

3.9

FROM - 04-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE -

1.0000 CFS

USE DIV. VOLUME -

424.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 24 TRACT NWNW LOT

AC 39

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 23 TRACT NENE LOT

AC 39

TRACT NWNE LOT

AC 37

TRACT NENW LOT

AC 10

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 14 TRACT SWSW LOT

AC 16

DECREE NAME -

DATE -

TOTAL ACRES

141

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL - 01 03

DIVERSION MEANS -

Received 7-12-74
MO

3. Water will be used for the following purposes:

Other uses: _____

- Max Rate of Diversion 1 cubic feet per second and annual volume _____ AF/Annum.

- Township 7S N/S, Range 38E E/W, B.M., Section 15, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Caribou
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions:

Description of diverting works: Concrete diversion headgate into open ditch, steel pipeline to gravity sprinkler system.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

MICROFILMED

TOTAL ACREAGE _____ **200**

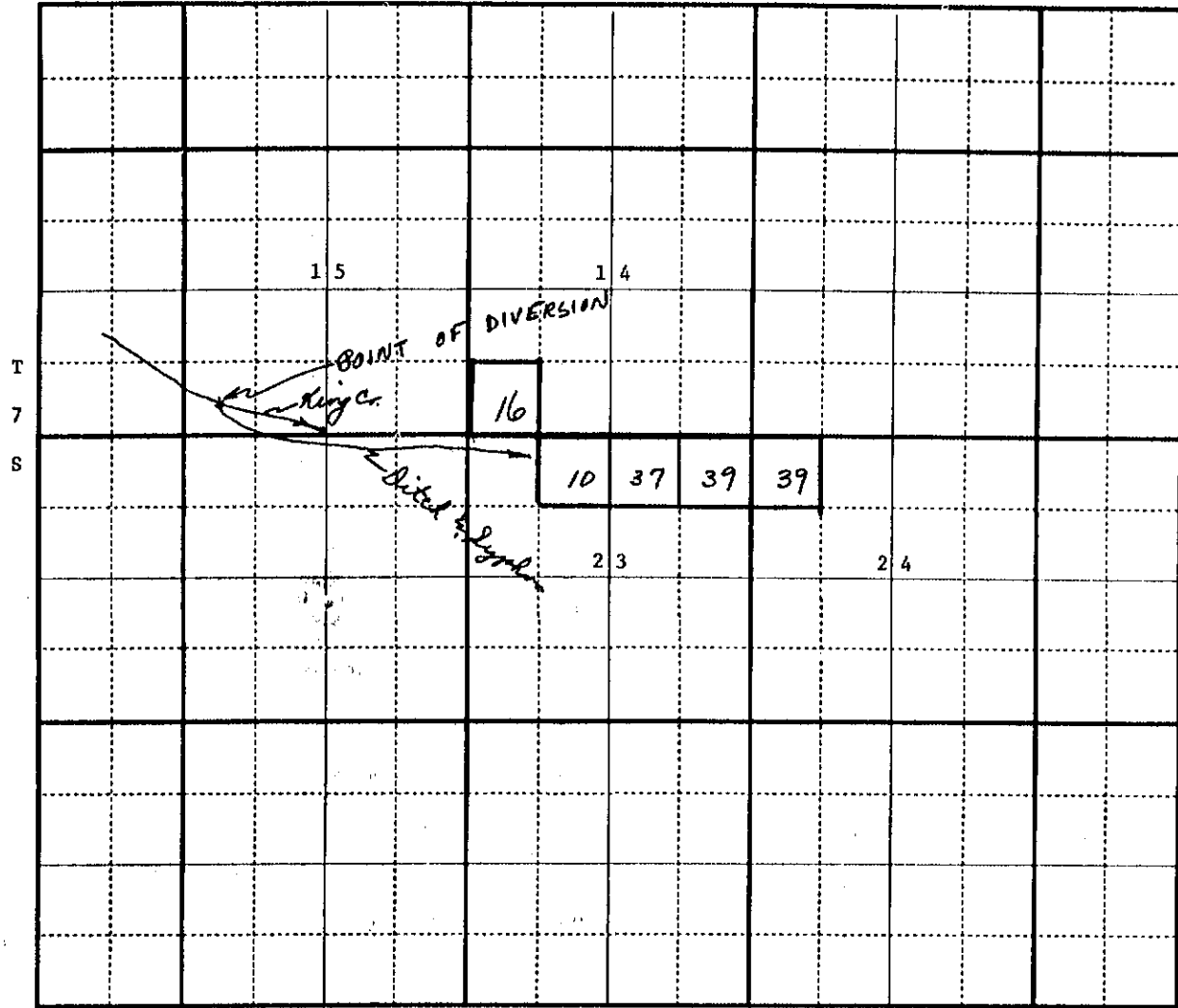
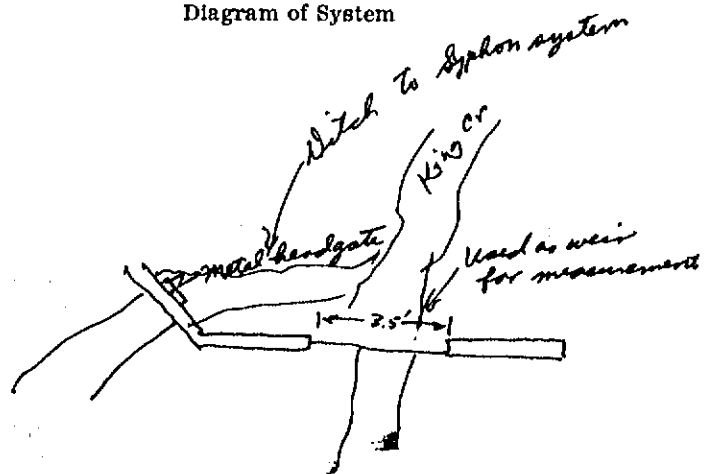


Diagram of System



DATE OF EXAM Aug 5, 1974

ACREAGE
Found 125 141
Recommended 125 141

Irrigation Requirement 3 3.5 Ac Ft/Ac

USE
Irrigation Q = 1.0 c.f.s. V = 375 AF/Ann. from Apr 15 to Nov 15-per permit
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ☒

Name source exchanged with: N/A
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 1.04 CFS Method of measurement Rectangular Weir

Total Q recommended 1.04 CFS Meter No. N/A Type _____ Condition _____

Total V recommended 424.3 AF/ANN

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Crest length 35' $H_1 = 3.0$ Difference .2 x 1.04 CFS
 $H_2 = 1.0$
Measured difference in rectangular weir / check in King Cr. channel as
waterway diverted into ditch to syphon system
 $V = (1.485)(.83) = 37.5 \times 11.4 = 424.3$ (1.04)(1.983)(214) = 424.3 AF
493.5

SYSTEM DESCRIPTION:

12" diameter Metal headgate - screw type
diverting into headgate - cement check in King Creek
to syphon system - conducted to place of use by ditch
a rectangular weir installed 100' downstream from works
Installation confirmed 11/12/74 &c.

REMARKS:

System shown by Mr. J. White
found on SW 1/4 S. 14 T. 75. R. 38 E. added 8/21/75 per permit holder's request,
and my memory of the system. It was omitted in error.

Examiner's Signature John Terelbauer

Date Aug 5, 1974

Checked by Loren O. Habener

Date Dec 16, 1974

Approved by _____

Date _____

MICROFILMED

89-7028
Drawing from
Carbon Co. Accs
Date: 2 = 1 mile
3/5/74 JF

