

Memorandum

Date: June 13, 2003

From: Craig L. Saxton

To: File

Subject: Recommendation and split of 29-04065

Carma Smith claimed 73 acres with a 4/1/1926 priority date. Upon further review, the claimant found out that part of her property is located on an old Indian allotment.

IDWR requested a deed trail showing evidence of when the property change hands from and Indian owner to a Non-Indian owner. The claimant then provided evidence that the property was irrigated within 5 years of when the property changed hands from an Indian owner to a non-Indian owner.

IDWR personnel and IDWR legal staff reviewed this evidence. It was determined that the claimant had right to an priority date of 6/14/1867 as established by the Fort Hall Indian agreement.

Since only a portion of the claimed POU falls on and old Indian allotment, the claim was split to represent two different priority dates on the entire property.

The split portions of original claim 29-04065 (29-13626 and 29-13627) was recommended as a PPU with claim 29-04156.