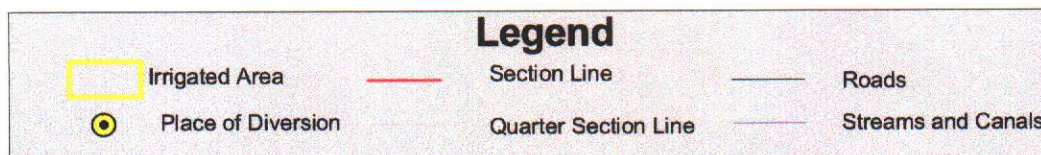
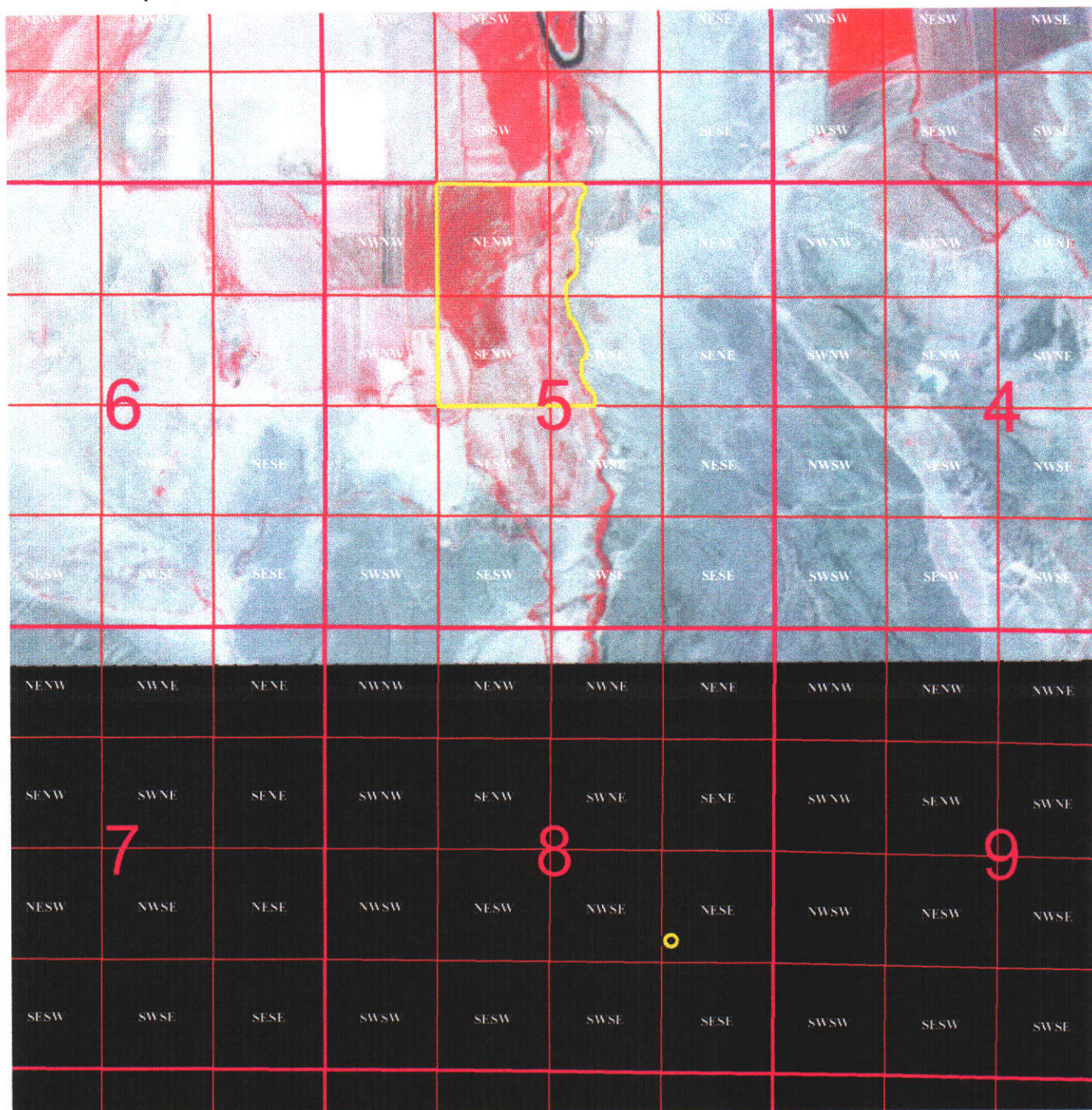


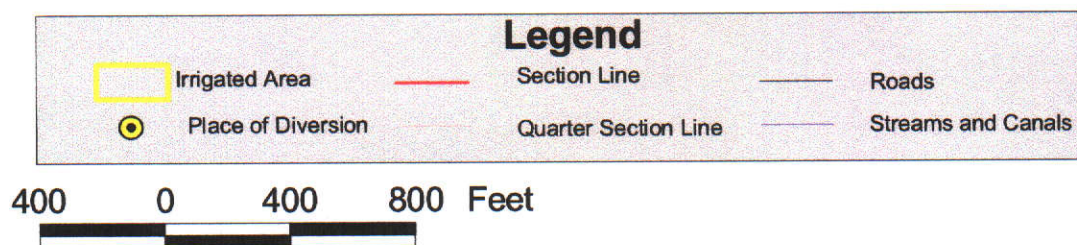
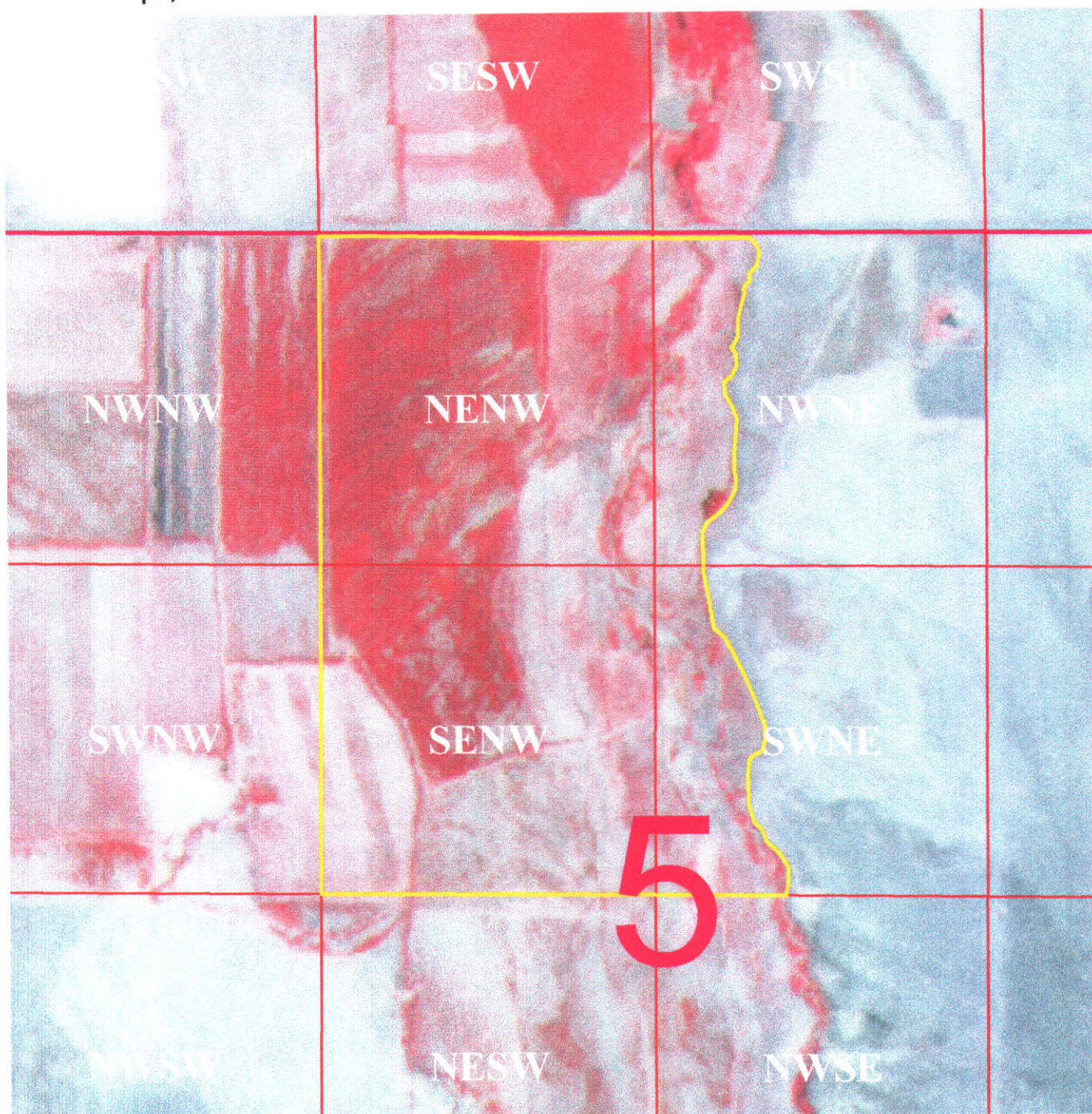
Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000



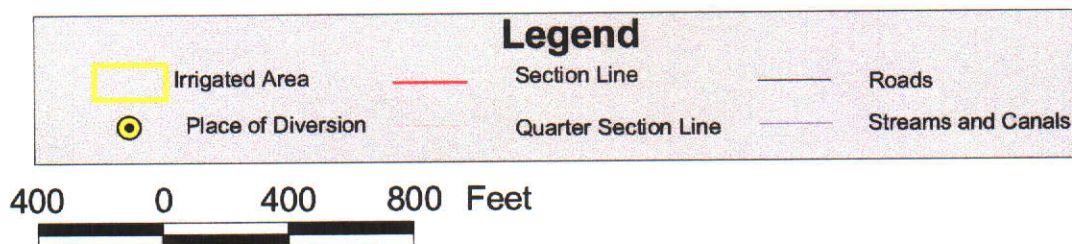
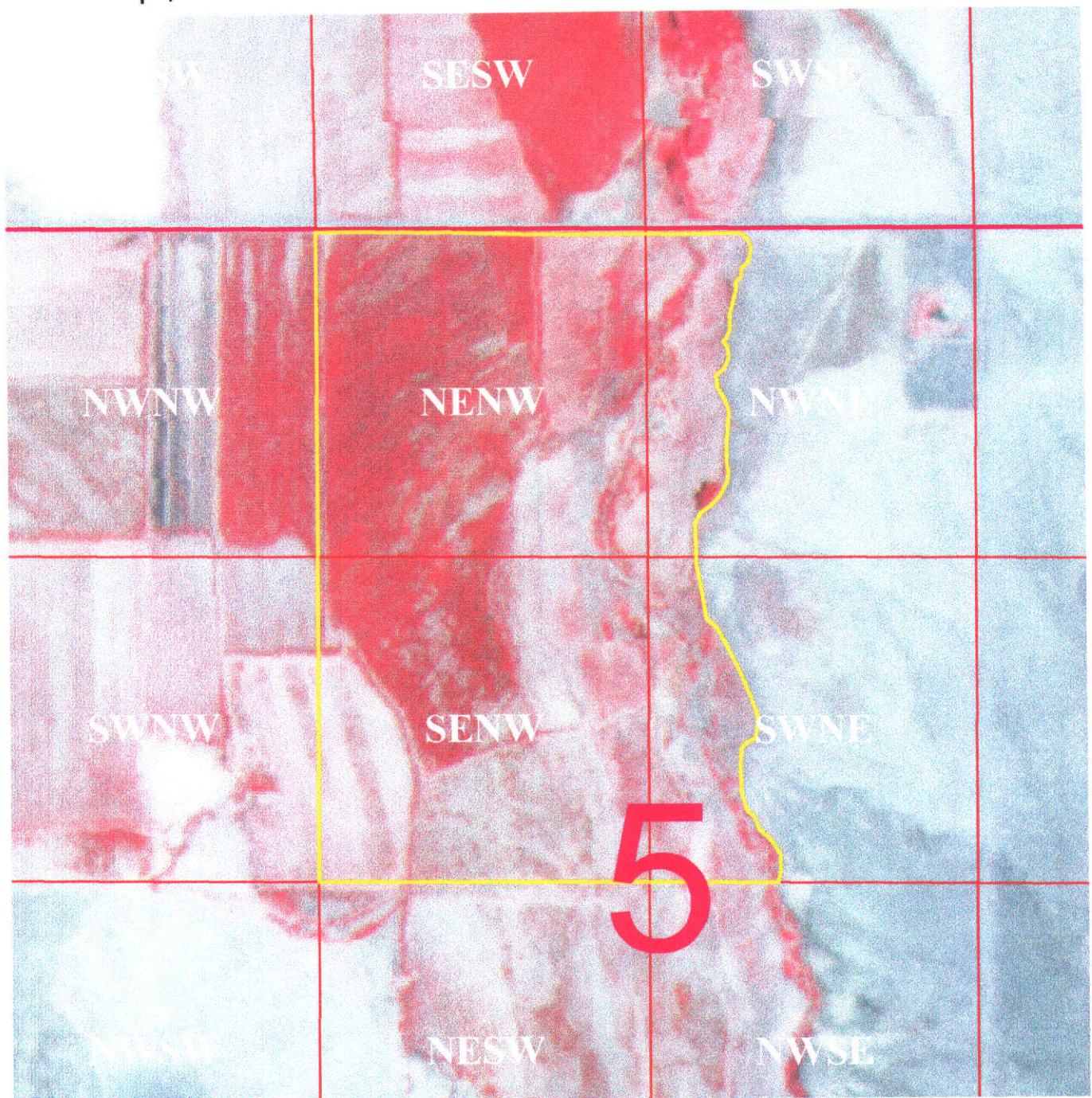
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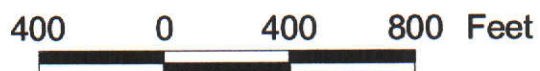
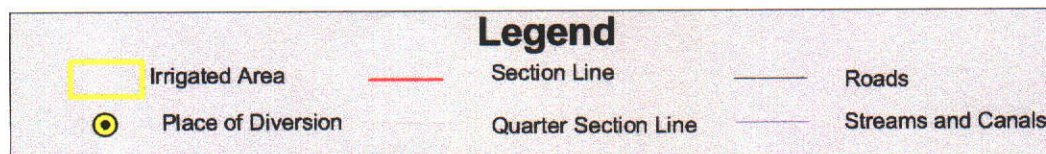
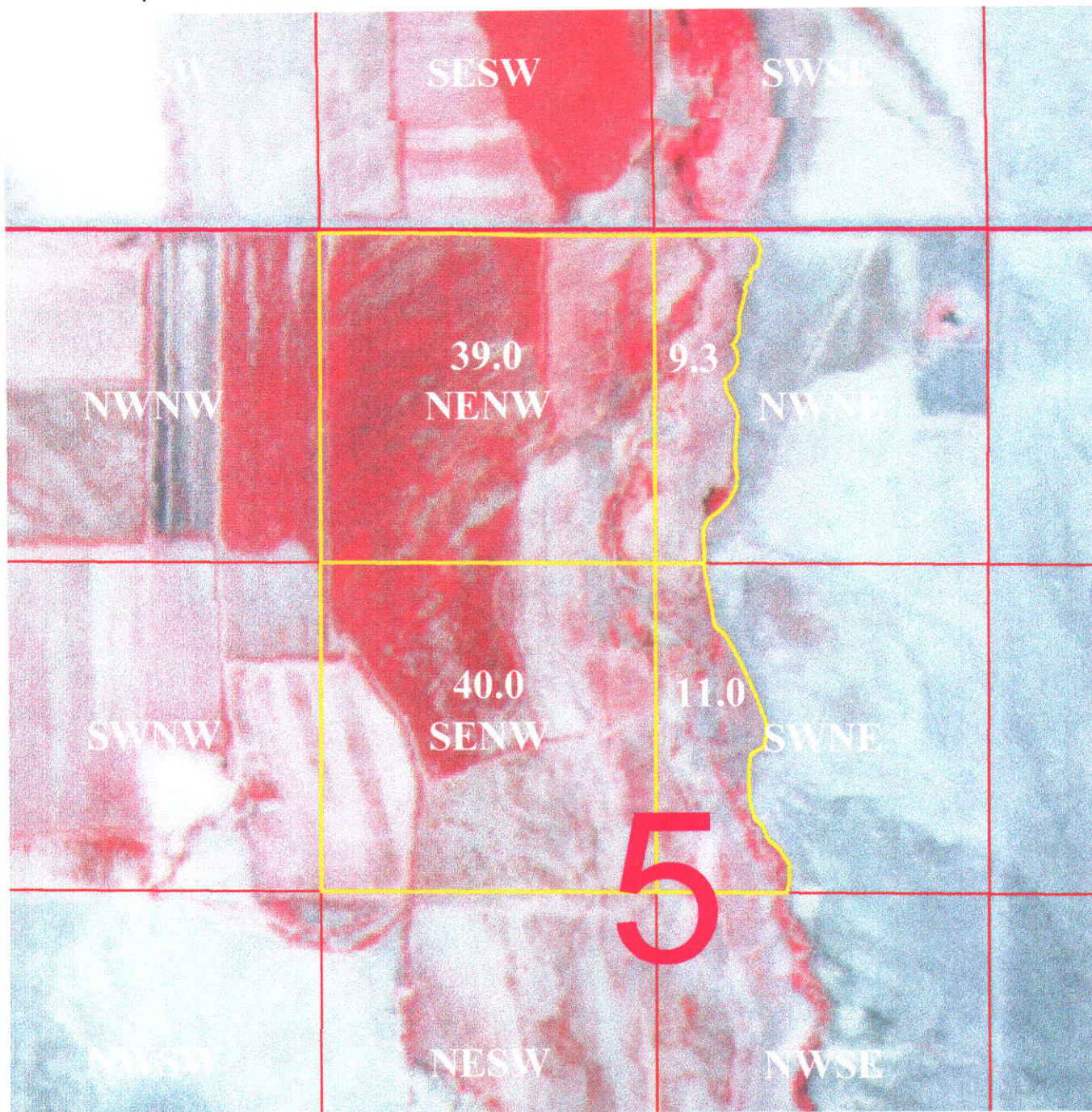
Water Right Claim Number A47-02028
Township , 12S18E

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Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000



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: A47-02028
Date Received: 11/07/1988
Receipt No: S003588
Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILMOTH KINSEY 208-423-5619
Address: RT. 2
KIMBERLY, ID 83341
2. Date of Priority: MAR 05, 1908
3. Source: MC MULLEN CREEK Trib. to: COTTONWOOD CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	18E	8		NE	SE		TWIN FALLS
5. Description of diverting works:
CONCRETE DAM AND OPEN DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		
7. Total Quantity Appropriated is:
2.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 315.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	18E	5	NW	NE	2	IRR	11.0
			SW	NE		IRR	20.0
			NE	NW	3	IRR	35.0
			SE	NW		IRR	39.0
Section Acres							105.0

A47-02028

Page 1

Date: 11/07/88

MICROFILMED
MAR 11 1993

10. Place of Use: Continued

Total Acres 105.0

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:
NONE

14. Remarks:
P/D WAS CORRECTED TO ACTUAL DESCRIPTION. SEE A47-02466 REMARKS.

15. Basis of Claim: LICENSE
Water Right Number: 3503

MICROFILMED
MAR 11 1993

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: 0

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): Wilmoth Kinsey Date: Nov. 7, '88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of November 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

Log for claim A47-02028

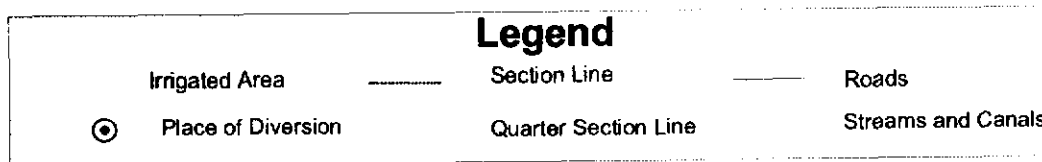
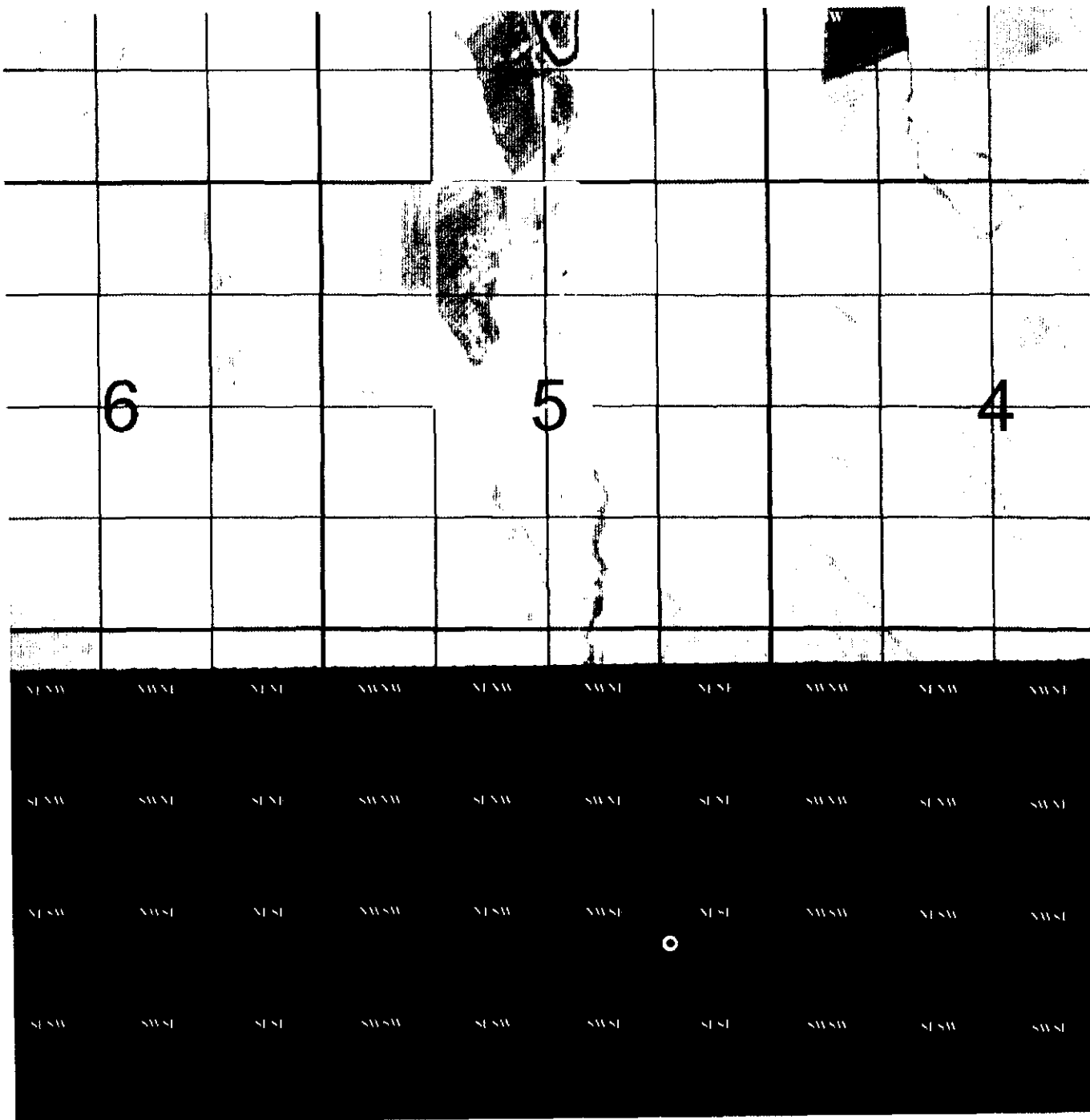
Spatial Dynamics BTD

10/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s18e	5	NWNE	11	9.3	
12s18e	5	SWNE	20	11	Indiscernible
12s18e	5	NENW	35	39	
12s18e	5	SEnw	39	40	
Totals:			105	99.3	

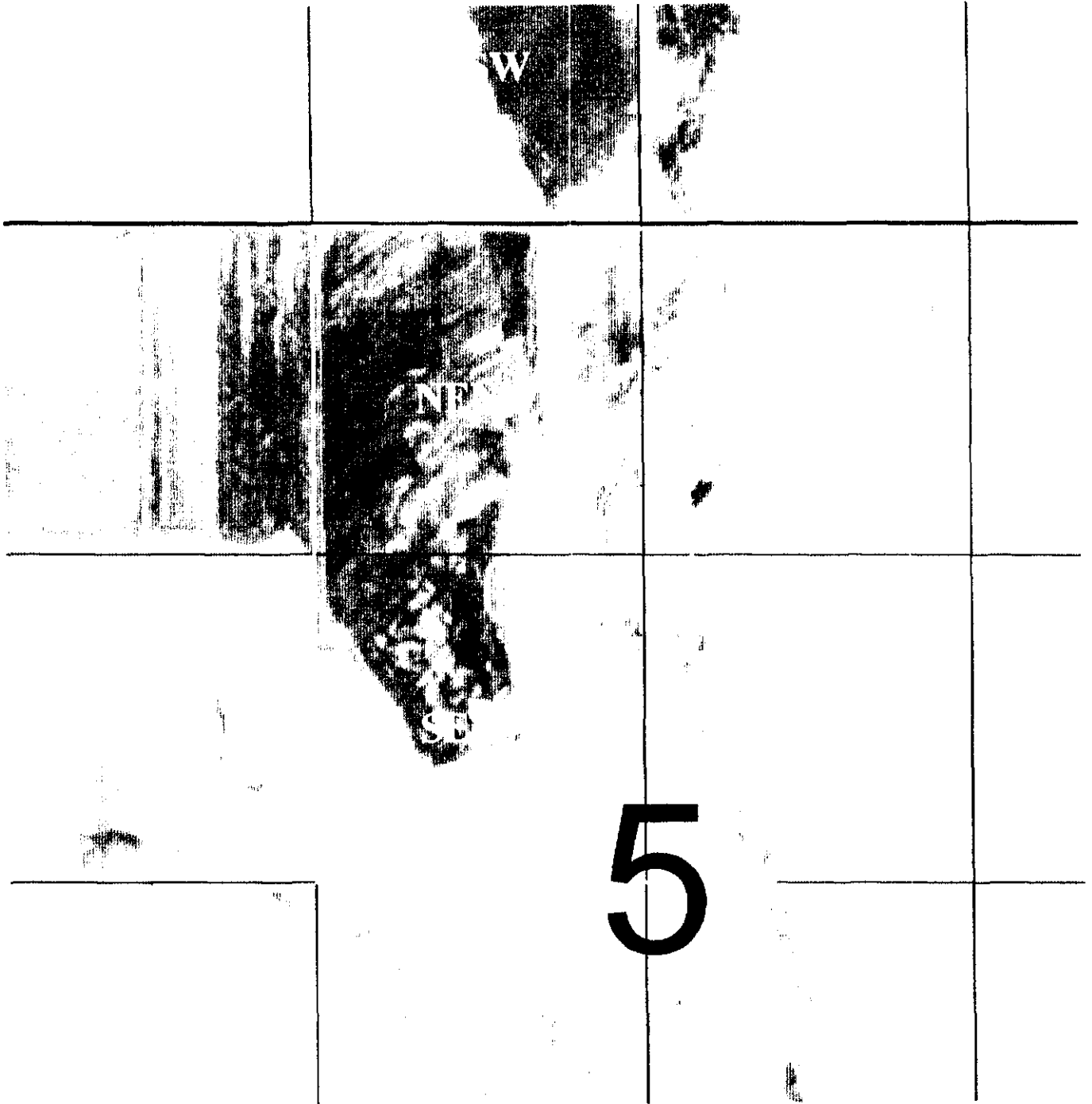
Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000



Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000

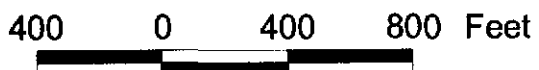
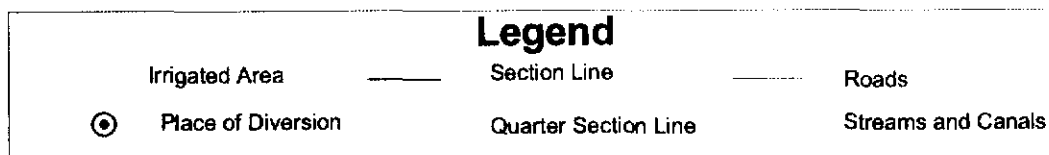
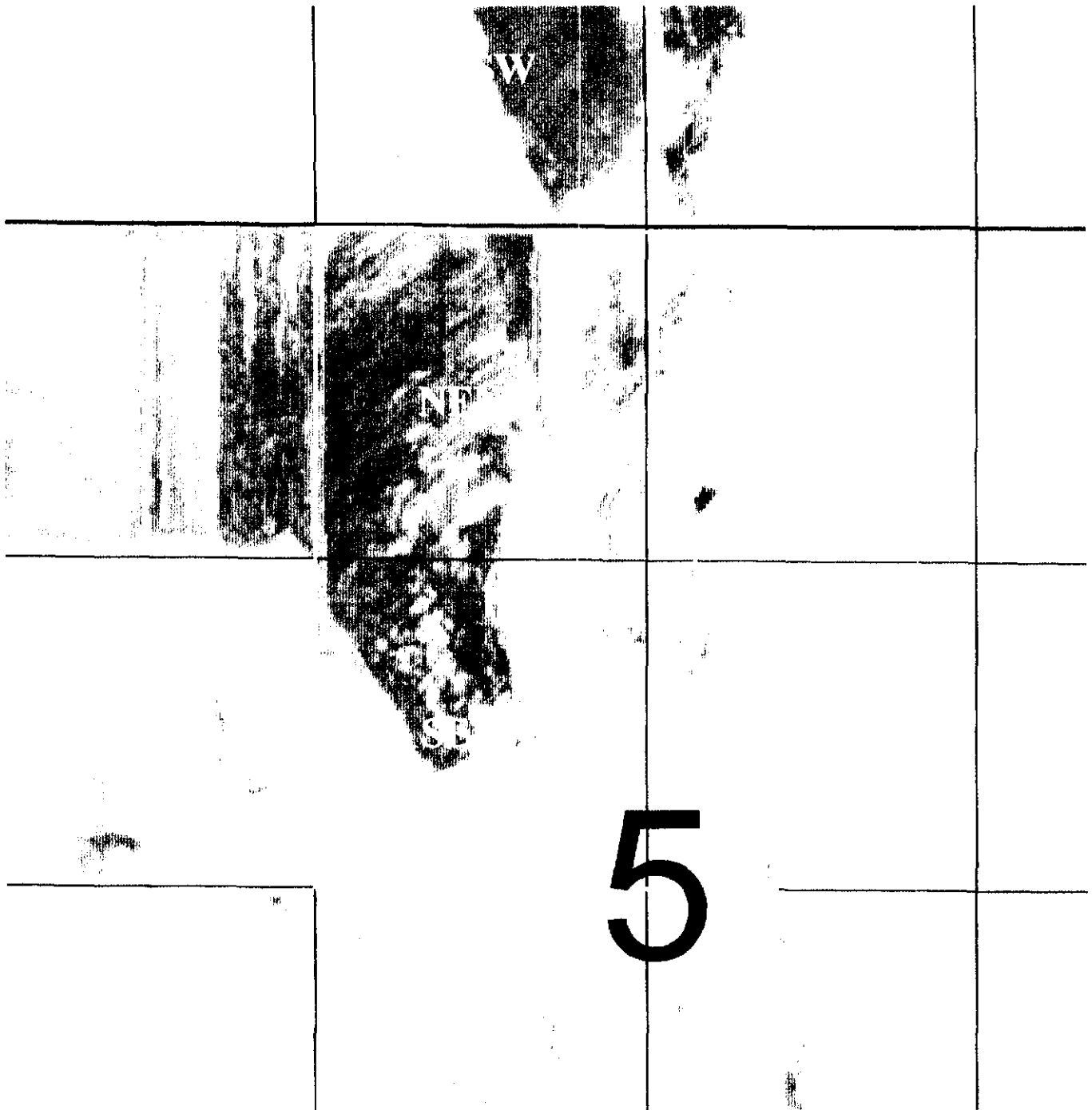


Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



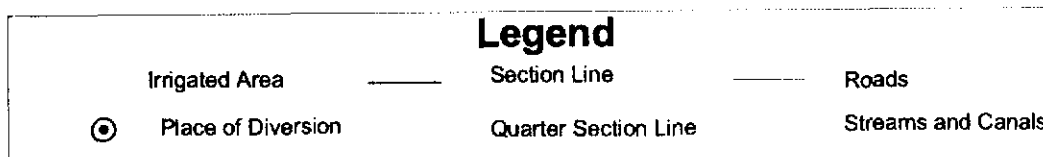
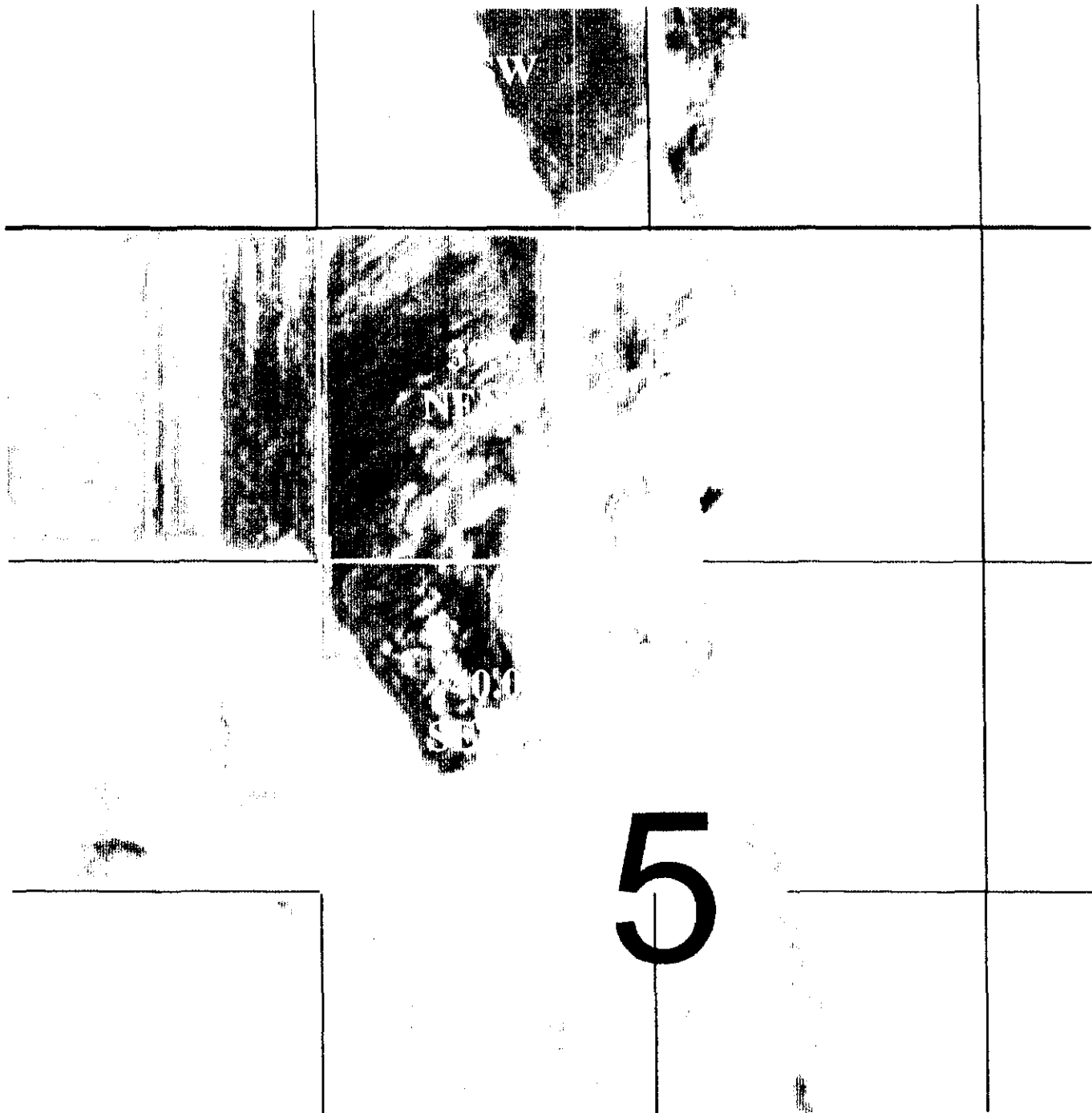
Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000



Water Right Claim Number A47-02028
Township , 12S18E

10/19/2000



400 0 400 800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

Audit: 11/07/88 CLELLAND 03/30/95 POST-STD 08/24/98 SSHERMAN 02/17/00 RBROWN

County: Twin Falls
Stream: Madullan Creek
Amount: 2.1 cu. ft.
Use: Irrigation
Priority: March 5, 1908

STATE OF IDAHO

Water License No. 2503

WHEREAS, On the 5th day of March, A. D. 1910

Harry R. Smith

of Twin Falls, County of Twin Falls, State of Idaho, duly made application (No. 4087) to me for a permit to use 4.8 cubic feet per second of the waters of Madullan Creek

County of Twin Falls, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 14th day of March, A. D. 1910 Permit No. 2503 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 14th day of March, A. D. 1914 and for the application to beneficial use of said water on or before the 14th day of March, A. D. 1914 and,

WHEREAS, On the 2nd day of October, A. D. 1909

Harry R. Smith

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4.8 cubic feet per second of said waters, as evidenced by my Certificate No. 5502 dated October 22, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.8 cubic feet per second of said water, with date of priority of March 5, 1908, and

WHEREAS, On the 20th day of January, A. D. 1914,

Harry R. Smith

the holder of said permit, duly made proof of the application to beneficial use of 2.1 cubic feet per second of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Harry R. Smith

of Twin Falls, County of Twin Falls, State of Idaho, the holder and owner of said Permit No. 2503, a perpetual right, dating from March 5, 1908 to the use of 2.1 cubic feet per second of the waters of Madullan Creek

In the County of Twin Falls and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW₄ of SE₄, Section 5, Twp. 12 S., R. 16 E., S. 1.

and conducted to and upon 105 acres, divided as follows: 11 acres in Lot 7, 25 acres in Lot 8, 29 acres in SW₄ of NW₄ and 20 acres in SW₄ of NE₄, all in Section 5, Twp. 12 S., R. 16 E., S. 1.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of June, A. D., nineteen hundred and fourteen.

F. P. KING,

(Seal)

State

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Harry R. Smith.

Postoffice address: Rock Creek.

County: Twin Falls. State: Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand: \$1000.

2. The quantity of water claimed is 4 8/10 cubic feet per second.

3. Source of water supply: McMullen Creek.

County of Twin Falls.

4. Location of point of diversion: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 5 T. 12 S. R. 18 E.,

5. To be used for:

I. Irrigation and domestic use: Irrigation and domestic use.

(a) Amount of land to be irrigated: Two hundred and forty (240) acres.

(b) In the following legal subdivisions: Lots 2-3-4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5 Lot 1 Sec. 6 T. 12 S. R. 18 E.

6. Estimated cost of works: \$400.

7. Description of works for diversion:

I. Kind of works: Dam and Ditch.

II. Dimensions of works:

(a) Height of dam two feet, length of dam at top fifteen feet, length of dam at bottom ten feet. Material used in construction: earth and stone.

(d) Conduit Ditch, width at bottom four feet, width at water line four feet, depth of water one & $\frac{1}{2}$ feet. Average grade per mile is 4 feet. Length of conduit is one mile, and it crosses the following quarter sections: SW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 5 T. 12 S. R. 18 E. to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is three years.

9. Time required for the complete application of the water to the proposed use is four additional years.

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

Harry R. Smith,

Applicant.

Remarks: Time asked for in section 8 above is hereby reduced to two years.

Jas. Stephenson, Jr.,

State Engineer.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3503.

Date of first receipt of application 9.00 a.m. March 5, 1908.

Returned to applicant for correction March 5, 1908.

Corrected application received March 13, 1908.

Recorded in Book 10 Page 3503 Approved March 14, 1908.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before May 13, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 14, 1909.

The whole of said work to be completed on or before March 14, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to March 14, 1914.

Witness my hand this fourteenth day of March 1908.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice for proof of completion mailed applicant July 14, 1909

Notice received August 26, 1909, fixing October 2, 1909, as date and Rock Creek as place of proof.

Publication notice mailed Twin Falls News, August 26, 1909

Deposition blanks mailed applicant August 26, 1909

Jas. McWilliam notified to make examination of works.

Depositions, affidavit of publication and fees received October 5, 1909

Engineer's report received October 8, 1909

Certificate of completion issued October 23, 1909

Permit No. 3503

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that HARRY R. SMITH, of Rock Creek, County of Twin Falls, and State of Idaho, the holder of Permit No. 3503, issued upon Application No. 4927, bearing date of priority of March 5, 1908, authorizing the diversion of 4.8 second feet of the waters of McMullen Creek, County of Twin Falls, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.8 second feet of the waters of McMullen Creek, that the point of Diversion of said waters is at a point in the northwest quarter of southeast quarter of section 5, Township 12 South, Range 18 East of the Boise meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 2, 3, 4 and the southwest quarter of northeast quarter and southeast quarter of northwest quarter of section 5, and Lot 1 of Section 6, Township 12 South, Range 18 East of the Boise meridian.

Witness my hand this twenty-second day of October A.D. 1909.

Jas. Stephenson, Jr.

State Engineer

License issued for 2.1 second feet

0.1604

QUITCLAIM DEED.

THIS INDENTURE, Made this 3rd day of June in the year of our Lord one thousand nine hundred and Fourteen, between Harry R. Smith and Bertha E. Smith, husband and wife of Twin Falls, County of Twin Falls, State of Idaho, the parties of the first part, and Warren B. Hoag of Kimberly, County of Twin Falls, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all their right, title and interest in and to a certain ditch or canal, being an undivided one-half interest therein, said canal being known as the Smith Norton Canal, having its head in the Southeast Quarter of Sec. 5, Tp. 12 S. R. 18 E. B. M. and being used for conveying water from what is known as McMullen Creek in Twin Falls County, Idaho, the interest in said canal hereby conveyed being the interest acquired by first parties by virtue of a certain agreement with Mary Y. Norton, filed for record March 15, 1911, and recorded in Book 2 of Contracts, Agreements, and Bonds for Deeds, at page 525.

First parties further remise, release and forever quit claim all their right, title and interest in and to a certain permit for the appropriation of 4 8/10 cubic feet of water per second of the waters of McMullen Creek, in Twin Falls County, Idaho, to be used for the irrigation of Lots 2, 3 and 4 and SW 1/4 NE 1/4, and SE 1/4 NW 1/4 Sec. 5 and Lot 1, Sec. 6 all in Tp. 1 S. R. 18 E. B. M., which said permit is numbered 3503, recorded in Book 10, page 3503 of records of the State Engineer at his office in Boise, Idaho, approved March 14, 1908.

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
M. G. Ripley

Harry R. Smith (Seal)
Bertha E. Smith (SEAL)

STATE OF IDAHO, :
 : SS.
COUNTY OF TWIN FALLS. :

On this 3rd day of June in the year 1914, before me, M. G. Ripley,
a Notary Public in and for said County, personally appeared Harry E. Smith and Bertha B.
Smith, husband and wife, known to me to be the persons whose names are subscribed
to the within instrument, and acknowledged to me that they executed the same.

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

M. G. Ripley,

(SEAL)

Notary Public.

Received and filed for record in the office of the State
Engineer at Boise, Idaho, at 9.00 A. M. June 9, 1914.

F. P. KING,

State Engineer.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Harry R. Smith #3503
2. State source of water supply: McMullen Cr.
3. Location of point of diversion: NW 1/4 Sec 5 T 12 S R 12 E

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 5'
- (b) Width at water line: 10'
- (c) Depth of water: 3'
- (d) Grade per mile: 50'
- (e) Capacity of ditch: Over 10 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Yes to about 1/2 capacity
2 cusecs in ditch at time of examination

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Lot 2-3-4, SW NE, SE NW Sec 5, Lot 1
Sec 6 T 12 S R 12 E

Lot 2 11 acres; Lot 3, 35 acres SE NW 39.9;
SW NE 20 acres all sec 5 Total 105 acres

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

Head gate 3' high 3' wide over on west side of
cr.

Dam and head gate across main cr. Dam 15' long
on top 10' bottom 3' high

STATE OF IDAHO,

County of _____

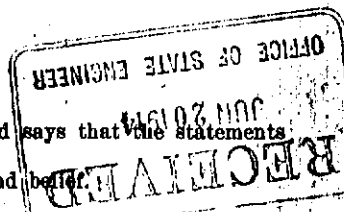
J. M. Burkett
May 29, 1914

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

Notary Public



Name of Applicant *Montgomery Smith* Page *1* of *3*

