

S26

SENW

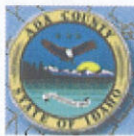
63-25741
14 AC irr.

63-25742

63-24160
D&S-.08cfs

old homestead
#63-25740

63-25743
7 AC irr.



Ada County Assessor Land Records/GIS

Land Records

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

Property Details for Parcel S0526244250

- [Main Page](#)
- [Property Search](#)
- [Online Map](#)
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- [Image Documents](#)
- [Old interactive map](#)

General Information

Property Acres: 6.327
 Zone Code: R6
 Primary Code Area: 190 [Tax Districts](#)
 Group Type: SECT
 Subdivision: 4N 1E 26
 Section: 4N1E26

Property Description

PAR #4250 IN NW4
 SEC 26 4N 1E



[Click to View Interactive Map](#)

Assessor Links

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	180-OTHER RURAL LAND	2.327	\$124,400	MARKET
Primary	190-WASTE LAND	4.000	\$0	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$10,000	COST

Total Assessed Value: \$134,400

Parcel Valuation History

Assessed value for year 2004 \$134,400
 Assessed value for year 2003 \$125,200
 Assessed value for year 2002 \$125,200
 Assessed value for year 2001 \$44,000
 Assessed value for year 2000 \$44,000

Ada County Links

- [Ada County Home Page](#)
- [Commissioners](#)
- [Treasurer](#)
- [Clerk/Auditor/Recorder](#)
- [Development Services](#)
- [Human Resources](#)

Property Characteristics
[Residential Land](#)

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Idaho Department of Water Resources

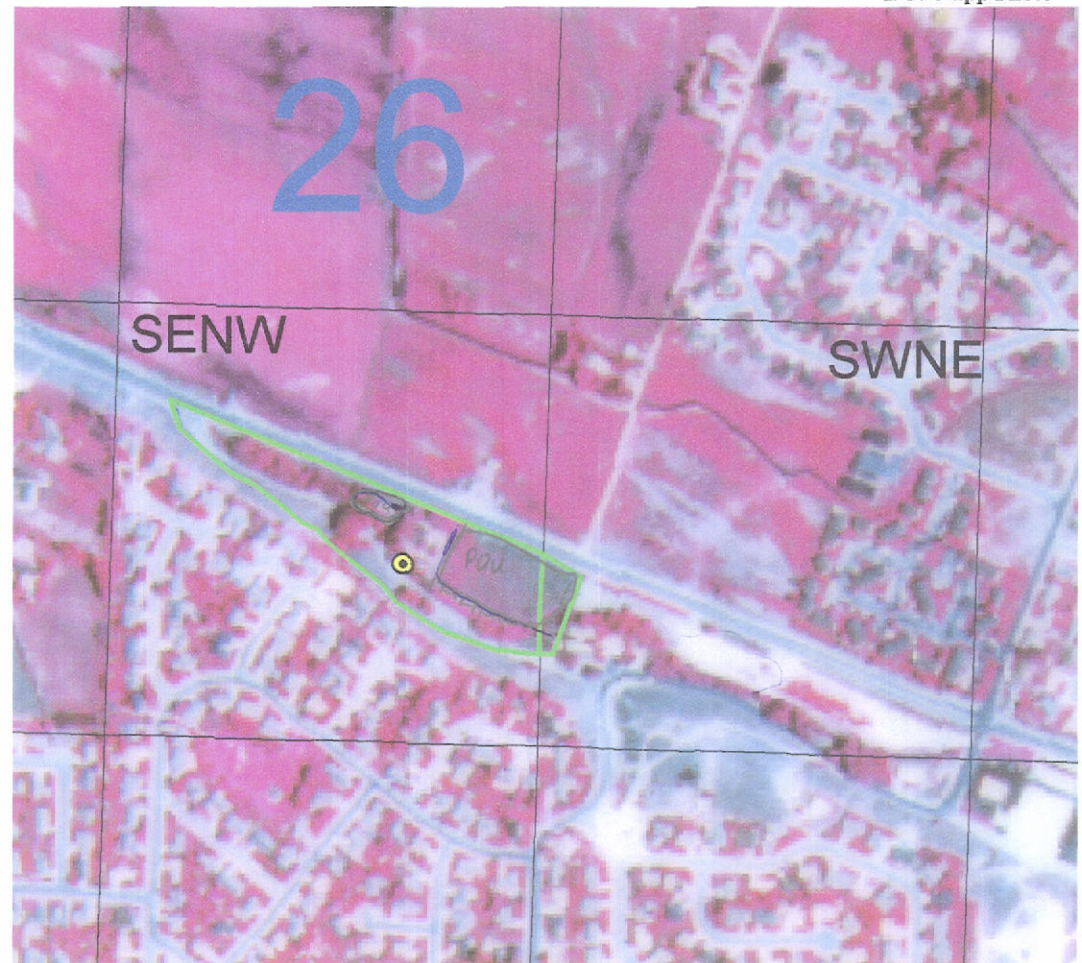
Claim Number: 63-25743

Legal: T4N, R1E, S26

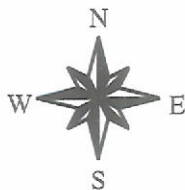
Reviewed By:

1987 Napp Photo

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



0 0.25 0.5 Miles



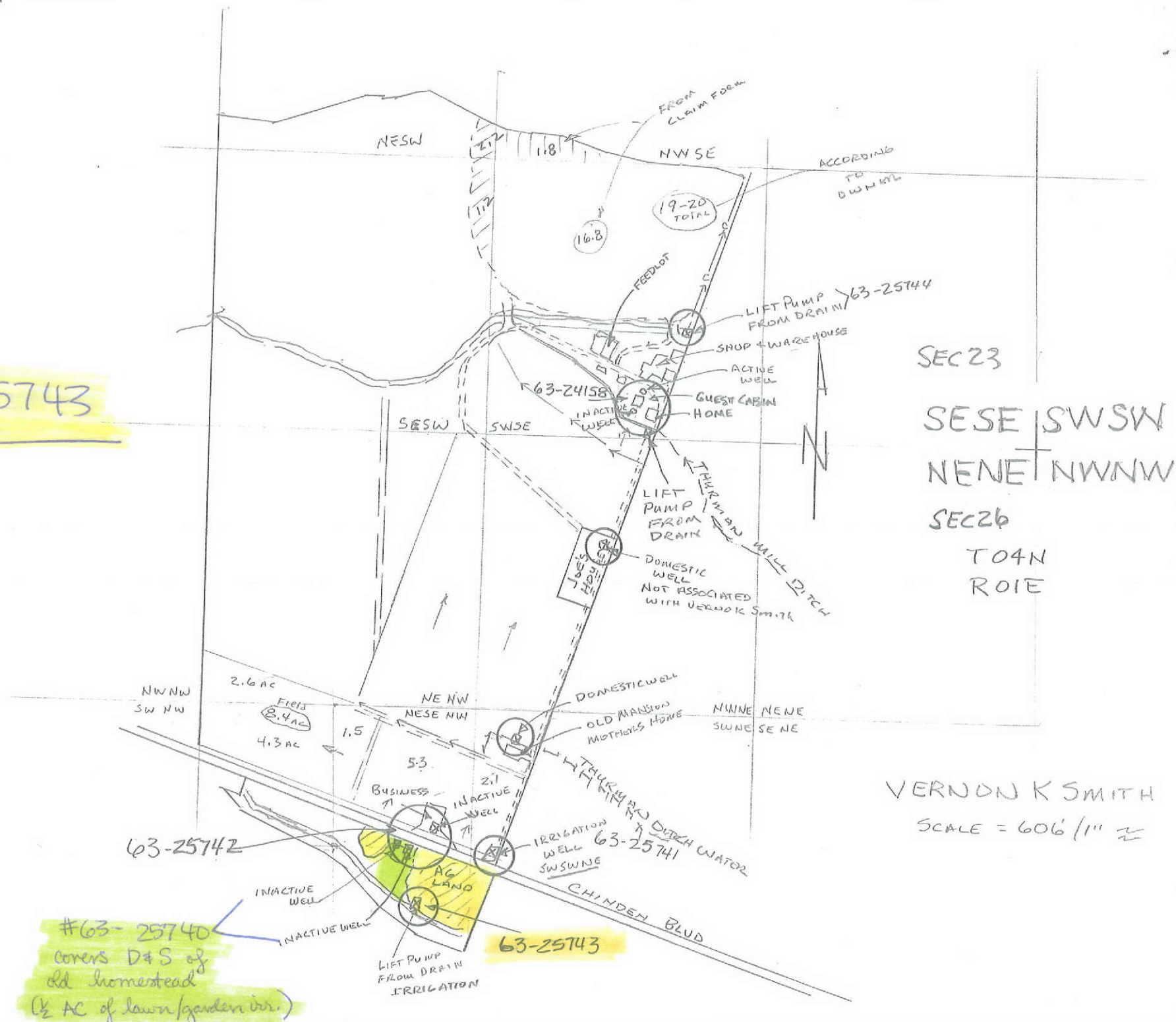


63-25743



* DRAWN BY IDWR CONTRACTOR, BURKE SCHOLER, DURING FIELD EXAMS. (3/04)

#63-25743



#63-25740
covers D & S of
old homestead
($\frac{1}{2}$ AC of lawn/garden ir.)



This PARMA WATERLIFTER is the one South of the farmstead. It is used to lift water coming from the Thurman-Mill Ditch, which empties into this drain ditch. No other water right is associated with it. SEE REVERSE SIDE FOR DATA

OVER →





brother, **Joseph H. Smith**
Domestic

This domestic well is not associated with Vernon K. Smith. See reverse for pump location



OVER →



Mother's house Domestic Well

PUMP INFORMATION: *(Intrepid)*

Site Tag A0013254

GPS	2314253	#
	1386806	24

1 HP Submersible Pump

Franklin Motor

Serial No. 2801084915

1" Discharge Pipe



Idaho Department of Water Resources

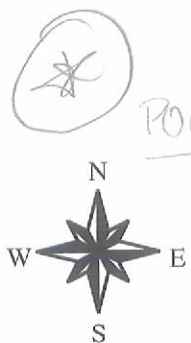
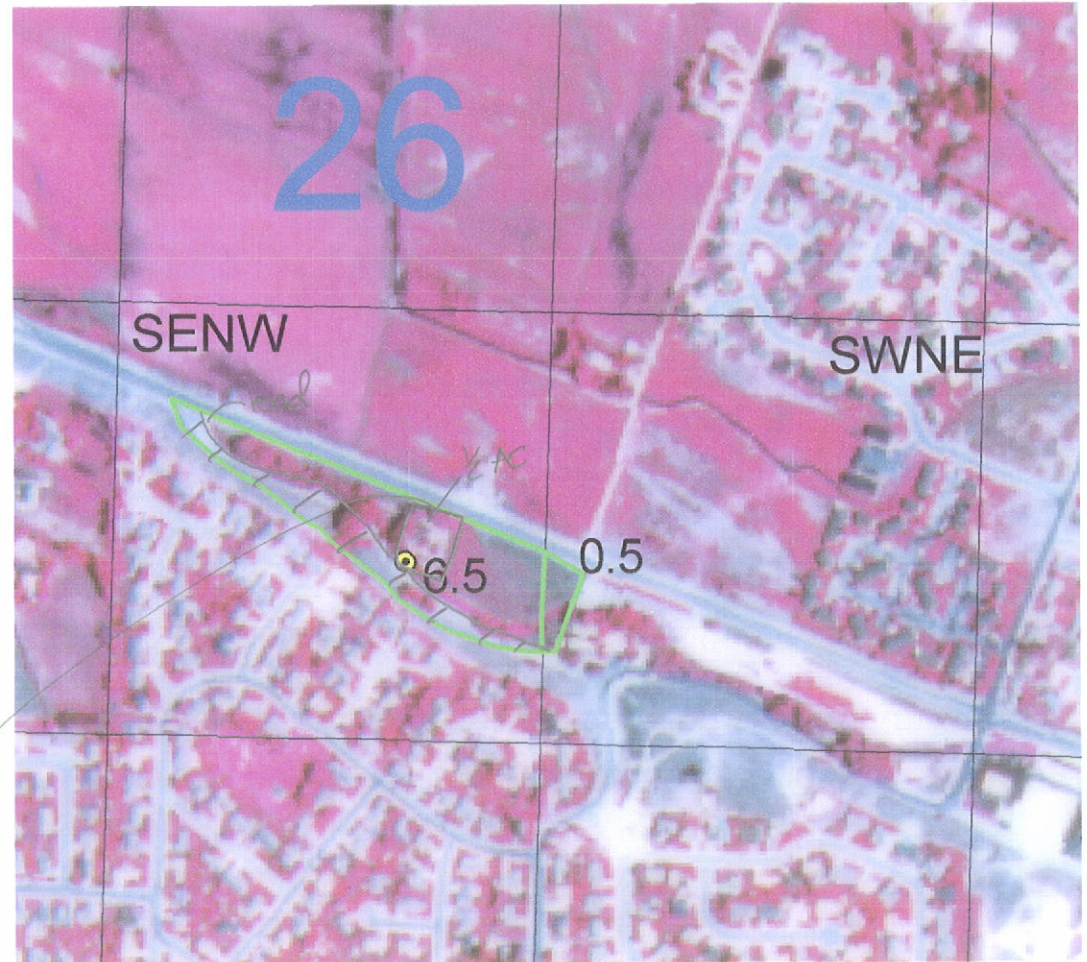
Claim Number: 63-25743

Legal: T4N, R1E, S26

Reviewed By:

1987 Napp Photo

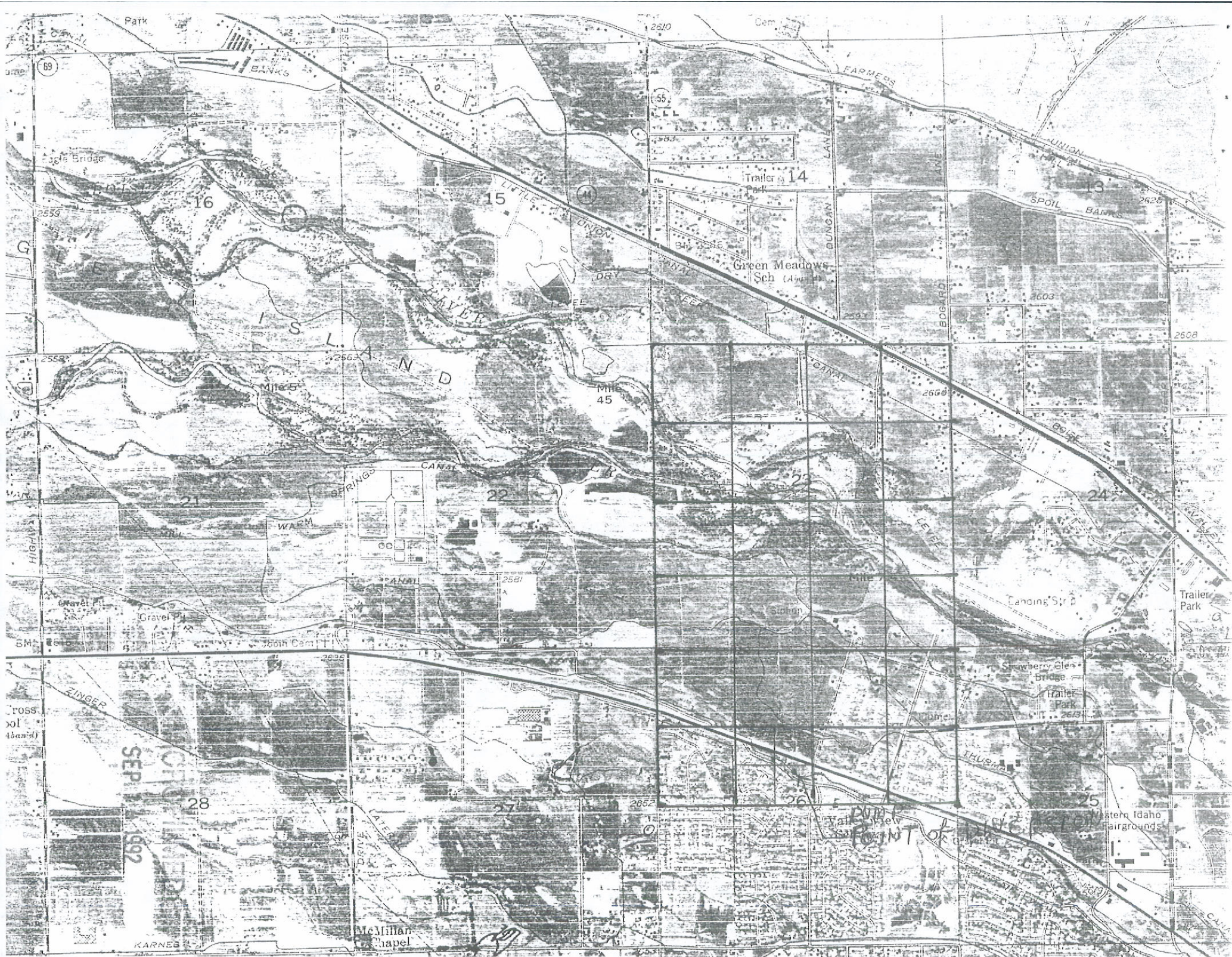
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



POU - Karan

did not remove $\frac{1}{2}$ acre covered by #63-25740,
road, and back field that is not irrigated
in 1987 or 1994 NAPP images.

-KUB



RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase 63-25743
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Vernon K. Smith Representative for Victoria H. Smith (owner)
Address: and Estate of Vernon K. Smith Sr. (owner)
1900 West Main St. Boise, Idaho 83702
Daytime Phone: 208-345-1125

Name & Address of Attorney, if any:

Vernon K. Smith
1900 West Main St.
Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Victoria H. Smith
Address: 5933 N. Braustetter
Boise, Idaho 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Estate of Vernon K. Smith and Victoria H. Smith
2. ☒ **Source**
Should be: Drain Ditch
3. ☒ **Quantity**
Should be: stock 040 irrigation 210
total 0.850 cfs
4. ☒ **Priority Date**
Should be: January 1, 1953
5. ☒ **Point of Diversion** NE 1/4 SE 1/4 NW 1/4 S26T4N R1E BM
Should be: NW 1/4 SE 1/4 NW 1/4 S26T4N R1E BM
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: stockwater and irrigation
8. ☒ **Period of Year**
Should be: January 1 to December 31 stockwater
April 1 to October 15 irrigation
9. ☒ **Place of Use**
Should be: see attached claim and above point of diversion
10. ☒ **I object because:**
☐ This water right Should not exist.
☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** priority date is
January 1, 1953, and beneficial use
exists.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

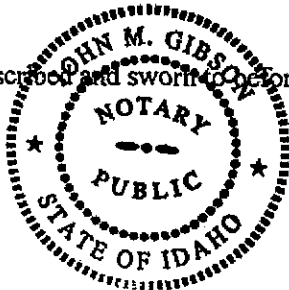
Vernon K. Smith _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



21st day of April 2006

John M. Gibson
Notary Public for Idaho

Residing at: Boise

My Commission Expires: 10-17-07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 21st day of April 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

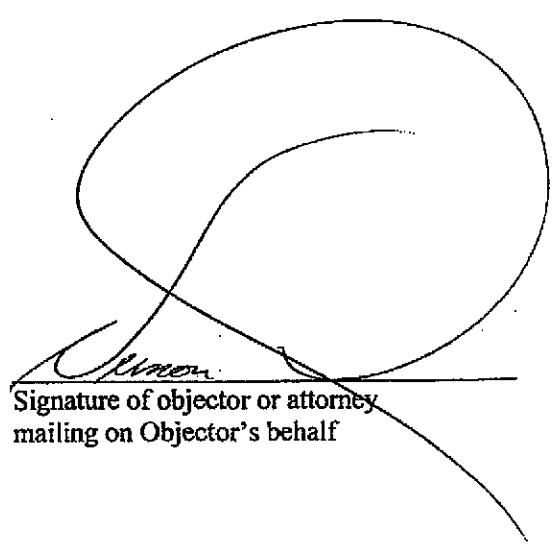
Name: Victoria H. Smith
Address: 5933 N. Branstetter
Boise, Idaho 83714

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	26			X					X									

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0				6.0										7.0

Total Acres: 7

Conditions of Approval:Remarks:

- General NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25743 V1

WATER RIGHT NUMBER: 63-25743 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	26			X					X									

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-25743 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0				6.0										7.0

Total Acres: 7

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. Explanatory NO BENEFICIAL USE FOUND.

Comments:

1. kbrown 4/15/2005 Reason for Disallowal

Comment: After numerous attempts to obtain evidence of priority, I have not received anything to substantiate the claimed priority date (see Conversation Memorandum & Priority Date, Adjudication Field Report, p. 1).

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	4/15/2005 10:40:43 AM	kbrown			Disallowed
Summary			04/15/2005	kbrown	Disallowed

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25743 V1

Summary	4/15/2005 10:46:53 AM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	4/15/2005 10:40:44 AM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Dissallowed.

DISALLOWED

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743 ✓

WATER RIGHT NUMBER: 63-25743 ✓

Owner Type Name and Address
Current Owner VICTORIA H SMITH ✓
5933 N BRANSTETTER
RT 4
BOISE, ID 83714
(208)375-2934
Current Owner ESTATE OF VERNON K SMITH ✓
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE, ID 83714
(208)375-2934
Representative VERNON K SMITH ✓
1900 W MAIN
BOISE, ID 83702
(208)345-1125

Priority Date: 01/01/1953 ✓
Basis: Beneficial Use ✓
Status: Active

Property Address:

9907 W. Chinden ^{old Branstetter}
5933 N. Branstetter
9604 N. Branstetter

Source Tributary
UNNAMED DRAIN DITCH ✓ BOISE RIVER

	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
REMOVE	STOCKWATER ✓	1/01 to 12/31 ✓		0.040 CFS ✓	(see Field Report)
	IRRIGATION ✓	4/01 to 10/15 ✓		0.210 CFS ✓	
		Total Diversion:		0.250 CFS ✓	

change to
3/1 - 11/15

24.5 AF
(* no AF amt. for surface water)

Location of Point(s) of Diversion

UNNAMED DRAIN DITCH ✓ NE1/4SE1/4NW1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
ADA County ✓

REMOVE DRAIN DITCH ✓ SE1/4SE1/4NW1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
ADA County ✓

REMOVE DRAIN DITCH ✓ NW1/4SE1/4NW1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
ADA County ✓

Place of Use

STOCKWATER ✓

(REMOVE)

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	20	X	X			

IRRIGATION

use is combined with water from
ADD W57 - Thurman - Mill Irr. Dist.

DISALLOWED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	01E	26			✓ 1.0				✓ 6.0										✓ 7.0
					0.5				3.6										4.1
Total Acres: ✓																			4.1

Conditions of Approval:

Remarks:

1. General

NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Comments:

Dates and Other Information:

Claim Received Date: 8/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Parcel Nos:

a portion of

"

"

80526244250

80526244432

80526120995

DISALLOWED

Field Exam Date 4.14.05

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$57.⁰⁰
- ☐ Well logs (if needed) (could not find any - KLB)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☐ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-25743

Owner: Estate of Vernon K. Smith & Victoria H. Smith Phone No. (208) 375-2934

Current Address: 5933 N. Bran Stetter, Rt. 4, Boise 83714

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
- ☒ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1/1/1953

(If priority date, based on your exam, seems questionable, explain below.)

I have sent two letters requesting evidence of priority. In addition, I spoke with Vernon Smith in Sept. 2003 and March 2004 regarding evidence. I also spoke with his mother, Victoria H. Smith, in April 2004 and subsequently left a message for Vernon Smith at his office requesting an affidavit (see

Source: Drain Ditch

Tributary to

- ☐ No Change - SAME SOURCE

☒ Source found is different than claimed: UNNAMED DRAIN

Conversation
Memos.
(continued,
p. 4)

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change?

POD is located in the NE SE NW.

site tag - A 0002464

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See Field Report.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USESSeason of use is 3/1 to 11/15. (260 days)☐ No change☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount CFS AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount _____ CFS _____ AFA☒ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☒ Changes Exam found: Domestic # of homes _____ Stock # (not specified)

Types _____ Additional comments: _____

Remove stockwater use - dairy operations shut down in the early 70's(see Field Report).**PLACE OF USE:**☐ No Change☒ Changes shown below:Remove stockwater useIrrigation only

* preliminary calculations based on 1987 & 1994 NAPP irrigation

Place of Use			NE				SW				SE				Totals			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
					0.5					3.6								4.1

minus 1/2 AC domestic use covered by G3-25740, road, & NW back field not irrigated

Overlap with other water rights:

Thurman-Mill Bitch Co.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

See Field Report.

Well or Diversion Identification No	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
GPS ID A0002464					
2314097					
1386592					

GPS coordinates >

FLOW MEASUREMENTS:

See IDWR Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

JUSTIFICATION FOR DISALLOWAL-

see Priority Date, p. 1

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 4-14-05

FIELD EXAMINER: Kimberly Brown

DISALLOWED

Priority Date - continued

I then sent a letter to both the home and attorney's office addresses, stating that since I have not received any evidence of priority, I have no choice but to recommend this claim as disallowed.

(I checked our Well Driller's Reports file for 4N, 1E, S 326 and found nothing).

-KLB

SRBA Review Standards

Level of Review -

IV. Beneficial Use Claims Other Than Small D&S

A. Claim will be field examined same as a licensing exam.

Query: With respect to beneficial use claims to groundwater for irrigation, would it be sufficient to determine only the amount of water diverted, and assume that the rate of flow is an inch per acre unless less is claimed, permitted, licensed, or decreed?

B. Each claimant will be required to submit documentation to show some support for the priority date and amount of right claimed. For example, homestead records, desert land entries, assessor records, posted notices, affidavits of witnesses, etc. In the absence of evidence of appropriation not in violation of the mandatory permit system, the claim will be recommended for disallowal on the basis that no such evidence was submitted. The burden will then fall to the claimant to object and to put such evidence before the court.

[Note that case law says amount and priority must be shown to establish a water right. The notice of claim is an affidavit and therefore evidence, but the statute says it is also a pleading. In absence of any other evidence as to priority, can it be said that the notice of claim is sufficient evidence? This would put the burden of verification of priorities on the objectors, and would give beneficial use water right holders a substantial advantage over licensed and decreed water right holders, since they could lie or make something up easier.]

C. If a right is claimed with a priority that predates a prior adjudication, then IDWR's files as to that case should be checked to see if that claimant's predecessor was made a party. Contact claimant, who must submit evidence to show the predecessor was not made a party (unless IDWR staff has already made that determination from IDWR records). Absent such documentation, the earliest priority date that can be recommended is the date after the cut-off date of the earlier adjudication.

D. If a right is claimed that is in violation of the mandatory permit system, it can be recommended only based on the second presumption. See Part VII below.

V. Posted Notice Claims

Review same as beneficial use claim, except that the posted notice is evidence of the priority date if

A. the posted notice meets the statutory requirements for completeness,

B. all elements of the claim are the same as or less than the posted notice, or to the extent that they are different they can be considered a change in use of the posted notice water right (see Part VIII below as to changes), and

April 7, 1975

OPERATIONS DIVISION
ADMINISTRATOR'S MEMORANDUM

TO: District Office
FROM: A. Kenneth Dunn
SUBJECT: Annual Use of Water for Stockwater Purposes

No. of Stock (head)	RANGE CATTLE		DAIRY CATTLE	
	Rate* c.f.s. (1)	Volume AF/yr. (1)	Rate* c.f.s. (2)	Volume AF/yr. (2)
0 - 10	0.02	0.2	0.02	0.4
11 - 25	0.02	0.4	0.02	1.0
26 - 50	0.02		0.04	2.0
51 - 100	0.03	1.4	0.07	4.0
101 - 200	0.05	2.7	0.13	7.9
201 - 300	0.07	4.1	0.20	12.0
301 - 400	0.09	5.4	0.26	16.0
401 - 500	0.12	6.7	0.33	20.0
501 - 600	0.14	8.1	0.39	24.0
601 - 700	0.16	9.4	0.46	28.0
701 - 800	0.19	11.0	0.52	32.0
801 - 900	0.20	12.0	0.58	36.0
901 - 1000	0.23	14.0	0.65	40.0
1001 - up (3				

(1 The amounts shown are based on 12 gpd/head with a 12 month period of use. (i.e. for range cattle, horses and mules). The amount does not include a loss (i.e. thru conveyance, etc.)

2. The amounts shown are based on 35 gpd/head with a 12 month period of use. (i.e. for dairy cattle). The amount does not include a loss. (i.e. thru conveyance, etc.).

3. For annual use calculations which involve more than 1000 head, round the number of head up to the next even one hundred, and

Volume

a) for livestock use @ 12 gpd/hd, N (0.0134).

b) for dairy use @ 35 gpd/hd, N (0.0391).

Rate

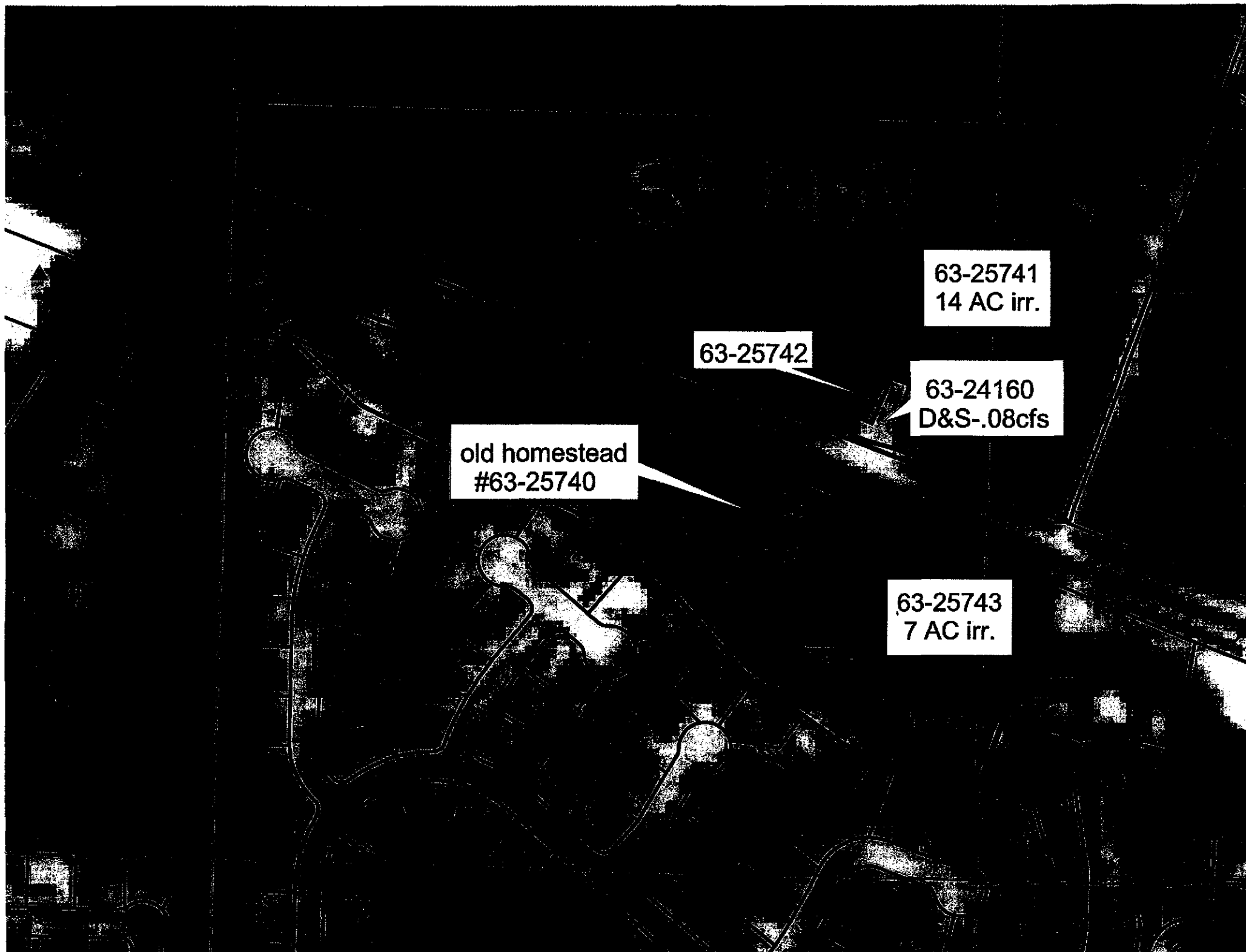
a) for livestock use @ 12 gpd/hd, N (0.00022).

b) for dairy use @ 35 gpd/hd, N (0.00065).

The answer should be rounded up to the nearest whole acre-foot.

*The rate is based upon approx. 2 hr/day diversion to obtain daily requirement.

A. Kenneth Dunn



63-25741
14 AC irr.

63-25742

63-24160
D&S-.08cfs

old homestead
#63-25740

63-25743
7 AC irr.

overlap review -

04/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-25740

WATER RIGHT NUMBER: ~~63-25740~~

Owner Type Name and Address
Representative VERNON K SMITH
 1900 W MAIN
 BOISE, ID 83702
 (208)345-1125
Current Owner VICTORIA H SMITH
 5933 N BRANSTETTER
 RT 4
 BOISE, ID 83714
 (208)375-2934
Current Owner ESTATE OF VERNON K SMITH
 C/O VICTORIA H SMITH
 RT 4
 5933 N BRANSTETTER
 BOISE, ID 83714
 (208)375-2934

Priority Date: 01/01/1953

Basis: ~~Decreed~~

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

DOMESTIC

STOCKWATER

From To

1/01 to 12/31

1/01 to 12/31

Diversion Rate

0.040 CFS

0.040 CFS

Total Diversion:

0.080 CFS

Annual VolumeLocation of Point(s) of Diversion

GROUND WATER

ADA County

SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	26								X									

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	26								X									

covers
old

homestead (1910)

over
→

located south

of hwy. surrounded
by the 6-acres covered by
#63-25743Property location -
990' W. Chinden

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-25740

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

Remarks:

1. Explanatory PARCEL NO. S0526244430

Comments:

1. DUNN1 9/15/1993 COPIED FROM REMARKS

Comment: ONE HOUSEHOLD AT THE OLD HOMESTEAD AND STOCKWATER USAGE WHICH HAS VARIED OVER THE YEARS AS TO NUMBER AND TYPE OF LIVESTOCK. THERE IS ALSO WATER PUMPED FROM THE DRAIN DITCH USED FOR STOCK WATER AND TO IRRIGATE APPROXIMATELY 7 ACRES SOUTH OF HIGHWAY 20-26 WHICH SURROUNDS THE OLD HOMESTEAD AND WELL. THE POINT OF DIVERSION IS A WELL WHICH, FROM THE AERIAL PHOTO, APPEARS TO BE ON THE 1/4 1/4 1/4 LINE.

Dates and Other Information:

Licensed Date:

Decreed Date: 4/14/2000

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Ada County Assessor Land Records/GIS

Land Records

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

Property Details for Parcel S0526244250

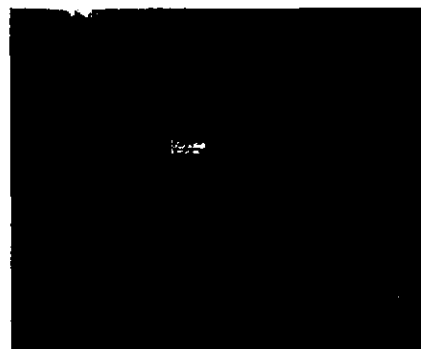
- [Main Page](#)
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General Information

Property Acres: 6.327
 Zone Code: R6
 Primary Code Area: 190 Tax Districts
 Group Type: SECT
 Subdivision: 4N 1E 26
 Section: 4N1E26

Property Description

PAR #4250 IN NW4
 SEC 26 4N 1E



Assessor Links

Property Address

9907 W CHINDEN BLVD
 MERIDIAN, ID 83642

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	180-OTHER RURAL LAND	2.327	\$124,400	MARKET
Primary	190-WASTE LAND	4.000	\$0	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$10,000	COST

Total Assessed Value: \$134,400

Parcel Valuation History

Assessed value for year 2004 \$134,400
 Assessed value for year 2003 \$125,200
 Assessed value for year 2002 \$125,200
 Assessed value for year 2001 \$44,000
 Assessed value for year 2000 \$44,000

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- [Ada County Home Page](#)
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- [Human Resources](#)

Property Characteristics

Residential
 Land

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Land Records

Characteristics Detail[Go Back to Property](#)

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Residential**Land****Residential Characteristics 1 for Parcel "S0526244250"**

Occupancy Date:	No Date Available
Year Built:	1910
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	3
Number Bathrooms:	0.75
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	0
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	744
Main Floor Sq Ft:	744
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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**Land Characteristics 1 for Parcel "S0526244250"**

Residential Acres:	2.327
Commercial Acres:	0.000
Other Acres:	4.000
MLS Area:	650 - W Boise - Meridian Dist
Street:	None
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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Receipt Details for ID C009892

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/18/1989 1:54:47 PM	8/18/1989	State	\$347.00	Check
Payer		SMITH, EXEC., VICTORIA H.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2952			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE_(SEE REC # C020476)

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$347.00	ADJUDICATION FEE_(SEE REC # C020476)	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	24102		\$25.00	Claim
63	24105		\$25.00	Claim
63	24160		\$25.00	Claim
63	24158		\$25.00	Claim
63	25740		\$25.00	Claim
63	25741		\$64.00	Claim
63	25742		\$54.00	Claim
63	25743		\$57.00	Claim

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/26/03
Time: 12:40:42

Rec/No - C009892 AR/No -
From: - SMITH, EXEC., VICTORIA H.

Receipt Type - CK Doc/No - 2952
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 08/18/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE_(SEE REC # C020476)	9337		410162	6490		347.00

Total Due - 347.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6324102	25.00	A6324105	25.00	A6324160	25.00
A6324158	25.00	A6325740	25.00	A6325741	64.00
A6325742	54.00	A6325743	57.00	A6325744	47.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right No. A63-24158, A63-25741,
A63-25742, A63-25743, & A63-25744**

September 9, 2003 @ 10:25 a.m.

Vernon K. Smith called in response to the evidence of priority letter he recently received from our office. I explained the reason for my request and gave Mr. Smith several examples of how to supply this evidence; specifically an affidavit written and signed by his mother, Victoria H. Smith, since she filled-out the *Notices of Claim*. During our conversation, Mr. Smith said that there are four wells associated with the five water rights and that he has 176 shares with the Thurman-Mill Ditch Company. He also stated that, due to the gravel pits in their area, the water table is going down, and as a result, they are using 5 times the amount that they are allotted from the ditch company.

March 8, 2004 @ 10:44 a.m.

Vernon Smith called in response to the second evidence of priority letter sent from the Attorney General's office. Mr. Smith said that all these claims pertain to a 200-acre ranch that his family bought in 1954. He stated that he will write-out an (1) affidavit for all of these claims.

April 29, 2004 @ 12:18 p.m.

Since I have not received any evidence of priority, I called #375-2934 and Vernon Smith's mother, Victoria H. Smith, answered the telephone. Since she filled-out the original *Notices of Claim*, I thought that I would broach the subject of her writing an affidavit about her personal knowledge of the use of the wells and how she came up with the two different priority dates (1953 & 1956) for these claims. When I asked why she chose 1953 and 1956, Mrs. Smith became confused and very uncomfortable. She said that I should contact "Vernon" at: (cell) #919-0024 or (office) #345-1125. I told her that I would do as she requested.

At 12:24 p.m., I called #345-1125 (office) and asked for Vernon Smith. Since Mr. Smith was not in the office, I left a message with the man that answered the telephone and stated that he needed to submit evidence of priority as soon as possible; and that an affidavit would suffice.

Kimberly Brown
Senior Water Resource Agent
Western Region

A. GENERAL INFORMATION

Permit No. 63-25743

1. Owner: VERNON K SMITH

Phone No. 208 345 1125

Current Address:

2. Accompanied by:

EXAM DATE : 3/26/04

Address:

Phone No.

Relationship to Permit Holder:

3. Source: DRAINAGE DITCH tributary to Boise River

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

A 0002464 - SITE TAG

1. Point(s) of Diversion:

GAS	2314097 1386592	#19
-----	--------------------	-----

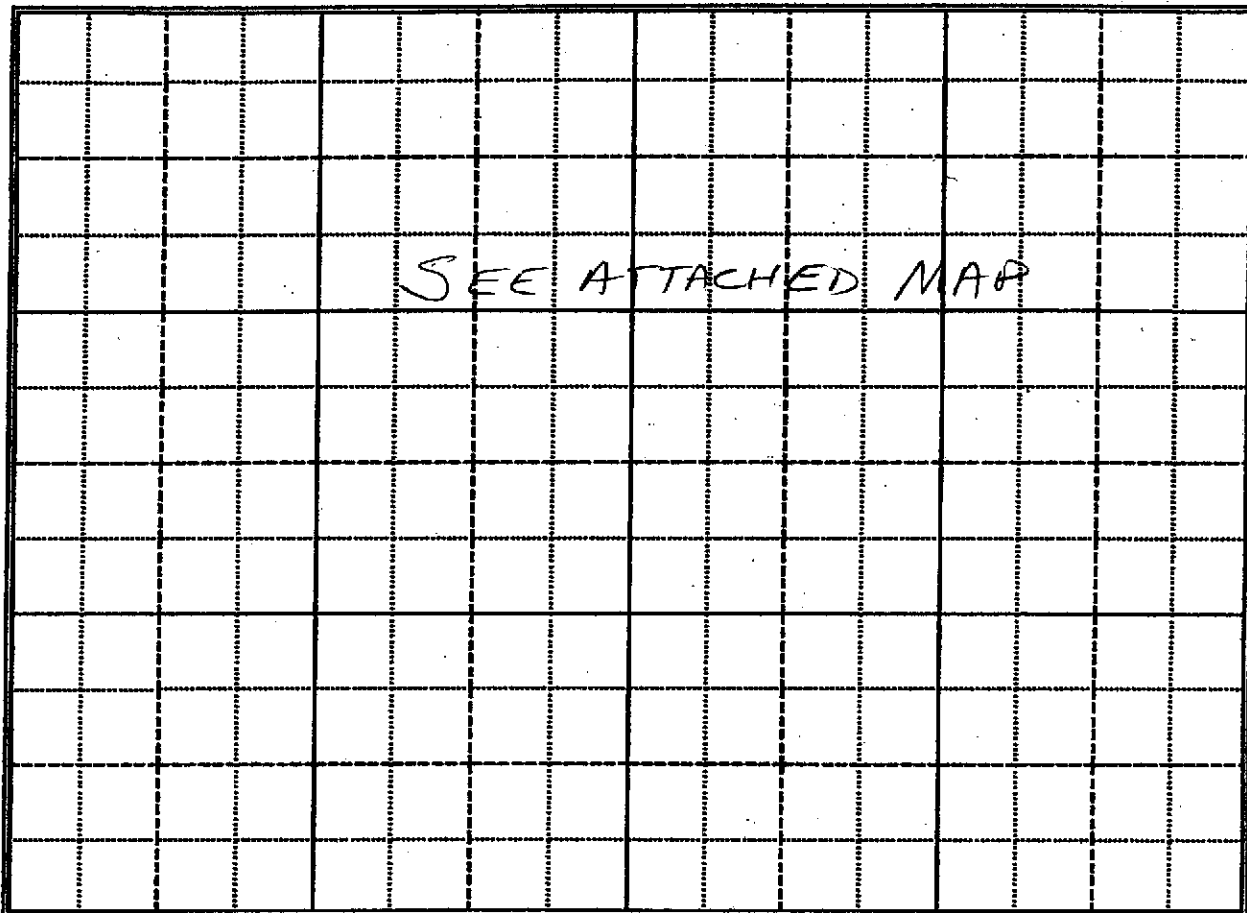
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 (AND ONLY)	BALDOR	5	NONE	BERKELEY	B58143 (SN) 1 1/2" DISCHARGE
				CENTRIFUGAL	MODEL B1 1/2 TPM

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: SEE "F"

E. NARRATIVE/REMARKS/COMMENTS

THIS IS A SMALL 5HP CENTRIFUGAL PUMP TO LIFT WATER FROM THE DRAINAGE DITCH THRU A CONNECTED POLY ETHYLENE PIPELINE 2" DIA. TO THE FIELD HEADLAND ON THE EAST SIDE OF THE FIELD. THE FIELD HAS BEEN IRRIGATED WITH A VARIETY OF SYSTEMS. MAINLY A MAKESHIFT GATED PIPE. POD WAS GPS'D AND IS SHOWN ON THE MAP IN THE APPROXIMATE LOCATION. I QUESTION THE CURRENT IRRIGATED ACRES AS 7.0 ACRES. VERNON SAID THEY HAVE ALWAYS CALLED IT 7 ACRES ON THE SOUTH SIDE OF THE ROAD.

Have conditions of permit approval been met? ☐ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

GIVEN: 1. HP = 5.0

2. EST. EFF = 70%

3 - DISCHARGE PRESS = 50 PSI (115')

$$GPM = \frac{(5)(.7)(8960)}{115} = 120 GPM (0.27 CFS)$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 7.0 \times 4.5 = 31.5 AF$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.27)(200)1.9835 = 107.1$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 31.5 AF$$

2. Volume Calculations for Other Uses:

NO STOCKWATER REQUIRED - DAIRY OPERATION SHUT DOWN IN THE EARLY '70'S.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/11	10/15	0.25	31.5 AF
			Totals:	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Debra H. Schow Date 4/8/04

Reviewer _____ Date _____

SEAL

SMALL PUMP
ON DRAINAGE DITCH
SOUTH SIDE OF CHINDEN

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Burke - map (attached)
created by contractor shows
only 1 Point of diversion,
please have claimant review
attached map and indicate points;
as listed below.

Priority Date: 01/01/1953
Basis: Beneficial Use
Status: Active

Source
DRAIN DITCH

PUMP MOTOR = BALDOR
PUMP = BERKELEY 5HP
CENTRIFUGAL 230V -
MODEL B1 1/2 TPM 24 AMPS
3450 RPM
SF 1.15
Tributary NO. 21F89J
BOISE RIVER 5.5" IMPELLER
SN B5B143

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31		0.040 CFS	4" SUCTION
IRRIGATION	4/01 to 10/15		0.210 CFS	1 1/2" DISCHARGE
<u>Total Diversion:</u>			0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH ADA County	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
DRAIN DITCH ADA County	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
DRAIN DITCH ADA County	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.

Place of Use
STOCKWATER

ADD 2464

GPS 2314097
1386592

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	26			X				X										

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0				6.0										7.0

Total Acres: 7

Conditions of Approval:Remarks:

1. General **NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.**

Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Idaho Department of Water Resources

Claim Number: 63-25743

Legal: T4N, R1E, S26

Reviewed By:

1987 Napp Photo

⊙ Point of Diversion

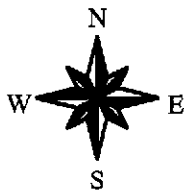
▭ Place of Use

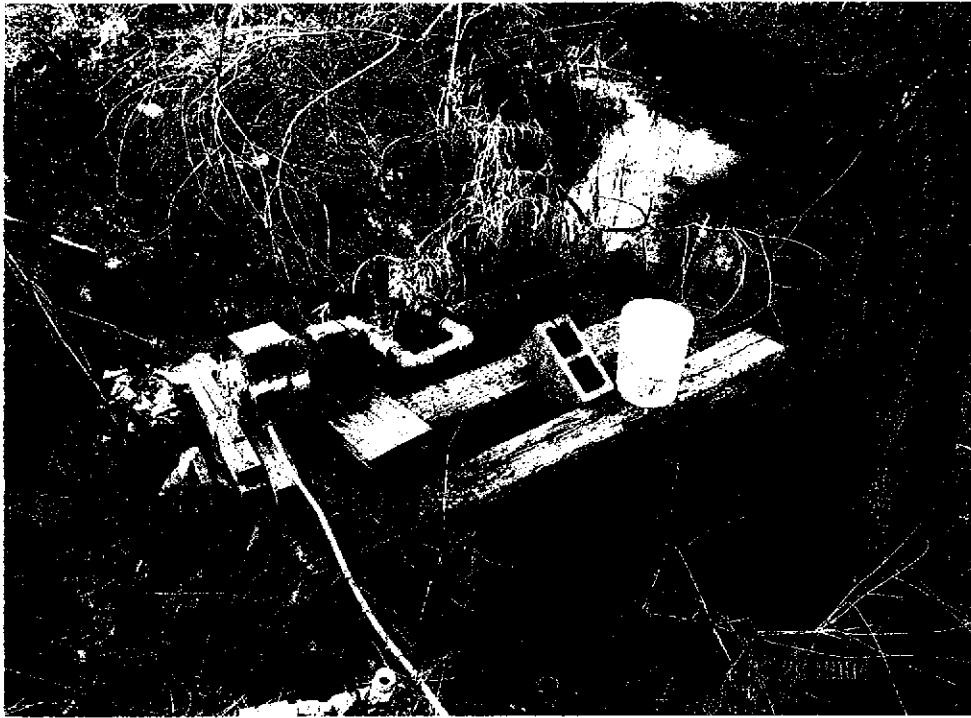
▭ Section Lines

▭ Quarter Quarter Lines



0 0.25 0.5 Miles



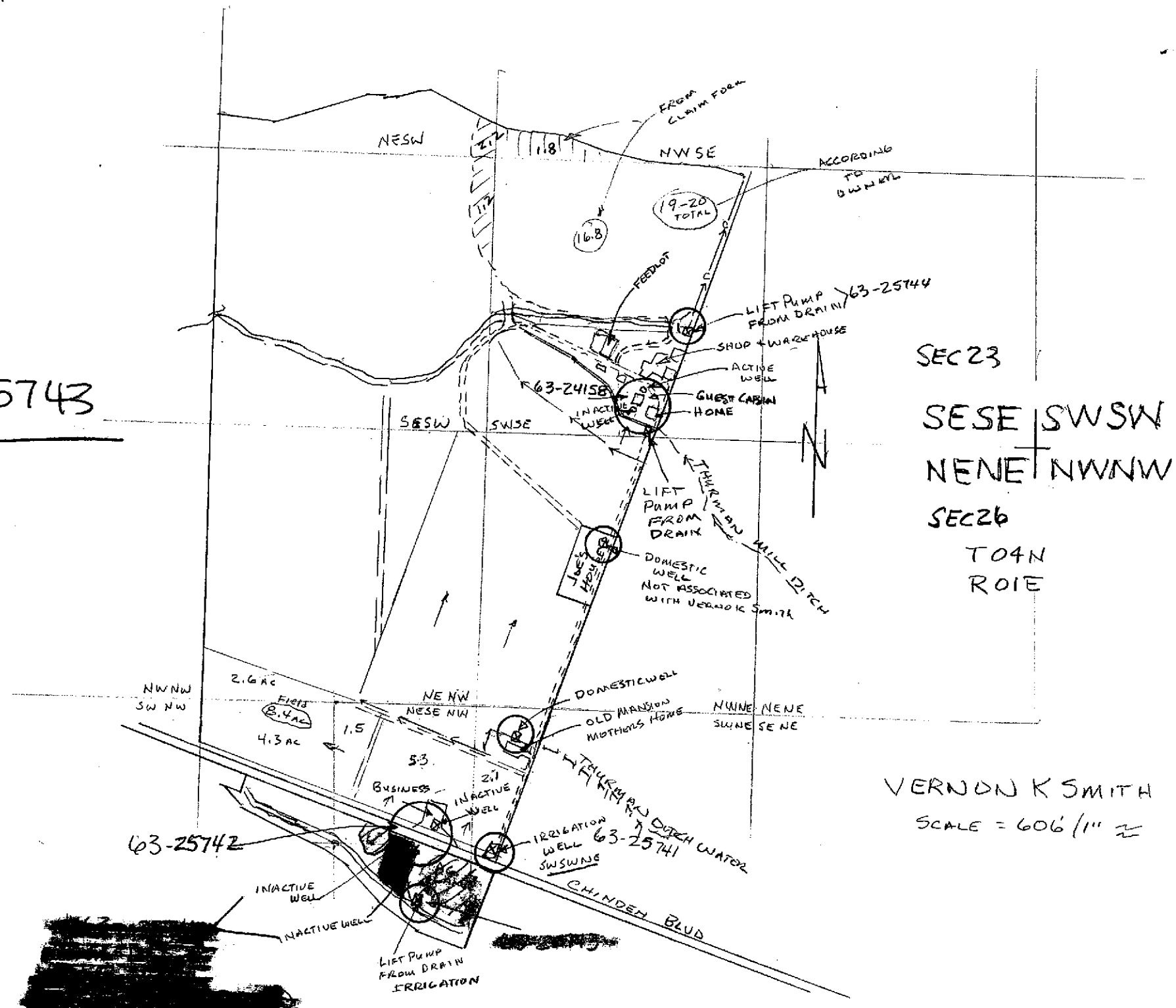


63-25743



* DRAWN BY IDWR CONTRACTOR, BURKE SCHOLER, DURING FIELD EXAMS. (3/04)

#63-25743



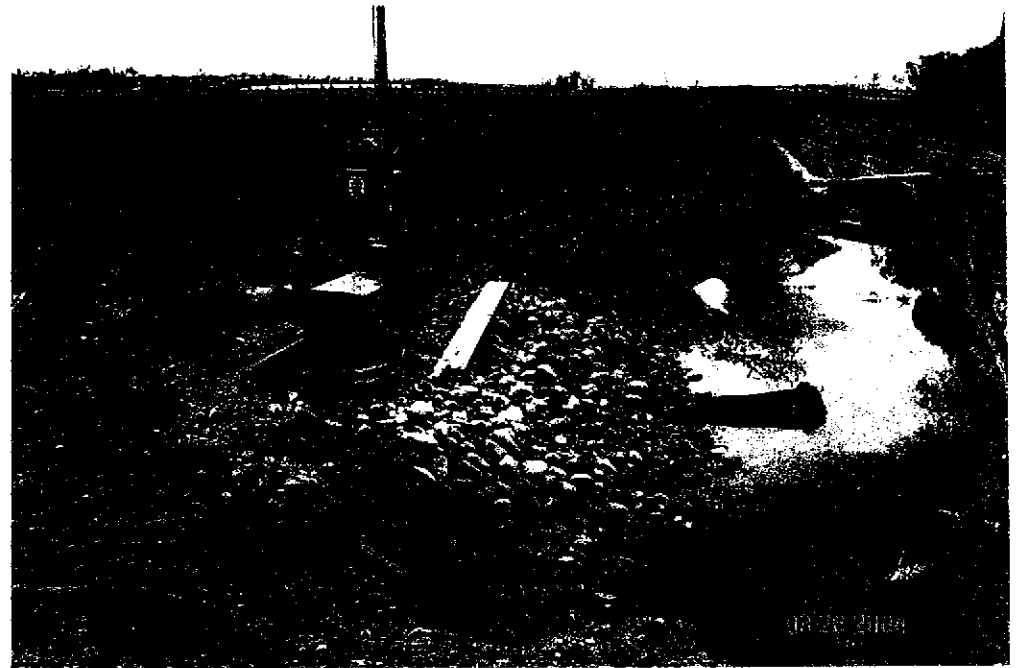
SEC 23
SESE SWSW
NENE NWNW
SEC 26
TO4N
ROIE

VERNON K SMITH
SCALE = 606' / 1" = 1"



This PARMA WATERLIFTER is the one South of the farmstead. It is used to lift water coming from the Thurman-Mill Ditch, which empties into this drain ditch. No other water right is associated with it. SEE REVERSE SIDE FOR DATA

OVER →



PARMA WATER LIFTER

MOTOR - "INDUSTRIAL MOTOR"

10 HP 1740 RPM

SF 1.15

SN = F99-G626A-F

IDAHO POWER MTR

OZ 455 612 ABB

$K_h = 7.2$

ID# 04NOIE 23-02

SITE TAG A0002465

GPS

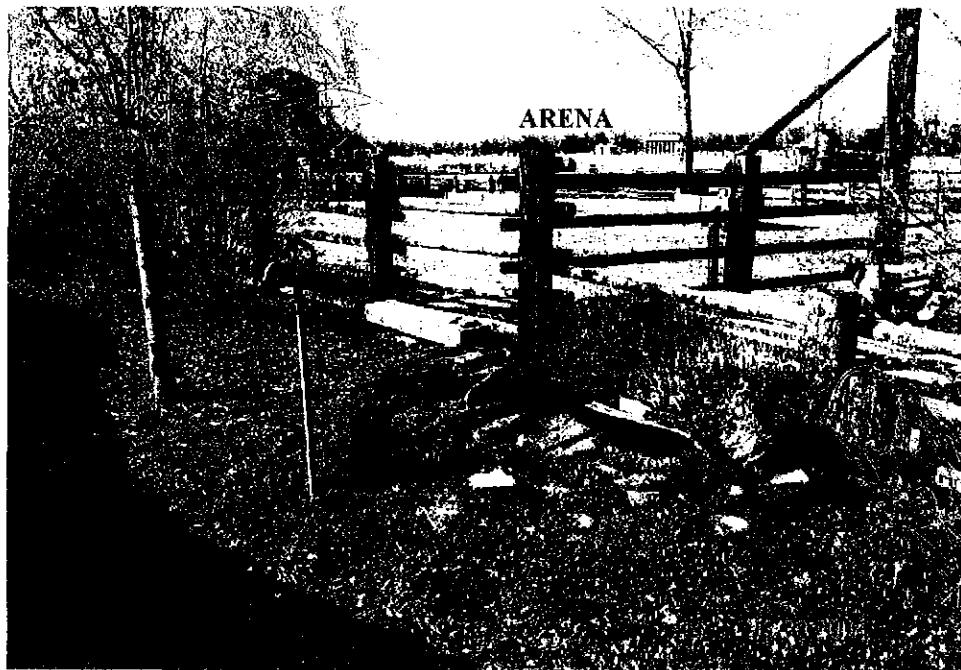
2314470	#
1387262	20

PUMP HAS AN 8" DISCHARGE.

PIPELINE ^{TO} THE SOUTH ABOUT

200 FT. TO MAIN DITCH FROM

THURMAN MILL DITCH.



brother, **Joseph H. Smith**
Domestic

This domestic well is not associated with Vernon K. Smith. See reverse for pump location



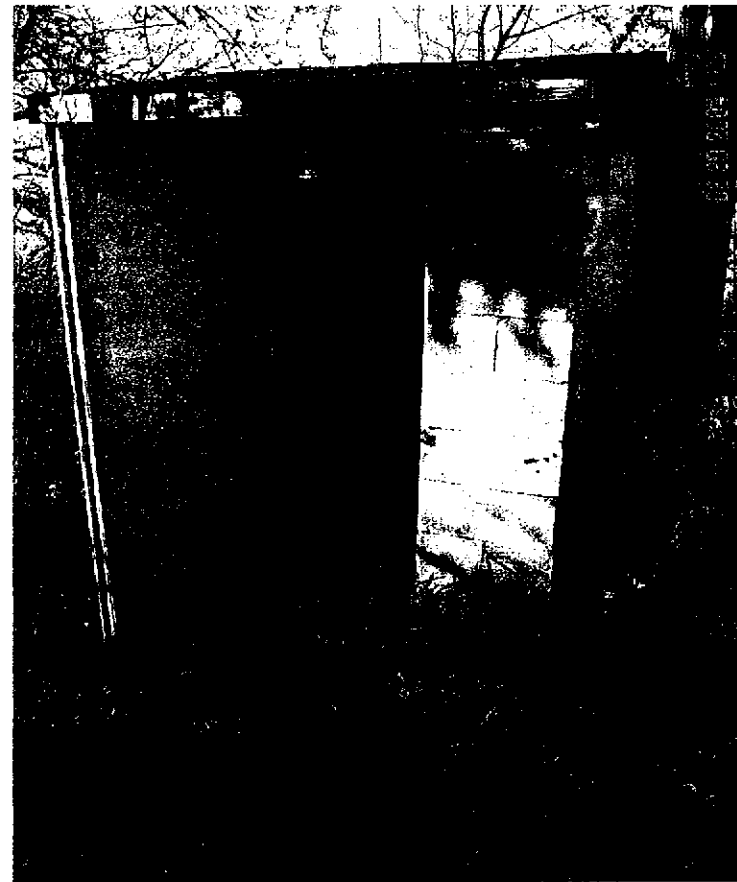
OVER →

Location Data -

Site Tag # A0002469

GPS - 231 4390

1387066



Mother's house Domestic Well

PUMP INFORMATION: *(Intrepid)*

Site Tag A0013254

GPS	2314253	#
	1386806	24

1 HP Submersible Pump

Franklin Motor

Serial No. 2801084915

1" Discharge Pipe





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 21, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

**RE: Snake River Basin Adjudication (SRBA) Claim Nos. A63-24158, -25741,
-25742, -25743, -25744**

Dear Ms. Smith,

As you are aware, the Department of Water Resources, Western Region, is in the process of reviewing adjudication water right claims in your area. Although it is our goal to favorably recommend historic water rights, I have no choice but to recommend your claims as disallowed to the Snake River Basin Adjudication court.

Your adjudication claims are being recommended for disallowal because:

_____ 1.) No beneficial use was found.

_____ 2.) Ownership was not confirmed.

 X 3.) Other – After two letters requesting evidence of priority (last due date: March 12, 2004) and subsequent telephone conversations, we have not received any documentation to substantiate the claimed priority date.

Respectfully submitted,

Kimberly Brown
Kimberly Brown
Senior Water Resource Agent
Western Region

Cc: File



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 21, 2004

VERNON K SMITH
1900 W MAIN
BOISE ID 83702

** This letter was
sent to Mr. Smith's
(att'y) office, as
representative.*

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**RE: Snake River Basin Adjudication (SRBA) Claim Nos. A63-24158, -25741,
-25742, -25743, -25744**

Dear Ms. Smith,

As you are aware, the Department of Water Resources, Western Region, is in the process of reviewing adjudication water right claims in your area. Although it is our goal to favorably recommend historic water rights, I have no choice but to recommend your claims as disallowed to the Snake River Basin Adjudication court.

Your adjudication claims are being recommended for disallowal because:

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_____ 2.) Ownership was not confirmed.

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Respectfully submitted,

Kimberly Brown

Kimberly Brown
Senior Water Resource Agent
Western Region

Cc: File



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
February 10, 2004

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
5933 N BRANSTETTER
BOISE ID 83714

Re: SRBA Claim A63-24158, -25741, -25742, -25743, -25744

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Kimberly Brown at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If she does not hear from you by March 12, 2004, then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Kimberly Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

ESTATE OF VERNON K. SMITH
VICTORIA H. SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-24158, A63-25741, A63-25742, A63-25743,
A63-25744

Dear Claimant,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement.

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 4, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

In addition, please contact me at the Western Region office as soon as possible to set up a ~~field~~ ^{field} exam. **DREHER**
Director

(up a field)

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-24158, A63-25741, A63-25742, A63-25743, A63-25744



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

December 11, 1991

Victoria H. Smith
Rt. 4, 5933 N. Branstetter
Boise, ID 83714

RE: Snake River Basin Adjudication (SRBA)
Ada County - Claims #A63-24158, A63-24160
A63-25740, A63-25741, A63-25742, A63-25743
& A63-27544

Dear Mrs. Smith:

Enclosed for your records is a copy of the water rights filed by you for your property in Ada County. We have also sent a copy of each right to your son, Vernon K. Smith.

Please contact us if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosures:

Claims Referenced Above

cc: Vernon K. Smith w/Enclosures

MICROFILMED

SEP 14 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-25743 Date: 6-4-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1E	26			1					6									7
GIS						.5					6.5									7
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 7

Overlapping POU Claim #'s:

Total GIS Acres: 7

COMMENTS:

only 1 POD shown on map

Idaho Department of Water Resources

Claim Number: 63-25743

Legal: T4N, R1E, S26

Reviewed By:

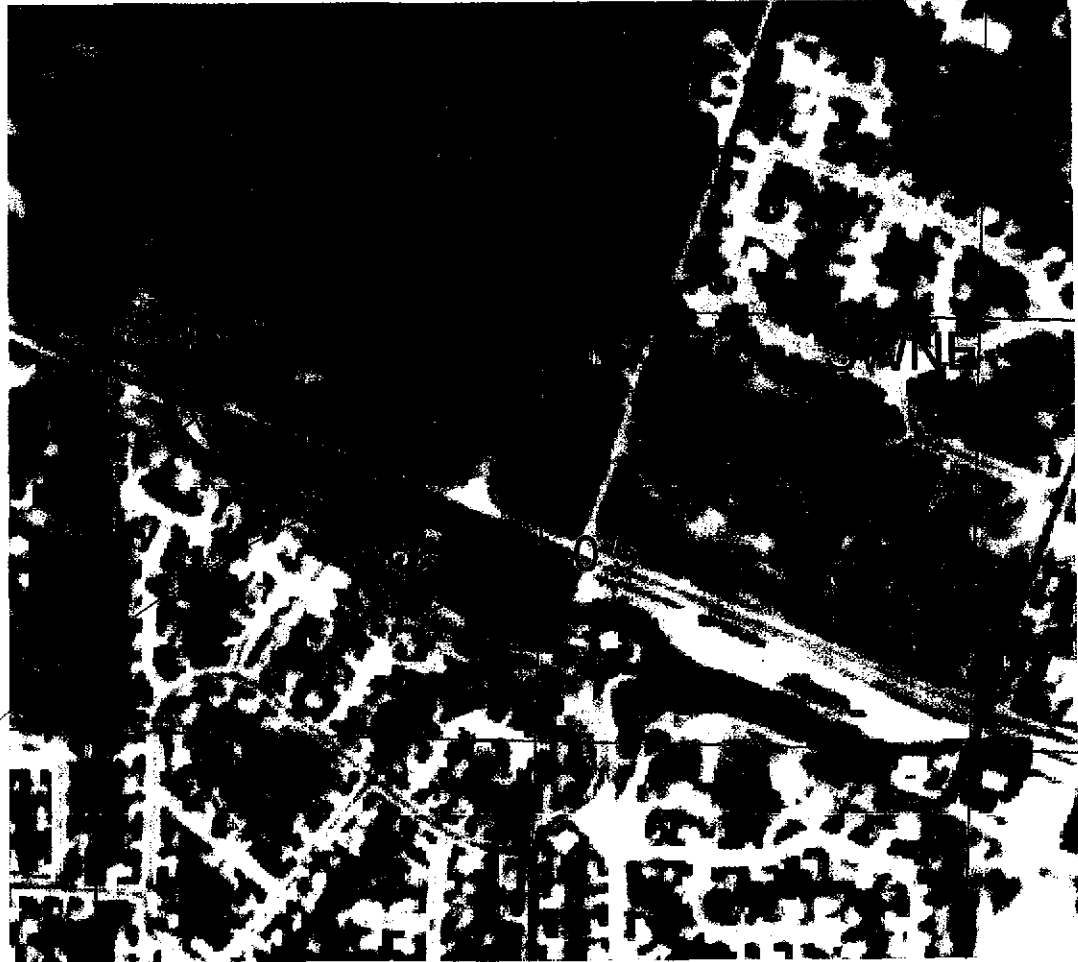
1987 Napp Photo

⊙ Point of Diversion

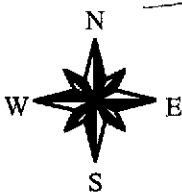
□ Place of Use

□ Section Lines

□ Quarter Quarter Lines



0 0.25 0.5 Miles



POU -

Karan

did not remove $\frac{1}{2}$ acre covered by #63-25740,
road, and back field that is not irrigated
in 1987 or 1994 NAPP images.

-KLB

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: A63-25743
Date Received: 8/18/1989
Receipt No: C009892
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: VICTORIA H SMITH
Address: 5933 N BRANSTETTER
RT 4
BOISE ID

208-375-2934

83714

AND/OR

Name: ESTATE OF VERNON K SMITH
Address: C/O VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID

208-375-2934

83714

2. Date of Priority: JAN 1, 1953

3. Source: DRAIN DITCH

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	26	NE	SE	NW		ADA
			NW	SE	NW		ADA
			SE	SE	NW		ADA

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.210		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 24.5 Acre Feet Per Annum.

9. Non-irrigation uses:

LIVESTOCK, PRIMARILY CATTLE IN VARYING NUMBERS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	26	SW	NE		IRR	1.0
			SW	NE		STOCK	
			SE	NW		IRR	6.0
			SE	NW		STOCK	
						Section Acres	7.0
						Total Acres	7.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

WATER FROM DOMESTIC WELL FOR STOCKWATER AND SOME IRRIGATION

14. Remarks:

NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

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 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 462-25743Date Received 8-18-89Receipt Number 2009892

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Victoria H. Smith, individually, and as
Executrix of the Estate of Vernon K. Smith, deceased Phone (208) 375 2934
Mailing Address 5933 N. Branstetter, Rt. 4, Boise, Idaho Zip 83714

2. Date of Priority (Only one (1) per claim) Precedes January 1, 1953

3. Source of water supply (a) Drain Ditch
which is tributary to (b) Drainage from Boise River system.

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 26,
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: NE 1/4 SE 1/4, NW 1/4 AND NW 1/4, SE 1/4, NW 1/4 of Section 26 as
there had before been several pumping stations along the ditch.

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. Pumping system that lifts water by
electric pump stations from Drain ditch onto the property to flood irrigate
about 7+ acres of natural state Boise River bottom basin. The soil is
comprised of much gravel and sand, requiring continuous ~~XXXXXXXXXXXX~~ flow o
irrigation water.

MICROFILMED

SEP 14 1992

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 .21 or _____

For Stockwater purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 24.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Livestock-primarily cattle in varying numbers.

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	
4N	1E	26			1/S					6/S									

Total number of acres irrigated 7+

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

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

Water from domestic well for stockwater and some irrigation or None ()

14. Remarks: The soil composition contains sand and gravel in its natural state
lying along the base of the bluff along the south side of Highway 20-26
in the Boise River Basin bottom lowland.

MICROFILMED

SEP 14 1992

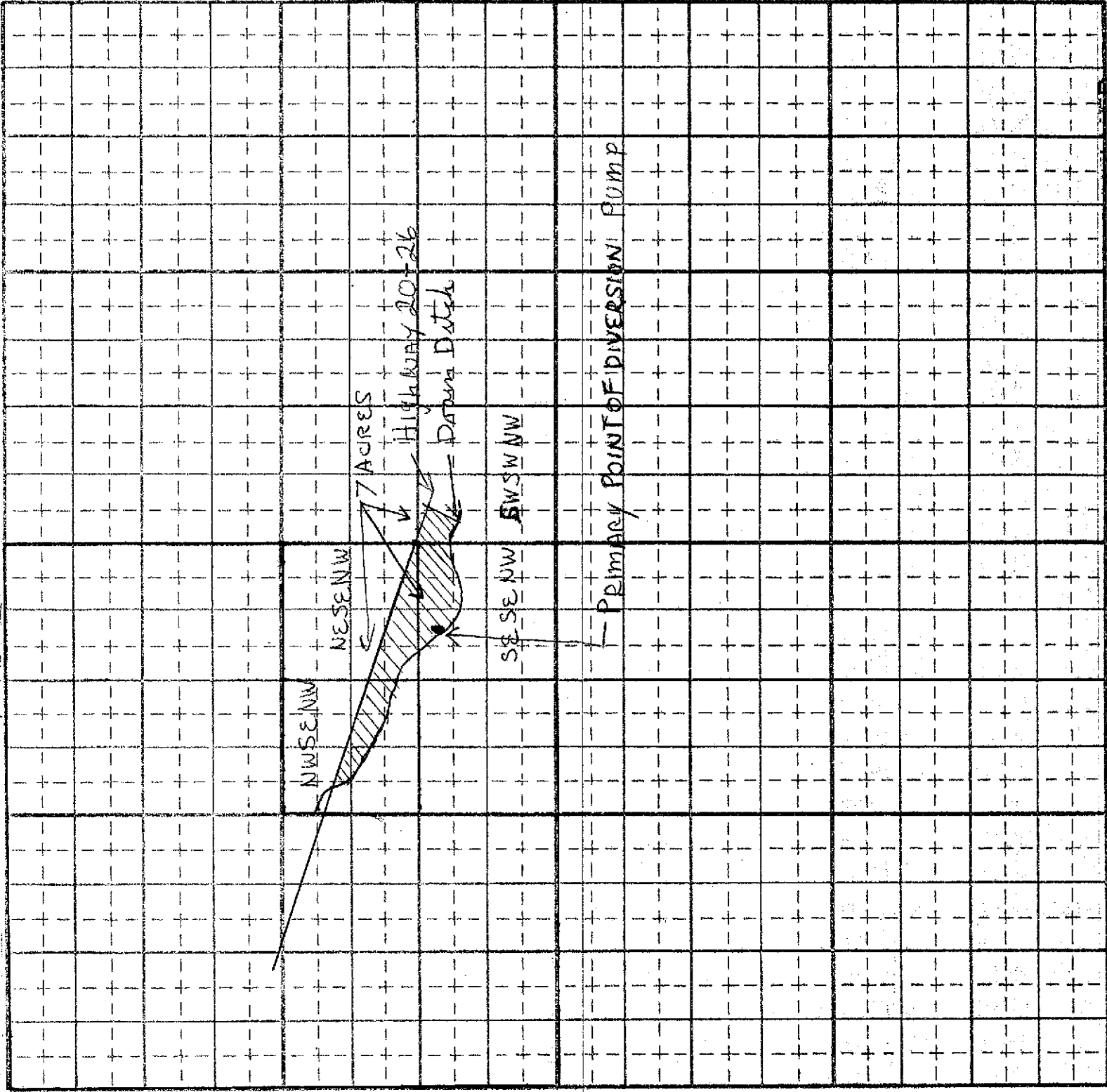
Last Name SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T.4N R.1E Sec. 26



MICROFILMED

SEP 14 1992

Last Name Smith

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments One (aerial photo)

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

Signature of Claimant (s) Victoria H. Smith Date 8-18-89
Executrix of Individual 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 _____ of _____
Title 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 ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August 19 89

SEAL

Notary Public Vernon K. Smith

Residing at Bone, Idaho

My Commission Expires 12/20/94

Please Print Name VERNON K. SMITH

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 _____

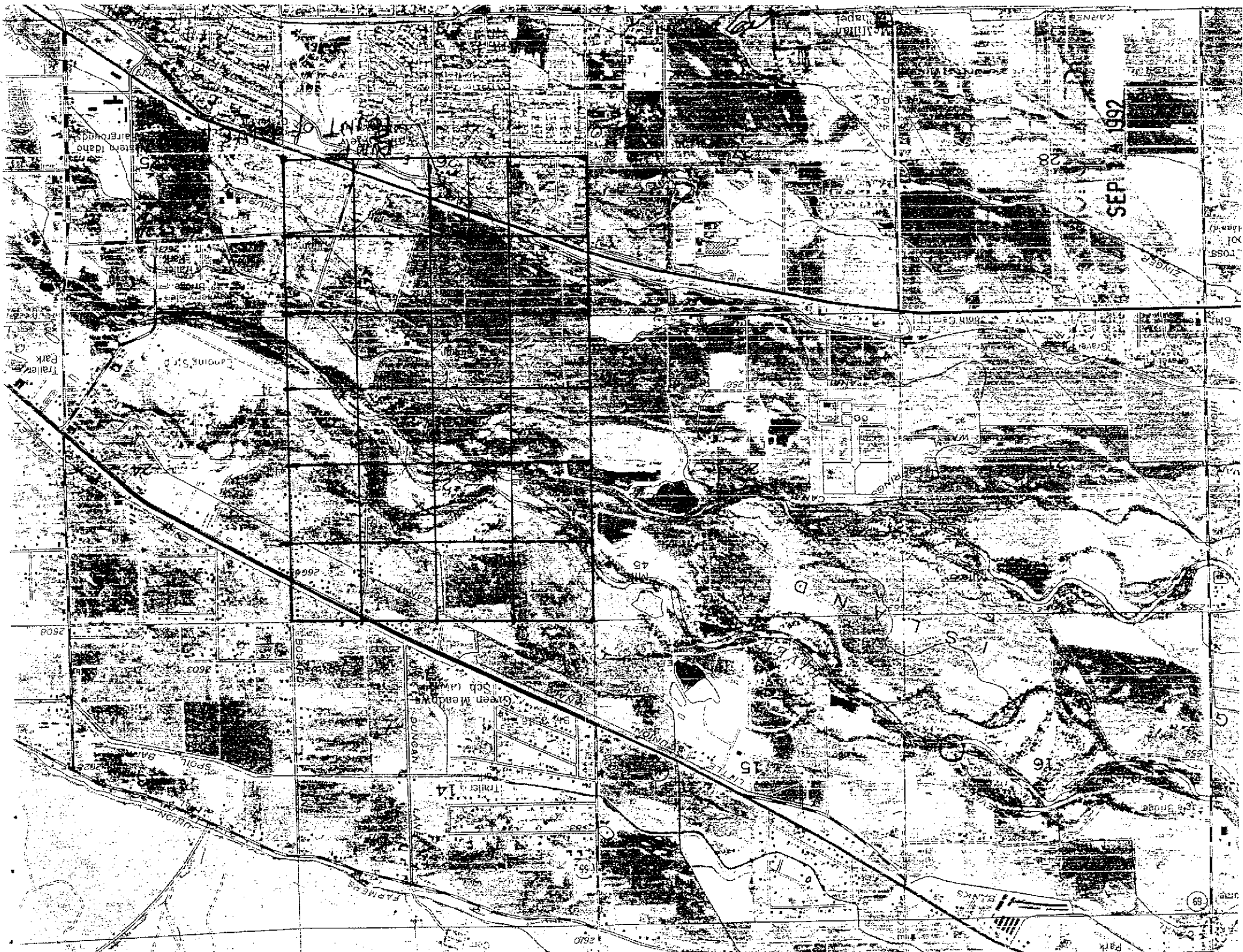
Date _____

MICROFILMED

SEP 14 1992

Last Name SMITH Ident. Number _____

Copies White-State, Yellow-Claimant



SEPT 1992

KARNES

SOUTH DARTON

BANKS

69

28

16

15

45

2510

Trailer Park

2502

2503

2508

Trailer 14

Green Meadows

BOON

BOON

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2507

2508

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2802

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

#37.00

CLAIMANT'S NAME Smith #1 CLAIM IDENT. NO. 463-25743

DATE RECEIVED 8-18-89 Ref # 2009892 AMOUNT \$ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒ N/A	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒ N/A	☐	
Is the consumptive use correct?	☒ N/A	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒ N/A	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
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	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒ N/A	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒ Exempt	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒ N/A	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: [Signature]Date: 2-08-90

Claim must be returned to claimant:

☒ (Yes) ☒ (No)

Claimant must be notified of modifications:

☒ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by: [Signature]

Sent to claimant by:

Date:

Date: 08-14-91

Date:

Checked by: [Signature]Date: 10/13/91Comments: Per D. Shaff 12-10-91, added V. Smith as Row SEP 14 1992

Thorman-mu
- Is Irrigation District water
used to supplement?