

No Color

Documents

In File

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: A65-11086A
Date Received: 4/17/1990
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ESTATE OF ARTHUR E SMITH 208-452-4040
Address: PO BOX 950
FRUITLAND ID 83619

2. Date of Priority: APR 1, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	04W	10		SE	SW		PAYETTE

5. Description of diverting works:

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
STOCKWATER	01/01	12/31	0.020		0.70

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.90 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	04W	10	SE	SW		DOMEST	

11. Place of use in counties: PAYETTE

MICROFILMED

AUG 04 1994

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

13. Other Water Rights Used:

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

MICROFILMED

AUG 04 1994

DATE: 6-22-93
TO: CLAIM FILE NO. A65-11086A
FROM: JAN SHURTE
SUBJECT: DUPLICATE CLAIMS FILED FOR RIGHT NO. 65-11086

DUPLICATE CLAIMS WERE FILED FOR THE ORIGINAL RIGHT NUMBER LISTED ABOVE UNDER THE SUBJECT. IN ORDER TO DOCUMENT THESE SEPARATE CLAIM FILINGS IN THE DATABASE, EACH CLAIM WAS GIVEN A DIFFERENT SUFFIX FOR THE ORIGINAL RIGHT NUMBER. THE FOLLOWING CLAIMANTS EACH FILED A CLAIM UNDER THIS ORIGINAL RIGHT AND WERE GIVEN THE FOLLOWING CLAIM NUMBERS:

NAME	CLAIM NUMBER
<u>ESTATE OF ARTHUR SMITH</u>	<u>A65-11086A</u>
<u>KEITH OR LELA MARKHAM</u>	<u>A65-11086B</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

MICROFILMED
AUG 04 1994

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

RECEIVED

APR 17 1990

Ident. Number: A65-11086^(A)
Date Received:
Receipt No: X9999999
Received By:

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR E. SMITH
Address: ROUTE 1
NEW PLYMOUTH, ID

83655

2. Date of Priority: APR 01, 1920

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	04W	10	SE	SW			PAYETTE

5. Description of diverting works:

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
STOCKWATER	01/01	12/31	0.020		0.70

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

1.90 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 of	Lot	Use	Acres
07N	04W	10	SE	SW		DOMEST	

11. Place of use in counties: PAYETTE

A65-11086

Page 1

Date: 04/12/90

MICROFILMED
AUG 04 1994

12. Do you own the property listed above as place of use? YES - Life Estate

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

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): Arthur E Smith Date: 4-15-90

Date:

State of Idaho)

County of Payette)

SS.

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

of April 19 90

Walter J. Smith
Notary Public

Seal

Residing at New Plymouth

My Commission Expires 12-11-91

A parcel of land in the E1/2SE1/4SW1/4 of Section 10, Township 7 North, Range 4 West of the Boise Meridian, Payette County, Idaho, more particularly described as follows:

Beginning at the SW corner of the E1/2SE1/4SW1/4 of said Sec. 10;
Thence East along the South line of said E1/2SE1/4SW1/4 a distance of 469 feet to the TRUE POINT OF BEGINNING;
Thence continuing East along the South line of said E1/2SE1/4SW1/4 a distance of 191 feet, more or less, to the SE corner of said E1/2SE1/4SW1/4;
Thence North along the East line of said E1/2SE1/4SW1/4 a distance of 815.2 feet, more or less, to a point 506.8 feet South of the NE corner of said E1/2SE1/4SW1/4;
Thence West a distance of 418.9 feet, more or less, to a point 240 feet East of the West line of said E1/2SE1/4SW1/4;
Thence S. 0 degrees 04' E. parallel to the West boundary of said E1/2SE1/4SW1/4 a distance of 240.2 feet, more or less, to a point 575 feet North of the South line of said E1/2SE1/4SW1/4;
Thence East parallel with the South line of said E1/2SE1/4SW1/4 a distance of 229 feet;
Thence South parallel with the East line of said E1/2SE1/4SW1/4 a distance of 575 feet to the TRUE POINT OF BEGINNING.

MICROFILMED

AUG 04 1994

RECEIVED

APR 17 1990

Department of Water Resources
Western Regional Office

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. No.

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

Please type or print clearly:

Name of Claimant(s) Arthur E Smith
4698 Highway 22
7 new Plymouth Idaho 83685
Mailing Address
(include Zip Code) _____

Phone Number (208) 278-3136

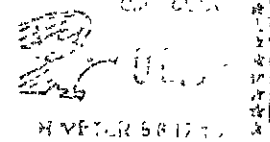
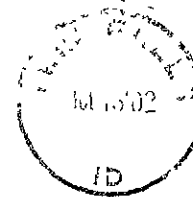
MICROFILMED

AUG 04 1994

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

several choices

 **ATTEMPTED,
NOT KNOWN**

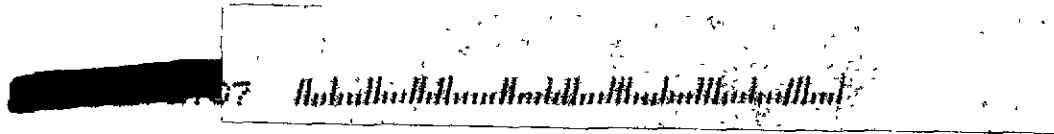


65-11086A

NAME AND ADDRESS:

ESTATE OF ARTHUR E SMITH
PO BOX 950
[REDACTED]

**RECEIVED
JUL 26 2002
WATER RESOURCES
WESTERN REGION**



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I R.C.P. 54(b) FOR
Water Right 65-11086A

RECEIVED
JUL 24 2002

Department of Water Resources

NAME AND ADDRESS: ESTATE OF ARTHUR E SMITH
PO BOX 950
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.90 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T07N R04W S10 SESW Within Payette County

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS 0.70 AFY
	Domestic	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic Within Payette County
T07N R04W S10 SESW

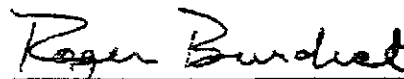
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

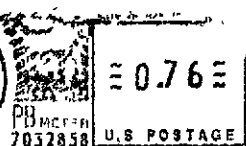
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



 **NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

SMIT950 836192018 1N 03 03/16/01
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

RECEIVED

MAR 19 2001

WATER RESOURCES
WESTERN REGION

65-11086A

ESTATE OF ARTHUR E SMITH
PO BOX 950




03/09/2001

**NOTICE OF ERROR
REPLY**

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: 65-11086A

ESTATE OF ARTHUR E SMITH

PO BOX 950

FRUITLAND ID 83619

Telephone Number: (208)452-4040

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

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

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

03/09/2001

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

RIGHT NUMBER: 65-11086A

NAME AND ADDRESS: ESTATE OF ARTHUR E SMITH
PO BOX 950
FRUITLAND ID 83619

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
1.90 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION:

T07N R04W S10 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY
STOCKWATER	1/01 12/31	0.020 CFS 0.70 AFY

PLACE OF USE:

DOMESTIC Within PAYETTE County

T07N R04W S10 SESW

STOCKWATER same as DOMESTIC

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
STOCKWATER, 40 RANGE CATTLE

INSTRUCTIONS FOR COMPLETING THE NOTICE OF ERROR REPLY FORM

- Please review the preliminary recommendation carefully. Your name, water right number and address have been pre-printed on this reply for your convenience. Check to be sure that the pre-printed information on this form is accurate.
- If you are a new owner and need to change the name on the enclosed preliminary recommendation, please use the form entitled "**Notice of Change of Water Right Ownership**". Please follow the instructions on that form carefully and provide the Department with the necessary documents as identified on that form.
- Please fill in your daytime and evening telephone numbers.
- If there is any portion of the preliminary recommendation which is inaccurate or with which you disagree, please complete item number 1, 2 and 3 on the reply, sign where indicated, and return the reply in the envelope provided to the Western Region Office. This reply must be mailed before **April 13, 2001**. If IDWR has questions about the information included in your reply, a staff member will be in contact with you to set up an appointment. You may also return the reply in person at the public meetings on **April 3, 2001, at 7:00 p.m. in the Library at the Horseshoe Bend High School, Horseshoe Bend, Idaho, or April 5, 2001, at 7:00 p.m. at the New Plymouth Senior Citizen Center, New Plymouth, Idaho.**
- If you do **not** provide a reply, IDWR will submit the information contained in the enclosed preliminary recommendation as a Director's Report to the District Court. At that stage, making changes will require you to file court papers and attend court hearings.
- If you have questions or do not understand this process, please feel free to call the Adjudication hotline toll free number: **1-800-451-4129** or contact the IDWR Western Regional Office, located at 2735 Airport Way, Boise, Idaho, telephone number: **208-334-2190**.

12/29/2000

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

RIGHT NUMBER: 65-11086A

NAME AND ADDRESS: ESTATE OF ARTHUR E SMITH
PO BOX 950
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.9 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T07N R04W S10 SESW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.02 CFS
		0.70 AFY
DOMESTIC 1 HOMES	1-01 12-31	0.04 CFS
		1.20 AFY

PLACE OF USE:

STOCKWATER Use same as DOMESTIC
DOMESTIC Within PAYETTE SESW
County T07N R04W S10

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER, 40 RANGE CATTLE

AJ0749NP
No. R65-11086A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ESTATE OF ARTHUR E SMITH PO BOX 950 FRUITLAND ID 83619 (208) 452-4040	04/01/1920	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.020 CFS 0.040 CFS	0.70 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R04W S10

SESW

PAYETTE 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	:
07N	04W	10	:									:							:

Place of use location for STOCKWATER is the same location as described for: DOMESTIC

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

CDE - OK - PPD
"B" portion disallowed (see letter dated 5-28-93 from Dale Smith)
Stock = 40

INDICATES TOTAL

SOURCE: GROUNDWATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-4781	SCHMID, ET. AL., W. JOE ROUTE 1, NEW PLYMOUTH, IDAHO 83655	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NENE S12 T 7N R 5W	NENE S12 T 7N R 5W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS *3.90*AFA *.09*CFS		SAME AS OTHER USE	
65-3970	SCHROEDER, ROBERT W. BOX 34, PAYETTE, IDAHO 83661	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SESW S35 T 8N R 4W	SESW S35 T 8N R 4W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS *2.60*AFA *.07*CFS		SAME AS OTHER USE	
65-4698	SHIGENO, JAMES E SHIGENO, MOLLY BOX 478, NEW PLYMOUTH, IDAHO 83655	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNW S 4 T 7N R 4W	NWNW S 4 T 7N R 4W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *1.90*AFA *.04*CFS		SAME AS OTHER USE	
65-6176	SKEEN, OLIVER K. C/O MRS. LILA FULLER, 340 14TH AVENUE NORTH, PAYETTE, IDAHO 83661	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSW S28 T 9N R 5W	SWSW S28 T 9N R 5W	BENEFICIAL USE
65-11086	SMITH, ARTHUR E. ROUTE 1, NEW PLYMOUTH, IDAHO 83655	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SESW S10 T 7N R 4W	SESW S10 T 7N R 4W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *1.90*AFA *.04*CFS		SAME AS OTHER USE	
65-6543	SMITH, ARTHUR E. & SMITH, MILDRED E. ROUTE 2, NEW PLYMOUTH, IDAHO 83655	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNE S15 T 7N R 4W	NWNE S15 T 7N R 4W	BENEFICIAL USE
65-4591	SORENSEN, DAVID D. ROUTE 2, BOX 129, NEW PLYMOUTH, IDAHO 83655	4/ 1/1920	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWNW S11 T 7N R 4W	SWNW S11 T 7N R 4W	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS *2.60*AFA *.05*CFS		SAME AS OTHER USE	

Parcel 574-1 574-2 A
Holden B Jr & Darlene Clement
4670 Hwy 72
New Plymouth, ID 83655
~~Parcel 574-2~~

Prev owner: Markham

WR5809NP
No. 65-11086

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/10/97
PAGE: 48

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARTHUR E. SMITH ROUTE 1 NEW PLYMOUTH ID 83655	04/01/1920	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.020 CFS 0.040 CFS	0.70 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R04W S10

SESW

PAYETTE 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	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
07N	04W	10																

Place of use location for STOCKWATER is the same location as described for: DOMESTIC

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-11111

Other Water Rights Listing Overlapping Place(s) of use:
65-00066

Dates:	App. Received:	Priority Date:	04/01/1920
	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

Verified by AK Date 1-6-98

Verification Source: map, computer

Parcel 574

ownership
Verify

A65-11086 = Smith
Double Claims
see A + B
Previous owner
A65-11086A = Smith Estate
entire right - 1 home
A65-11086B = Markham
entire right

40 cattle
1 home
per
PRBA claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 14, 1993

Dale Smith
Attorney at Law
P.O. Box 950
Fruitland, ID 83619

Re: Snake River Basin Adjudication (SRBA)
Payette County - Claim No.: A65-11086A

Dear Dale,

Thank you for clarifying the duplicative claims for this water right. I have, for now, accepted both claims. The copy enclosed represents the claim by your father's estate; I have noted you as the personal representative of the estate.

I am corresponding with the Marcums concerning the claims and the Department will make recommendations based on a complete investigation. I have enclosed a form titled "Notice of Change of Water Right Ownership". Please give this to the new owners at the point of sale. Unless the change of ownership is recorded with our Department, we will continue to correspond with you as the owner of record.

If you have any questions, please contact me at 327-7925 in Boise.

Sincerely,

A handwritten signature in cursive script that reads "Roxanne McCarthy".

Roxanne McCarthy
Senior Water Resource Agent
Adjudication Bureau

RM:rm:west
Enclosures:
copy of A65-11086A
Change of Ownership form

MICROFILMED

AUG 04 1994

RECEIVED

JUN 01 1993

Department of Water Resources

Dale Smith

ATTORNEY AT LAW

POST OFFICE BOX 950 • FRUITLAND, IDAHO 83619 • (208) 452-4040

May 28, 1993

Roxanne McCarthy
Sr. Water Resource Agent
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, Idaho 83720

Dear Ms. McCarthy:

I received your letter of May 12, 1993 regarding Arthur Smith, Claim No. A65-11086. I am enclosing copies of the letter together with copies of the attached claim information. I am writing as regards the following:

1. My father, Arthur Smith, died May 17, 1991.
2. I am the personal representative of the estate and am enclosing copies of the documents appointing me for your records.
3. The estate is in the process of selling the residence including the domestic well listed. I am enclosing a copy of the legal description of that property.
4. I understood that Marcums have filed for the same water right. Marcums' property used to belong to dad but was sold with the buyers building a new house on the property and sinking their own well. They buyers were Robert and Sharon Smith. The property was then sold to Marcums. The Marcum claim should then go to property which is directly west of the Arthur Smith property.

Please call or write if you have any questions or if additional information is necessary.

Sincerely yours,


Dale Smith
Attorney at Law

DS/cs

Enclosures

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AUG 04 1994

UNCLASSIFIED

DALE SMITH
ATTORNEY AT LAW
BOX 950
FRUITLAND, IDAHO 83619
(208) 452-4040

MICROFILMED
AUG 04 1994

COPY

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing LETTERS TESTAMENTARY to be mailed to the following heirs and devisees:

ROBERT A. SMITH
6250 Blaine Road
New Plymouth, ID 83655

ALLEN R. SMITH
5313 N. Regal, #304
Spokane, WA 99207

DALE L. SMITH
5600 Blaine Road
New Plymouth, ID 83655

PATSY COLENE SMITH RILEY
3607 219th Place
Issaquah, WA 98027

ADELE E. SMITH BLAIR
2122 Anacortes N.E.
Renton, WA 98056

KIRK R. SMITH
4513 Hot Springs Drive
Greeley, CO 80634

in a properly addressed and sealed envelope on the 10th day of June, 1991, by depositing the same in the U.S. Mail at Fruitland, Idaho.

Andrea Smith

LETTERS TESTAMENTARY -2-

MICROFILMED

AUG 04 1994

DALE SMITH
ATTORNEY AT LAW
BOX 950
FRUITLAND, IDAHO 83619
(208) 452-4040



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 12, 1993

Arthur E. Smith
4698 Highway 72
New Plymouth, ID 83655

Re: Snake River Basin Adjudication (SRBA)
Payette County - Claim No. A65-11086

Dear Mr. Smith,

Processing of your Notice of Claim to a Water Right, enclosed, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time.

The following information will allow us to correct this error:

1. Please mark the appropriate item regarding the described property and water right. Are you the: Current Owner XXX
Previous Owner _____
Other _____

If "Other", please explain:

2. If you are the previous owner, please give the name of the new owner (as far as you know):

New Owner: _____

Address: _____

3. Do you believe that you own a portion of this water right?
Yes XXX No _____

If yes, please explain and enclose proof of ownership:

Markums', the other parties claiming the right, built a new house and sank a new well to the west of the property and domestic well owned by Arthur Smith.

Note: Proof of ownership must describe either the property conveyed (as in a sales contract or deed) or include the claim number, if no legal description is listed.

If you are the previous owner, and did not withhold the water rights in the sale, the new owner should be making the filing. If you filed in error, you may use the enclosed Request for Withdrawal form to correct this duplicate filing.

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Arthur E. Smith
May 12, 1993
Page 2 - Payette County

I apologize for any inconvenience; in order to protect your water right the Notice of Claim must be accurate. If you would return this letter, and the claim or withdrawal form, by June 12, 1993 we will proceed with the necessary corrections. If you do not return the documents, we will assume that you no longer wish to file and will proceed with a refund of the filing fees, if any.

Please do not hesitate to contact this office if you have any questions.

Sincerely,



Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:sf:state:tf
Enclosures:
 Notice of Claim
 Withdrawal Form

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AUG 04 1994

TELEPHONE & VISITOR LOG

Date: 5-18-93

Time: 11³⁰ am

Agent: Roxanne McCarthy Call ☒ Visit ☐

Name: Dale Smith

Address: _____

Phone No.: 452-4040

Claim No(s): A65-11086

Re: duplicate filing

Conversation: Dale is the representative for the Arthur Smith estate. He feels the Markham's filed on the wrong st. They bought a house from his brother (Robert Smith), not his father Arthur.

Action Required: Write to Markham's & discuss. Dale will return letter & info.

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