01/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10123

NAME AND ADDRESS: AFTON H SMITH
4634 E 250 N
RIGBY ID 83442

SOURCE: INDIAN CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.290 CFS

PRIORITY DATE: 07/05/1900

POINT OF DIVERSION:

T02S R46E S8 NESWSE Within BONNEVILLE County

T02S R46E S9 NWNWSW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.290 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02S R46E S07	SESE	9.4	T02S R46E S08	NESW	1.6
T02S R46E S08	SWSW	24.0	T02S R46E S08	SESW	20.0
T02S R46E S18	NENE	1.5			

56.5 ACRES TOTAL

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

137⁰⁰ 4.

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: **A23-10123**
Date Received: 8/04/1989
Receipt No: E009935
Received By: BO 8-22-89
Assisted by EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AFTON H. SMITH 208-538-7975
   Address: 4634 E. 250 N.
   RIGBY, ID 83442

A2310123

2. Date of Priority: JUL 05, 1900

3. Source: INDIAN CREEK
   SPRING RUN
   Trib. to: SNAKE RIVER, SOUTH INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	46E	8	NW	NE	SE		BONNEVI.
			SW	NE	SE		BONNEVILLE
		9	NE	SE	NE		BONNEVILLE
			SW	NW	SW		BONNEVILLE

5. Description of diverting works:
   HEADGATES AND OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

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

8. Total consumptive use is 217.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	46E	7	SE	SE		IRR	14.0
				Section Acres			14.0
		8	NE	SW		IRR	15.5
			NW	SW		IRR	0.5
			SW	SW		IRR	30.0
			SE	SW		IRR	24.0
			NW	SE		IRR	2.0
			SW	SE		IRR	1.0
				Section Acres			73.0
				Total Acres			87.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS NOTICE IS BASED ON A COMBINATION OF RIGHTS 23-00108 AND 21-00109, DECREED IN THE CASE OF D. WORTH SMITH AND GEORGE D. KEYSER, JR. VS. LYNN CRANDALL AND SUBSEQUENTLY TRANSFERED TO THE ABOVE LISTED PLACE OF USE THROUGH JUDGMENT (NO. 1802-E) IN THE NAME OF THE UNITED STATES OF AMERICA VS. ARCHIE R. MC KAY, ET AL.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 5/23/1947

D. WORTH SMITH ET AL
Decree Plaintiff

vs

LYNN CRANDALL
Decree Defendant

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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: 6

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): * Afton H. Smith Date: * Aug. 4, 1989

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 4 day of August 19 89

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls Id.

My Commission Expires 6-14-1994

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IDWR Field Exam Form

Water Right Split History Analysis

Reviewer: _____

Date: _____

NOTES OF 23-00108

1. THIS RIGHT IS LOST FORFIETURE FROM 1957 WHEN PALISADES RES. WAS COMPLETED.
2. SEE JUDGEMENT ATTACHED

D.W. SMITH
23-108

5° cfs INDIAN CK 7/05/1900

POD - NOT LISTED BY DECREE

POU - T.2S. R45E.
SENE, E½SE SEC. 12
NENE SEC. 13
T.2S. R46E.
SWNW, NW¼SW SEC. 7

R. FORFEITED

AFTON SMITH ⇒ ROB SMITH
23-10123

COMBINES ~~23-00108~~ AND 23-00109
5° cfs OF EACH ⇒ 10° cfs.
CLAIMS 87° AC POU AS:
T.2S. R46E.
SESE SEC. 7
SW, W½SE SEC. 8

23-109

5° cfs INDIAN CK 7/05/1900

POD - NOT LISTED BY DECREE

POU - T.2S. R46E.
S½NW, NENW, N½NE SEC. 18
S½SW SEC. 8
SESE SEC. 7

NOTES OF 23-00109

1.

BOTH 23-00108 AND 23-00109 WERE DECREED UNDER SMITH & KEYSER VS L. CRANDALL, MAY 23, 1947.

State of Id o
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

28 October 2003

Afton H. Smith
4634 E 250 N
Rigby ID 83442

Re: Snake River Basin Adjudication claim 23-10123

Dear Ms Smith:

I have recently conducted a field exam of the Indian Creek ranch area. I have discovered a couple problems that need to be addressed. Please contact me at your earliest convenience so we can discuss the problems and potential solutions.

I look forward to your immediate response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

Cc; file

Enclosure; claim copy

Resend This to: 8DEC03

Afton Smith
15533 E Rigby Hwy
Rigby ID 83443

IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

Water Right No. 23-10123

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Afton Smith					

Name connector: and ____, or ____, and/or ____

Current Owner ____

Current Owner ____

Representing Attorney: ____ File BU claim for Spring Run - Add Q for Stockwater Priority Evidence Rec'd - 0.20cfs

Accompanied By: ____

Relationship to Claimant: ____

Date of Field Exam: ____ Time: ____

Directions to Property (if different from above) and/or update owner information:

Decreed - This claim combines 23-108 and 23-109. Decreed under D.W. Smith and G.D. Keyser Jr vs Lynn Crandall, 5/23/1947. Also see USA vs A.R. McKay, et al (No. 1802-E) undated.

10/8/03 - FE Unaccompanied. Visited and GPS'd all POD's (Tagged Nonis, no places to put taggos) Photos of all. Walked POU and traced ditches

* Claimed source of Spring Run is not cited by decreed rts 23-108 and/or 23-109. Therefore, it will not be recommended under this WR claim. Rather, another claim (BU) must be filed for Spring Run and evidence of Priority and flow evidence provided. FE indicated: POU/POD's, sources, System, Cfs used

Needs new claim!

Reviewer: ____ Date: ____

04/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-108

WATER RIGHT NUMBER: 23-108

Owner Type	Name and Address
Current Owner	D WORTH SMITH
	, ID

Priority Date: 07/05/1900
Basis: Decreed
Status: Active

Source	Tributary
INDIAN CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	/ to /		
IRRIGATION	/ to /	5.000 CFS	
	Total Diversion:	5.000 CFS	

Location of Point(s) of Diversion
INDIAN CREEK

Place of Use
IRRIGATION Within BONNEVILLE County

T02N R45E S12	SENE	NOT CLAIMED	T02N R45E S12	NESE	NOT CLAIMED
T02N R45E S12	SESE	NOT "	T02N R45E S13	NENE	NOT "
T02N R46E S07	SWNW	NOT "	T02N R46E S07	NWSW	NOT "

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

1. General P/D NOT LISTED IN DECREE.

Comments:

Dates and Other Information:

T2N REFERENCE HEREIN IS AN ERROR OF DATA ENTRY - DECREE IS CLEAR AND STATES T2S

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-109

WATER RIGHT NUMBER: 23-109

Owner Type	Name and Address
Current Owner	GEORGE D KEYSER
	, ID

Priority Date: 07/05/1900
Basis: Decreed
Status: Active

Source	Tributary
INDIAN CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	/	/	5.000 CFS	
DOMESTIC	/	/		
		Total Diversion:	5.000 CFS	

Location of Point(s) of Diversion
INDIAN CREEK

Place of Use

IRRIGATION Within BONNEVILLE County

T02N R46E S07	SESE ✓	T02N R46E S08	SWSW ✓
T02N R46E S08	SESW ✓	T02N R46E S18	NENE NO
T02N R46E S18	NWNE NO	T02N R46E S18	NENW NO
T02N R46E S18	SWNW NO	T02N R46E S18	SENW NO

} Palisades Reservoir

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

1. General P/D NOT LISTED IN DECREE.

Comments:

Dates and Other Information:

IDWR Field Exam Form

04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 7/05/1900 Claimed Basis: DECREE

Recommended Priority Date: 7/05/1900 Recommended Basis DECREE

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

THIS CLAIM REPRESENTS DECREED RIGHTS 23-108 AND 23-109; BOTH HAVE 7/05/1900 Priority dates. OK

Reviewer: _____ Date: _____

④ The Pond served by Spring Run and the Pond were not covered under the Decree (1944). There is NO water right, at all, from Spring Run. File a New BU claim for Irrig. and Storage.

The Plan:

① 23-10123 is claimed as a combined Ret. of 23-108 and 23-109. 23-108 is lost to forfeiture from 1957 when Palisades Dam/Res. were built.

② A portion of 23-109 was also lost to Palisades Res. So, 23-10123 will be so recommended with 6.2 ac as irrigated from Indian Ck - a total of 56.5 ac @ 0.02 = 1.13 cfs. Plus 0.16 cfs for conv. loss ⇒ 1.29 cfs. The remaining portion of 23-109.

③ Amend 23-10123 to add NENE of Sec. 18 ≈ 1.5 ac. C/S other Pod.

Needs C/o w/ Death Cert. & Estate Papers

Need to Amend to add Pod on NENE Sec. 18.

IDWR Field Exam Form

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

GPS PODs - NO TAGS NO PLACE TO PUT THEM.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
25	46	8		NE SWSE		INDIAN CK
GPS Coordinates:						
		9		NWNWSW		"
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						

SO FK SNAKE RIVER

"

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

SOURCE DECREED AS INDIAN CREEK - CLAIMS INDIAN CK AND SPRING RUN. SPRING RUN IS NOT SO DECREED UNDER 23-108 OR 23-109. THEREFORE, SPRING RUN WILL REQUIRE A SEPARATE BU CLAIM. ← NEW CLAIM REDD

POD'S FOR INDIAN CK NOT ADDRESSED BY DECREE ⇒ 4 ϕ 3

POD CLAIMED AS NESENE SEC. 9 AND DITCH ARE NOT IISD INDIAN CK IS DOWN CUT AND TOO WIDE TO DAM OFF. DITCH IS WASHED OUT AND UNMAINTAINED.

Transfers Changing POD _____

Reviewer: _____ Date: _____

BOTH PODS FROM INDIAN CK DIVERT WATER WITH STRAW BALES AND LOGS. POD ON SPRING RUN FLOW THROUGH RANCH BUT IS ALSO DIVERTED W/ STRAW—

IDWR Field Exam Form

04/03/2002

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

SEE GIS

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 56.3 AC

C@S

Document how the POU was verified:

POU TO PRESENT LOCATION BY JUDGEMENT (No. 1802-E) IN THE NAME OF THE USA VS A.R. McKay, et al.

CLAIMS 87.0 AC - GIS SHOWS 78.0 AC. SOME SLIGHT CHANGES FROM DECREE OR JUDGEMENT → C@S! NO NET GAIN TO AC. NEEDS AMENDED TO ADJUST ACRES. C@S

PART OF ORIGINAL DOGWOOD POU IS UNDER PALISADES RESERVOIR THUS REDUCTION OF "ORIGINAL POU" AND CLAIMED Q.

Transfers Changing POU _____

Reviewer: _____

Date: _____

IDWR Field Exam Form

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: _____

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/1	11/1	10c	

Overall Diversion Rate _____ Overall Diversion Volume _____

563 Ac @ 0.02
1.126 => 1.13 cfs
Conveyloss + 0.16
1.29

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/15	10/31	1.29 ~~10c~~	

~~1.56 Q~~
~~+ 0.16 Convey Loss~~
~~1.72 Total Q~~

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOC to Dept Std - NOT ADDRESSED BY DECREES. Dept Std 4/15 to 10/31.
10c comes from combining 23-108 and 23-109: Both @ 5c cfs each. However, 10c cfs on 78* acres (GIS) is way too High. Original POU (108 & 109 comb) would total @ Best Case 16 QQs x 40 ac/QQ = 640 ac/10 cfs
Decree address POU in Sec. 18: Now under Palisades Res. ——→ Basis of Quantity Reduction. *

Reviewer: _____ Date: _____

Allow Convey Loss of 5%/QQ => 2 QQs x .05 x 1.56 = 0.16

Remark
Partial Forfeiture

* Part of POU is under Palisades Reservoir. Thus no irrigation and reduction of Rt.

» «



Smith Diversion 23-10123
Indian Creek Lower Diversion
T2S, R46E Sec. 8 NESWSE
10/08/03 ABR



Smith Diversion NO WATER RIGHT
Spring Run (Creek) Diversion
T2S, R46E Sec. 8 NWNESE
10/08/03 ABR

» «



Smith Diversion 23-10123
Indian Creek Upper Diversion
T2S, R46E Sec. 9 SENENE
NOT recommended
10/08/03 ABR



Smith Diversion 23-10123
Indian Creek Middle Diversion
T2S, R46E Sec.9 NWSWSW
10/08/03 ABR

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

oOo

D. Worth Smith and George D. Keyser, Jr.,
Plaintiffs,

vs.

Lynn Crandall, Watermaster of Water District No. 36 of the State of Idaho,
Defendant.

DECREE

This cause came on for trial on the merits in open court at Idaho Falls, Idaho, on May 23, 1947, pursuant to stipulation of counsel for the respective parties, Alvin Denman appearing as attorney for the plaintiffs, and O. A. Johannesen for the defendant, at which time it was stipulated in open court that each of the plaintiffs would accept a decree for 250 inches of the waters of Indian Creek for their respective lands described in the complaint on file herein, and that the defendant would submit no proof and would make no objection to such a decree for 250 inches of said waters of Indian Creek to each plaintiff, and that the defendant would waive findings of fact and conclusions of law; and thereupon witnesses were sworn and examined and documentary evidence received in behalf of the plaintiff; and the court being fully advised in the premises;

23-0108 It is ordered, adjudged and decreed that the plaintiff D. Worth Smith is entitled to divert and use 250 inches of the waters of Indian Creek, a tributary of the South Fork of Snake River for the irrigation of the southeast quarter of the northeast quarter and the east half of the southeast quarter of section twelve, and the northeast quarter of the northeast quarter of section thirteen, township

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two, south of range forty-five; and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section seven, township two, south of range forty-six, E.B.M., and to use the same for domestic purposes, with a priority of July 5, 1900, said right to be appurtenant to said lands;

23-0109 And it is further decreed that the plaintiff George D. Keyser, Jr. is entitled to divert and use 250 inches of the waters of Indian Creek, a tributary of the South Fork of Snake River, for the irrigation of the south half of the northwest quarter, and the northeast quarter of the northwest quarter and the north half of the northeast quarter of section eighteen; the south half of the southwest quarter of section eight; and the southeast quarter of the southeast quarter of section seven, township two, south of range forty-six, and to use the same for domestic purposes, with a priority of July 5, 1900, said right to be appurtenant to said lands;

And it is further ordered that the rights decreed herein are both subject to the decree of this court of December 16, 1910, in the case of Rexburg Irrigation Company et al v. Teton Irrigation Canal Company et al; the decree of the District Court of the Fourth Judicial District of the State of Idaho in and for Twin Falls County, entered June 20, 1913, wherein Twin Falls Canal Company was plaintiff and Charles N. Foster et al defendants; and the decree of the United States District Court, District of Idaho, Eastern Division, entered June 25, 1929, wherein Woodville Canal Company, a corporation, was plaintiff, and Clark and Edwards Canal Company, a Corporation, et al were defendants.

Done in open court at Idaho Falls, Idaho, May 23, 1947.

C. J. Taylor
District Judge

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COPY

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff,	)	No. 1802-E
vs.	)	J U D G M E N T
609.44 ACRES OF LAND, more or less, in the County of Bonneville, State of Idaho; ARCHIE E. McKay, et al, Defendants.	)	(Tract No. 43-B)

THIS CAUSE, in respect to Tract No. 43-B, for a more particular description of which reference is hereby made to the Declaration of Taking filed herein, came on regularly to be heard before Honorable Chase A. Clark, presiding judge, and it appearing to the satisfaction of the Court from the records and files herein,

I

That on August 28, 1953, a Complaint, together with a Declaration of Taking, was filed herein; and there was deposited in the registry of the court the sum of $51,000.00 as estimated compensation for the estate taken in Tract No. 43-B.

II

That the estate taken is a full fee simple title in and to Tract 43-B.

III

That the Secretary of the Interior has found and determined that it is necessary and advantageous to acquire Tract No. 43-B in connection with the construction and maintenance of the Palisades Dam and Reservoir Project.

IV

That, at the time of the filing of the Declaration of Taking, fee simple title to Tract 43-B was vested in D. Worth Smith and

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NOV 0 6 1992

Afton H. Smith; except for a highway right-of-way as disclosed by deed dated August 4, 1933, executed by R. T. Smith and Rose Smith, his wife, to the State of Idaho; recorded May 23, 1934 in Book 33 of Deeds, at page 425, records of Bonneville County, Idaho; that they are the only persons entitled to recover for the taking of said property.

V

That D. Worth Smith and Afton H. Smith, former owners, and the United States of America, by SHERMAN F. FUREY, JR., the United States Attorney, entered into a Stipulation agreeing that the sum of $59,000.00 is full and just compensation, inclusive of interest, for the estate taken including all damages, past, present or future; provided that all water and water rights arising from Indian Creek and its tributaries belonging, or in anywise appertaining to the above described lands, are expressly reserved to D. Worth Smith and Afton H. Smith, his wife, for use on lands now owned, or hereafter acquired by them, in Indian Creek Canyon, and agreeing that judgment may be entered in accordance with the terms of the Stipulation.

NOW, THEREFORE, by reason of the law and premises,

IT IS ORDERED, ADJUDGED, AND DECREED:-

VI

That the use for which the lands or interests therein were taken is a public use and that the taking by eminent domain is duly authorized by the Acts of Congress set forth in the Complaint filed herein.

VII

That the fee simple title to Tract 43-E vested in the United States of America upon the filing of a Declaration of Taking on August 28, 1953, free and clear of all liens or encumbrances; provided that all water and water rights arising from Indian Creek and its

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tributaries belonging, or in anywise appertaining to the above described lands, are expressly reserved to D. Worth Smith and Afton H. Smith, his wife, for use on lands now owned, or hereafter acquired by them, in Indian Creek Canyon.

VIII

That, as of August 28, 1953, the date the Declaration of Taking was filed, the just compensation, including all damages sustained by reason of the taking of the property rights hereinabove described, is the sum of $59,000.00, without interest.

IX

That the United States of America shall pay into the registry of the court for the benefit of the person entitled thereto the sum of $8,000.00, without interest.

X

That the clerk of this court be and he is hereby authorized, empowered and directed to pay to D. Worth Smith and Afton H. Smith the sum of $51,000.00 now on deposit in the registry of this court and upon payment of the deficiency in the amount of $8,000.00, the clerk of this court shall pay the same to D. Worth Smith and Afton H. Smith.

Jurisdiction is retained for such further orders as may be necessary and proper.

Dated this _____ day of _____, 195 .

CHASE A. CLARK
CHIEF JUDGE
U. S. District Court

Approved as to form.

WILLIAM S. HOLDEN
WILLIAM S. HOLDEN
Attorney for Defendants.

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Log for claim 23-10123 **Spatial Dynamics BTD** **6/13/01**

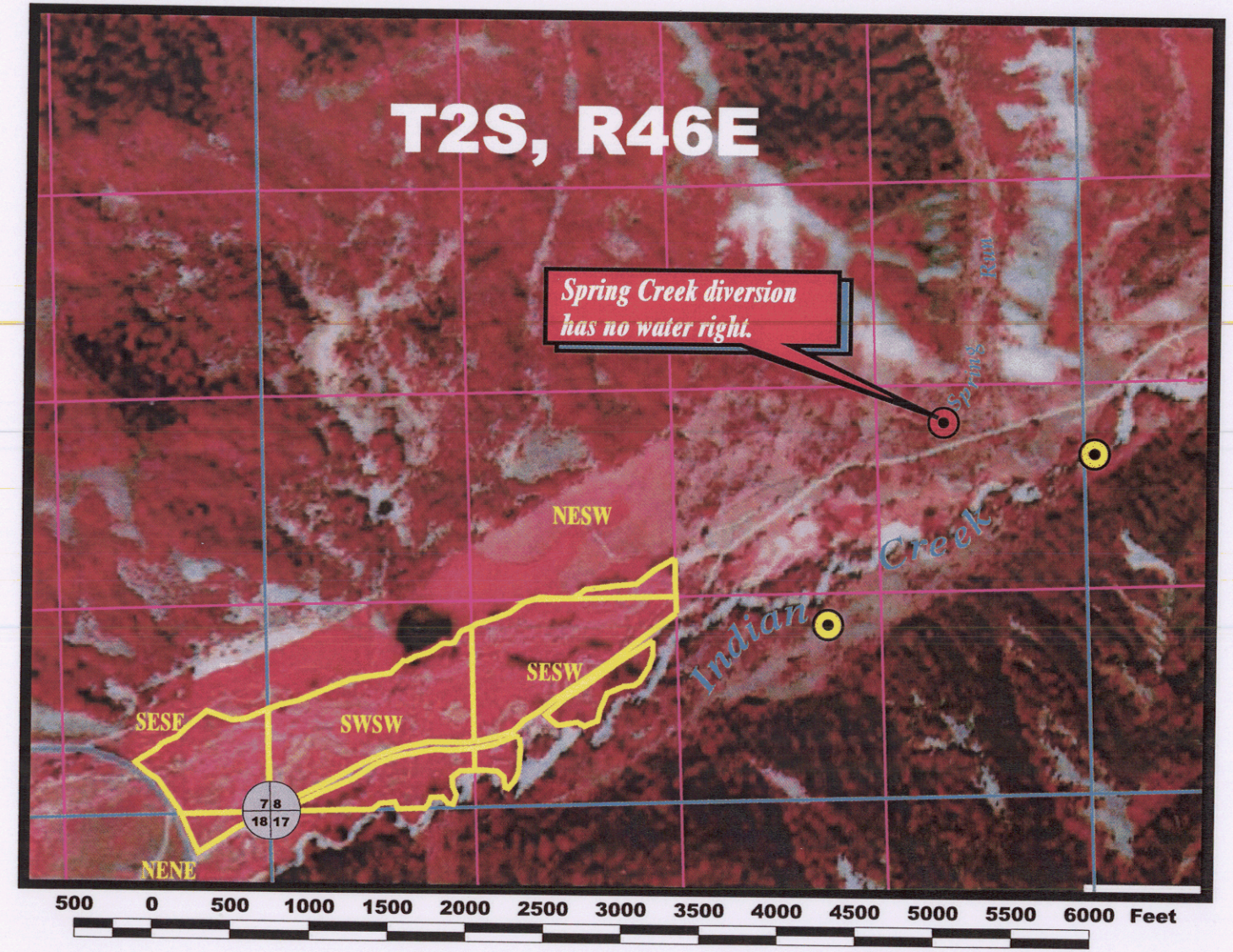
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s46e	7	SESE	14	17	
02s46e	8	NESW	15.5	20	
02s46e	8	NWSW	0.5	1.8	
02s46e	8	SWSW	30	26	
02s46e	8	SESW	24	15	
02s46e	8	NWSE	2	3.4	
02s46e	8	SWSE	1	0.1	
Totals:			87	83.3	

SPATIAL DYNAMICS

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-10123

Place of Use: (parts of)
T2S, R46E Sec. 7 SESE,
Sec. 8 S2SW, NESW,
Sec. 18 NENE

Point(s) of Diversion:
T2S, R46E
Sec. 8 NESWSE,
Sec. 9 NWNWSW

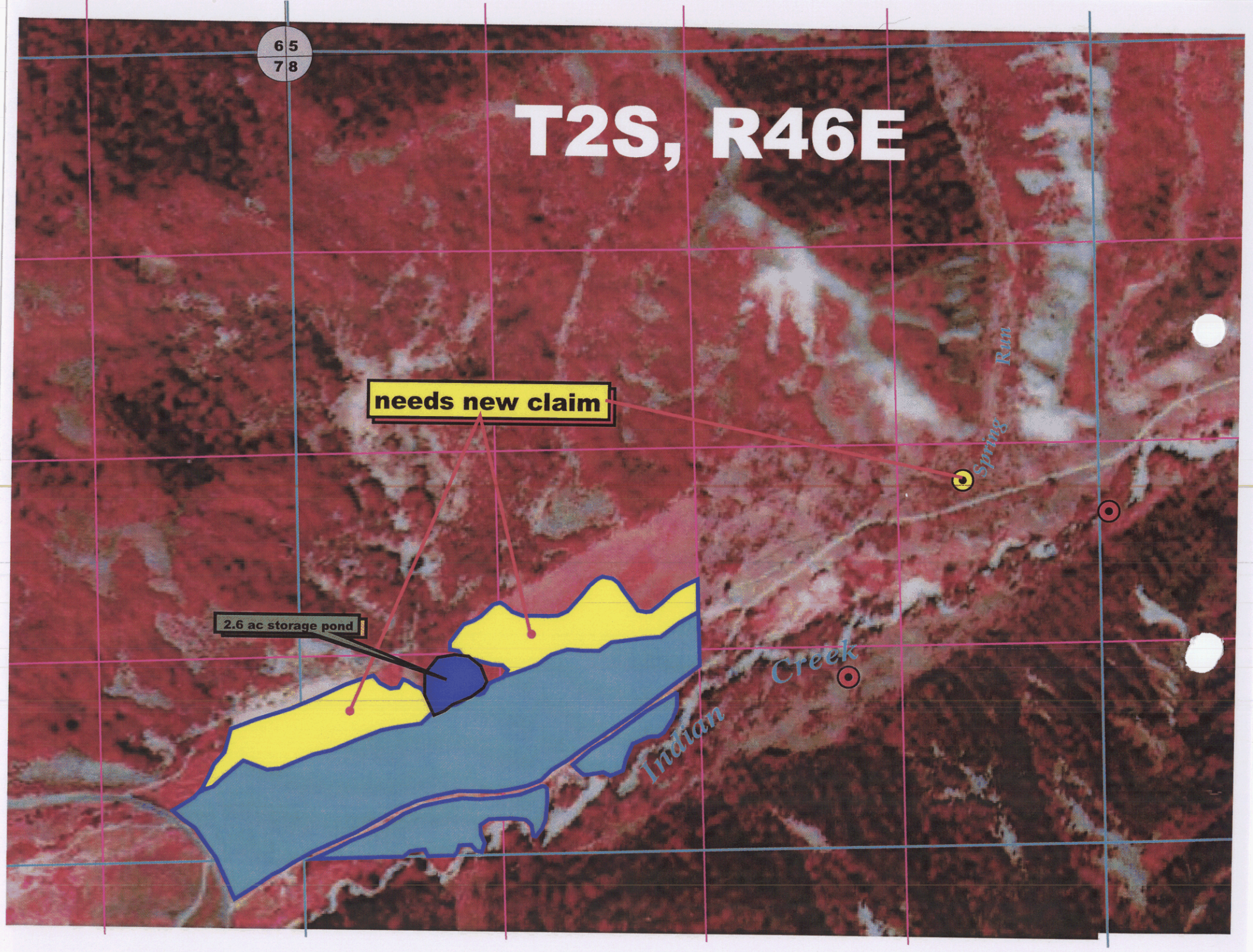
LEGEND

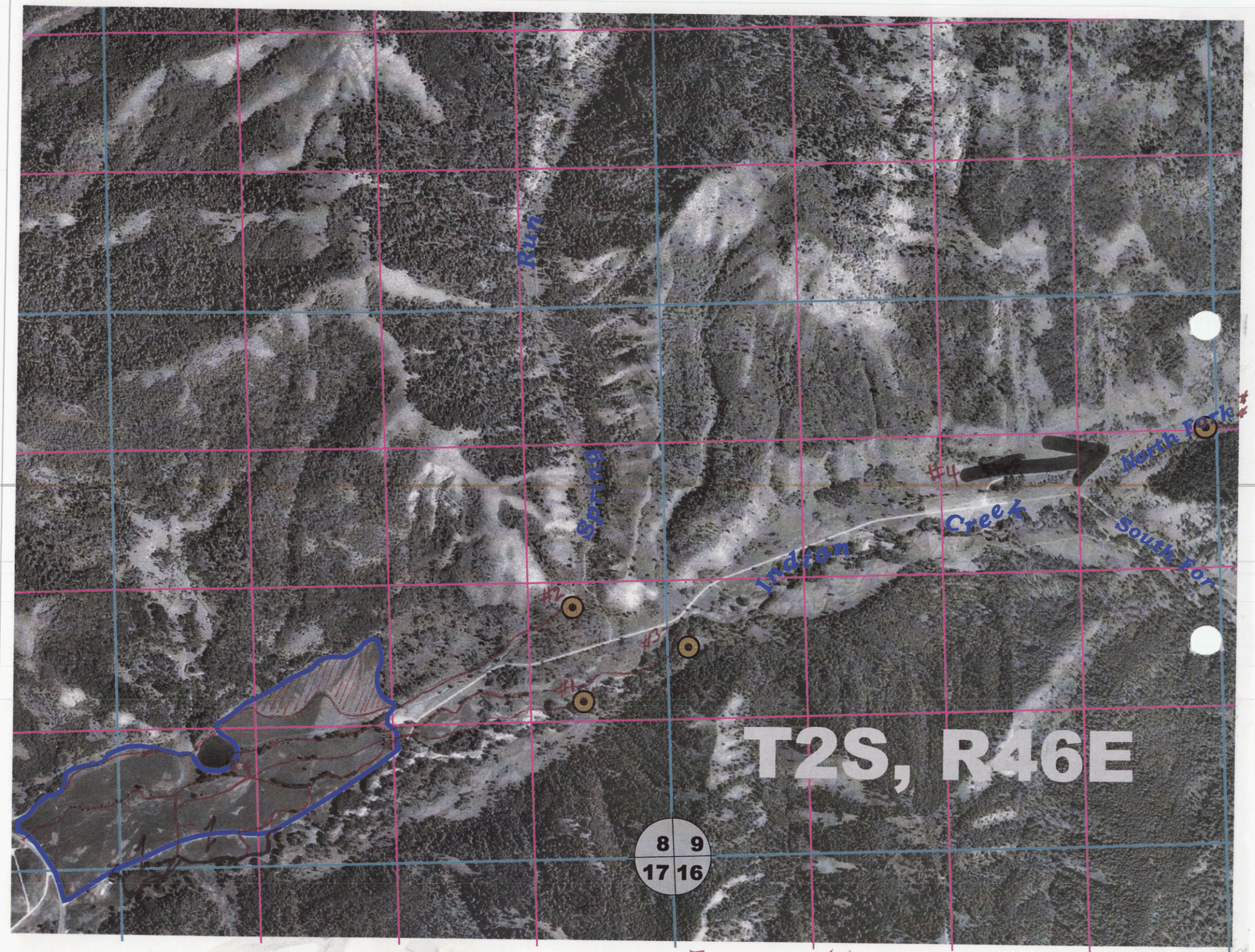
- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

N

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2004

Creek
Spring
Run
23-00109 decreed POU
23-00108 decreed POU
65
78
13
18
24
19
21
11
12
R46E
R45E
T1S
T2S
Palisades
Reservior


6 5
7 8
T2S, R46E
needs new claim
2.6 ac storage pond
Spring Run
Indian Creek



Field Exam: 10/8/03 ABR


NORMAL POOL ELEVATION 5620
R 45 E
R 46 E
T.2 S.
T.3 S.
T.4 S.
T.1 S.
Jack Branch
R. Hot
Canyon
Blowout
Canyon
Paul Peak
Pack Trail
Jeep Trail
Spring
Trail
Smith Canyon
Creek
Run
Spaulding Basin
South Fork
N. FK.
S. FK.
BONNEVILLE CO.
LINCOLN CO.
IDAHO
WYOMING
5553
5694
5560
18
17
16
15
6
5
4
3
31
32
33
10
9
8