

10/11/2005

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

RIGHT NUMBER: 27-12108

NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 13.44 CFS

Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of 13.44 cfs.

PRIORITY DATE: 06/07/1929

POINT OF DIVERSION:

T03S R34E S23 SWSWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	13.44 CFS
STOCKWATER	03/15 12/15	0.140 CFS

PLACE OF USE:

672 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 672 acres in a single irrigation season. Combined Right Nos.: 27-12108 and 1-10058.

Place of use is within the area served by Smith-Maxwell Ditch Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

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 - Beneficial Use

Water Right 27-12108

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 27-12108
Date Received: 9/30/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

SMITH-MAXWELL DITCH CO Phone: (208)785-0666
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID USA 83221

2. Date of Priority: 06/07/1929

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	34E	22	SE SE SE 7	BINGHAM	

5. Description of diverting works:

CONCRETE DAM IN THE BLACKFOOT RIVER. SMITH MAXWELL HEADGATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	20	
STOCKWATER	03/15	12/15	0.14	

7. Total Quantity Appropriated is:
20 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
03S	34E	21	SE SW	3	IRRIGATION	10
			SE SW	19	IRRIGATION	
			NE SE	5	IRRIGATION	20

			NE	SE	13	IRRIGATION	
			SW	SE		IRRIGATION	40
			SE	SE	5	IRRIGATION	40
			SE	SE	13	IRRIGATION	
						Section Acres	110
03S	34E	22	SE	NE	1	IRRIGATION	15
			NE	SW	3	IRRIGATION	20
			NW	SW	4	IRRIGATION	30
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	35
			NW	SE		IRRIGATION	5
			SW	SE	6	IRRIGATION	38
			SE	SE	7	IRRIGATION	38
			SE	SE	8	IRRIGATION	
						Section Acres	261
03S	34E	27	NW	NE	1	IRRIGATION	30
			NE	NW	1	IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW	1	IRRIGATION	15
			NW	SW	2	IRRIGATION	7
						Section Acres	172
03S	34E	28	NW	NE		IRRIGATION	40
			SE	NE	5	IRRIGATION	39
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	30
			NW	NW	11	IRRIGATION	
			SW	NW	2	IRRIGATION	40
			SW	NW	12	IRRIGATION	
			SE	NW		IRRIGATION	5
			NW	SW	3	IRRIGATION	30
			NW	SW	13	IRRIGATION	
						Section Acres	224
03S	34E	29	NE	NE	9	IRRIGATION	2
			SE	NE		IRRIGATION	28
			NE	SE	13	IRRIGATION	17
						Section Acres	47
						Total Acres	814

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

CIVIL CASE NUMBER: 39576

Ident. Number

27-12108

Date Received

9-30-05

Receipt Number

E031292

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Smith-Maxwell Ditch Co Phone (208) 785-0666

Mailing Address

C/O Layne Hamilton839 West Riverston Rd. Blackfoot Ida Zip 832212. Date of Priority (Only one (1) per claim) June 7 19273. Source of water supply (a) Blackfoot River

which is tributary to (b)

Snake River4. a. Location of existing point of diversion is: Township 03S Range 34E Section 22SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, 7 B.M., County of Bingham

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.Concrete dam in the
Blackfoot River - Smith Maxwell Headgate

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/15 amount 30 or _____

For Stockwater purposes from 3/15 to 12/15 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 30 (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	
35	34E	27		35			40	40	40	15									170
35	34E	28				30													30
			See 01-10058 for land list.																

Total number of acres irrigated 814.0 ac.

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

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

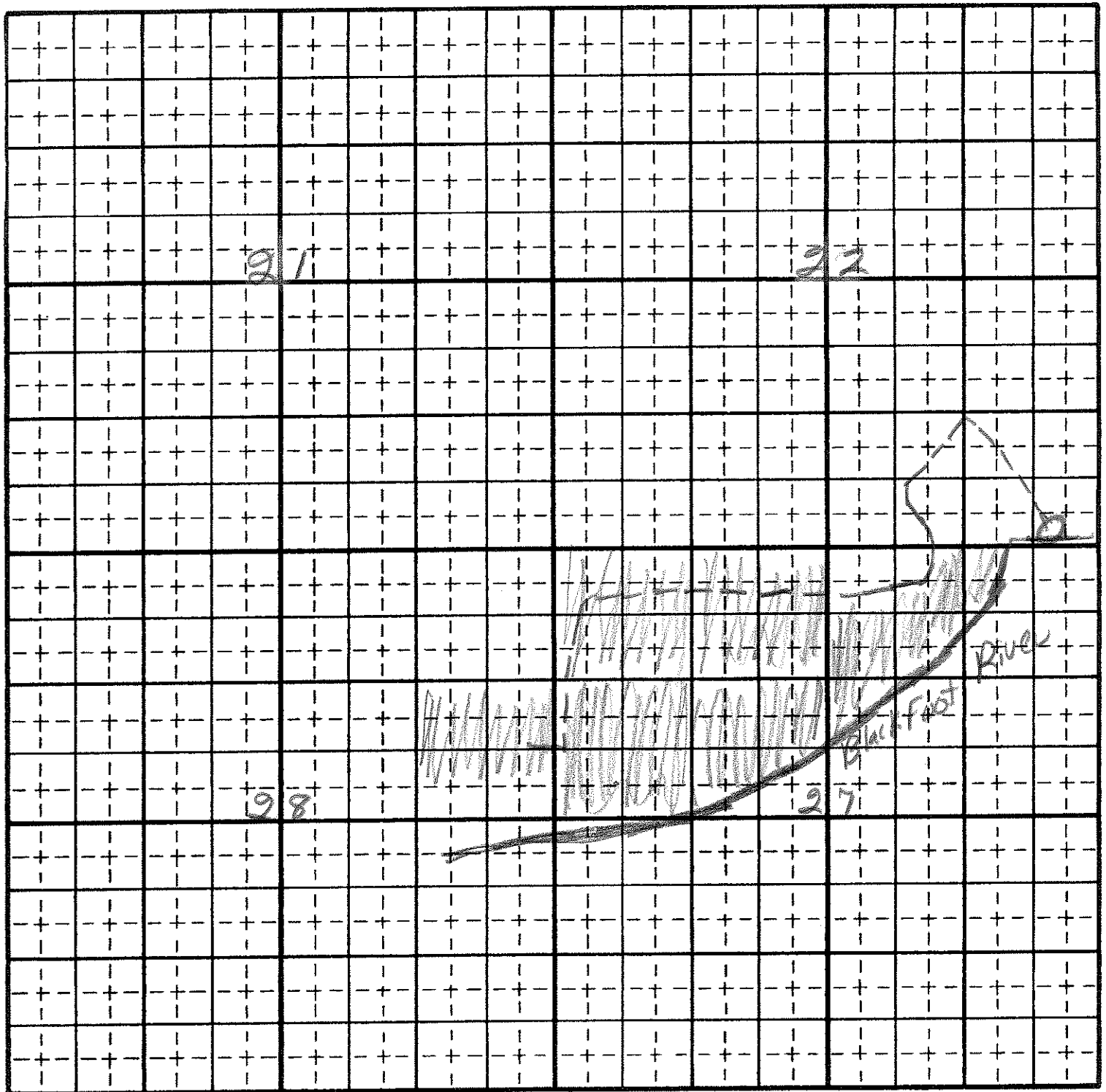
13. Describe any other water rights used at the same place and for the same purposes as described above.
Smith Maxwell Decree Snake River A01-10058 or None ()

14. Remarks: Irrigation Company

Last Name Smith Maxwell Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name Smith Maxwell Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Dec: _____

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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of Smith Maxwell Ditch Company Organization _____, that I have signed the foregoing

document in the space below as Secretary Title _____ of Smith Maxwell Organization _____

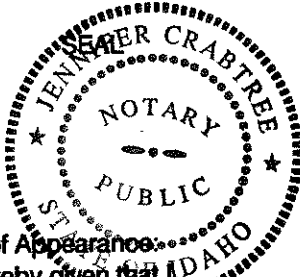
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Laure Hamilton

Title and Organization Smith Maxwell Ditch Company Date Sept 30 05

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30th day of Sept 19 2005



Notary Public Jennifer Crabtree

Residing at Idaho Falls ID

My Commission Expires 9/23/09

Please Print Name

17. Notice of Appearance.

Notice is hereby given that _____ 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 Smith Maxwell Ident. Number _____