

06/13/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4156

NAME AND ADDRESS: CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.300 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.45 CFS. COMBINED RIGHT NOS.: 29-04156,
29-13626, and 29-13627.

PRIORITY DATE: 12/31/1905

POINT OF DIVERSION:

T07S R35E S24 NWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23	NESE	8.4	T07S R35E S23	SESE	13.0
T07S R35E S24	NESW	3.4	T07S R35E S24	NWSW	14.0
T07S R35E S24	SWSW	32.0	T07S R35E S24	SESW	1.9

72.7 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04156, 29-13626, and
29-13627.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4156 V1

WATER RIGHT NUMBER: 29-4156 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARMA B SMITH 5137 W PORTNEUF RD INKOM, ID 83245 (208)775-3604
Original Owner	THERON J SMITH 5137 W PORTNEUF RD INKOM, ID 83245 (208)775-3604

Priority Date: 12/31/1905
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	NW1/4SW1/4	Sec. 24, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23													8.4			13.0	21.4
07S	35E	24									3.4	14.0	32.0	1.9					51.3

Total Acres: 72.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.45 CFS. COMBINED RIGHT NOS.: 29-04156, 29-13626, and 29-13627.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4156 V1

2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
 - Irrigation OF A COMBINED TOTAL OF 72.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
 RIGHT NOS.: 29-04156, 29-13626, and 29-13627.
3. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15.0 ACRES WITHIN THE PLACE OF USE
 - Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 1/10/2002 PPU

Comment: Recommended as PPU since 29-04065 (split into 29-13627 & 29-13628) and 29-04156 have the same POD and system.

2. csaxton 1/10/2002 POD

Comment: Amended claim not requested for QQ change for POD per Claims investigation manual, chapter 5, Section I.B. Paragraph 3.

3. csaxton 1/10/2002 Priority date

Comment: Priority evidence supports 1905. Recommend 12/31/1905.

4. csaxton 1/10/2002 POU

Comment: Amended claim not requested for QQ change for POU per Claims investigation manual, chapter 8, Section II.B. Paragraph 3.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/10/2002 10:17:55 AM	csaxton			Active
POD	1/10/2002 10:19:01 AM	csaxton			Active
Source	1/10/2002 10:20:56 AM	csaxton			Active
POU	1/10/2002 10:21:33 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4156 V1

Use	1/10/2002 10:23:19 AM	csaxton	Active
Season	1/10/2002 10:24:36 AM	csaxton	Active
Quantity	1/10/2002 10:26:47 AM	csaxton	Active
Summary	01/10/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/10/2002 10:21:56 AM	csaxton	Edited shape boundary
POD	1/10/2002 10:19:21 AM	csaxton	Edited point location
POD	1/10/2002 10:20:12 AM	csaxton	Edited PLS
POU	1/10/2002 10:22:17 AM	csaxton	Edited PLS
Contacts	1/10/2002 10:10:05 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam 8/7/01
Priority Date	1/10/2002 10:17:55 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Notarized statement form long time neighbor.
POD	1/10/2002 10:19:01 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	1/10/2002 10:20:56 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 8/7/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4156 V1

POU	1/10/2002 10:21:33 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 8/7/01 and NAPP photography
Use	1/10/2002 10:23:19 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 8/7/01
Season	1/10/2002 10:24:36 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	1/10/2002 10:26:47 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Intrepid Engineers

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4156 V1

Summary

1/10/2002 10:30:07 AM

csaxton

(No) 1. Is the basis of this claim a Decree,
License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the
purposes claimed and to the extent claimed?
(Yes) 5. Is an additional remark and/or condition
required?
(Yes) 6. Would you like to view the
recommended right?
(No) 7. Is this a split or combined right?
(No) 8. Do you have documents you would like to
attach or link to the file?
(Yes) 9. Would you like to set the verification
date?

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 29-4156
Date Received: 6/29/88
Receipt No: E000563
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARMA B SMITH Phone: (208) 775-3604

5137 W PORTNEUF RD
INKOM ID USA 83245

2. Date of Priority: 05/01/1904

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	NE SE	BANNOCK	

5. Description of diverting works:

PUMP & HANDLINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:
0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NE	SE	IRRIGATION	8
					Section Acres	8
07S	35E	24	NW	SW	IRRIGATION	7
					Section Acres	7
					Total Acres	15

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:

14. Remarks:

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 8/17/01).

15. Basis of Claim: Beneficial Use

JUN 13 2001

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: A29-04156
Date Received: 6/29/1988
Receipt No: E000563
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THERON J. SMITH 208-775-3604
Address: 5137 WEST PORTNEUF ROAD
INKOM, ID 83245

2. Date of Priority: MAY 01, 1904

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	NE	SE			BANNOCK

5. Description of diverting works:
PUMP & HANDLINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NE	SE		IRR	8.0
Section Acres							8.0

A2904156



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	24	NW	SW		IRR	7.0
Section Acres							7.0
Total Acres							15.0

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:
A29-04215 SAME P/D.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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): Theron J. Smith Date: 27 June 88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29 day

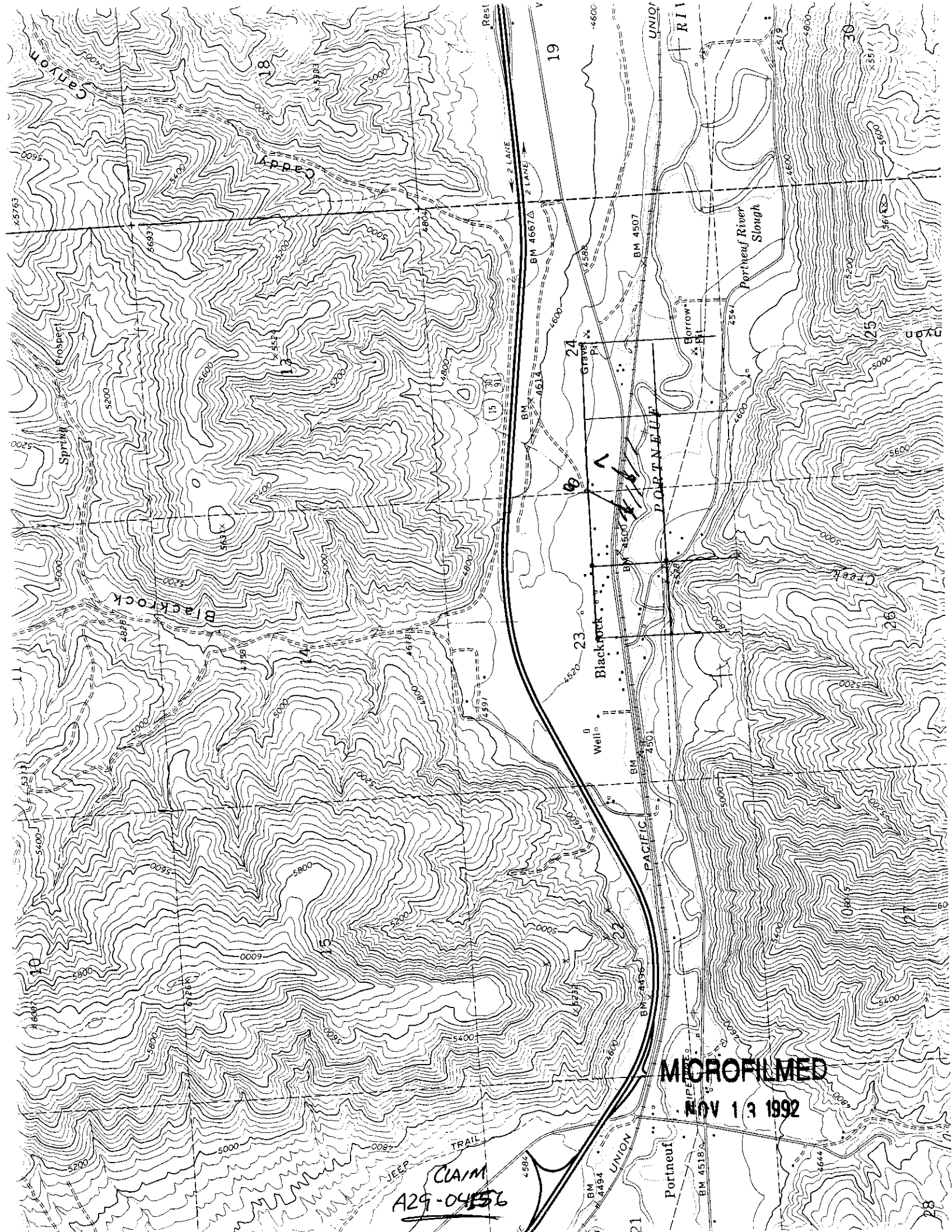
of June 19 88

Dana Green
Notary Public

Seal

Residing at Richy

My Commission Expires 3/22/1994



MICROFILMED
NOV 13 1992

CLAIM
A29-0456



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2003

CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245

RE: Priority date recommendations for claim 29-04065 and 29-04156

Dear Ms. Smith,

The Idaho Dept. of Water Resources has reviewed the information provided that you submitted concerning your request to change the recommended priority date to 6/14/1867 as defined in the Fort Hall Indian agreement.

Our legal staff, the Adjudication Bureau Chief, and myself reviewed the information. It was determined that there is not enough information to change the recommended priority date for the water right claimed under 29-04065 since the evidence submitted does not show that the water was used within 5 years of the property changing from Indian ownership to non-Indian ownership.

However, the evidence provided for 29-04156 does support that water was put to beneficial use before or within 5 years of the property changing from Indian to non-Indian ownership.

Because a portion of the claimed place of use under 29-04156 was not part of the original Indian allotment, claim 29-04156 was split into two new claims 29-13626 and 29-13627 to represent the different priority dates for the claimed place of use.

Enclosed are revised copies of the preliminary recommendations for 29-04065, 29-13626, and 29-13627. I am not sending a copy of 29-04065 because that recommendation did not change.

If you still do not agree with the recommendations, you will be notified at the time the directors report is issued and will have a chance to object and be heard by the SRBA court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Memorandum

Date: June 13, 2003

From: Craig L. Saxton

To: File

Subject: Recommendation and split of 29-04065

Carma Smith claimed 73 acres with a 4/1/1926 priority date. Upon further review, the claimant found out that part of her property is located on an old Indian allotment.

IDWR requested a deed trail showing evidence of when the property change hands from and Indian owner to a Non-Indian owner. The claimant then provided evidence that the property was irrigated within 5 years of when the property changed hands from an Indian owner to a non-Indian owner.

IDWR personnel and IDWR legal staff reviewed this evidence. It was determined that the claimant had right to an priority date of 6/14/1867 as established by the Fort Hall Indian agreement.

Since only a portion of the claimed POU falls on and old Indian allotment, the claim was split to represent two different priority dates on the entire property.

The split portions of original claim 29-04065 (29-13626 and 29-13627) was recommended as a PPU with claim 29-04156.

02/18/2003 RECEIVED

NOTICE OF ERROR
REPLY

MAR 17 2003

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4156

CARMA B SMITH

5137 W PORTNEUF RD

INKOM ID 83245

Telephone Number: (208)775-3604

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Copy of deeds for Indian Rights are enclosed -

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/14/03

SIGNATURE: Carma B. Smith

Please print your name: CARMA B. Smith

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

PUMP & HANDLINE.

Assumptions

Same POD as POD ID 110788.

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

1.62286967968407

Invoice

2000-037-01-0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

1565 840300 1037



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	29-4065	_____	_____	_____	_____
_____	29-4656	_____	_____	_____	_____
_____	29-4215	_____	_____	_____	_____
_____	29-10010	_____	_____	_____	_____
_____	75 75-10881	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

4. New Owner/Claimant(s)

Carma B Smith

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5137 W Portneuf RD

City, State and ZIP Code

Inkom ID 83245

New Telephone Number

(208) 775-3604

5. Date you acquired the property

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Carma B. Smith
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

2-1
WARRANTY DEED

*action
the power*

752902

FOR VALUE RECEIVED, FRANEY GABRIELSON, a widow, the Grantor,
does hereby grant, bargain, sell and convey unto THEREON J. SMITH
and CARMA SMITH, husband and wife, Grantees, the following described
premises in Bannock County, Idaho: *5130 W. Portneuf Road*
Inkom, Idaho

Commencing at a point where the South boundary line of Oregon Short Line Railroad Right of Way crosses West boundary line of Section 24 in Township 7 South, Range 35 East of Boise Meridian in Idaho, running thence in Southeasterly direction along South boundary line of Oregon Short Line Railroad Right of Way to a point where said Right of Way intersects East boundary line of Northwest quarter of Southwest quarter of said Section 24, thence South following East boundary line of said Northwest quarter of Southwest quarter to a point where same intersects with North line of Portneuf River, thence in Westerly direction following meander of Portneuf River to a point where said Portneuf River intersects West boundary line of said Section 24, thence North along said West boundary line of said Section 24 to point of beginning, same being that parcel of land in Northwest quarter of Southwest quarter of Section 24, Township 7 South, Range 35 East of Boise Meridian, that lies between Oregon Short Line Railroad Right of Way and Portneuf River and containing ten acres, more or less.

Commencing at a point where the South boundary line of Oregon Short Line Railroad Right of Way crosses East boundary line of Section 23 in Township 7 South, Range 35 East of Boise Meridian, in Idaho, running thence South to North boundary line of Portneuf River, thence in Northwesterly direction and following meander of Portneuf River to point where boundary line of Portneuf River intersects West line of Northeast quarter of Southeast quarter of said Section, thence North along said West line of Northeast quarter of Southeast quarter of said Section to Oregon Short Line Railroad Right of Way, thence in Southeasterly direction following Oregon Short Line Railroad Right of Way to East boundary line of said Section, and the point of beginning, the same being that parcel of land in Northeast quarter of Southeast quarter of Section 23, which lies between Oregon Short Line Railroad Right of Way and Portneuf River, and containing six acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that she

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

State File No.

Local Reg. No. 6-323

DECEDENT

TYPE OR
PRINT IN
PERMANENT
BLACK INK
DO NOT USE
FELT TIP PEN

DECEDENT - NAME FIRST MIDDLE LAST Theron J. Smith		SEX Male	DATE OF DEATH (Month, Day, Year) July 14, 1998
SOCIAL SECURITY NUMBER 519-36-9890		AGE - LAST BIRTHDAY 64	DATE OF BIRTH (Month, Day, Year) May 6, 1934
WAS DECEDENT EVER IN U.S. ARMED FORCES? ☒ Yes ☐ No		BIRTHPLACE (City and State or Foreign Country) Bridgeland, Utah	
PLACE OF DEATH (Check one) (1) ☐ Inpatient (2) ☐ ER/Outpatient (3) ☐ DCA (4) ☐ Long-Term Care Facility (5) ☒ Own Residence (6) ☐ Other Private Residence (7) ☐ Other (Specify)			
CITY, TOWN OR LOCATION OF DEATH Inkom		COUNTY OF DEATH Bannock	
RESIDENCE STATE ID		STREET AND NUMBER 5137 W. Portneuf Rd.	
CITY, TOWN OR LOCATION Inkom		ZIP CODE 83245	
MARRIAGE STATUS - Married, Never Married, Widowed, Divorced (Specify) Married		SURVIVING SPOUSE (If alive, give maiden name) Carma Bowers	
DECEDENT'S USUAL OCCUPATION (Type kind of work done during last 12 months) Teacher/Farmer		KIND OF BUSINESS/INDUSTRY Education/Agriculture	
INSIDE CITY LIMITS? ☒ Yes ☐ No		WAS DECEDENT OF HISPANIC ORIGIN? (Specify race) White	
EDUCATION (Specify highest grade completed) 5+			

PARENTS

FATHER - NAME Jason Lynn Smith	BIRTHPLACE Utah	MOTHER - FULL MAIDEN NAME Ruby Alice Edwards	BIRTHPLACE Utah
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INFORMANT

INFORMANT'S NAME (Type/print) Carma Smith	MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 5137 W. Portneuf Rd., Inkom, Idaho 83245
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DISPOSITION

METHOD OF DISPOSITION ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify)	PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) Inkom Cemetery	LOCATION - City or Town, State Inkom, ID
--	---	--

CAUSE OF DEATH

SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Don Stakes</i>		LICENSE NUMBER (or Licensee) MRT 767	NAME AND ADDRESS OF FACILITY Colonial Funeral Home 2005 South Fourth Pocatello, ID 83201
TIME OF DEATH 12:00 PM	DATE PRONOUNCED DEAD (Month, Day, Year) July 14, 1998	WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No	MANNER OF DEATH (Check one) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could not be Determined
27. PART I. Enter the diseases, injuries, or complications that caused the death. List only one cause on each line. shock, or heart failure. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST Renal Cell Carcinoma		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH 3 mo	
27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.		WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No	
		WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☒ No	

CERTIFIER

CERTIFIER (Check only one) ☒ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) and manner as stated.		
SIGNATURE AND TITLE OF CERTIFIER <i>Dr. D. J. Smith</i>	LICENSE NUMBER 0-136	DATE SIGNED (Month, Day, Year) 7/17/98
NAME AND ADDRESS OF CERTIFIER Dr. D. J. Smith, 220 Bannock St., Malad, Idaho 83252		

TO BE USED FOR EXTERNAL CAUSES ONLY

DATE OF INJURY (Month, Day, Year) July 14, 1998	TIME OF INJURY 12:00 PM	DESCRIBE HOW INJURY OCCURRED Transportation accident
INJURY AT WORK? ☐ Yes ☒ No		
TRANSPORTATION ACCIDENT, Specify: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other		
PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify) At home		
LOCATION (Street or Route Number, City/Town or County, and State) 5137 W. Portneuf Rd., Inkom, ID		

CORONER'S REVIEW AREA

CORONER'S ACTION (Check one) ☐ Reviewed Only ☐ Reviewed and/or Amended and Cause(s) Changed	CORONER'S SIGNATURE <i>[Signature]</i>	DATE SIGNED (Month, Day, Year) July 21, 1998
--	---	--

REGISTRAR

REGISTRAR'S SIGNATURE <i>[Signature]</i>	DATE FILED (Month, Day, Year) July 21, 1998
---	---

This is a true and correct reproduction of the document originally registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: **July 21, 1998**

This copy is not valid unless prepared on engraved board displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

SCANNED

JUN 13 2001

Log for claim A29-04156

Spatial Dynamics LTD

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESE	8	7	
07s35e	24	NWSW	7	8.2	
Totals:			15	15.2	

- Evidence of Priority is 1905 - 1904 claimed

5/1/01 POO = ?

POW:

NE SW not claimed possible amended claim

Audit: 06/29/88 MCC 07/19/94 THOMPSON 03/29/95 POST-STD

AJ5809NP
No. A29-04156

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 10

OWNER	NAME & ADDRESS	PRIORITY	DATE	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODE					FROM TO	RATE	VOLUME
C	TERON J SMITH 5137 W PORTNEUF RD INCOM ID 83245 (208) 775-3604	05/01/1904	IRRIGATION		04-01 11-01	0.40 CFS	
						0.40 CFS	
							37.50 AFA

Water Source: PORTNEUF RIVER
Point(s) of Diversion: TOTS R35E S23
Tributary to: SNAKE RIVER
Stage: STATUTORY CLAIM
BANNOCK County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	NE NE NE SENE	NE NW NW NW SENE	NE SW SW SW SENE	NE SE SE SE SENE	
07S 35E 23	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	8.0
07S 35E 24					7.0
TOTAL ACRES					15.0

POU County: BANNOCK
Non-Irrigation Uses: NONE.
Other Rights: A29-04215 SAME P/D.
Dates: Exam Made Date: Verified Date:
Misc: Water District Number: 29
Field Inspection Flag:
Presumption Flag:

I can't recall the exact yr, but this tract of land has been owned from the Portneuf for as long as I can remember & I move to that area in

Signed [Signature]
Notary Public, this ___ day of January, 1995.

AMENDED

AMENDED



The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

(Mailing Address)

Telephone No. 775-3604

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) May, 1904

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Portneuf River

(cfs. af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use		(Mo., Day)	(Mo., Day)
0.40 cfs		Use	Irrigation	Period of Use From 3/15	To 10/15
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
0.40 cfs		Use		Period of Use From	To

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE % SE %, Sec. 23 Twp. 7S Rge. 35E B.M., County of Bannock
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 30 Hp. pump and $\frac{1}{2}$ mile handline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

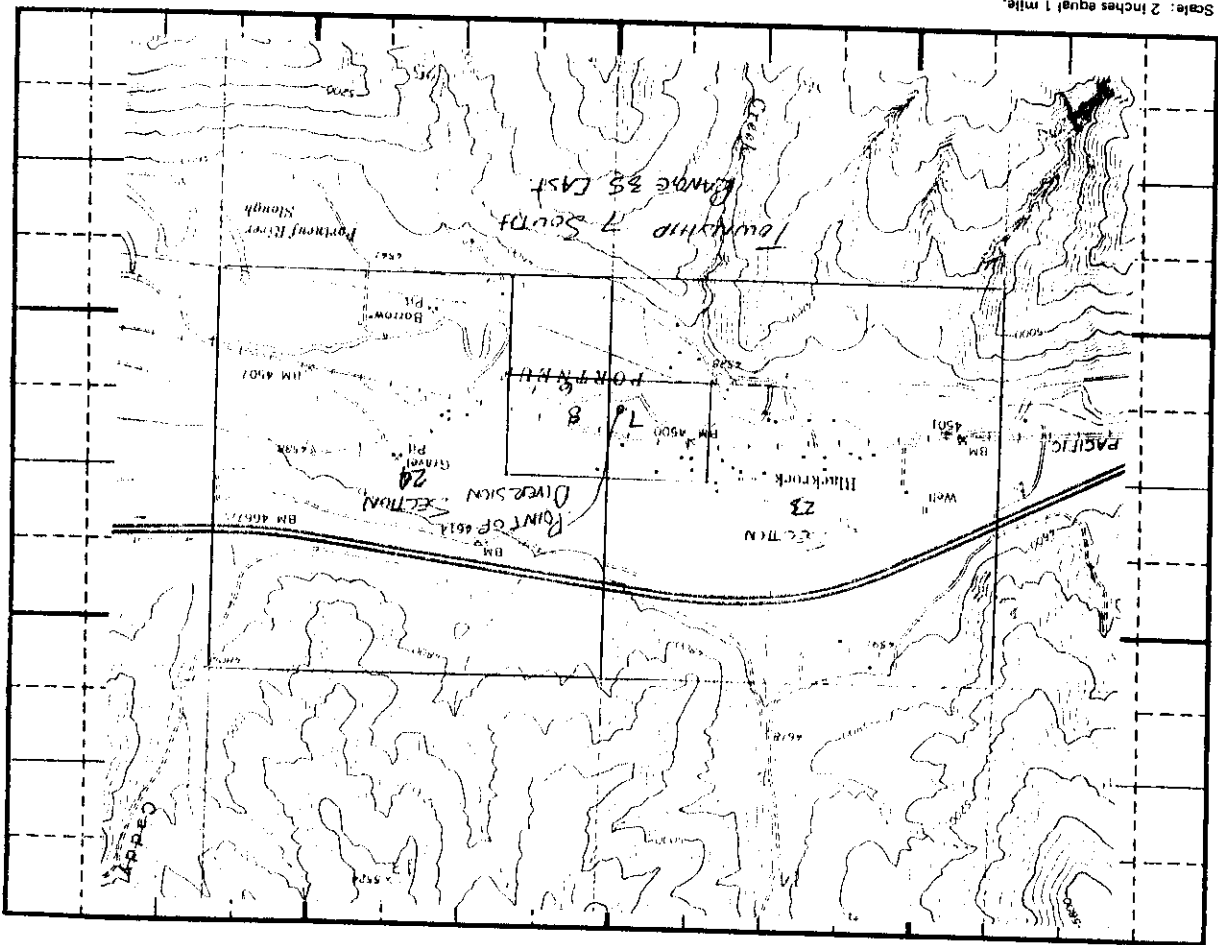
No. of acres 21

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



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 Bonanza

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, 1985

Notary Public
Residing at
Cultural Library
1985

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by S.M.
Prelim. check by H.W.S.
Date 3-31-83
Published in Idaho State Journal
Date 3-31-83
Exception filed by:
Forwarded to:
claimant by:
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date 2/7/80 Exception filed by: _____
 Prelim. check by _____ Date 2/11/80 #15581
 \$20.00 fee received by _____ Date _____
 Published in _____ Idaho State Journal _____
 Dates 2/21 & 2/28/80

Forwarded to _____ Date _____
 claimant by: _____

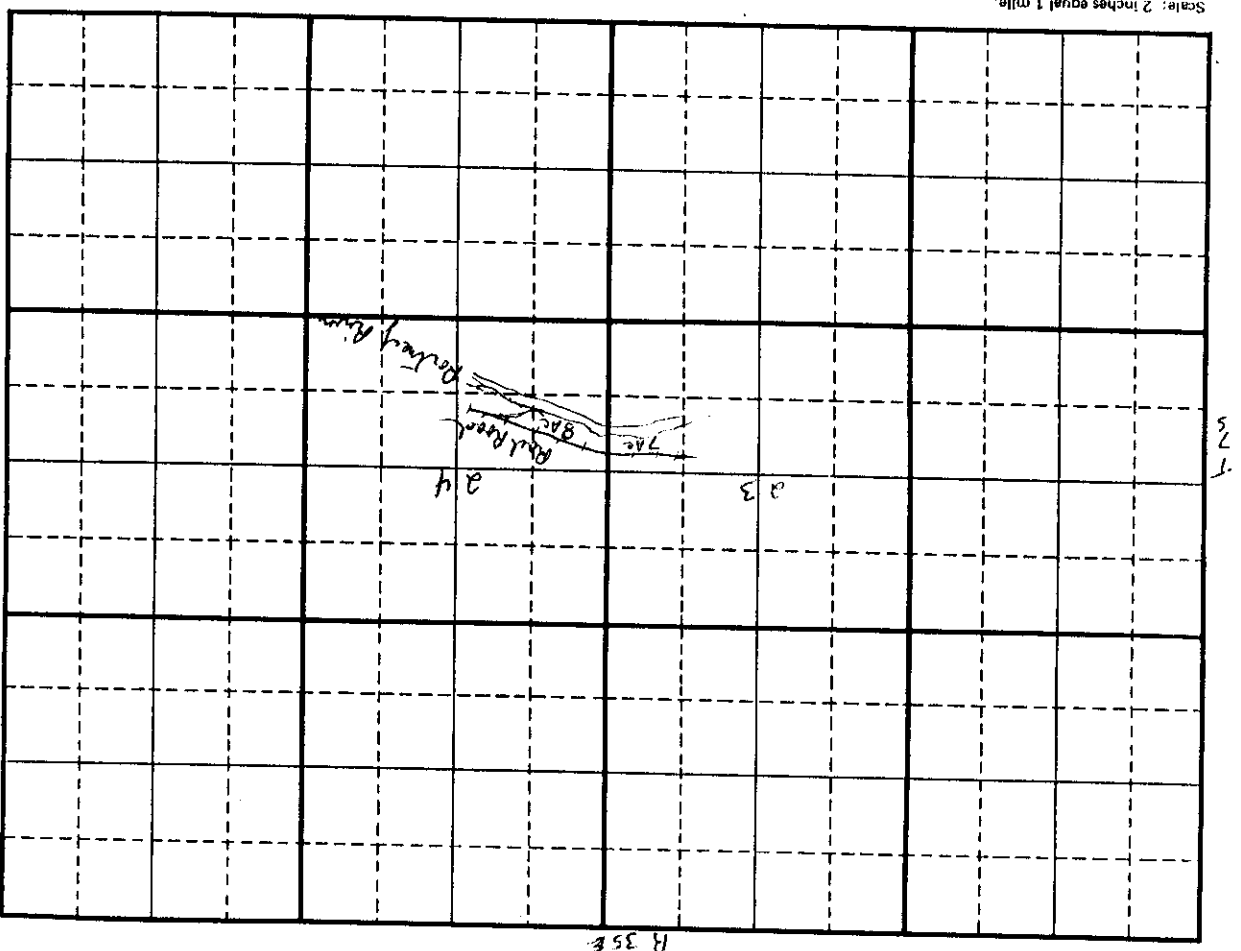
My commission expires _____
 ijk

Sworn to before me this 1 day of February, 1980
 (Claimant) James J. Smith
Kathryn A. Wheeler
 Notary Public
 Residing at Adaha Falls

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.

State of Idaho)
 County of Bonneville) ss.
)

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.

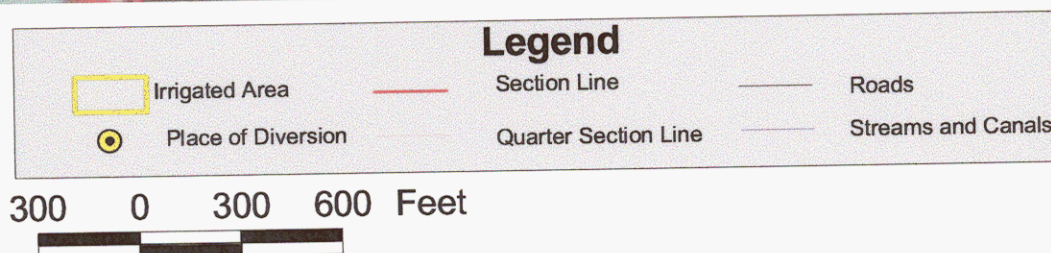
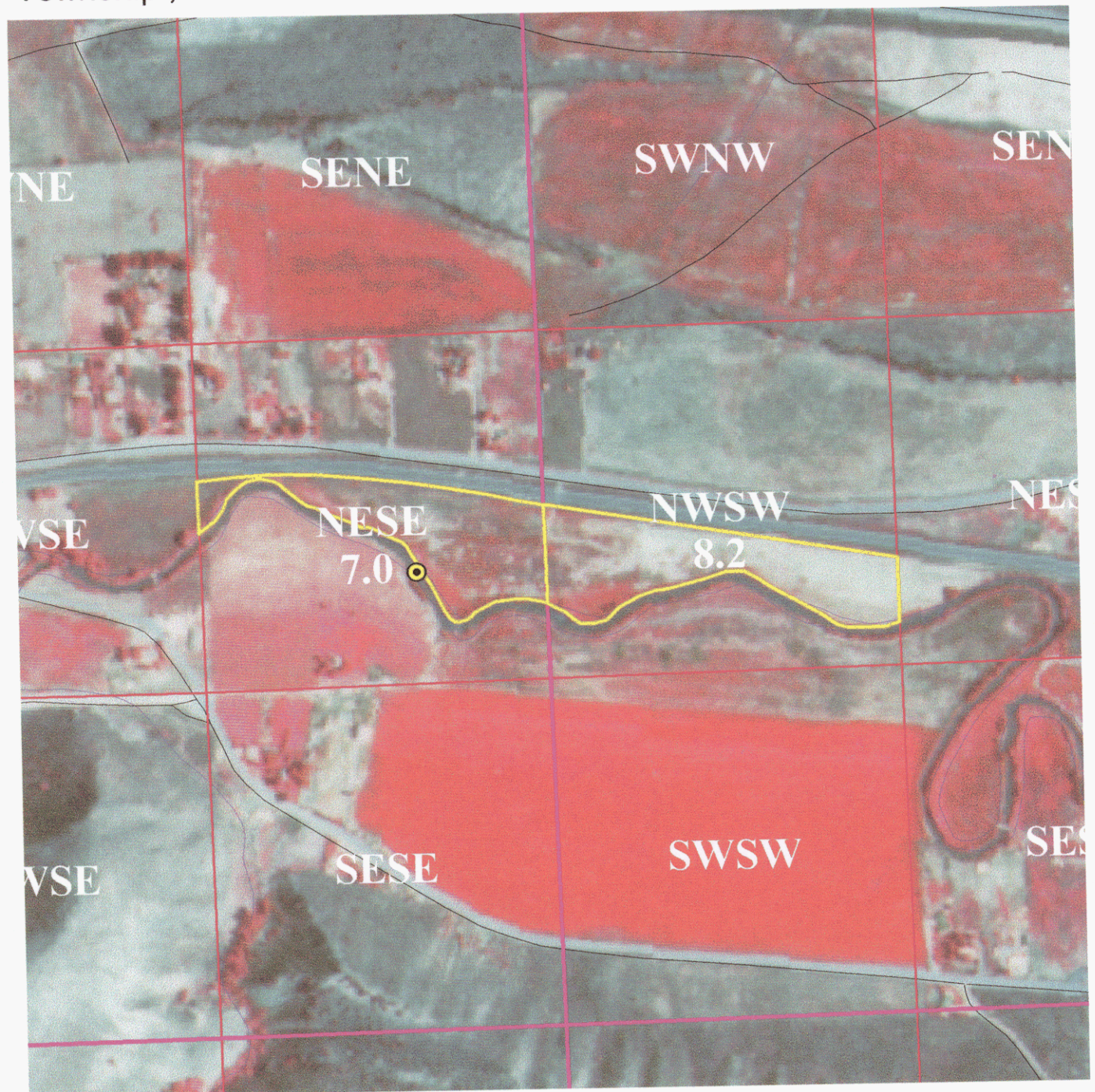


835E

(8) Remarks _____

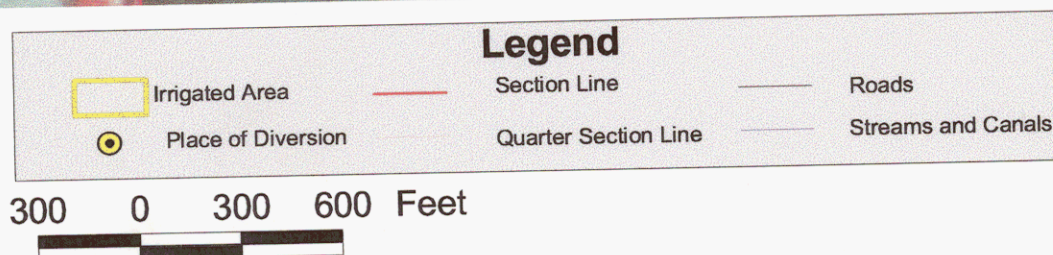
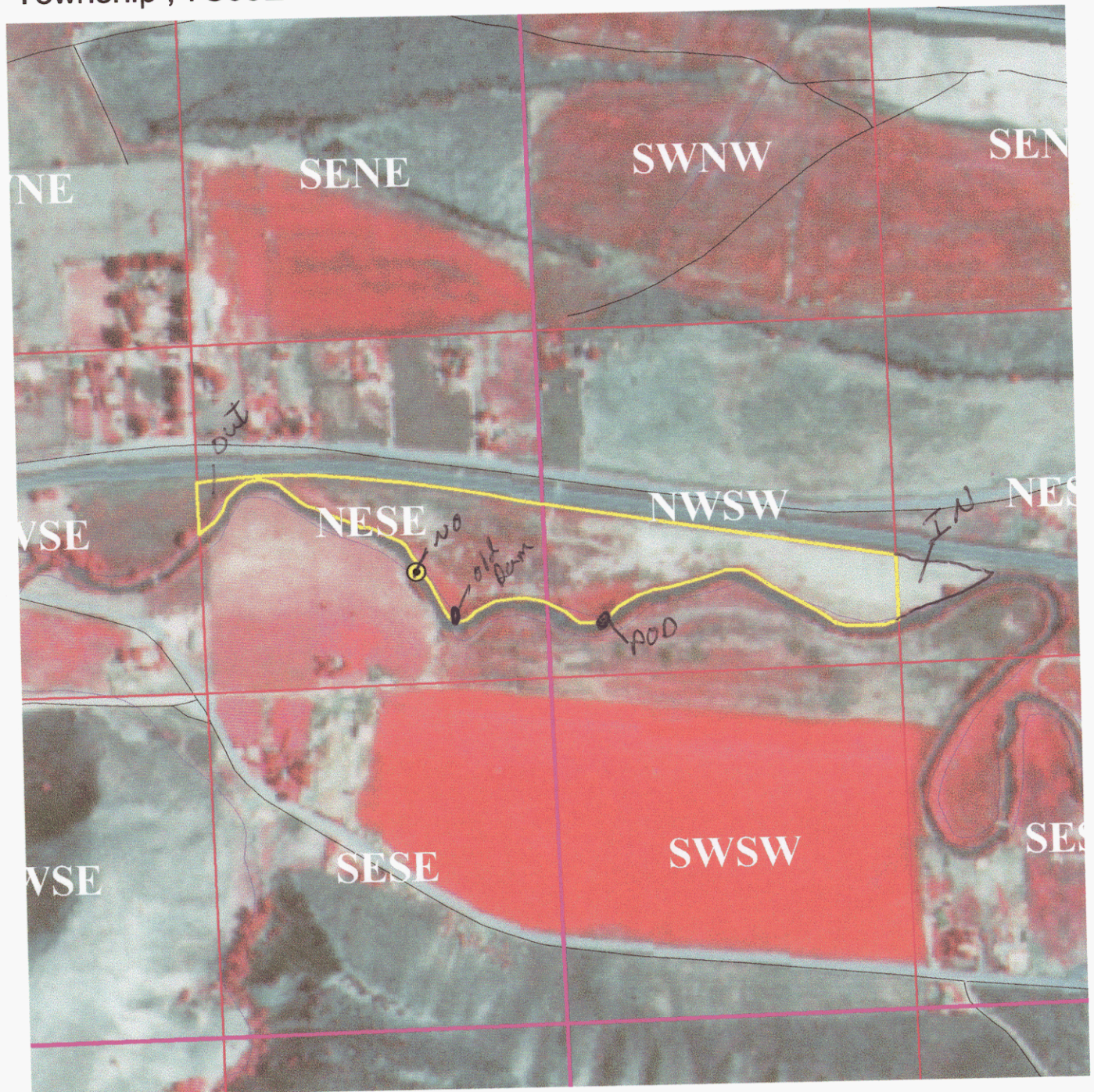
Water Right Claim Number A29-04156
Township , 7S35E

09/05/2000



Water Right Claim Number A29-04156
Township , 7S35E

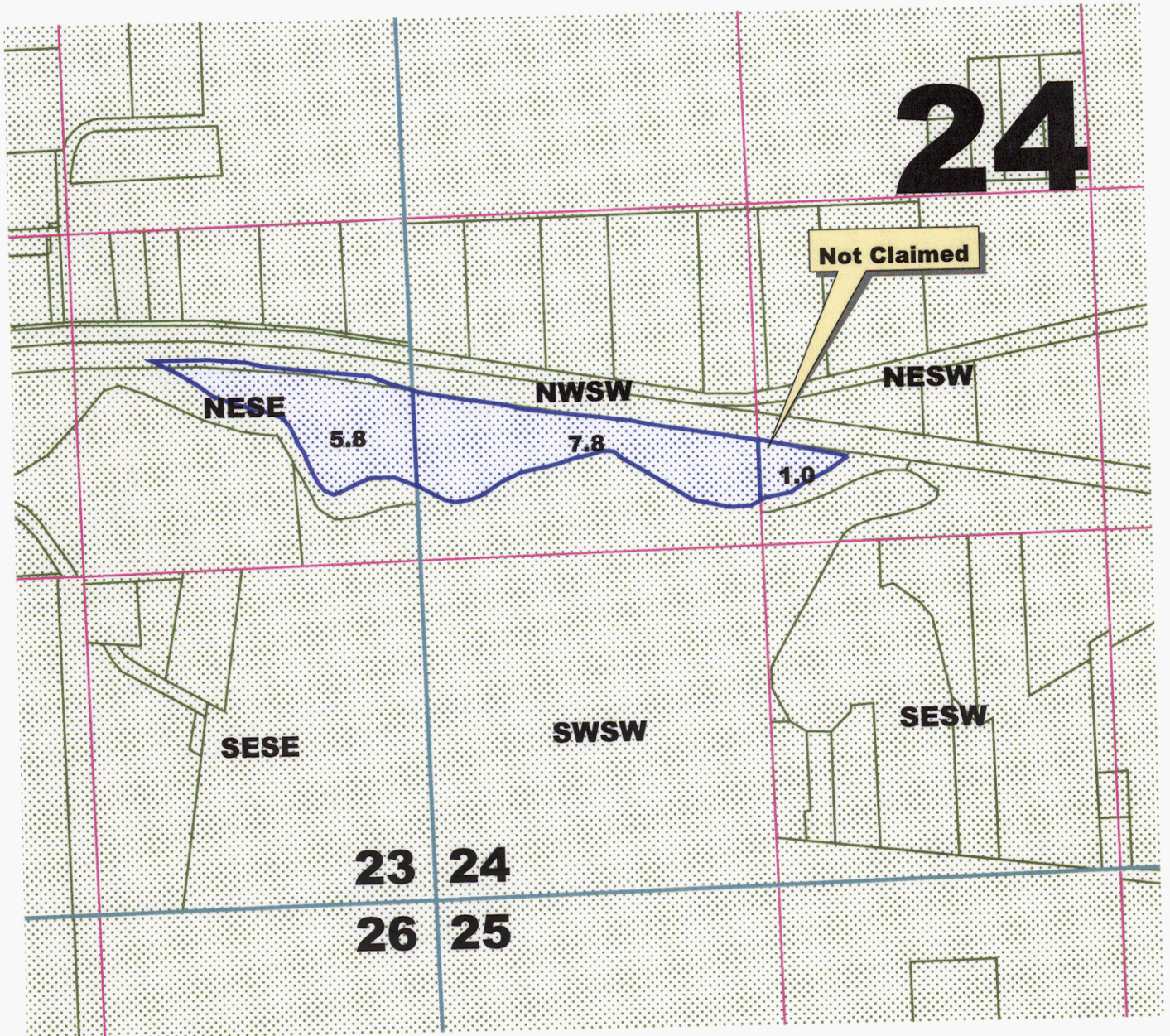
09/05/2000



Theron Smith

WR # (s): 29-04156

Initial Findings



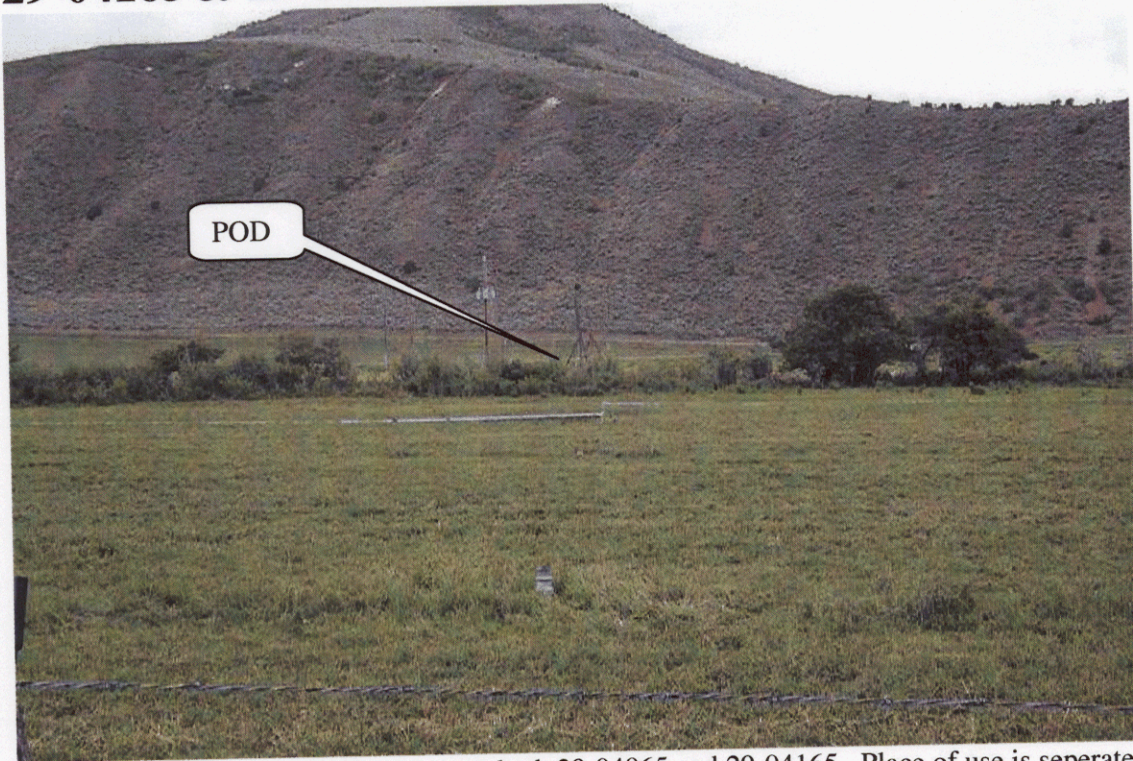
Total Irrigated Acres: 14.6

Acreage Distribution

Prepared By: Craig Saxton
May 2001

29-04165 & 29-04065 POD

Field Exam 8/7/01



Looking South. Pump supplies water to both 29-04065 and 29-04165. Place of use is separated by the Portneuf River. North property under 29-04165 and southern property under 29-04065. (csaxton 8/9/01).

29-04165 & 29-04065

POU

Field Exam 8/7/01



Looking South. View shows West of POD. (csaxton 8/9/01).

29-04165 & 29-04065 POU

Field Exam 8/7/01



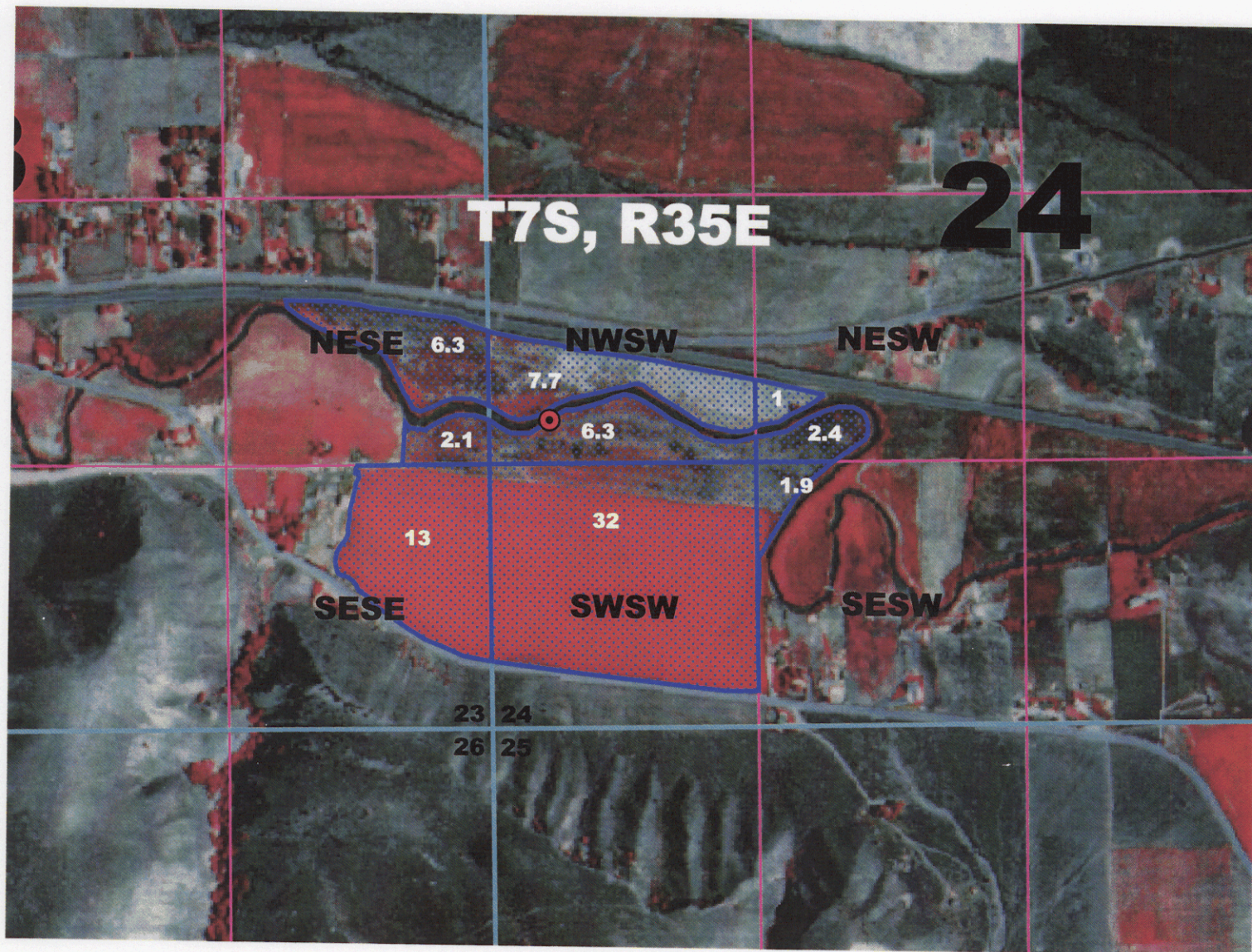
Looking SW. Picture shows POU East of the POD. (csaxton 8/9/01).





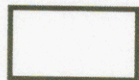


Acreage Calculation Map for 29-04156, 29-13626, 29-13627



Point of Diversion

Irrigated Acres = 72.7



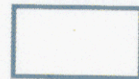
Bannock Co Tax Lot Data - N/A



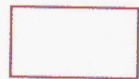
Place of Use - N/A



Recommended POU



Section Lines



Quarter Quarter Lines



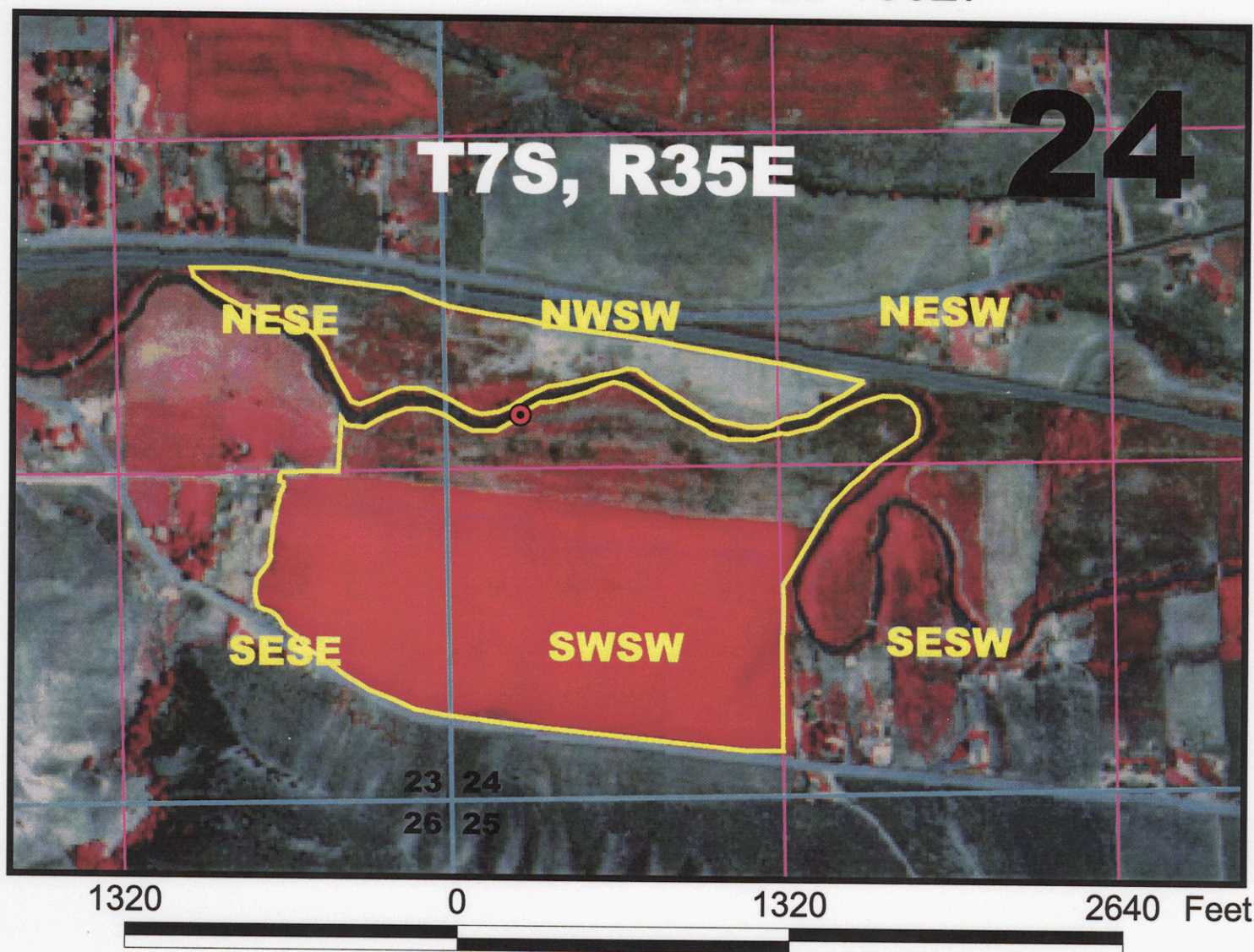
Prepared By: Craig Saxton
June 2003



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-04156, 29-13626
and 29-13627



Total Irrigated Acres: 72.7

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2003