

SUBCASE NO. 34-04005

	AMENDED CLAIM 4/24/1992	RECOM- MENDATION 1992	OBJECTION 2/24/1993 filed by Wiley Smith	STIPULATION TO RESOLVE OBJECTION SPLIT RIGHT INTO A & B 2/1994
NAME	Wiley & Carolyn Smith	Wiley & Carolyn Smith		see Page 2
BASIS OF CLAIM	Statutory Claim	Beneficial Use		
SOURCE	Arentson Gulch	Arentson Gulch		
QUANTITY	8.0 cfs	6.19 cfs total		
PRIORITY DATE	11/28/1921	3/31/1934	XX - requests priority date of 11/15/1924	
SEASON OF USE	Irrigation Stockwater	Irrigation - 6.00 cfs Stockwater - .19 cfs		
PERIOD OF USE	Irr.: 4/1 - 11/1 S.W.: 6/1 - 11/1	Irr.: 5/1 - 10/15 S.W. - 5/1 - 11/1		
POINT OF DIVERSION	T11N R21E S36	T11N R21E S36		
PLACE OF USE	T10N R21E S02 T10N R21E S11 248 0 acres	Irrigation: T10N R21E S02 T10N R21E S11 248 0 acres Stockwater: T10N R21E S02 T10N R21E S11		

Remarks	"This claim is based on cancelled permit 34-02259. It appears that the permit holder John Jarvis sold the property to Mr. Smith before the permit was licensed, and did not assign the permit to Mr. Smith. The permit 34-02259 was cancelled on 4 June 1974 for failure to submit beneficial use. The claim was 34-04005 was filed on 10 April 1970."	"The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the Director. 1 04 cfs of this right is limited to use for conveyance losses in delivery of this right."		
Explanatory Material				

	34-04005A 1/25/1994	34-04005B 1/25/1994		
NAME	Wiley & Carolyn Smith	Wiley & Carolyn Smith		
BASIS OF CLAIM	Beneficial Use	Beneficial Use		
SOURCE	Unnamed Stream	Unnamed Stream		
QUANTITY	3.2 cfs	2.99 cfs total		
PRIORITY DATE	11/15/1924	3/31/1934		
PURPOSE OF USE	Irrigation	Irrigation Stockwater		
SEASON OF USE	5/1 - 10/15	Irr : 5/1 - 10/15 S W.: 5/1 - 11/1		

POINT OF DIVERSION	T11N R21E S36	T11N R21E S36		
PLACE OF USE	T10N R21E S02 T10N R21E S11 248.0 acres	T10N R21E S02 T10N R21E S11 248.0 acres Stockwater place of use is the same as irrigation.		

Remarks	"Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season Use of this right with right no. 34-04005B is limited to a total combined diversion rate of 6.19 cfs, a total combined annual consumptive use volume of 620 af, and to the irrigation of a combined total of 248 acres in a single irrigation season. Right no. 34-04005B is also diverted through the point of diversion described above 1.04 cfs of right no. 34-04005B is limited to use for conveyance losses in delivery of this right and right no. 34-04005B Source is also known as Arentson Creek."	"The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the Director. Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A. 1.04 cfs of this right is limited to use for conveyance losses in delivery of this right and right no. 34-04005A. This right is limited to the irrigation of 88 acres within the place of use described above in a single irrigation season Use of this right with right no. 34-04005A is limited to a total combined diversion rate of 6.19 cfs, a total combined annual consumptive use volume of 620 af, and to the irrigation of a combined total of 248 acres in a single		
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Other		irrigation season. Right no. 34-04005A is also diverted through the point of diversion described above. Source is also known as Arentson Creek."		
Explanatory Material				

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

AMENDED DIRECTOR'S REPORT

Subcase No. 34-04005A

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

August 18, 1998

AMENDED DIRECTOR'S REPORT

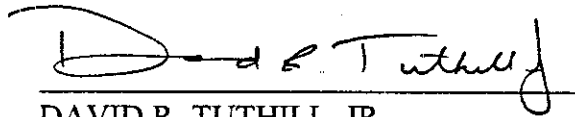
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources

DISCUSSION

Pursuant to the Special Master's request at the hearing on the Motion(s) to Amend Claim(s) held on July 21, 1998, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 18th day of August, 1998.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on 8-19, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1 Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2 Copies to:

Clive Strong
Office of the Attorney General
P O Box 44449
Boise, ID 83711-4449
Attorney for the State of Idaho

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

3 Wiley Smith
Carolyn Smith
Star Route
Mackay, ID 83251

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

4 Custer County Courthouse
801 Main St.
Challis, ID 83226

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
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Sandy Egbert
Signature of person mailing form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-18-1998
PAGE: A-1

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

RIGHT NUMBER: 34-04005A

NAME AND ADDRESS: CAROLYN SMITH
WILEY F SMITH
STAR ROUTE
MACKAY ID 83251

SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

QUANTITY: 3.2 CFS
6119 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR STOCKWATER BOO RANGE CATTLE

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
CONSTITUTE UNREASONABLE WASTE.

PRIORITY DATE: 11/15/1924
03/31/1934

POINT OF DIVERSION: T11N R21E S36 NESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>04-01</u> <u>11-15</u>	<u>3.2</u> <u>CFS</u>
		<u>03/01</u> <u>10/13</u>	<u>6100</u> <u>CFS</u>
		<u>03/01</u> <u>11/01</u>	<u>6119</u> <u>CFS</u>
STOCKWATER			

PLACE OF USE:	IRRIGATION	Within CUSTER County
T10N R21E S02	NENE 13	NWNE 13
	NESE 22	NWSE 16
S11	NENE 26	NWNE 37
	NENW 34.5	NWNW 5
		SWNE 11
		SENE 14
		SWSE 16
		SESE 16
		SWNE 10
		SENE 6
		SENW 8.5

248 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-04005B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-18-1998

PAGE: A-2

34-04005A (CONT.)

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

STOEKWAER	WITHIN CUSTER ZONELY			
710N R21E S02	NENE	NWNE	SWNE	NWSE
	SWSE			
S11	NWNE			

CONSUMPTIVE USE: 62010 AFY

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

1104 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT NO. 34-04005B IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.

SOURCE IS ALSO KNOWN AS ARENTSON CREEK.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-27-1992
PAGE: A-1708

RIGHT
NUMBER

NAME & ADDRESS

PRIORITY
DATE

PURPOSE OF USE
FROM TO

MAXIMUM
QUANTITY

BASIS OF CLAIM

SOURCE: UNNAMED STREAM

TRIBUTARY: ARENTSON GULCH

34-04005

CAROLYN SMITH
STAR ROUTE
MACKAY ID 83251

03/31/1934 IRRIGATION

05-01 10-15

6.00

CFS

BENEFICIAL USE

STOCKWATER

05-01 11-01

.19

CFS

WILEY F. SMITH
STAR ROUTE
MACKAY ID 82351

NON-IRRIGATION-USES:

STOCKWATER 800 RANGE CATTLE

TOTAL QUANTITY:
CONSUMPTIVE USE:

6.19
620.0

CFS
AFY

POINT OF DIVERSION:

T11N R21E S36

NESE

PLACE OF USE: IRRIGATION

T10N R21E S02

NENE 13.0
NESE 22.0
NENE 26.0
NENW 34.5

NHNE 13.0
NWSE 16.0
NHNE 37.0
NNW 5.0

SWNE 11.0
SWSE 16.0
SWNE 10.0
SENW 8.5

SENE 14.0
SESE 16.0
SENE 6.0

S11

248.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T10N R21E S02

NENE
SWSE
NHNE

NHNE

SWNE

NWSE

S11

REMARKS: THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED
SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION
FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE
AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY
THE DIRECTOR.

1.04 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

AJ5856NP

DATE: JAN-25-1994
PAGE: A-1

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
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SOURCE: UNNAMED STREAM TRIBUTARY: ARENTSON GULCH

34-04005A	CAROLYN SMITH WILEY F SMITH STAR ROUTE MACKAY ID 83251	11/15/1924	IRRIGATION	05-01 10-15	3.2	CFS BENEFICIAL USE
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POINT OF DIVERSION: T11N R21E S36 NESE

PLACE OF USE: IRRIGATION

T10N R21E S02	NENE 13.0	NWNE 13.0	SWNE 11.0	SENE 14.0
	NESE 22.0	NWSE 16.0	SWSE 16.0	SESE 16.0
S11	NENE 26.0	NWNE 37.0	SWNE 10.0	SENE 6.0
	NENW 34.5	NWNW 5.0	SENW 8.5	

248.0 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 34-04005B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.19 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 620 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34-04005B IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

1.04 CFS OF RIGHT NO. 34-04005B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-04005B.

SOURCE IS ALSO KNOWN AS ARENTSON CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: UNNAMED STREAM						
TRIBUTARY: ARENTSON GULCH						

34-04005B	CAROLYN SMITH WILEY F SMITH STAR ROUTE MACKAY ID 83251	03/31/1934	IRRIGATION	05-01 10-15	2.8	CFS	BENEFICIAL USE
			STOCKWATER	05-01 11-01	.19	CFS	
			TOTAL QUANTITY:				2.99 CFS

NON-IRRIGATION-USES:

STOCKWATER 800 RANGE CATTLE

POINT OF DIVERSION:

T11N R21E S36
PLACE OF USE: IRRIGATION

NESE

T10N R21E S02

NENE 13.0
NESE 22.0
NENE 26.0
NENW 34.5

NWNE 13.0
NWSE 16.0
NWNE 37.0
NWNW 5.0

SWNE 11.0
SWSE 16.0
SWNE 10.0
SENE 14.0
SESE 16.0
SENE 6.0

248.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T10N R21E S02

NENE
SWSE
NWNE

NWNE

SWNE

NWSE

REMARKS:

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

1.04 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-04005A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 88 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 34-04005A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.19 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 620 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 248 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 34-04005A IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

SOURCE IS ALSO KNOWN AS ARENTSON CREEK.