

09/26/2006

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

RIGHT NUMBER: 22-13457
NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440
RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 3.830 CFS
1,810.00 AFY

PRIORITY DATE: 12/29/1982

POINT OF DIVERSION:
T05N R41E S7 SESWSW Lot 4 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.830 CFS 1,810.00 AFY
PLACE OF USE: <u>IRRIGATION Within MADISON County</u>		
T05N R40E S12 NESE 36.00	T05N R40E S12 NWSE	34.00
T05N R40E S12 SWSE 39.00	T05N R40E S12 SESE	40.00
T05N R40E S13 NENE 7.10	T05N R41E S07 NESW	36.00
T05N R41E S07 Lot 3 NWSW 34.00	T05N R41E S07 Lot 4 SWSW	40.00
T05N R41E S07 SESW 40.00	T05N R41E S07 NESE	35.00
T05N R41E S07 NWSE 32.00	T05N R41E S07 SWSE	29.00
T05N R41E S07 SESE 37.00	T05N R41E S18 NENW	39.00
T05N R41E S18 Lot 1 NWNW 39.00		

517.1 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: BASIS OF CLAIM - License

This right is renumbered from former right 22-7418A.

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 22-13457
Date Received: 8/22/1988
Receipt No:
Received By:

This right is renumbered from former right 22-7418A.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN H SMITH Phone: (208)356-3935
PO BOX 805
REXBURG ID USA 83440

RICHARD F SMITH Phone: (208)356-4912
PO BOX 8
REXBURG ID USA 83440

2. Date of Priority: 01/03/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	7	SE SW SW	MADISON	

5. Description of diverting works:

WELL W/ PUMP TO MAINLINES AND SPRINKLER LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.83	

7. Total Quantity Appropriated is:
3.83 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	
05N	40E	12	NE	SE	IRRIGATION	34	
			NW	SE	IRRIGATION	34	
			SW	SE	IRRIGATION	34	
			SE	SE	IRRIGATION	34	
Section Acres						136	
05N	41E	7	NE	SW	IRRIGATION	34	
			NW	SW	3	IRRIGATION	33
			SW	SW	4	IRRIGATION	33
			SE	SW	IRRIGATION	34	
			NE	SE	IRRIGATION	34	
			NW	SE	IRRIGATION	27	
			SW	SE	IRRIGATION	25	
			SE	SE	IRRIGATION	34	
Section Acres						254	
05N	41E	18	SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	NW	IRRIGATION	34	
			NW	NW	1	IRRIGATION	33
Section Acres						147	
Total Acres						537	

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

This right is renumbered from former right 22-7418A.

BY AGREEMENT MR. SMITH LEASES 80 ACRES IN W1/2 NE1/4 SEC 13 T5N R40E TO FRANKO FARMS INC. WHO USES THEIR OWN WELLS TO IRRIGATE THIS LEASED GROUND (CLAIMED UNDER A22-07418B). FRANKO FARMS INC. IN-TURN LEASES 80 ACRES S1/2 NW1/4 SEC 18 T5N R41E TO MR. SMITH WHO USES HIS OWN IRRIGATION SYSTEM TO IRRIGATE THIS GROUND AS RECORDED IN THIS CLAIM. THIS RIGHT A22-07418A REPLACES A22-07418 WHICH WAS RECEIVED ON 09/16/1988.

15. Basis of Claim: Permit

09/23/2005

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

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 County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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	SNNW	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.

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: A22-07418A
Date Received: 8/22/1988
Receipt No: E002387
Received By: Kew

MAR 7 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. SMITH 208-356-3935 — *Not long in State*
Address: P.O. BOX 805
REXBURG, ID 83440
OR
Name: RICHARD F. SMITH 208-356-4912
Address: P.O. BOX 8
REXBURG, ID 83440

2. Date of Priority: JAN 03, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	41E	7	SE	SW	SW		MADISON

5. Description of diverting works:
WELL W/ PUMP TO MAINLINES AND SPRINKLER LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.830		

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

8. Total consumptive use is 1342.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-07418A

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Date: 02/27/89

ACROFILMED

OCT 29 1992

A2207418A



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	12	NE		SE		IRR	34.0
			NW		SE		IRR	34.0
			SW		SE		IRR	34.0
			SE		SE		IRR	34.0
			Section Acres 136.0					
	41E	7	NE		SW		IRR	34.0
			NW		SW	3	IRR	33.0
			SW		SW	4	IRR	33.0
			SE		SW		IRR	34.0
			NE		SE		IRR	34.0
			NW		SE		IRR	27.0
			SW		SE		IRR	25.0
			SE		SE		IRR	34.0
			Section Acres 254.0					
		18	NE		NW		IRR	34.0
			NW		NW	1	IRR	33.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres 147.0					
			Total Acres 537.0					

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
CANCELLED PERMIT #22-07252

14. Remarks:
BY AGREEMENT MR. SMITH LEASES 80 ACRES IN W1/2 NE1/4 SEC 13 T5N R40E TO FRANKO FARMS INC. WHO USES THEIR OWN WELLS TO IRRIGATE THIS LEASED GROUND (CLAIMED UNDER A22-07418B). FRANKO FARMS INC. IN-TURN LEASES 80 ACRES S1/2 NW1/4 SEC 18 T5N R41E TO MR. SMITH WHO USES HIS OWN IRRIGATION SYSTEM TO IRRIGATE THIS GROUND AS RECORDED IN THIS CLAIM.
THIS RIGHT A22-07418A REPLACES A22-07418 WHICH WAS RECEIVED ON 09/16/1988.

15. Basis of Claim: PERMIT

A22-07418A

Page

2

Date: 02/27/89

MICROFILMED

OCT 29 1992

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: (1)

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): Ree B. A. Date: 3/3/89

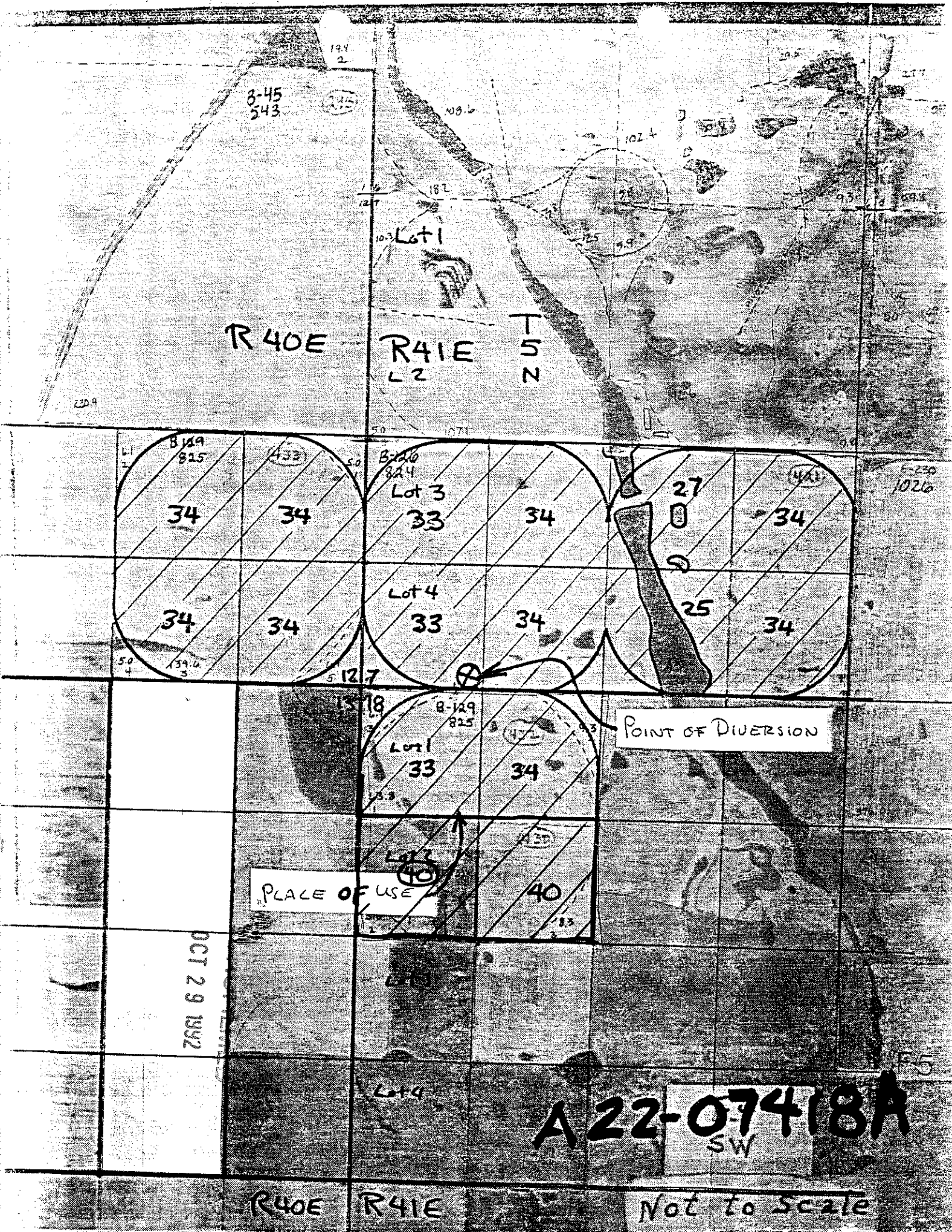
Date: _____

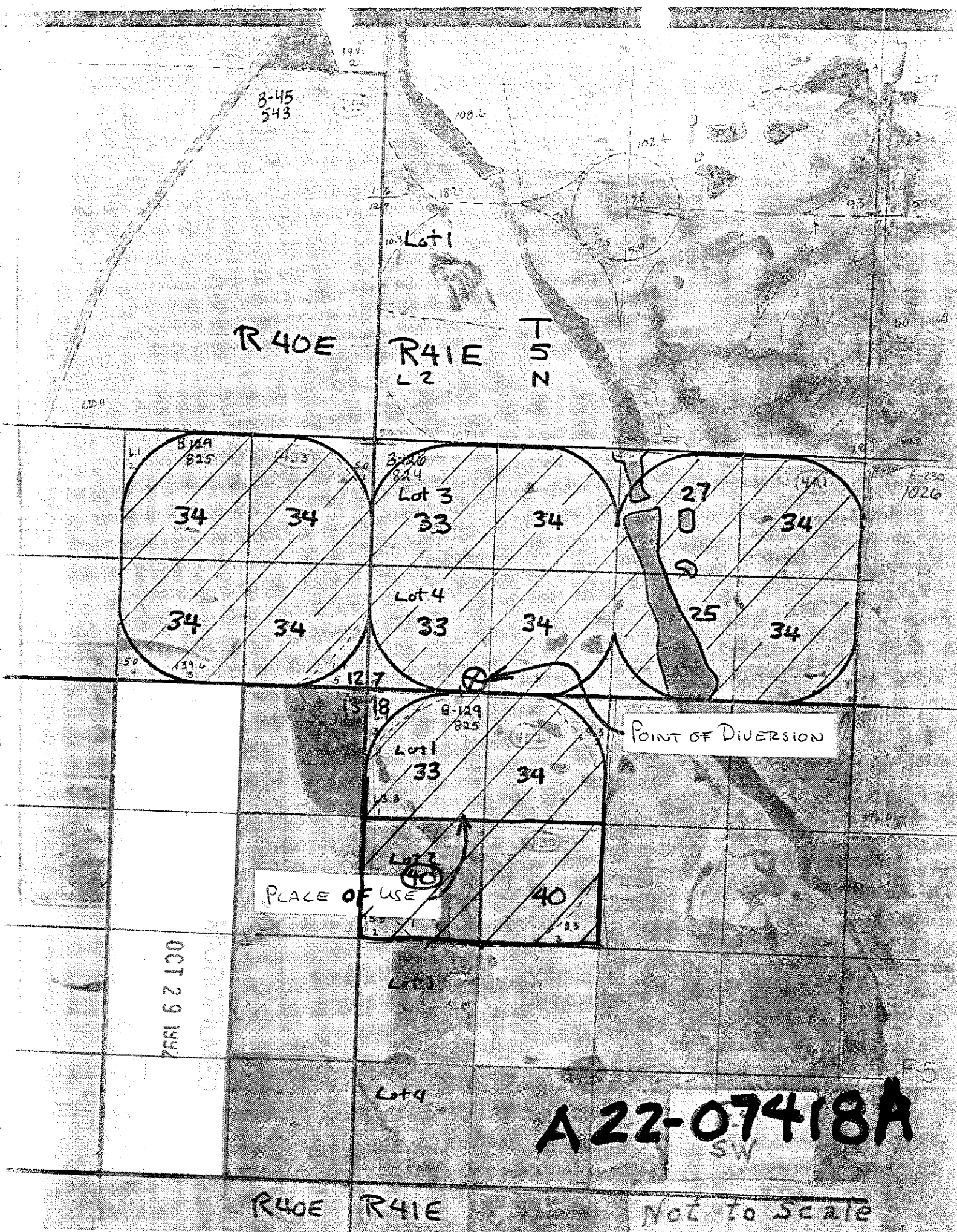
State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of March, 19 89
Dundee Jensen
Notary Public

Seal

Residing at Bearburg, Idaho
My Commission Expires 09-15-92





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: A22-07418
Date Received: 6/16/1988
Receipt No: E002387
Received By: Kew

RECEIVED

AUG 22 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. SMITH
Address: P.O. BOX 805
REXBURG, ID 83440

208-356-3935

2. Date of Priority: JAN 03, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	41E	7	SW	SW	SW	4	MADISON

5. Description of diverting works:
WELL, PUMP, MAINLINES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.400		

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

8. Total consumptive use is 1234.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	40E	12	NE	SE		IRR	34.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	34.0

Section Acres 136.0

A22-07418

Page 1

Date: 06/16/88

MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	13	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	160.0
	41E	7	NE	SW		IRR	34.0
			NW	SW	3	IRR	33.0
			SW	SW	4	IRR	33.0
			SE	SW		IRR	34.0
			NE	SE		IRR	34.0
			NW	SE		IRR	27.0
			SW	SE		IRR	25.0
			SE	SE		IRR	34.0
						Section Acres	254.0
		18	NE	NW		IRR	34.0
			NW	NW	1	IRR	33.0
						Section Acres	67.0
						Total Acres	617.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
CANCELLED PERMIT #22-7252

14. Remarks:

15. Basis of Claim: PERMIT
Water Right Number:

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): John H. Smith Date: 8-8-88

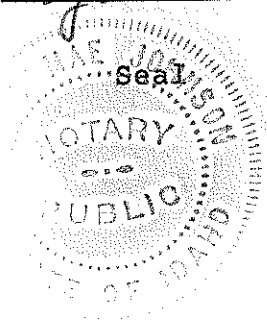
Date: _____

State of Idaho)
County of Madison) SS.

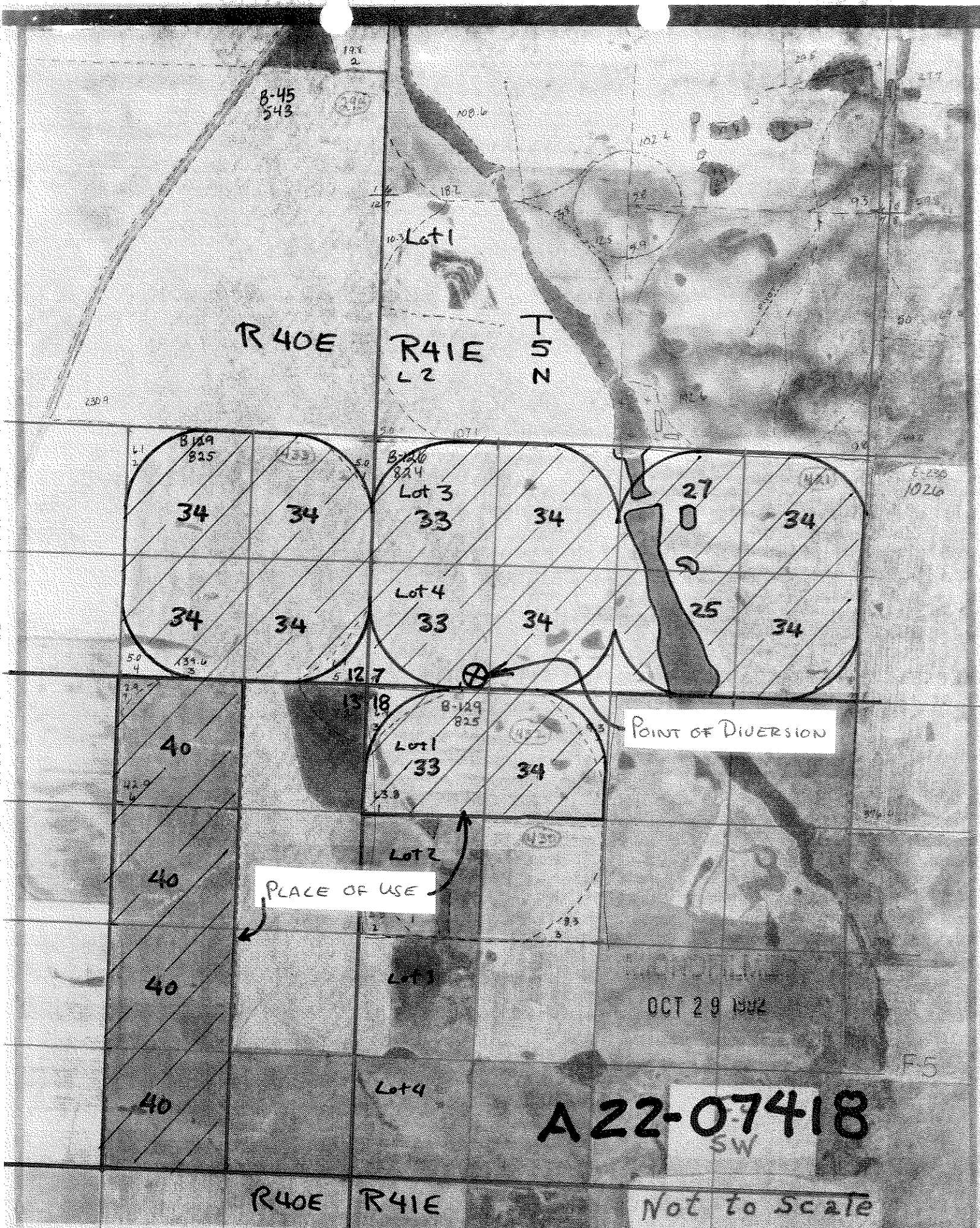
Subscribed and sworn (or affirmed) before me this 8 day

of August 19 88

Anna Mae Johnson
Notary Public



Residing at Reynolds, Idaho
My Commission Expires 3-1-92



R 40E

R 41E
L 2

T 5
N

B-45
543

Lot 1

34

34

Lot 3
33

34

27

34

34

34

Lot 4
33

34

25

34

40

40

40

40

Lot 1
33

34

Lot 2

PLACE OF USE

POINT OF DIVERSION

OCT 29 1942

A22-07418

SW

R 40E R 41E

Not to Scale