

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 29-4316
Date Received: 9/11/2002
Receipt No: E028169
Received By: JC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 19 2002
Department of Water Resources
Eastern Region

1. Name of Claimant(s)

CHESTER S SMITH FARMS INC Phone: (208) 232-6653
GLENN A SMITH SECY
1071 CHERRY LANE
POCATELLO ID USA 83201

2. Date of Priority: 08/01/1948

3. Source: SPRING Trib. to: MERCER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	35E	30	NE SW	POWER	

5. Description of diverting works:

STOCKWATER AND DOMESTIC USE PIPED FROM SPRING TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 100
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	34E	25	SE SE	DOMESTIC	
			SE SE	STOCKWATER	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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: _____ STATUTORY CLAIM (42-243) DOCS W/ MAP. _____

For Organizations:

I do solemnly swear or affirm that I am Glenn A. Smith of
Chester S. Smith Farms Inc. Title
that I have signed the foregoing
document in the space below as Sec - Treas. of
Chester S. Smith Farms Inc. Title
and that the statements contained in the
foregoing document are true and correct. Glenn A. Smith
Signature of Authorized Agent
Sec - Treas
Title and Organization
9-18-02
Date

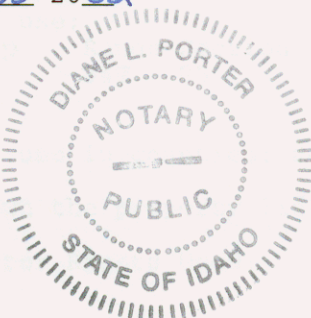
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th
of September 2002 Diane L. Porter

Notary Public

Residing at Pocatello, ID

My commission Expires 9-5-2006



CRP-1
(01-30-97)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

1. ST. & CO. CODE & C/D

16 077 1

2. SIGN-UP NUMBER

15

CONSERVATION RESERVE PROGRAM CONTRACT

3. CONTRACT NUMBER

8787

4. ACRES FOR ENROLLMENT

599.6

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

Power County FSA
P O Box 180
American Falls ID 83211-0180
(208)226-5139

5. FARM NUMBER

1841

6. TRACT NUMBER(S)

2854

8. OFFER (Select one)

STANDARD

☒

FROM (M/D/Y)

TO (M/D/Y)

ENVIRONMENTAL PRIORITY

10/1/97

9/30/2007

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant." The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre

\$ 39.85

12. Identification of CRP Land

B. Annual Contract Payment

\$ 23894.

A. Tract No. B. Field No.

C. Practice

D. Acres

E. Total C/S

C. First Year Payment

\$ 2/9

See CRP-1 Continuation

(Item 11C applicable only to continuous signup when the first year payment is prorated.)

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS

Chester S. Smith Farms
%Glenn A Smith
1071 Cherry LN Pocatello ID 83211

SOCIAL SECURITY NUMBER

82 0345532

SIGNATURE

DATE

100 %

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

%

C. NAME AND ADDRESS

SOCIAL SECURITY NUMBER

SIGNATURE

DATE

%

14. CCC USE ONLY - Payments according to the shares are approved.

SIGNATURE OF CCC REPRESENTATIVE

DATE

Alan Brown

9-19-97

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630.

RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

ORIGINAL-COUNTY OFFICE COPY

CRP-1 Continuation
(04-30-91)

USDA-ASCS 1. CONTRACT

2. SIGNUP NO. Mar. 3-28,
15 1997CONTINUATION TO THE CONSERVATION RESERVE PROGRAM
(CRP) CONTRACT3. FARM NO.
18414. PAGE
2 OF 2

5. IDENTIFICATION OF CRP LAND

TRACT NO. A	FIELD NO. B	PRACTICE NO. C	ACRES D	RATE OF COST-SHARES E	CONTRACT PERIOD		EASEMENT PERIOD	
					FROM F	TO G	FROM H	TO I
2854	1	CP10	11.8	n/a	10 01 97	9 30 2007		
	2	CP10	88.5					
	3	CP10	44.2	↓				
	4	CP4D	9.5	238				
	5	CP10	76.9	n/a				
	6	CP10	51.5					
	7	CP10	17.3					
	8	CP10	7.0					
	9	CP10	16.7	↓				
	10	CP4D	8.2	205				
	11	CP10	261.4	n/a				
	12	CP10	6.6	↓	↓	↓		
				443. ⁰⁰				

Sign:

Chester S. Smith Farms Inc
Glen A. Smith
Sec Treas.

Date:

3-24-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Chester S. Smith Farms, Inc. c/o Earl G. Smith, Sec.
(Name of Claimant)

P.O. Box F, Grace, Idaho 83241
(Mailing Address)

Telephone No. 425-3272

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) August 1, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Spring tributary to Mercer Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.03 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity	<u>.07 cfs</u>	TOTAL QUANTITY USED.		

- (4) (cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 30 Twp. 9S Rge. 35E B.M., County of Power

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. Headbox to 1" pipeline to home, lawn and gardens.

- (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.

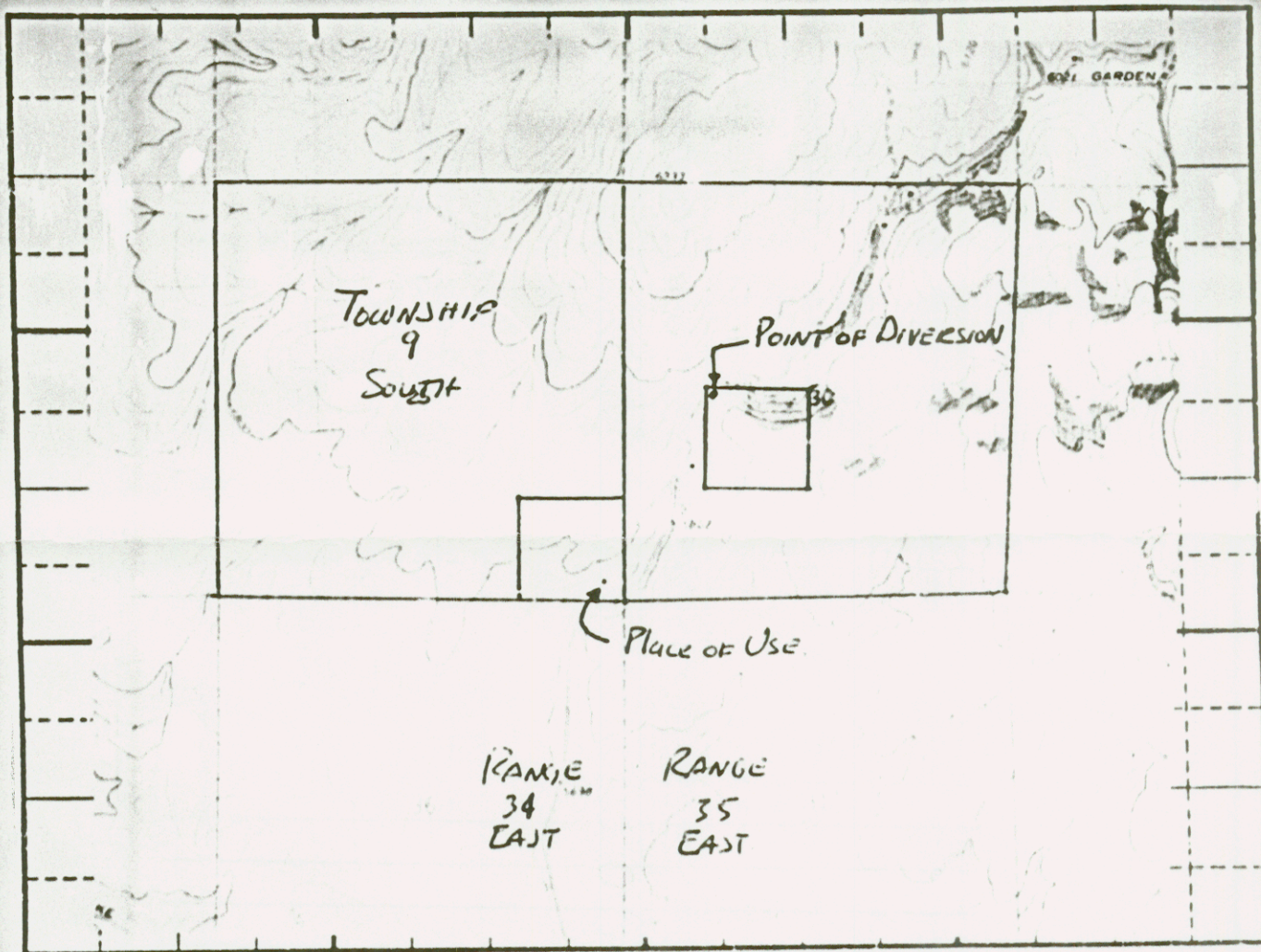
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	34E	25																X	

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible
Domestic use at one home

NOTE: Include here the type and number of stock watered: 100 head of cattle

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



Scale: 2 inches equal 1 mile.

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 Blaine

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

day of

19

Notary Public

Residing at

My commission expires

FOR DEPARTMENT USE ONLY

Received by S.M.

Prelim. check by

\$30.00 fee received by

Date

Date

Date

Exception filed by:

Forwarded to

claimant by:

Date

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

State of Idaho
County of Power

Department of Water Resources
Water Rights Office

being first duly sworn,

deposes and says:

CLAIM TO A WATER RIGHT
Claim No. 29-4516

Chester S. Smith Farms, Inc.

Tel. No.

C/O Earl G. Smith, Sec., P.O. Box F, Grace, Idaho, 83241. 425-3272

(1) Date of Priority: When was the water first applied to a
beneficial use? August 1, 1948

(2) Describe the source of water: Spring
Tributary to Mercer Creek

(3) Quantity: .04 cfs Use: Domestic
.03 cfs use: Stockwater

(4) .07 cfs total quantity used

(5) (A) Point of diversion (Location of Point where water is diverted
NE 1/4 SW 1/4 from its source) Sec 30 Twp 9S-Rge 35E, B.M..
County of Power

5(B) Describe means of diversion of water:
Headbox to 1" pipeline to home, lawn and gardens

6(A) Describe location of use
Township 9S., Range 34E, & Section 25 & 3E 1/4

(B) If water is used for other than irrigation:
Domestic use at one home

Note: Type & number of stock watered: 100 head of cattle

Robert B. Cook
(Signature)

Subscribed and sworn to before me this 20 day of July, 1983

Edward S. Seward
(Notary Public)

Residing at McCammon
My Commission Expires 1984