

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 45-12906
Date Received: 8/17/1999
Receipt No: S022454
Received By:

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NORMAN L SMYER Phone: (208)654-2310
DELORES J SMYER
76 SOUTH HWY 77
DECLO ID USA 83323

AMENDED

2. Date of Priority: 03/18/1910

3. Source: SPRING CREEK Trib. to: HOWELL CREEK
UNNAMED STREAM SUMMIT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
12S	25E	16	SE	SE	SW	CASSIA	
12S	25E	16	SW	NW	SE	CASSIA	

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/1	10/31	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	25E	16	NW	SE	IRRIGATION	4.6
					Section Acres	4.6
					Total Acres	4.6

11. Place of use in counties: CASSIA
12. Do you own the property listed above as place of use? Yes
13. Other Water Rights Used:
14. Remarks:

WASTEWATER FROM STOKES RANCH IN SEC 21 T12S R25E CLAIM IS A PORTION OF 45-00523A DECREED AS 45-00523 TO LOUIS CAMP IN WOOD VS STOKES.

The claim is being amended to identify two sources and their respective diversion locations, the found irrigated acres and the associated diversion rate, and the current irrigation season for this area. The data is based upon a field visit and discussions with Kelly Christensen (IDWR water resource agent) on 7-29-03. The priority date represents a beneficial use right with a priority date one day after the Bridger vs Tremayne decree.

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 _____ 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): *Roman Dwyer* Date: 8-7-03
Date: _____

State of Idaho)
County of Twin Falls) SS.

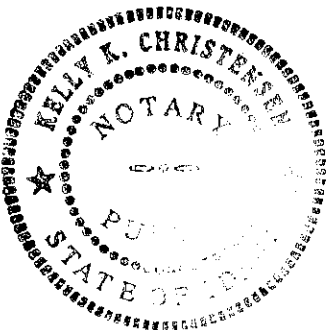
Subscribed and sworn (or affirmed) before me this 7th day of Aug 2003

Kelly Christensen

Notary Public

Residing at Twin Falls

My commission Expires 3-11-04



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: **A45-12906**
Date Received: 8/17/1999
Receipt No: S022454
Received By: [Signature]

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: NORMAN L SMYER 208-654-2310
Address: 76 SOUTH HWY 77
DECLO ID 83323
OR
Name: DELORES J SMYER 208-654-2310
Address: 76 SOUTH HWY 77
DECLO ID 83323

2. Date of Priority: APR 30, 1885

3. Source: WASTEWATER Trib. to: SUMMIT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	25E	16	NW	SE			CASSIA

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 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	Lot	Use	Acres
12S	25E	16	NW	SE		IRR	7.5

10. Place of Use: Continued

Section Acres 7.5

Total Acres 7.5

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-12907

14. Remarks:

WASTEWATER FROM STOKES RANCH IN SEC 21 T12S R25E
CLAIM IS A PORTION OF 45-00523A DECREED AS 45-00523 TO LOUIS CAMP
IN WOOD VS STOKES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

WOOD

Decree Plaintiff

STOKES

vs

Decree Defendant

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 445-12904
Date Received 8-17-99
Receipt Number SD22454

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 17 1999
Department of Water Resources
Southern Region

Please type or print clearly

- Norman L Smyer
1. Name of Claimant (s) OR DeLores J Smyer Phone (208) 654-2310
Mailing Address 7650 Hwy 77 Declo, Id. Zip 83323
2. Date of Priority (Only one (1) per claim) April 30, 1885
3. Source of water supply (a) Waste Water from Stokes Ranch in S21T25R25E.
which is tributary to (b) Summit Creek
4. a. Location of existing point of diversion is: Township 12S Range 25E Section 16,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Cassia
- Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Ditches

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount .15 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	25E	16																7.5	7.5

Total number of acres irrigated 7.5

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

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.
45- or None ()

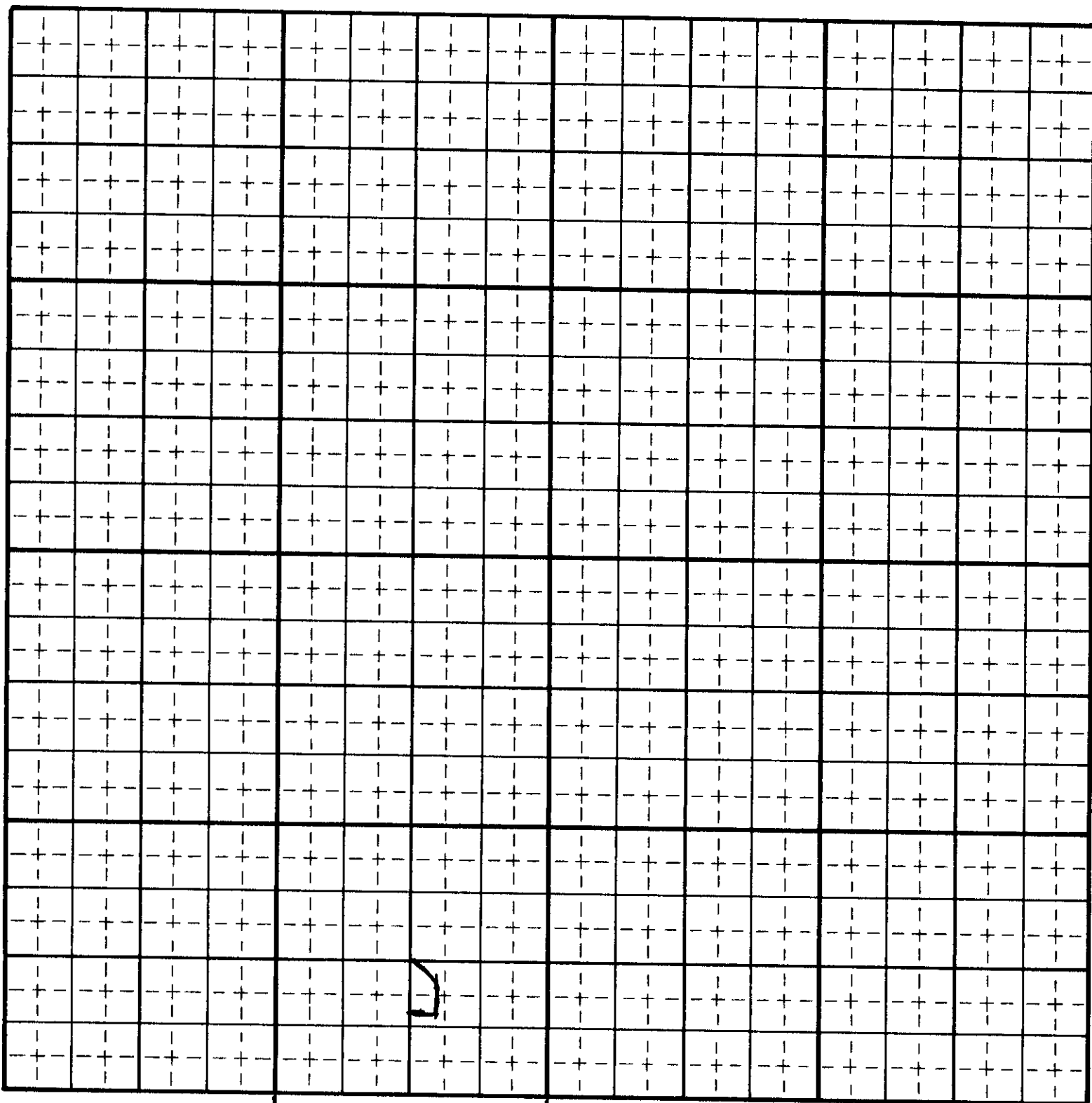
14. Remarks:

Last Name SMYER Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

N



Last Name

Smyer

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Norman L. Smyer

Date 8-17-99

Date _____

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

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Shoshone)

SS.

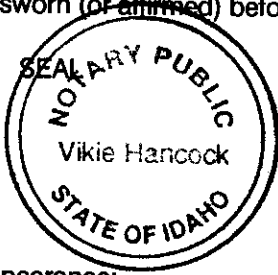
Subscribed and sworn (or affirmed) before me this _____

17th

day of

August

19 99



Notary Public Vikie Hancock

Residing at Shoshone Falls, Idaho

My Commission Expires 5-7-2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Smyer

Ident. Number _____

Per Claimant:

Water from springs, and wastewater mingle in pond located in the SW SE Section 16. Claimant diverts the water which flows out of this pond at his south property line.

Wastewater also flows off the irrigated fields to the south and onto claimant's property. This is also diverted into ditches at the south property line.

D. Hancock

RECEIVED
AUG 17 1989
Department of Water Resources
Southern Region

N

9 10

16 15

P 2928

P 2927-1

RECEIVED
AUG 11 1999
Department of Water Resources
Southern Region

P 2919

P 2927

T 5269
P 2929-5

T 3633
P 2929-1

T 4439
P 2929-3

T 3634
P 2929-2

16 15
21 22

01/22/2004

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: See cover letter

Water right number: 45-12906

NORMAN L SMYER
76 S HWY 77
DECLO ID 83323
Telephone Number: (208) 654-2310

DELORES J SMYER
76 S HWY 77
DECLO ID 83323
Telephone Number: (208) 654-2310

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

Acres that can be irrigated.

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

increase Number of Acres that can be irrigated.

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

Recommended Ptu
represents the Amended
total acres. Another
amendment would be
required to increase
acres.
KKC
6-17-04

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

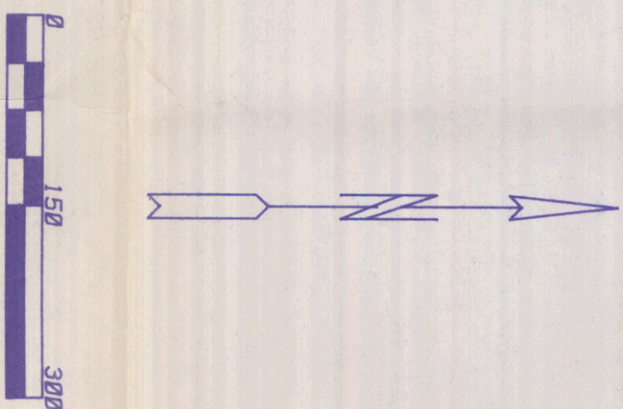
DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

3. before diverting water from Spring Creek Channel, I cleaned an old ditch that then carried water North East right up to Highway frontage where I was able to spread the water and irrigate that area. Another thing I forgot to mention to Kelley was the last survey showed East Property Line is 23' off line on South End, and fence will be moved East onto more of Andersons Land when I fence the property. Based on what I have learned from what irrigating I have done so far, I think I can wet up at least 90% of my acreage.

LINE	BEARING	DISTANCE
L 1	S 00°07'45"E	84.30'
L 2	N 10°32'25"E	0.69'
L 3	S 00°24'44"E	0.13'
L 4	S 86°05'44"W	9.47'
L 5	N 23°24'05"W	13.98'
L 6	N 44°27'02"E	79.91'
L 7	S 44°23'47"W	79.78'



CERTIFICATE OF SURVEY

C. Pearson, a Registered Professional Surveyor, Idaho License No. 3623, do hereby certify that this Record of Survey has been prepared by me or under my supervision and that this map is an accurate representation of the same.

RECORD OF SURVEY

- SURVEY FOR PAUL SOLOSABAL, DICK ANDERSON, & FERGUS KILMARTIN BY LS 743
- SURVEY FOR ODEEN REDMAN 1986. INST. NO. 180898
- SURVEY FOR ODEEN & RICH REDMAN 1987. INST. NO. 190565
- SURVEY FOR EARL WARTHEN 1987. INST. NO. 190564
- SURVEY FOR EARL WARTHEN 1992. INST. NO. 219537
- SURVEY FOR ALBION TELEPHONE COMPANY 1994. INST. NO. 234126



- NOTE
- - SET IRON PIN (1/2" x 24" rebar w/L.S. no. attached).
 - - NO CORNER SET.
- OTHER SURVEY CONTROL FOUND OR AS NOTED.

PROPERTY SURVEY
for
NORMAN SMYER

T1409

①

20.1

WEL

3
17.1

+

16

T0832

T1922

21

22

1
20.0

WEL
NW

3
27.8

18.4

08/08/2003

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

RIGHT NUMBER: 45-12906

NAME AND ADDRESS: NORMAN L SMYER
DELORES J SMYER
76 SOUTH HWY 77
DECLO ID 83323

VERIFIED BY KKC

SOURCE: SPRING CREEK
UNNAMED STREAM

TRIBUTARY: HOWELL CREEK
TRIBUTARY: SUMMIT CREEK

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/18/1910

POINT OF DIVERSION:

T12S R25E S16 NESESW Within CASSIA County
T12S R25E S16 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.140 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R25E S16 NWSE 4.6

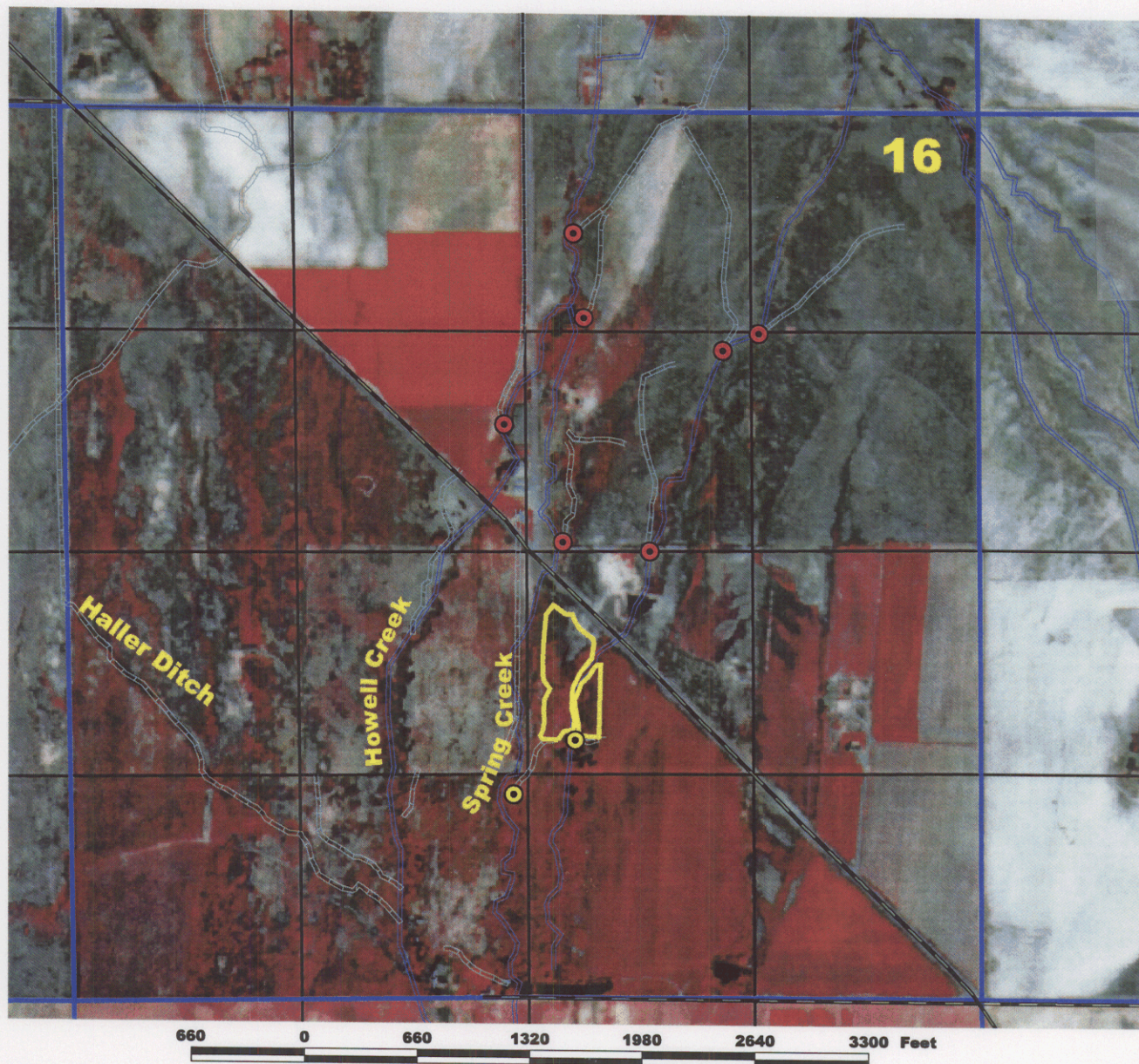
4.6 ACRES TOTAL

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

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: Beneficial Use

RECOMMENDED PLACE OF USE FOR 45-12906



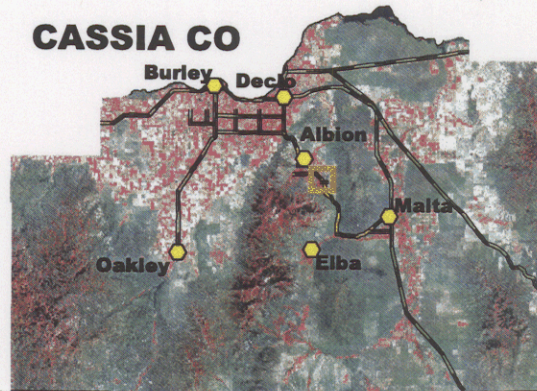
PLACE OF USE
TWP 12S, RNG 25E, SEC 16
Data entry on August 8, 2003

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



CASSIA CO



Norman Smyer

45-1290-
45-12907

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 5 km SE of Albion, Idaho, United States 23 Aug 1998



0 100M

0 100yd

Image courtesy of the U.S. Geological Survey
2003 Microsoft Corporation. All rights reserved. Terms of Use

field exam
7-29-03
KKC

Idaho Dept of Water Resources Claims review notes and narrative

Date: 6-4-2003

File: 45-275 and 45-523 decree split analysis

Prepared by Kelly K Christensen

ANALYSIS OF 45-275
11-1-1883 source = Springs
0.24 cfs on four 40-acre tracts

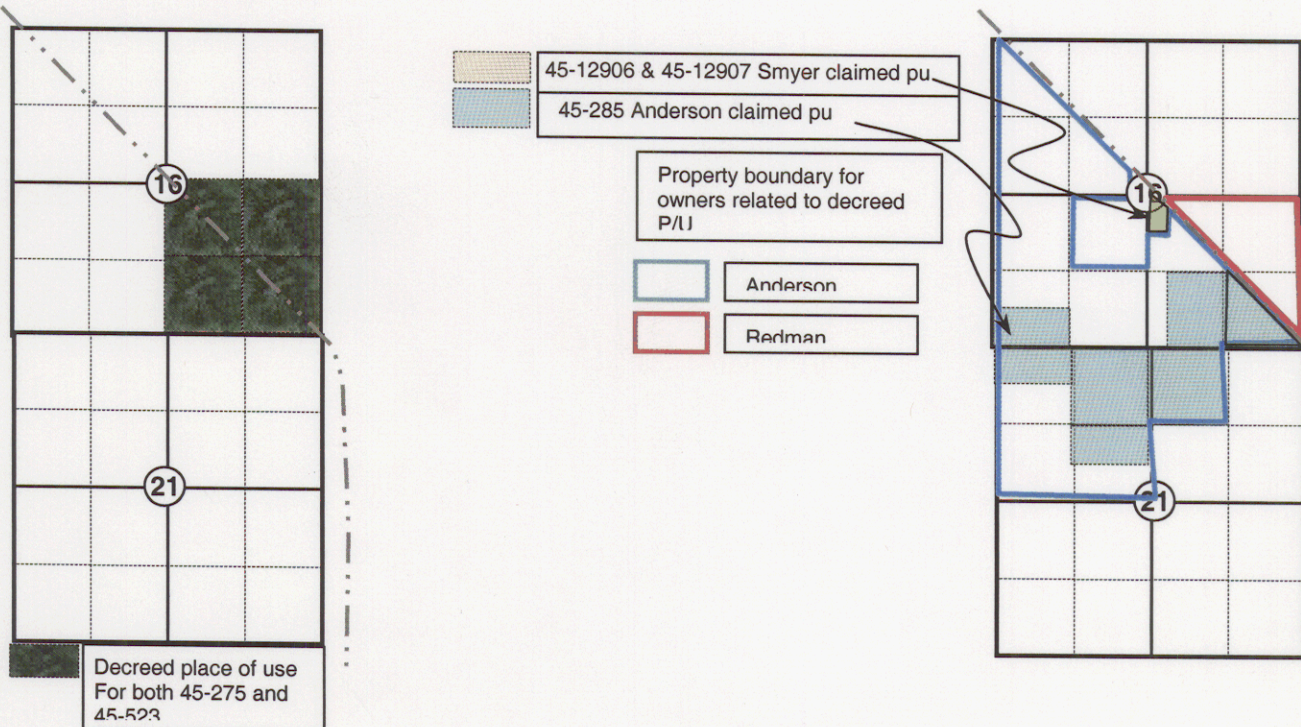
ANALYSIS OF 45-523
4-30-1885 source = Waste water
0.12 cfs on four 40-acre tracts

45-275 and 45-523A are appurtenant to the SE¼ of sec 16. Anderson owns slightly less than ½ of the decreed place of use. Highway 77 splits Sec 16 from the northwest corner to the southeast corner. No decreed rights were claimed on the northeast side of the highway. The highway and ground elevation would suggest that the two rights have historically been used only on the ground southeast of the highway. I found 72 acres in that area with Anderson having 64.5 acres and Smyer having 7.5 acres

Norm Smyer owns approximately 7.5 acres within the decreed place of use and has claimed 45-12907 against the decreed right 45-275 and 45-12906 against the decreed right 45-523A.

Anderson has claimed 0.24 cfs and Smyer has claimed 0.15 cfs. I talked with Earl Warthen on 5-28, 2003 and he stated that the Smyer property has been dry for at least 30 years. The 1978 ascs aerial photo (O-20) shows that the Smyer property was not part of an established field but it appears that when the pasture to the east is irrigated most of the property is also irrigated. Calculating a proportionate share based upon acres owned within the decreed place of use I find the following.

Claimant	Claim No	Owned acres	Decreed rate	Calculated rate per acre	Proportionate share based upon owned acres within decreed P/U
Decreed right	45-275	72.0	0.24 cfs	.0033 cfs/acre	
	45-523A	72.0	0.12 cfs	.0017 cfs/acre	
Anderson	45-275	64.5	0.24 cfs	← Claimed rate	64.5 *.0033 cfs/acre ≈ 0.215
Smyer	45-12906	7.50	0.15 cfs	← Claimed rate	7.5 *.0033 cfs/acre ≈ 0.025
					Total = 0.24
Anderson	45-523A	64.5	0.12 cfs	← Claimed rate	64.5 *.0017 cfs/acre ≈ 0.110
Smyer	45-12907	7.50	0.15 cfs	← Claimed rate	7.5 *.0017 cfs/acre ≈ 0.012
					Total = 0.122



Log for claim A45-12906

Spatial Dynamics AMH

6/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s25e	16	NWSE	7.5	9.3	POD placement? / Indiscernible
Totals:			7.5	9.3	

*Amendment Pending
7-30-03
KKC*

Township , 12S25E

