

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: A22-02250
Date Received: 8/08/1988
Receipt No: E001124
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE SMITH 208-356-3510
Address: 2882 WEST 5200 SOUTH
REXBURG, ID 83440
AND/OR
Name: GARRY SMITH 208-356-5240
Address: 1829 SOUTH MEADOW VIEW AVE.
REXBURG, ID 83440

2. Date of Priority: MAY 24, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	29	NE	NE			MADISON

5. Description of diverting works:
WELL & PUMP SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.300		

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

8. Total consumptive use is 537.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	28	SW	NW		IRR	35.0
			NW	SW		IRR	35.0
			SW	SW		IRR	30.0
			Section Acres				100.0
		29	NE	NE		IRR	40.0
	SE		NE		IRR	35.0	
	NE		SE		IRR	40.0	
			Section Acres				115.0
			Total Acres				215.0

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:

15. Basis of Claim: LICENSE
Water Right Number: 32373

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:

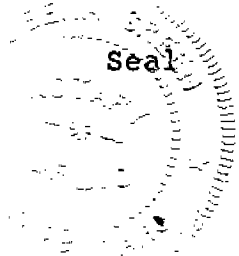
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Blaine Smith Date: 8-8-88

Date: _____

State of Idaho)
County of Bonnerille) ss.

Subscribed and sworn (or affirmed) before me this 8th day
of August 19 88 Deena Green
Notary Public



Residing at Ruby
My Commission Expires 4-22-1994

Log for claim 22-02250

Spatial Dynamics LTD

6/28/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	28	SWNW	35	37	
05n40e	28	NWSW	35	40	
05n40e	28	SWSW	30	13	
05n40e	29	NENE	40	39	
05n40e	29	SENE	35	38	
05n40e	29	NESE	40	21	
Totals:			215	188	

State of Idaho

License and Certificate of Water Right

Water License No. G-32373 Priority May 24, 1965 Amount 4.3 c.f.s.THIS IS TO CERTIFY that DON SMITH

of Thornton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 24, 19 65; that Permit No. G-32373 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.3 second feet, was issued thereunder on April 22, 19 68, showing that said works were completed on the 21 day of December, 19 66; and that on the 21 day of December, 19 66 DON SMITH

of Thornton, 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-32373 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~~ on the 22 day of April, 1968

The right hereby confirmed dates from May 24, 19 65.

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 29, 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 4.3 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5N	40 E	28	SW $\frac{1}{4}$	35	35
			NW $\frac{1}{4}$	35	35
			SW $\frac{1}{4}$	30	30
		29	NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$	35	35
			NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$	40	40
			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 22 day of April, 19 68.

R. Kirk Higgins
State Reclamation Engineer.

32373

2250

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40522
Permit No. G- 32373
District No.

1. Name of Applicant: Don Smith
Postoffice address: Rt. #1, Thornton County: Madison State: Idaho
2. Quantity of water claimed: 4.3 cubic feet per second
 - (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 Well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28
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: Drilled well, pump, motor, mainline, lateral lines
8. Estimated cost of works: \$ 35,000.00
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 five 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 onhand: \$
 - (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) 4.3 (cubic feet per second, inches or gallons per minute) is for new lands.

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

s/ Don Smith Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 24, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-32373

Recorded in Book 113 Page 32373 Approved May 24, 1965

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 November 24, 1967

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 May 24, 1970

Witness my hand this 24th day of May, 1965 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, 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 24th
day of May, 1965.

Countersigned:

STATE OF IDAHO

- (SEAL) -

By ARNOLD WILLIAMS.....
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

s/ By: Paula L. Fleenor
Deputy Secretary of State

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	28 29	40	35	35	35 30	100 115
						40	115
						TOTAL	215
						Application For Amendment POINT OF DIVERSION Permit No. G-32373	
						Come now DON SMITH, and represents to the State Reclamation Engineer of the State of Idaho: That he and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-32373. That the point is described in said permit as being located: SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T 5 N., R 40 E., B.M., Madison County, Idaho. That he now requests that the point of diversion be changed to a point located: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T 5 N., R 40 E., B.M., Madison County, Idaho. That the reason for desiring to make such change is as follows: Drilling was done at original point of diversion which was very difficult due to formations, and which resulted in a crooked hole, which necessitated drilling again at the new location. That no one will be injured by such change, and change will be made at Permit holder's own risk.	
						/s/ DON SMITH Permit Holder	
						Date of Receipt at Department of Reclamation: March 14, 1966.	
						APPROVAL OF STATE RECLAMATION ENGINEER	
						I, CARL E. TAPPAN, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for Amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-32373. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, which it becomes a part, and said application is approved only insofar as the rights of others will not be affected thereby.	
						/s/ CARL E. TAPPAN State Reclamation Engineer	

Recorded in Book 113 of permits at page G-32373, March 15, 1966.

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

Permit No. G-32373

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant Don Smith

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29
T. 5 N R. 40 E County of Madison

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

200 ft. v.s. HOUSEHOLD # 13886708
JOHNSTON VERTICAL PUMP NO #
10" DISCHARGE THROUGH GATE VALVE
4" 10" UNDERGROUND, 4" STUB FOR
PORTABLE LIFT

5. Water is used for: irrigation

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

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 $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28; E $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, 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: _____

$$Q = \frac{(16 \text{ LBS} \times 4.2) (25 \text{ WWT}) (5.87 \text{ GPM})}{118 \text{ GPM}} = 4.31 \text{ cfs}$$

This examination was made on the 17 day of Aug, 1967

(Signed) D.R. Examiner.

32373

Plat ✓
DW

INSTRUCTIONS TO EXAMINERS

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.

Don Smith pump, pipeline P. 100 W. 111
Route #1 20' 620' Permit # G-28912
Thornton, Madison H-222
Permit No. G-32373 Q-2000gpm

Examination for Comp. of Works & Beneficial Use

County Madison 29
Sec. 28 T. 5N R. 40E
Quantity: 4.3 c.f.s.

Source: subterranean

P.D.: NE 1/4 NE 28 Sec. 29, T. 5 N, R. 40 E, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: May 24, 1965

Due: May 24, 1970

Made: December 21, 1966

Priority: May 24, 1965

200 HP US HOLLAND
13886702

Johnson Jet Pump

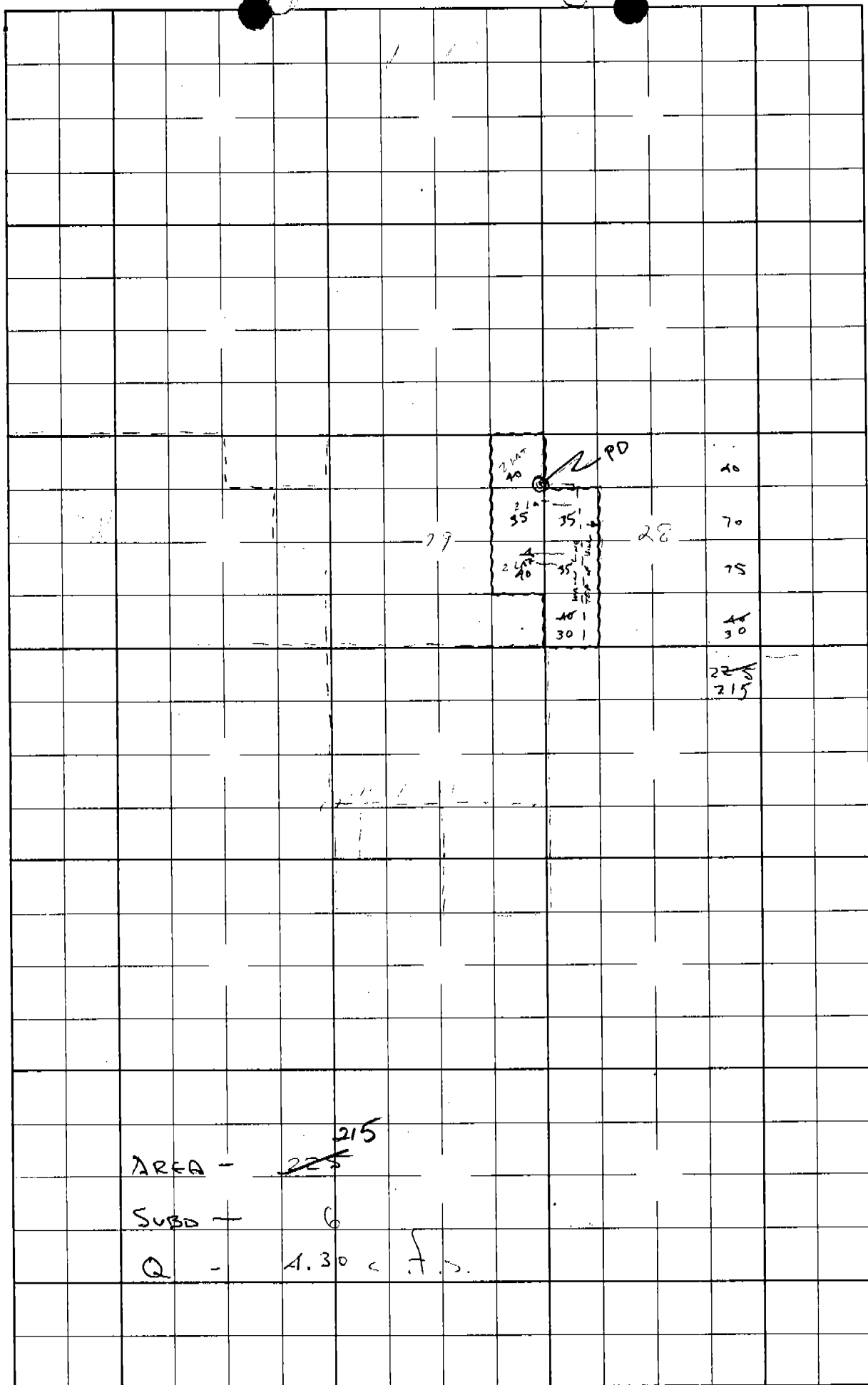
no #



5/22 RAIN B. 20 30 W.S.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

32373



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

32373

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32373

REPORT ON PROOF OF Completion of Works & Beneficial Use