

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: A22-02227  
Date Received: 6/16/1988  
Receipt No: E004119  
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CRAIG J. SMITH 208-356-9009  
Address: 19 NORTH 1427 EAST  
REXBURG, ID 83440

2. Date of Priority: MAR 29, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05N      | 40E   | 6       | SW     | SW     |        |     | MADISON |

5. Description of diverting works:  
WELL PUMP MAINLINE TO HANDLINES WITH SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.980  |      |        |

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

8. Total consumptive use is 230.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use           | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 05N      | 40E   | 21      | NW     | SE     |     | IRR           | 27.0  |
|          |       |         | SW     | SE     |     | IRR           | 15.0  |
|          |       |         |        |        |     | Section Acres | 42.0  |

A22-02227

Page 1

Date: 06/16/88

RECEIVED  
MICROFILMED  
OCT 2 1992  
Department of Water Resources  
Eastern District Office

## 10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05N      | 40E   | 28      | NW     | NE  |     | IRR | 3.0   |
|          |       |         | NE     | NW  |     | IRR | 30.0  |
|          |       |         | NW     | NW  |     | IRR | 40.0  |

Section Acres      73.0

|             |       |
|-------------|-------|
| Total Acres | 115.0 |
|-------------|-------|

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
SYSTEM SUPPLIES WATER FOR A22-02298

15. Basis of Claim: LICENSE  
Water Right Number: 31066

MICROFILMED

OCT 29 1992

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): Craig Smith Date: 8-23-88  
Date: \_\_\_\_\_

State of Idaho )  
County of Madison ) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of August 19 88

Anna Mae Johnson  
Notary Public

Seal

Residing at Lexington, Idaho

My Commission Expires 3-1-92

R40E

T5  
N

40

39

39

38



POINT OF DIVERSION

39

38

38

36

D75  
105 HANSEN

38

36

27

37

38

15

E33  
253

DON SMITH & SONS

40

30

T5  
N



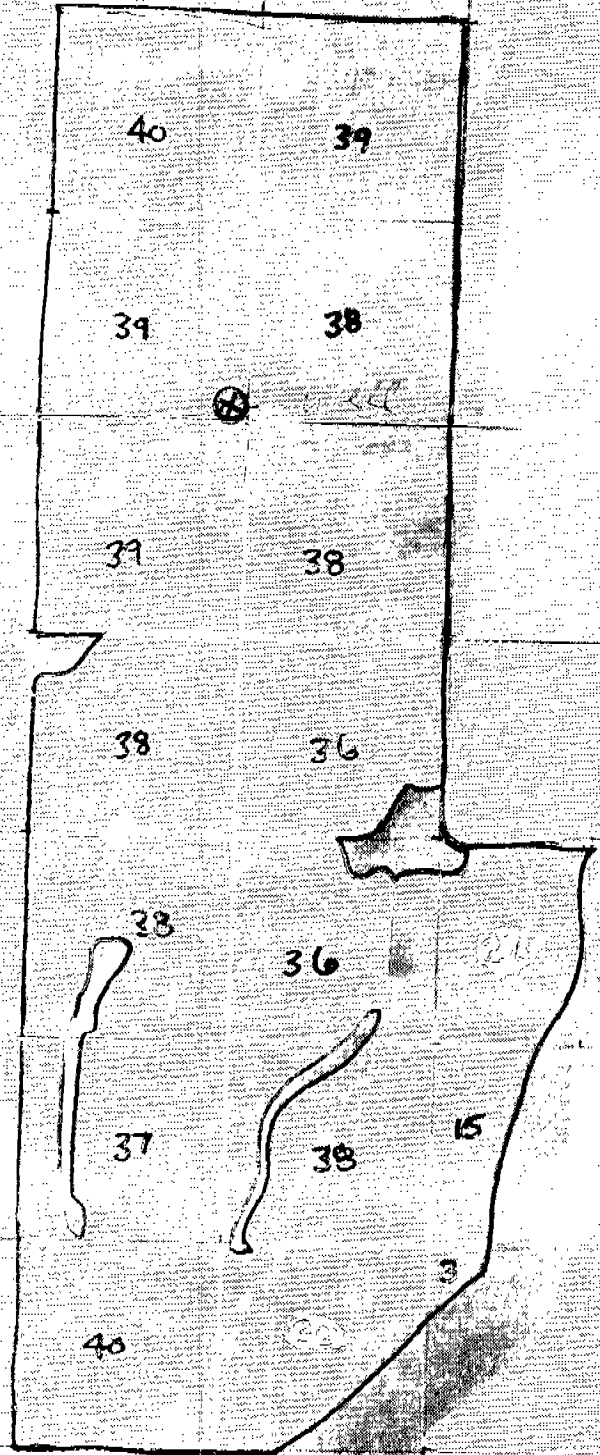
PLACE OF USE

R40E

A22-02227

R40E

T5N



T5N

R40E

MICHIGAN

OCT 24 1892

Log for claim 22-02227

Spatial Dynamics LTD

6/27/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                      |
|----------------|-----|------|------------------|----------------|------------------------------|
| 05n40e         | 21  | NWSE | 27               | 25             | Wrong POD tract in database? |
| 05n40e         | 21  | SWSE | 15               | 16             |                              |
| 05n40e         | 28  | NWNE | 3                | 1.7            |                              |
| 05n40e         | 28  | NENW | 30               | 28             |                              |
| 05n40e         | 28  | NWNW | 40               | 39             |                              |
| <b>Totals:</b> |     |      | 115              | 109.7          |                              |

State of Idaho

**License and Certificate of Water Right**

Water License No. G-31066 Priority March 29, 1963 Amount 0.98 c.f.s.

THIS IS TO CERTIFY that      ED S. COVINGTON

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 29, 1963; that Permit No. G-31066 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.98 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 29 day of September, 1965; and that on the 29 day of September, 1965

ED S. COVINGTON

of Roxburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation  
under Use Permit No. G-31066 of the Department of Reclamation, and  
that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in  
~~Volume~~ ~~of Licenses~~, at Page , on the 2 day of April , 1968

The right hereby confirmed dates from March 29, 1963

The Point of Diversion is located in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 16, Twp. 5 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.98 cubic feet per second.

Description and location of use:

| Twsp. | Range | Section | Forty-Acre Tract                 | No. Acres Described in Permit | No. Acres Actually Irrigated |
|-------|-------|---------|----------------------------------|-------------------------------|------------------------------|
| 5 N   | 40 E  | 21      | NW 1/4 SE 1/4                    | 40                            | 28                           |
|       |       |         | SW 1/4 SE 1/4                    | 40                            | 18                           |
|       |       | 28      | NE 1/4 NW 1/4                    | 40                            | 30                           |
|       |       |         | NW 1/4 NW 1/4                    | 40                            | 39                           |
|       |       |         | Total number of acres irrigated: |                               |                              |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho,  
this 2 day of April, 1968.

68  
R. Keith Higgins  
State Reclamation Engineer.

22-2227

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39155  
Permit No. G- 31066  
District No.

1. Name of Applicant: Ed S. Covington  
125 E. 2nd N.  
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed: 3.2 c.f.s.
  - (a) Rate of withdrawal in cubic feet per second or Idaho  
Miners' inches or gallons per minute
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 16  
Twp. 5 N , Rge. 40 E. , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump, electric motor and sprinklers
8. Estimated cost of works: \$ 82,000.00
9. (a) Is reservoir to be used? No  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
  - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) 3.2 (cubic feet per second, inches or gallons per minute) is for new lands.

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

s/ Ed S. Covington      Applicant.

By \_\_\_\_\_ Agent.

Date of first receipt at Department of Reclamation: 11:20 A.M. March 29, 1963

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G— 31066

Recorded in Book 109 Page 31066 Approved April 1, 1963

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 approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

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

One-fifth of the work above specified to be completed on or before **October 1, 1965**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before April 1, 1960

Witness my hand this 1st day of April, 1963 s/ CARL E. TAPPAN,  
Ass't. STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st  
day of April, 19 63.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS  
Secretary of State.

By s/ ROBERT F. SMYLLIE  
Governor

12.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Range | Sec.     | NE $\frac{1}{4}$                                                    | NW $\frac{1}{4}$                                                    | SW $\frac{1}{4}$                                                    | SE $\frac{1}{4}$                                                    | Totals   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|----------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |          | NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ | NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ |          |
| 5 N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 40 E  | 21<br>28 |                                                                     | 40 40                                                               |                                                                     | 40 40                                                               | 80<br>80 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |          |                                                                     |                                                                     |                                                                     | TOTAL                                                               | 160      |
| PERMIT NO. G-31066 ✓<br>CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
| TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
| This is to certify that ED S. COVINGTON of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-31066, issued upon Application No. G-39155 bearing date of priority of March 29, 1963, authorizing the diversion of 3.2 second feet of waters of a well County of Madison, State of Idaho, for irrigation 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 0.98 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 40 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
| W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, Township 5 North, Range 40 East, Boise Meridian.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
| Proof of completion of works made: September 29, 1965                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
| Witness my hand this 2 day of April, A. D. 1968                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |          |                                                                     |                                                                     |                                                                     | /s/ R. KEITH HIGGINSON<br>State Reclamation Engineer                |          |
| LICENSE ISSUED FOR <u>0.98 SEC. FT.</u><br>LICENSE PAGE NO. <u>31066</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |          |                                                                     |                                                                     |                                                                     |                                                                     |          |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF EXAMINER

Permit No. G-31066

This proof is for Completion of Works and Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Ed S. Covington

2. Source of water supply: well

3. Location of point of diversion: Is in the SW 1/4 of Section 16

T. 5 N R. 40 E., B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 SE 1/4, NW 1/4 SE 1/4, Sec. 21; NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 28, T 5 N., R 40 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

850  
448.0  
425

This examination was made on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Signed) \_\_\_\_\_

Examiner.

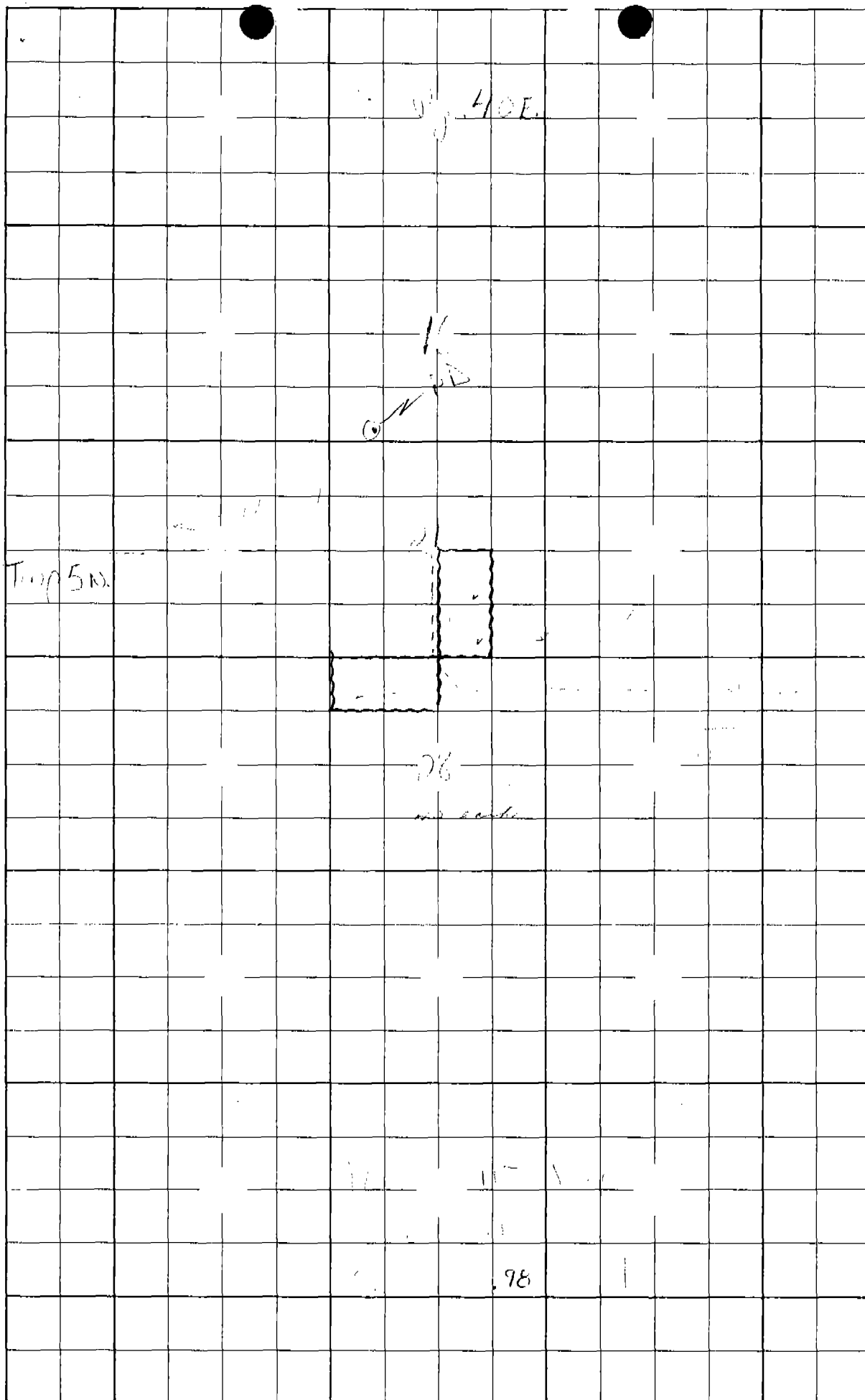
31066

Plat ✓  
Adv OK  
C. J. A.

Trinity March 24, 1903

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

31066



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

31066

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

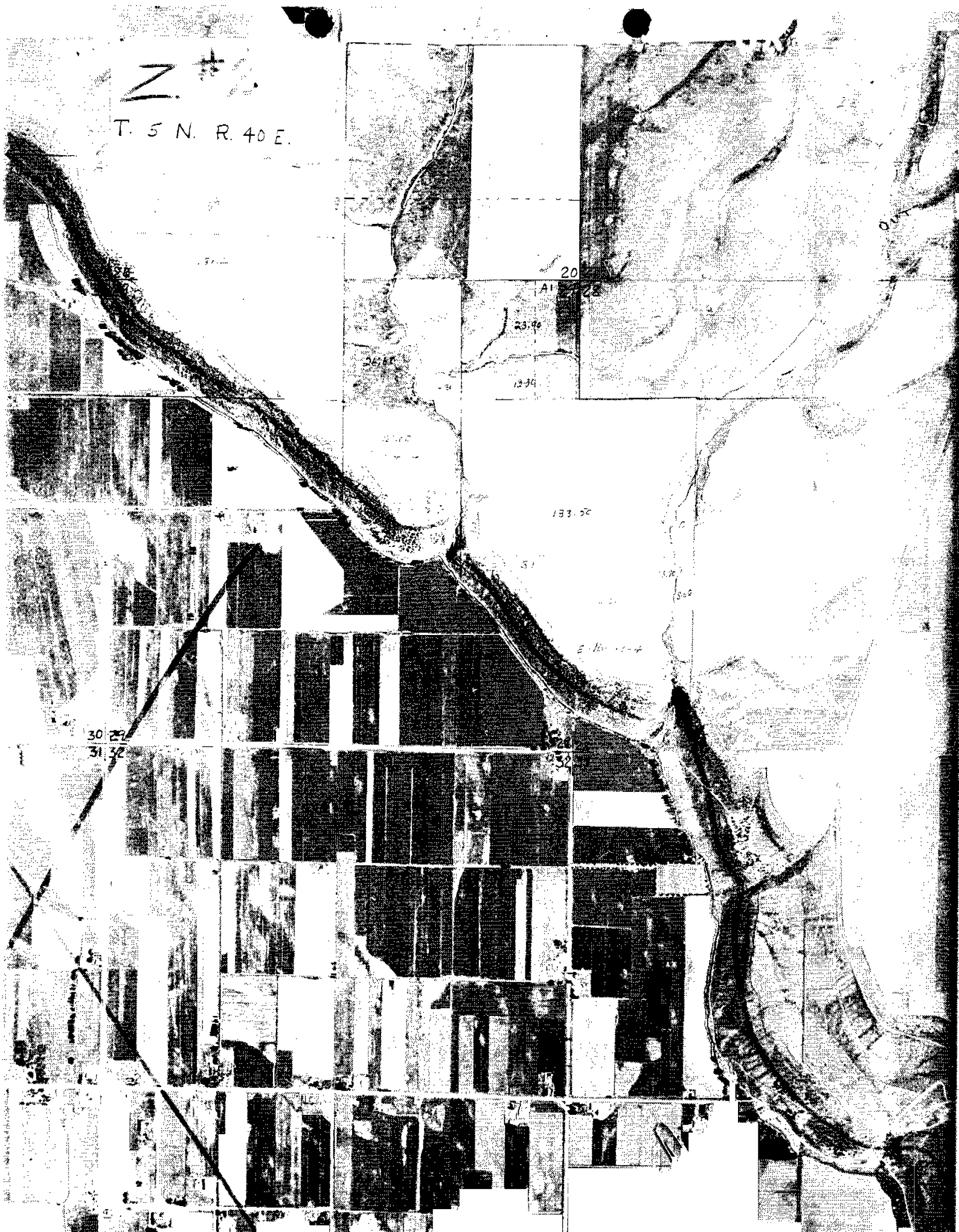
PERMIT NO. G-31066

REPORT ON PROOF OF Completion of Works and  
Beneficial Use

31066

Z#

T. 5 N. R. 40 E.



06/16/88  
14:21:21

SMITH, CRAIG J.

ADJUDICATION FEE

0410162 9337 6490

*Incorrect  
FEE*  
\$556.00

*Correct fee  
= \$671<sup>00</sup>*

WR/NO: A22-02227 A22-02298

Idaho Department of Water Resources

Region:

Signature:

*Craig J. Smith*

This copy of a receipt was given by me to Mr. Smith. An error was made in the calculation of the Adjudication fee. The fee should have been \$671<sup>00</sup>. NOTE: This filing was received by the deadline date; therefore, NO LATE FEE.

*Keith C. Wells*  
9-14-1988

RECEIVED  
AUG 20 1988  
Department of Water Resources  
Eastern District Office

OCT 29 1992