

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

6-15-06

I told Richard Smith we needed to contact me by the 1st of June so we could get the enlargement done. He has not contacted me, yet. Making the recommendation based on the license. However, not recommending full quantity because they did not claim that much.

KM

NOTES

5-1-06

After some discussion with Eric, we decided not to bother changing the claims due to ownership issues. The owners have been told what is going on and they can deal with the problems that result from their unofficial agreement. Recommending 22-13457 to Richard Smith and 22-13458 to Franko Farms according to licenses.

Ruberry, Allen

From: Walker, Kay
Sent: Wednesday, December 14, 2005 9:08 AM
To: Ruberry, Allen
Cc: Walker, Kay
Subject: RE: 22-7418

Oops - I forget that you have restraints when making recommendations. Maybe Skipper can do the magic and get Smith to do what is needed. When does your report get mailed? I'll let you know when I can move forward on this one. Can you recommend the permit to Smith with the A01 and disallow Franko's claim? Would be best to have Smith amend the claim to match the permit rather than what the draft license shows cuz the draft license doesn't include Franko's place of use.....

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:58 AM
To: Walker, Kay
Subject: RE: 22-7418

Kay, I can't recommend it (B) to Franko because they are not the Permittee and therefore have no legal basis for the claim.

-----Original Message-----

From: Walker, Kay
Sent: Wednesday, December 14, 2005 8:54 AM
To: Ruberry, Allen
Cc: Walker, Kay
Subject: RE: 22-7418

I am waiting on current tax lot information from Madison County... Mike Ciscell has requested an updated version. He is going to call Madison County this morning to find out the status. We decided that we might license this permit by ownership of the lands. That is, license Smith's property under his portion of permit and Franko's property (with amendments to pod) under another portion. I never got any response to my letter that I had sent out. These guys must not give a hoot what happens to their water...

Why can't you recommend both the A & B with the parameters of the permit and condition A01 on both? Would this be too confusing? Would be nothing compared to what they have done to us with this informal land swapping deal.

I'll let you know as soon as I hear from Mike regarding the tax lot information... Kay

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:12 AM
To: Walker, Kay
Subject: 22-7418

Kay, this is one of our on-going nightmares. Can you inform me as to the current status other than Draft License.

I just spoke to Harold Jones and ask him to go see Mr. Smith to amend his claim to entire permit (DraftLic) elements then he and Franko can work out the issues later. I can recommend as a Permit and get on with it.

What do you think about this plan?

Ruberry, Allen

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:19 AM
To: Rigby, Jerry (IWRB Member)
Subject: 22-12790

Jerry, I'm waiting on you again, again. I have in the file a note from Harold Jones that states you are to pursue an affidavit from Von Clements and that other claims 'had' to be filed. "Jerry Rigby will pursue other claims with advanced dates & affidavits". Not sure what this last quote means..... its Skip's note.

Let me know what to do..... al

09/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHT

RIGHT NUMBER: 22-7418A
NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440
RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER
QUANTITY: 3.830 CFS
PRIORITY DATE: 01/03/1983
POINT OF DIVERSION:

T05N R41E S7 SESWSW Within MADISON

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.830 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S12	NESE	36.0	T05N R40E S12	NWSE	34.0
T05N R40E S12	SWSE	34.0	T05N R40E S12	SESE	33.0
T05N R41E S07	NESW	34.0	T05N R41E S07 Lot 3	NWSW	33.0
T05N R41E S07 Lot 4	SWSW	35.0	T05N R41E S07	SESW	34.0
T05N R41E S07	NESE	35.0	T05N R41E S07	NWSE	35.0
T05N R41E S07	SWSE	25.0	T05N R41E S07	SESE	32.0
T05N R41E S18	NENW	29.0	T05N R41E S18 Lot 1	NWNW	34.0
T05N R41E S18 Lot 2	SWNW	32.0	T05N R41E S18	SENW	33.0

528 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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

Draft License issued for entire right. This claim represents only a portion of the original Permit. See 22-7418B.

*This Recommend will
Change of claim is
Amended to full limit
otherwise this right B
will be dismissed*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7418

WATER RIGHT NUMBER: 22-7418

DRAFT

Owner Type Name and Address
 Current Owner JOHN H SMITH
 PO BOX 805
 REXBURG, ID 83440
 (208)356-3935

Priority Date: 01/03/1983

Basis: License

Status: Active DRAFT

A01

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	14.400 CFS	claims 303 under Part A
	<u>Total Diversion:</u>	14.400 CFS	

Location of Point(s) of Diversion

GROUND WATER L4 (SE1/4SW1/4SW1/4) Sec. 7, Twp 05N, Rge 41E, B.M.
 MADISON County

Place of UseIRRIGATION Within MADISON County

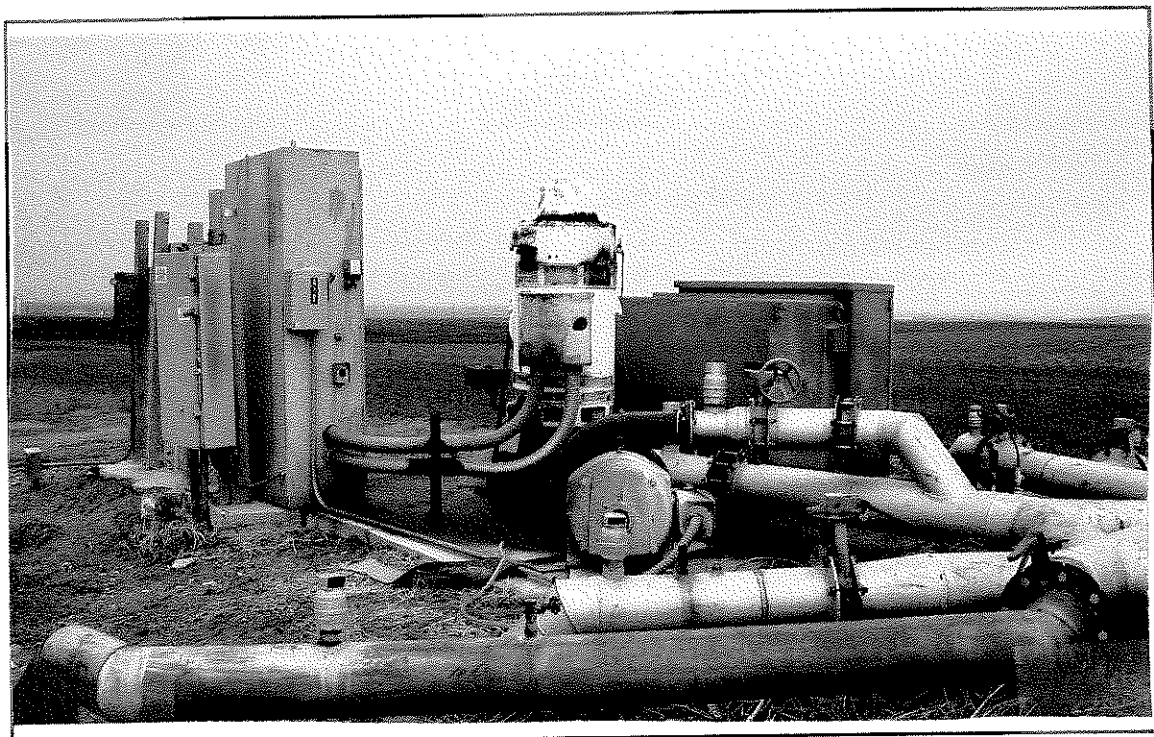
T05N R40E S12 NESE 39.0	T05N R40E S12 NWSE 36.0
T05N R40E S12 SWSE 38.0	T05N R40E S12 SESE 39.0
T05N R40E S13 NENE 3.6	T05N R41E S07 NESW 38.0
T05N R41E S07 Lot 3 NWSW 38.0	T05N R41E S07 Lot 4 SWSW 40.0
T05N R41E S07 SESW 41.0	T05N R41E S07 NESE 34.0
T05N R41E S07 NWSE 30.0	T05N R41E S07 SWSE 32.0
T05N R41E S07 SESE 37.0	T05N R41E S18 NENW 39.0
T05N R41E S18 Lot 1 NWNW 39.0	T05N R41E S18 Lot 2 SWNW 35.0
T05N R41E S18 SENW 39.0	
Total Acres: 597.6	claims 537 ac Under Part A

Conditions of Approval:

1. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
2. 026 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Remarks:

Water Right No(s). A22-07418 A



GPS DATA:

Tag # A0000277 Location: Power Panel Post
GPS data - 2086614 GPS File #. 227418
1399254

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR / Booster

Make: GE/GE Model: _____ Hp: 400 / 60
SN: unreadable / DN175018

PUMP / Booster

Make: unreadable / Cornell Model: _____ Disch: _____
SN: N.A.

NOTES:

John H. Smith passed away. Richard F. Smith is only claimant. Change of
ownership form given. Franko Farms owns S 1/4 SW 1/4 Sec 7 T5N R41E.
Mr. Smith wants this ground Decreed with his under this right
(Cell # 390-7000)

Field Exam Date: 5-5-2005 Agent: 21. W. Jones