

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: **A22-07507**
 Date Received: 2/2/1998
 Receipt No: E001765
 Received By: MT

**NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW**

1. Name: RICHARD F SMITH 208-356-4912
 Address: PO BOX 8
 REXBURG ID 83440

2. Date of Priority: JUN 28, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	28	SE	SE			MADISON
		33	NE	SW			MADISON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	32	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
						Section Acres 160.0
						Total Acres 160.0

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:

14. Remarks:

15. Basis of Claim: PERMIT

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:

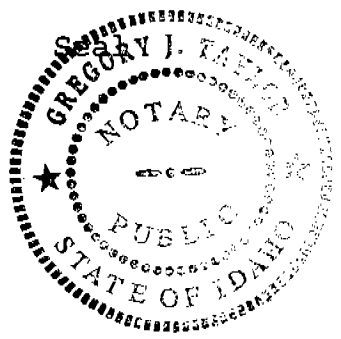
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Reed Smith Date: 2/2/98

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of Feb. 19 98 Gregory J. Taylor
Notary Public



Residing at Idaho Falls Id
My Commission Expires 3/3/98

Log for claim 22-07507

Spatial Dynamics BTD

7/12/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	32	NENE	40	38	POD placement?
06n40e	32	SENE	40	40	
06n40e	32	NESE	40	40	
06n40e	32	SESE	40	33	
Totals:			160	151	

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07507

Proposed Priority: June 28, 1985 Maximum Diversion Rate: 3.20 CFS

This is to certify, that **RICHARD F. SMITH**
P.O. BOX 8
REXBURG, ID 83440

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	3.20 CFS

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
NESW	Sec. 33, Township 06N, Range 40E
SESE	Sec. 28, Township 06N, Range 40E MADISON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 40E 32	NENE 40	SENE 40	NESE 40	160
	SESE 40			

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed cubic feet per second for each acre of land.

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DEC 18 1989

Permit To Appropriate Water

NO. 22-07507

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

14th day of December, 1989.

for
R. Keith Higginson
R. Keith Higginson, Director

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DEC 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard F. Smith Phone 208-356-4912

Post office address P.O. Box 8, Rexburg, ID 83440

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 6N

Range 40E B.M. Madison County, additional points of diversion if any: _____

SESE Sect. 28 T. 6N R. 40E * * As per tele-con with

Mr. Smith 7-02-85 HWJ

4. Water will be used for the following purposes:

Amount 3.20 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline and center pivot with handlines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 440 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

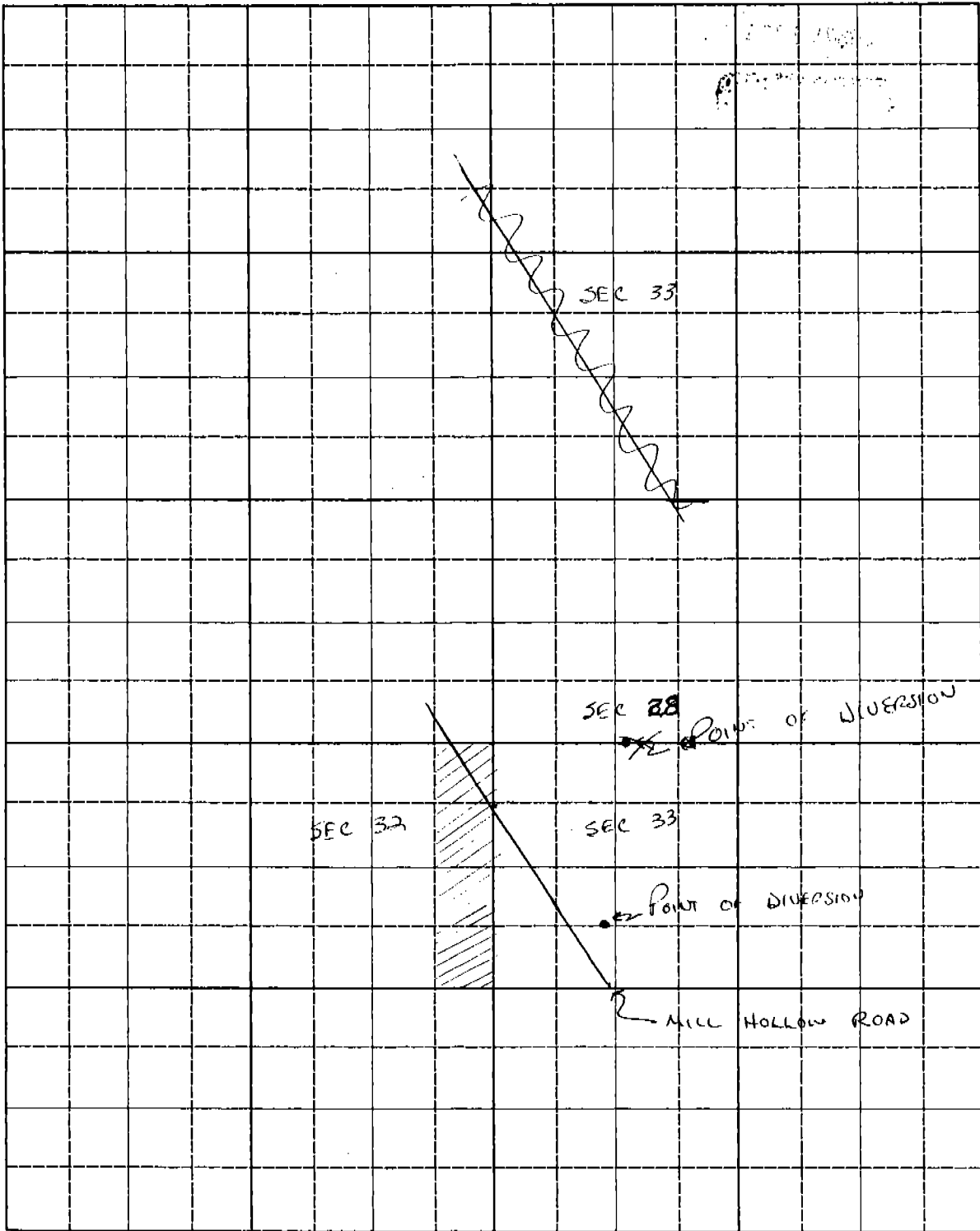
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: DEE

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

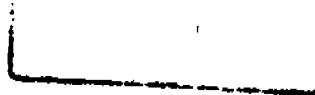


Scale: 2 Inches equal 1 mile.

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.

NOTIFIED *Dee L. Q.*
(Applicant)

DEC 18 1989



Received by CW Date 6-28-85 Time 2:10
Preliminary check by HWS Fee, \$ 105.00
Received by CW Date 6-28-85 # 35402
Publication prepared by jj Date 8-2-85
Published in Lexburg Standard Journal
Publication dates 10-19; 26-89
Publication approved CW Date 11-06-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:

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DEC 18 1989

MEMO

To: A22-11148 & A22-11150
From: Greg Taylor

This Request for Withdrawal was initiated because the change in the enlargement statutes. Mr. Smith originally filed A22-11148 and A22-11150 based on the 2nd presumption. After the 1994 legislation and subsequent Supreme Court Decision he decided he was better off withdrawing these claims and filing on Permit #22-07507.

A22-07507 has been filed @ Eastern and I gave it the receipt #E001765 that was previously for the numbers above.

A renumbering of the J claims may have been easier and more correct to do originally, but I figured the Request for Withdrawal would leave a way to track the claims.