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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: A47-12349
Date Received: 12/16/1988
Receipt No: S004551
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN SMUTNY 208-733-7148
Address: 3364 NORTH 3200 EAST
TWIN FALLS, ID 83301

AND/OR

Name: JOANNE SMUTNY 208-733-7148
Address: 3364 NORTH 3200 EAST
TWIN FALLS, ID 83301

2. Date of Priority: APR 01, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	17E	12	NW	SW	NW		TWIN FALLS

5. Description of diverting works:
WELL, 6" CASING, 150' DEEP, 3 HP SUBMERSIBLE PUMP, PIPE TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.310		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOMES, S/300 DAIRY COWS, 200 YOUNG CATTLE

A47-12349

Page 1

Date: 12/16/88

MICROFILMED

MAR 12 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	17E	12	SW	NW	DOMEST	
			SW	NW	STOCK	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
47-07103

14. Remarks:
2 INTERCONNECTED WELLS, WE USE THIS METHOD AS INSURANCE FOR OUR
DAIRY SHOULD 1 WELL FAIL TEMPORARILY.

15. Basis of Claim: BENEFICIAL USE

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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No. 447-12349
Date Received 12-16-88
Receipt Number 5004551NOTICE OF CLAIM
TO A
WATER RIGHT RECEIVED
DEC 16 1988ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Alvin & Joanne Smuty Phone (208) 733-7148
Mailing Address 3364 No. 3200 E. Twin Falls, Ida Zip 833012. Date of Priority (Only one per claim) 4-04-1921 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____4. Location of point of diversion is: Township 11 Range 17 EAST
Section 12, NW 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of Twin Falls

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 6" well casing, 150 ft Deep, 3 HP submersible pump; pipe to Dairy Barn & Houses

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 01-01 to 12-31 amount .08 (cfs)
(Both dates are inclusive)
For DAIRY purposes from 01-01 to 12-31 amount .317. Total quantity claimed .39 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic - 3 Homes DAIRY 200 Cows 200 young cattle

MAR 12 1993

10. Place of use is: Township: 11 Range 17 EAST

Section 12, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

County of TWIN FALLS for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? TWIN FALLS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Additional domestic well - claim filed

14. Remarks: WE HAVE 2 wells connected - we use this method as insurance for our dairy should 1 well fail temporarily

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Alvin Smoot Date 12-16-88

Joanne Smoot Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of Twin Falls }

Subscribed and sworn (or affirmed) before me this 16th day of December 19 88

SEAL

Notary Public Roxanne Storey

Residing at Buhl, Id

My Commission Expires 6-30-94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
MAR 12 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Smalley

CLAIM IDENT. NO.

A47-12349

DATE RECEIVED

12-16-88

CK #

02680

AMOUNT \$

50- (2)

YES

NO

1. Is the name and address complete with zip code?

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

Exempt

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by:

Comments:

MAR 12 1993

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/27/98 14:01:47

Page 1

Water Right Number - R47-12349

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SMUTNY

ALVIN

1 - 3364 NORTH 3200 EAST

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-733-7148

SMUTNY

JOANNE

1 - 3364 NORTH 3200 EAST

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-733-7148

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1921 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County

11S 17E 12 NW SW NW (83) TWIN FALLS

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.080

04 - STOCKWATER 01/01 12/31 0.310

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.390 0.0

+ - - - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

11S 17E 12 SW NW 04 STOCKWATER (83) TWIN FALLS

11S 17E 12 SW NW 43 DOMESTIC (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - WELL, 6" CASING, 150' DEEP, 3 HP SUBMERSIBLE PUMP, PIPE TO P/U.

+ - - Non-Irrigation Use - 3 HOMES

+ - - Other Rights for Same Use - 47-07103

+ - - - - Remarks - - - - - +

EXP STOCKWATER 300 DAIRY COWS, 200 YOUNG CATTLE
PARCEL NO. RP 11S17E120610

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/27/98 14:01:48

Page 2

Water right number - R47-12349

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - +

+ - - - - Old Water Right Numbers - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - +

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000

- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - - Decree Date - +
00/00/0000

+ - - - - -Comments- - - - +

Date: 01/27/1998 User Id: SEGBERT Subject: COPIED FROM REMARKS

2 INTERCONNECTED WELLS, WE USE THIS METHOD AS INSURANCE FOR OUR DAIRY SHOULD 1 WELL FAIL TEMPORARILY.

+ - - Audit Fields - - +

01/27/98 SEGBERT

+ - - - - Adjudication Rights Dates and Flags Area - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/27/1998	Old Judicial District	-
Claim Received Date	- 12/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S004551	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-20-1997

PAGE: A-74

RIGHT NUMBER: 47-12349

NAME & ADDRESS: ALVIN SMUTNY
JOANNE SMUTNY
3364 NORTH 3200 EAST
TWIN FALLS ID 83301

SOURCE: GROUNDWATER

QUANTITY: 0.39 CFS

PRIORITY DATE: 04/01/1921

POINT OF DIVERSION: T11S R17E S12 NWSNW ✓ Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER ✓	01-01 12-31	0.31 CFS
	DOMESTIC D/3 HOMES, S/300 DAIRY CO	01-01 12-31	0.08 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T11S R17E S12 SWNW ✓

DOMESTIC Within TWIN FALLS County
T11S R17E S12 SWNW ✓

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

2 INTERCONNECTED WELLS, WE USE THIS METHOD AS INSURANCE FOR OUR
DAIRY SHOULD 1 WELL FAIL TEMPORARILY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 11S17E120610

Verified by D Smith Date: 9-9-97

Verification Source: Alpha Index

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
December 4, 1998 3:05pm

CUSTOMER
Kevan Varin

SUBJECT: 47-07103, A47-12349

phone call (x) walk-in (.)

He wanted the water rights for Smutny. The Beneficial Use claim has not been decreed because of the enormous diversion rate claimed. Printed profile reports and faxed to: 736-2938



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-12349
ALVIN SMUTNY
JOANNE SMUTNY
3364 NORTH 3200 EAST
TWIN FALLS ID 83301

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant supporting the priority date claimed.**

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

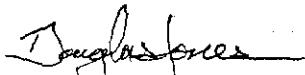
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

MICROFILMED
DEC 10 1996