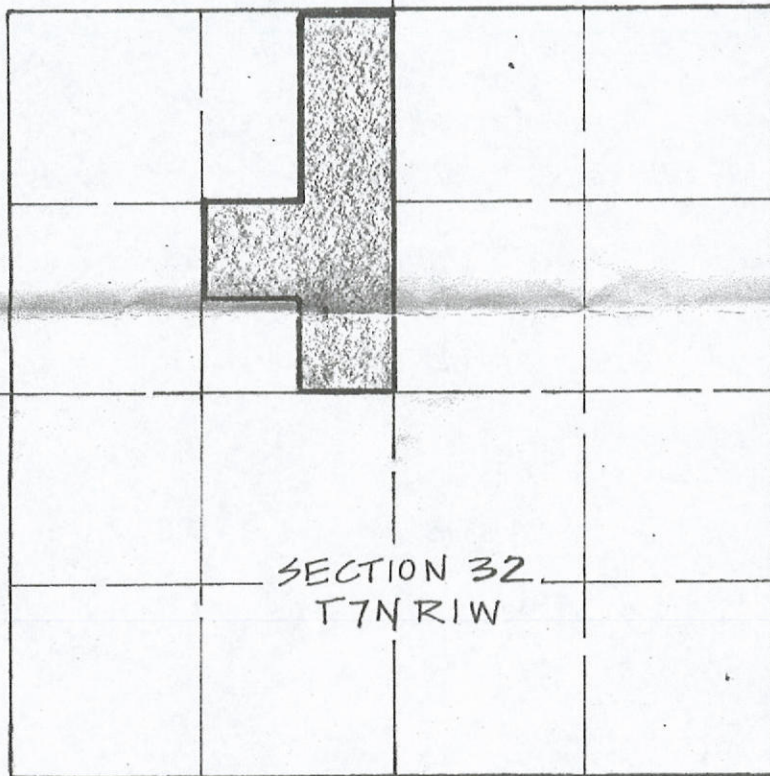




• VICINITY MAP •

REVISED: 9/7/78 - SIA

SURVEY FOR:

BARRIE VON SM

EMMETT

BLAKLEY ENGINEERS

CHARTERED

CALDWELL

PAYETTE

EMM

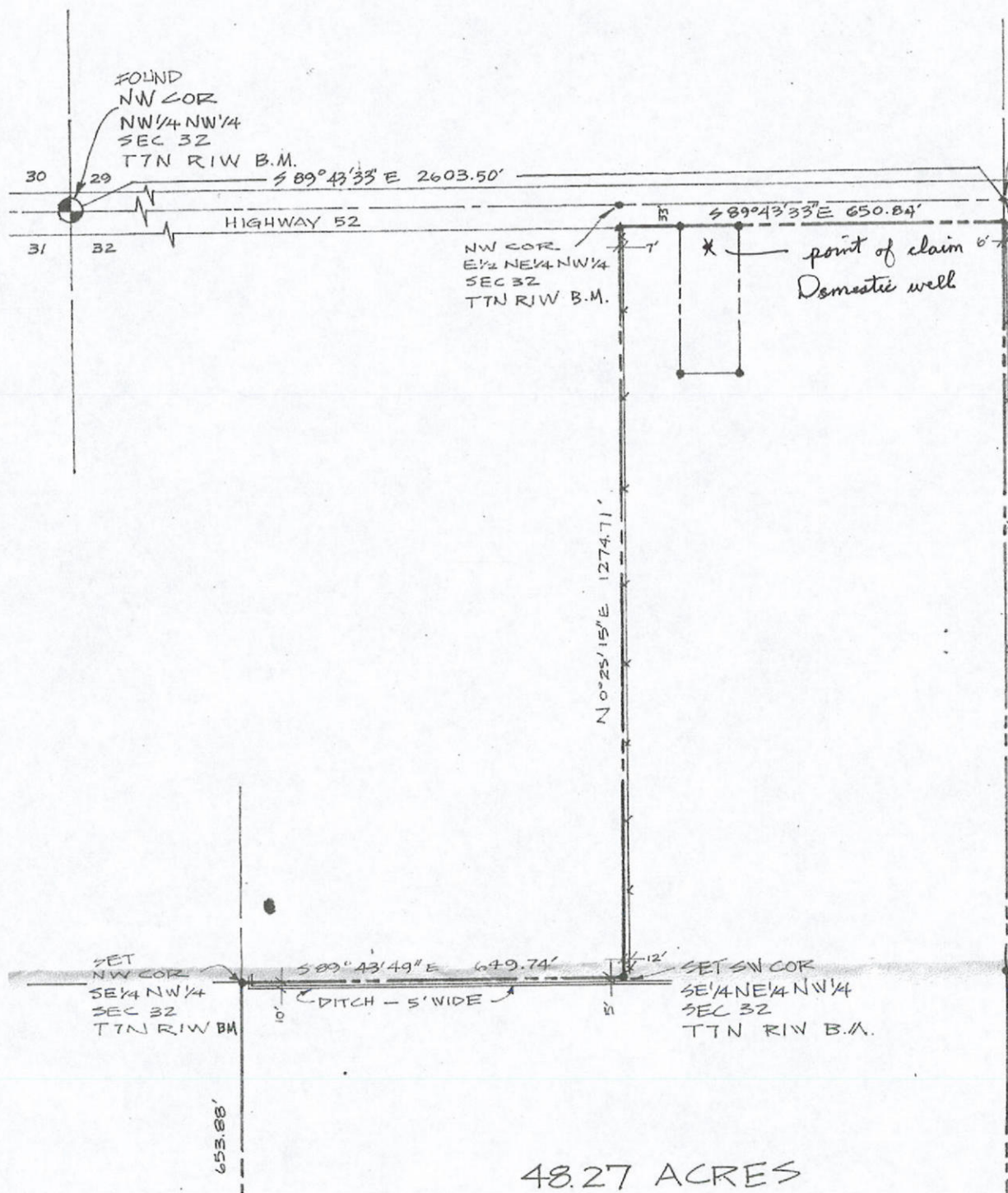
DATE • JULY 6, 1978

DRAWN • S M

CHECKED •

JOB NO • SC 030478

BOOK • 233



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: A65-01799
Date Received: 3/19/1990
Receipt No: W011442
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARRIE VON SMITH 208-365-6660
Address: 957 E BLACK CANYON
EMMETT ID 83617

2. Date of Priority: DEC 1, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01W	32	NE	NE	NW		GEM

5. Description of diverting works:
30' WELL, 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	32	NE	NE		DOMEST	

11. Place of use in counties: GEM

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: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A65-01799
Date Received 3-19-90
Receipt Number W011442**RECEIVED** NOTICE OF CLAIM
TO A
WATER RIGHT

MAR 19 1990

Department of Water Resources
Western Regional OfficeACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) BARRIE VON SMITH Phone (208) 365-6660Mailing Address 957 E. BLACK CANYON Zip 836172. Date of Priority (Only one per claim) claim # 65-1799 EMMETT, ID. (1930) Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source4. Location of point of diversion is: Township 7N Range 1WSection 32, NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot 7N1W, BM.,County of GEM

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. DUG WELL 30 ft 1/2 HP PUMP IN BASEMENT

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1

MICROFILMED

OCT 18 1996

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: _____ Range _____

Section 32, NE 1/4 of NE 1/4, Govt. Lot 7NW, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? GEM

12. Do you own the property listed above as place of use? Yes ✓ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

(✓) None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number # 65-1799

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Barrie Van Smith Date 3-15-90

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Gem) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 15th day of March 1990

SEAL

Notary Public Dawn Pitzer

Residing at Emmett, Idaho

My Commission Expires 11/20/92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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OCT 18 1996

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Water Right Number - 65-01799

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LOSURE

F. W.

1 - 627 E. 3RD

2 -

3 -

City- EMMETT

State- ID Zip- 83617

Phone -

1 - 627 E. 3RD

2 -

3 -

City- EMMETT

State- ID Zip- 83617

Phone -

LOSURE

LEUVENIA

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/01/1935 14 WESTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
07N 01W 32 SE NW (45) GEM+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040 1.20+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040 1.20+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07N 01W 32 SE NW 43 DOMESTIC (45) GEM

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.MICROFILMED
OCT 18 1996

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 65
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/21/1986	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

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OCT 18 1996

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Von Smith, BarrieCLAIM IDENT. NO. AL65-01799DATE RECEIVED 3-19-90 RECEIPT # 2011442 FEE PAID \$ 25⁰⁰ FEE REQ'D \$ 25⁰⁰

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<u>X</u>	<u> </u>	*
2. Is a priority date entered?	<u>X</u>	<u> </u>	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>	<u> </u>	*
3. (a) Is a source entered?	<u>X</u>	<u> </u>	*
(b) Is a tributary to entered? (if required) N/A <u>X</u>	<u> </u>	<u> </u>	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	<u> </u>	*
5. Is there a description of the diverting works?	<u>X</u>	<u> </u>	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	<u>X</u>	<u> </u>	*
Is the period of use included?	<u>X</u>	<u> </u>	
Is a quantity claimed for each use?	<u>X</u>	<u> </u>	*
7. Is a total quantity claimed entered?	<u>X</u>	<u> </u>	
8. If required is a consumptive use entered? N/A <u>X</u>	<u> </u>	<u> </u>	
Is the consumptive use correct? N/A <u>X</u>	<u> </u>	<u> </u>	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	<u>X</u>	<u> </u>	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	<u> </u>	*
11. Is (are) the county(ies) entered?	<u>X</u>	<u> </u>	
12. Is the ownership of p.u. checked?	<u>X</u>	<u> </u>	
13. Are other water rights listed or "none" indicated?	<u>X</u>	<u> </u>	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A <u>X</u>	<u> </u>	<u> </u>	
15. Is the basis of the claim indicated?	<u>X</u>	<u> </u>	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A <u>X</u> If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	<u> </u>	<u> </u>	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A <u>X</u> (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	<u> </u>	<u> </u>	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A <u>X</u>	<u> </u>	<u> </u>	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	<u> </u>	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	<u> </u>	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	<u>X</u>	<u> </u>	*
22. Is the fee enclosed correct? Exempt <u> </u>	<u> </u>	<u> </u>	

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OCT 18 1996

	YES	NO
23. Is this claim being rejected and returned to claimant?	<u> </u>	<u>X</u>
24. Can this claim be data entered?	<u>X</u>	<u> </u>
25. Was claim modified?	<u> </u>	<u>X</u>
If yes, do modifications require notification to claimant?		
Note: Modifications made must be explained in comments stating where the information for any changes was found.		

Claim reviewed by: JD Date 3-1-95

Claim data entered by: JD Date 3-6-95

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: POD & POW different than original degree.

03/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-1799

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRIE VON SMITH 957 E BLACK CANYON EMMETT, ID 83617 (208)365-6660
Original Owner	F W LOSURE
Original Owner	LEUVENIA LOSURE 627 E 3RD EMMETT, ID 83617

Priority Date: 12/01/1935
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA	
Total Diversion			0.04 CFS	1.2 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SENW	Sec. 32	Township 07N	Range 01W	GEM County
--------------	------	---------	--------------	-----------	------------

Place(s) of use:

Place of Use Legal Description: DOMESTIC	GEM County
--	------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	01W	32		SENW										

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
sbock	3/29/2001	change in status of claim	Based on information Mr. Von Smith submitted, I am able to recommend this right. I am recommending it as it was decreed in the Payette

Dates:

Licensed Date:
Claim Received Date: 03/20/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986

Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	3/29/2001 9:07:04 AM	sbock			In Process

Other Information:

Receipt Number(s): W011442
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>
Priority Date	3/29/2001 9:07:02 AM	sbock

Log Text

1. (NO) There has not been a later court decree of the water right(s) from the water source.
4. (NO) The basis of claim is not beneficial use.
5. (NO) The basis of claim is not a posted notice.
6. (YES) Parent right has a priority date.
7. (NO) The basis of claim is not an application or permit.
12. (YES) The claim is recommended.

RECEIVED

MAR 26 2001

NOTICE OF ERROR
REPLY

03/09/2001

RECEIVED

MAR 26 2001

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-1799

BARRIE VON SMITH
957 E BLACK CANYON
EMMETT ID 83617

Telephone Number: (208)365-6660

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Claim disallowed

2. Describe the changes you wish to make in the proposed recommendation:

*Claim denied because of question of the locality of well.
Papers submitted*

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-1799					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *already paid*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**. *enclosed*
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) F. W. LOBURE
955 E. BLACK CANYON HWY EMMETT, ID 83617
4. New Owner/Claimant(s) BARBIE VON SMITH
 Name Connector (Check one): ☐ and ☐ or ☐ and/or ☐
- New Mailing Address 957 E. BLACK CANYON HWY
- City, State and ZIP Code EMMETT, ID 83617
- New Telephone Number (208) 365-6660
5. Date you acquired the property 10-24-73

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number <u>65-1799</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	<u>.04 CFS</u>	_____
Other _____	_____	_____
Total	<u>.04 CFS</u>	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Bernie Von Smith
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

THIS INDENTURE, Made this 24TH day of October

in the year of our Lord one thousand nine hundred and Seventy-three (1973) , between

F. W. LOSURE and LEUVENIA LOSURE, husband and wife,

of Emmett , County of Gem , State of Idaho

the part ies of the first part, and

BARRIE VON SMITH and JANET S. SMITH, husband and wife,

whose address is: OTRS 9877

of Ft. Lewis , County of PIERCE , State of Washington, ,

the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

Ten and No/100 (\$10.00) and other valuable consideration-DOLLARS,

lawful money of the United States of America,

to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the , County of Gem , State of Idaho, to-wit:

E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
Section 32, Twp. 7 N., R. 1 W.B.M. PK

Including all water and ditch rights appurtenant thereto or used in connection therewith. Subject to easements and rights-of-ways, reservations and exceptions, if any.

AND DELIVERED IN THE PRESENCE OF

F. W. Losure [Seal]
Leuvenia Losure [Seal]
[Seal]
[Seal]

STATE OF IDAHO

County of

Gem

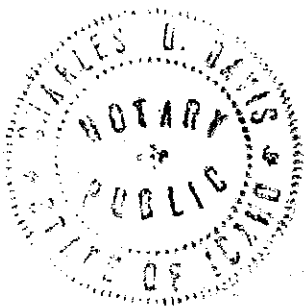
ss.

On this 24th day of October in the year 1973, before me
the undersigned, _____, a Notary Public

in and for said State, personally appeared F. W. LOSURE and LEUVENIA LOSURE,
husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year in this certificate first above written.



Charles D. Davis

Notary Public for the State of Idaho,
Residing at Emmett, Idaho

No. 167758

WARRANTY DEED

-70-

Dated _____, 19____
STATE OF IDAHO } ss.
County of Gem

I hereby certify that this instrument was filed
for record at request of

Barrie Von Smith
at 42 minutes past 3
o'clock P. M., this 16th day
of November, A. D. 19 70

in my office, and duly recorded in Book 242 as a
Deed under Instr. # 167758.
xx

Thelma R. Kolodziej
Ex-Officio Recorder.

By Judy Bigham Deputy.
Fees, \$6.00

Mail to 955 E. Blvd. Chicago

BLAKLEY ENGINEERS, INC.
(Chartered)

HOME OFFICE:
BOX 579 - 621 SO. 4TH AVE. - TEL. 489-1816
CALDWELL, IDAHO 83605

826 CENTER AVENUE - TEL. 642-2822
PAYETTE, IDAHO 83661

816 WASHINGTON AVENUE - TEL. 368-9881
EMMETT, IDAHO 83617

ROUTE NO. 2, BOX 100 - TEL. 889-9289
ONTARIO, OREGON 97914

DESCRIPTION FOR

BARRIE VON SMITH

BOOK 233

Job No. SC 030478

July 6, 1978
Revised September 6, 1978

This parcel is situated in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 7 North, Range 1 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the Northwest corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32;

Thence South 89° 43' 33" East, along the centerline of Highway 52 which line is also the Northern boundary of the NW $\frac{1}{4}$ of said Section 32, a distance of 2603.50 feet;

Thence South 0° 28' 14" West, along the East boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 33.00 feet to the TRUE POINT OF BEGINNING;

Thence South 0° 28' 14" West, along the Eastern boundary of the NW $\frac{1}{4}$ of said Section 32, a distance of 2582.34 feet;

Thence North 89° 44' 04" West, along the Southern boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 648.60 feet;

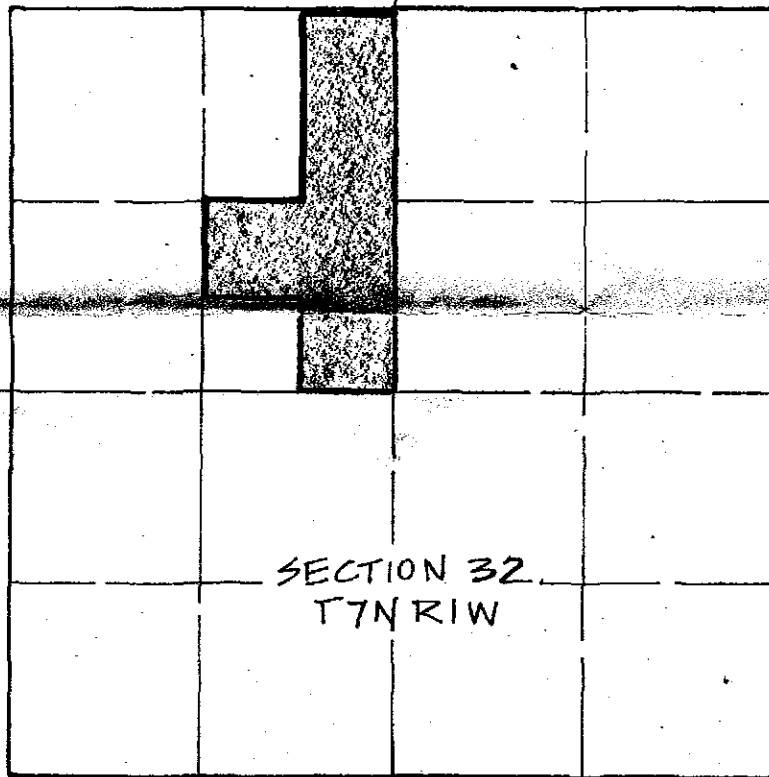
Thence North 0° 25' 14" East, along the Western boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 653.86 feet;

Thence North 89° 43' 57" West, along the Southern boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 649.17 feet;

Thence North 0° 22' 15" East, along the Western boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 653.88 feet;

Thence South 89° 43' 49" East, along the Northern boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 649.74 feet;

Thence North 0° 25' 15" East, along the Western boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32, a distance of 1274.71 feet;



SECTION 32
T7N RIW

VICINITY MAP

PROPOSED
ROADWAY
CROSSING
SECTION 32
T7N RIW
SECTION 32
T7N RIW
SECTION 32
T7N RIW

Kenzie
7

REVISED: 9/7/78 - S/A

SURVEY FOR:

BARRIE VON SM

EMMETT

BLAKLEY ENGINEERS

CHARTERED

CALDWELL

PAYETTE

EMM

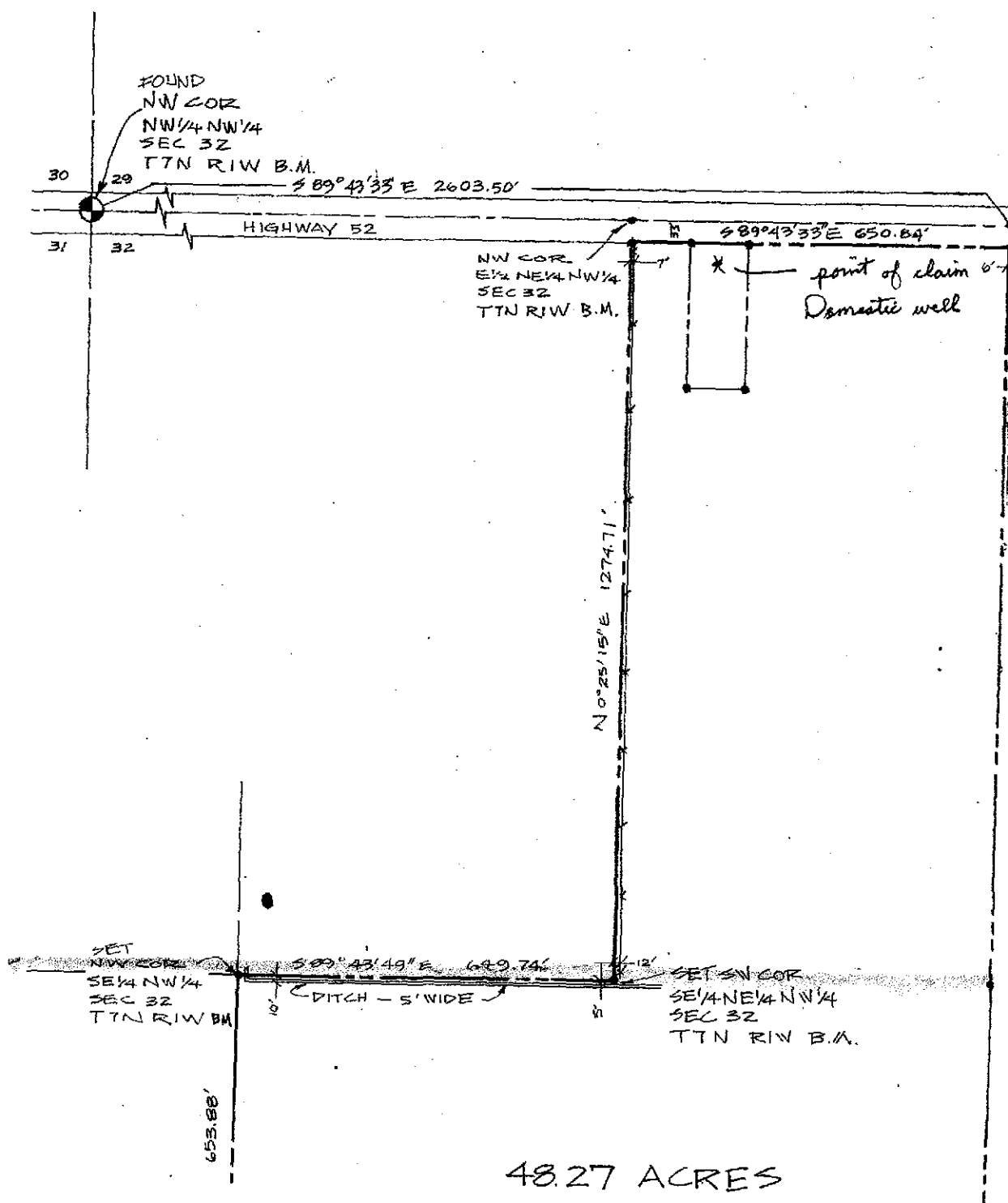
DATE • JULY 6, 1978

DRAWN • S M

CHECKED •

JOB NO • SC 030478

BOOK • 233



IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/26/2000

RIGHT NUMBER: 65-1799

NAME AND ADDRESS: BARRIE VON SMITH
957 E BLACK CANYON
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.2 AFY

PRIORITY DATE: 12/01/1930

POINT OF DIVERSION: T07N R01W S32 NENENW Within GEM County

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:

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

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

65-1799

COMMENTS:

Mr. Smith filed on this claim in the SRBA. He filed with a different priority date² than what was decreed for this right 12/1/1930, decreed with 12/1/1935.

Decreed in the SENW and filed on in the NENW.

I have attempted to contact Mr. Smith at his residence and at his office (medical office), additionally I sent ^{to} him a letter on July 7, 2000, asking for more information before I could recommend this claim.

I have not heard back from Mr. Smith. It appears that he filed incorrectly on this claim and no one else has filed on it in the SRBA.

SB

9/26/00



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mr. Barrie Smith
957 E Black Canyon
Emmett, ID 83617

RE: Water right claim 65-01799

Mr. Smith:

You filed on a domestic water right claim, 65-01799. This claim was originally decreed in the Payette River Adjudication to F.W. and Leuvenia Losure with a point of diversion and place of use in T07N, R01W, Sec 32 the SENW.

Your claim shows the point of diversion and place of use in the NENE of Sec 32. I will not be able to recommend your claim in the Snake River Basin Adjudication as you have filed it unless you are able to show me evidence this right was decreed incorrectly in the Payette Adjudication.

Please respond by August 7, 2000.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent

Enclosure: Water right profiles

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:39:52
05/25/00
82

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-01799

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																												
C	BARRIE VON SMITH	~~12/01/1930~~ 12/1/1935	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA																																																																																																												
TOTAL DIVERSION:					0.040 CFS	1.20 AFA																																																																																																												
Water Source: GROUNDWATER		Tributary to:		Stage: DECREED																																																																																																														
Point(s) of Diversion:		T07N R01W S32		GEM County																																																																																																														
Place of use Legal Description for: DOMESTIC																																																																																																																		
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Other Rights: NONE																																																																																																																		
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Misc:		Water District Number: 65		Field Inspection Flag:		Presumption Flag:																																																																																																												

Office #
365-
6311

Cond. PA 1

WR5809NP
No. 65-01799

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/30/00
PAGE: 26

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	F. W. LOSURE	12/01/1935	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	LEUVENIA LOSURE					
	627 E. 3RD					
	EMMETT ID 83617					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R01W S32

SENW

GEM County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE												
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
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07N	01W	32	:																									:

Pou County: GEM

Dates:	App. Received:	Priority Date:	12/01/1935
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT