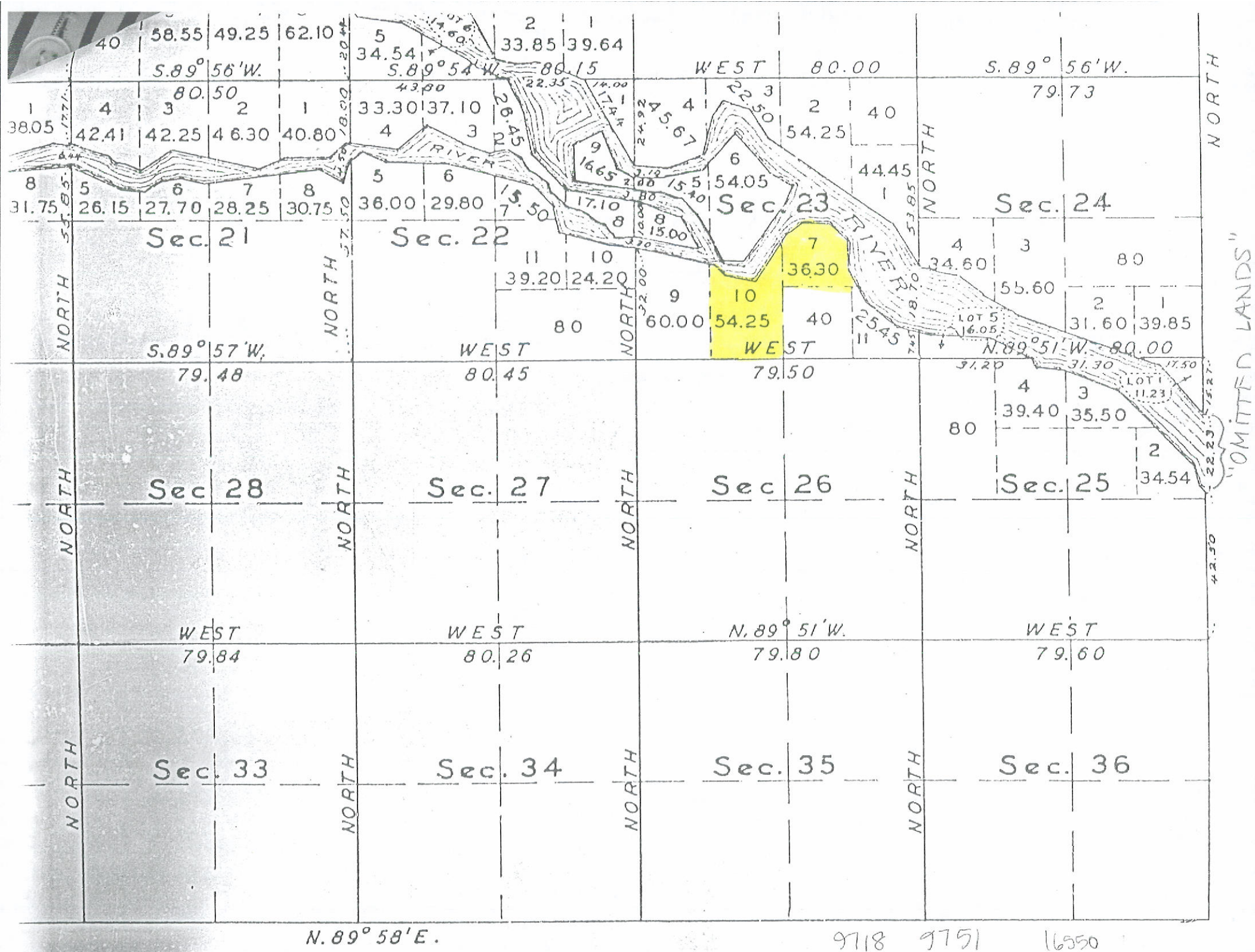




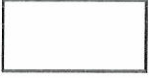
Idaho Department of Water Resources

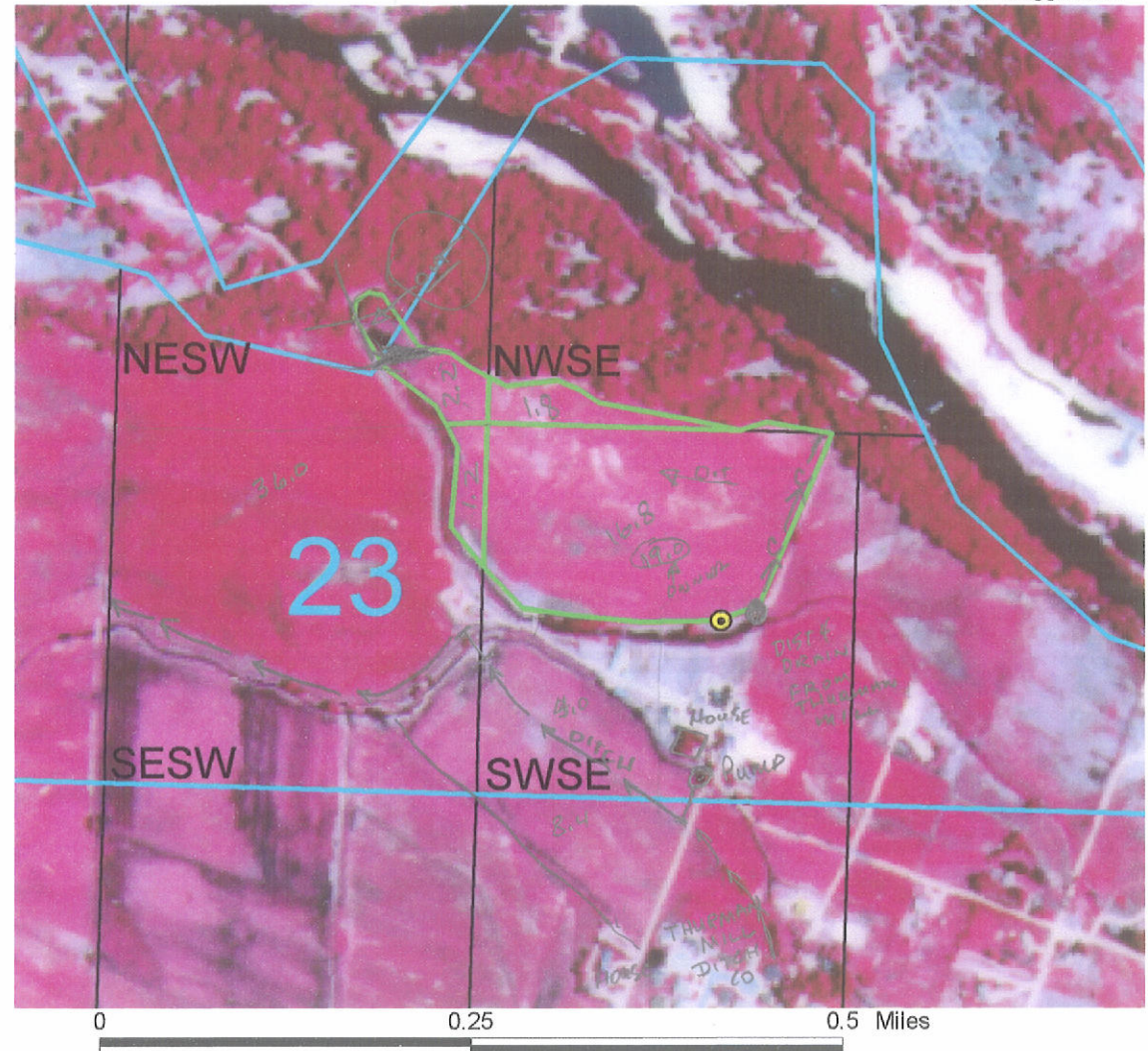
Claim Number: 63-25744

Legal: T04N, R01E, S23

Reviewed By:

1987 Napp Photo

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





63-25744



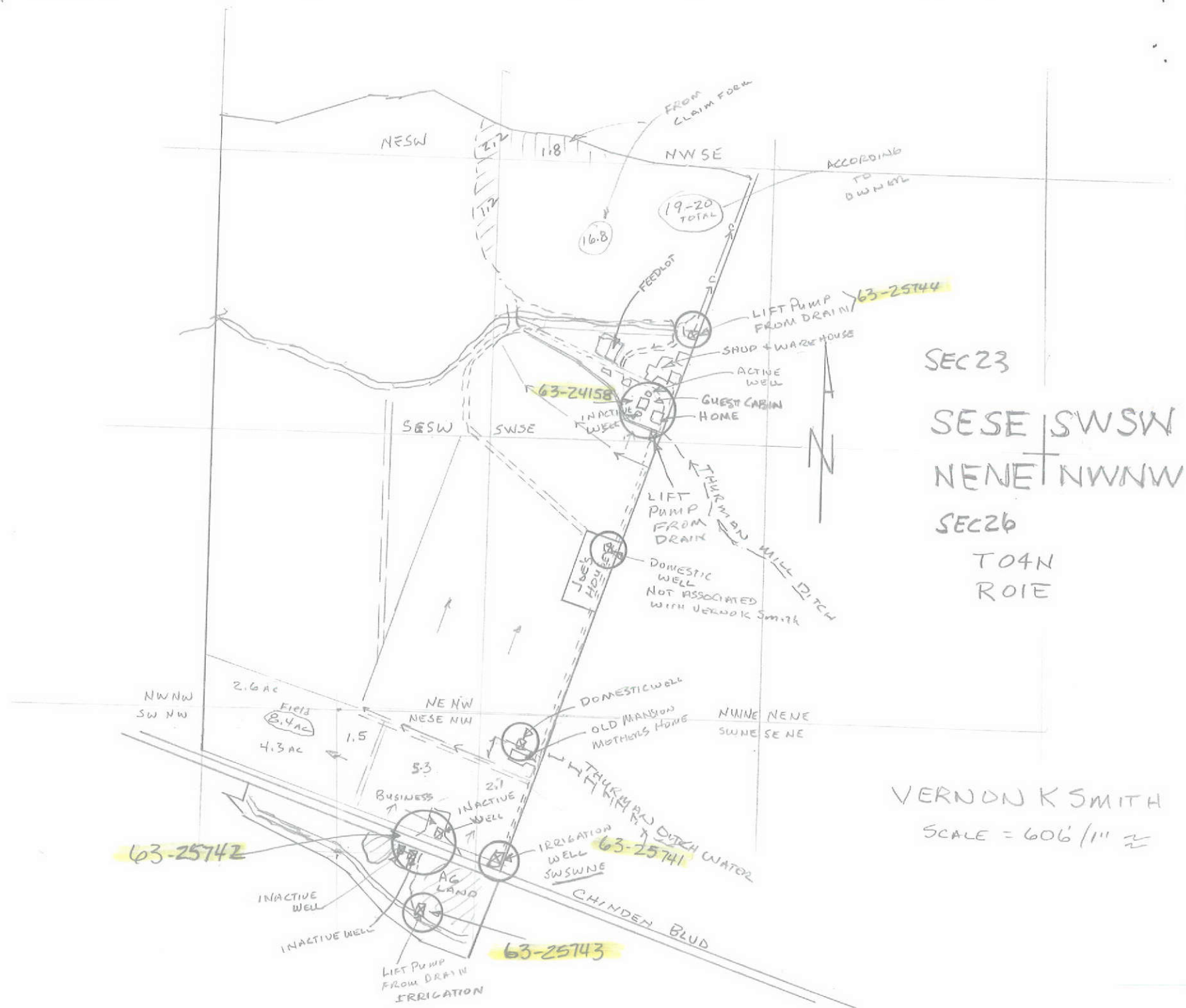
* DRAWN BY IDWR CONTRACTOR, BURKE SCHOLEK, DURING FIELD EXAMS. (3/04)



SEC 23
SESE | SWSW
NENE | NWNW
SEC 26
T04N
R01E

VERNON K SMITH
SCALE = 606' / 1" =

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





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



- domestic use not filed on

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

T04N, R01E, S26, 8WNE

- domestic use not filed on



Idaho Department of Water Resources

Claim Number: 63-25744

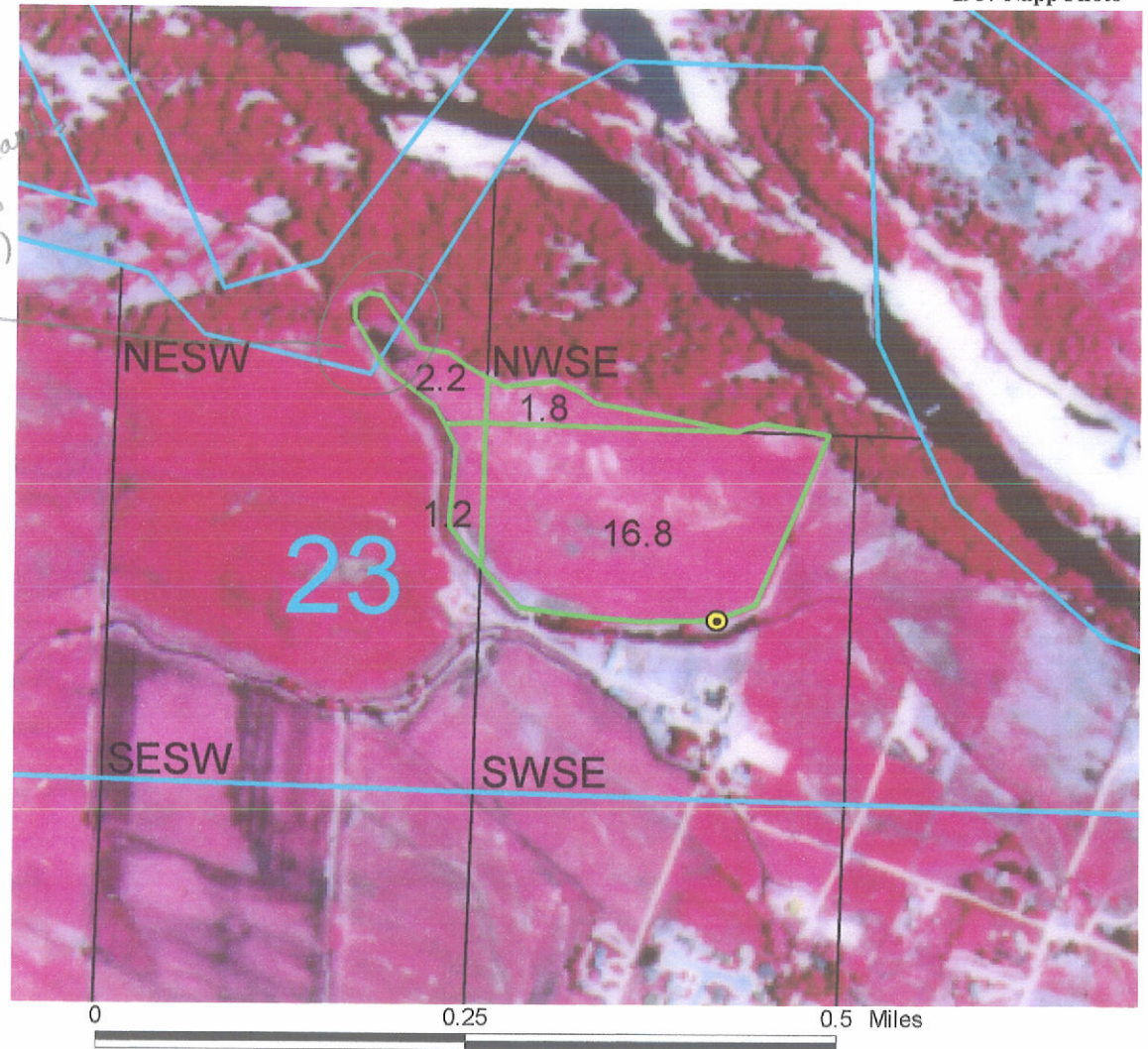
Legal: T04N, R01E, S23

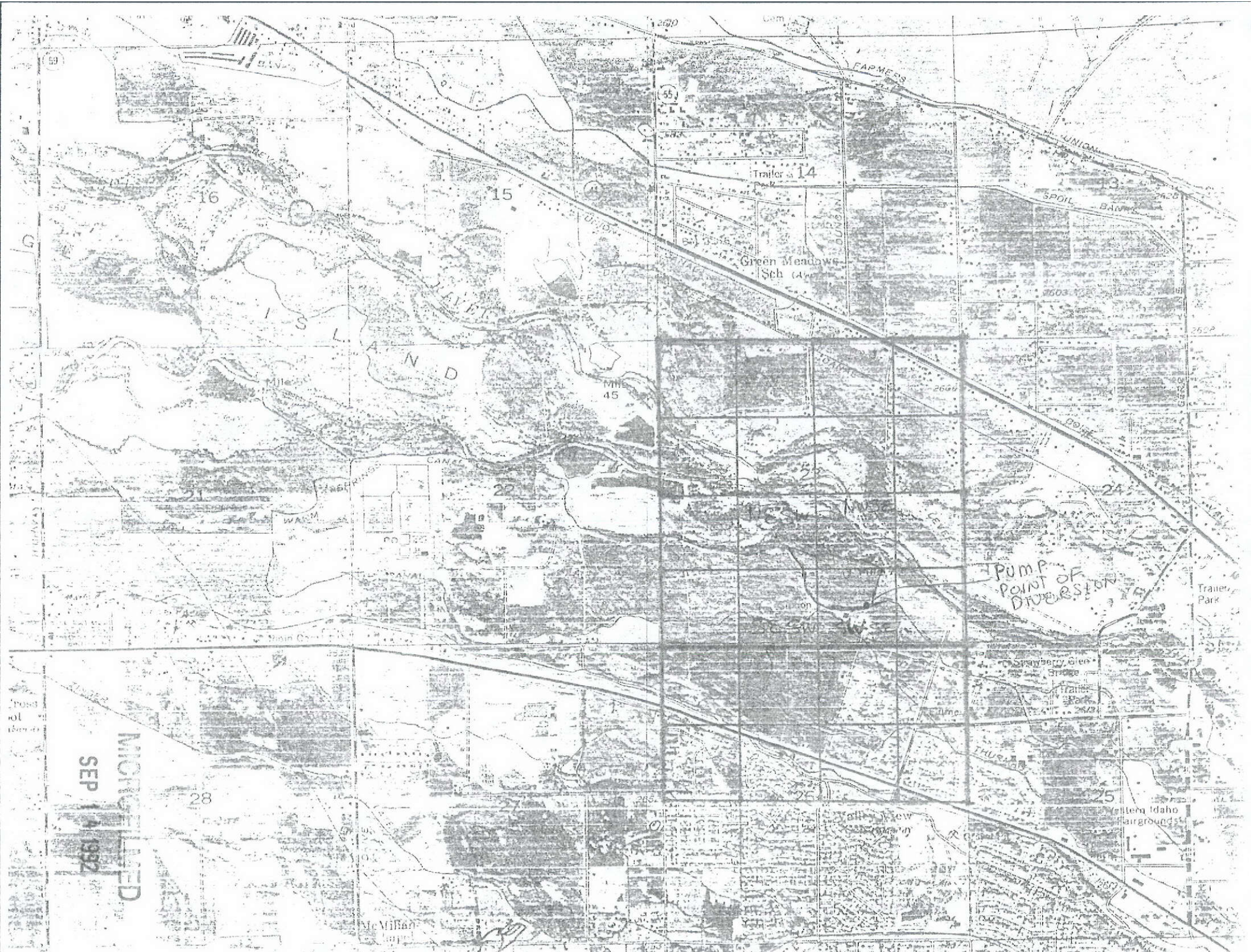
Reviewed By:

*Part of this shape
belongs to De Chambeau
not Smith's
(subtract)*

1987 Napp Photo

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





SEP 14 1992

MICROFILMED

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 63-25744
(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 and Estate of Vernon K. Smith Sr.
Address: 5933 N Braustetter
Boise, Idaho 83714

COPY

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 0.100, irrigation 2.500 cfs
total 2.60 cfs
4. ☒ **Priority Date**
Should be: January 1, 1953
5. ☒ **Point of Diversion**
Should be: SE 1/4 SW 1/4 SE 1/4 S23 T4N R1E BM
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: See attached claim
7. ☒ **Purpose(s) of Use**
Should be: Stock water and irrigation
8. ☒ **Period of Year**
Should be: January 1 to December 31 stock water
April 1 to October 15 irrigation
9. ☒ **Place of Use**
Should be: See attached claim and above
part 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:

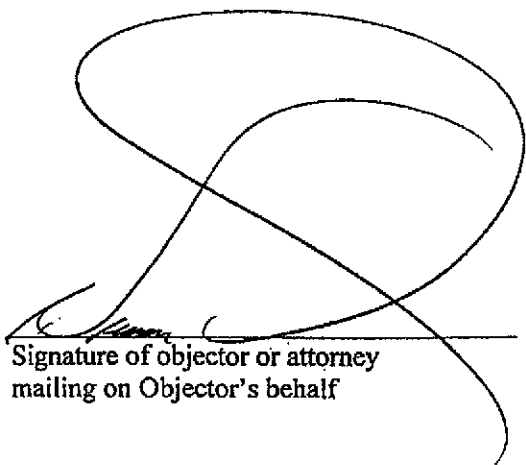
Name: Victoria H. Smith
Address: 5933 N. Braustetter
Boise, Idaho 83714

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 63-25744

WATER RIGHT NUMBER: 63-25744

<u>Owner Type</u>	<u>Name and Address</u>
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: Beneficial Use

Status: Active

Source

DRAIN DITCH FACILITY

Tributary

BOISE RIVER DRAINAGE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 10/15	2.500 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

Location of Point(s) of Diversion

DRAIN DITCH FACILITY

SE1/4SW1/4SE1/4

Sec. 23, 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	23									X				X				X	X

IRRIGATION

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	23									2.0				2.0				3.0	15.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-25744

Total Acres: 22

Conditions of Approval:

Remarks:

1. General PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
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 63-25744 V1

WATER RIGHT NUMBER: 63-25744 V1

<u>Owner Type</u>	<u>Name and Address</u>
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:

Status: Disallowed

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 10/15	2.500 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

Location of Point(s) of Diversion

DRAIN DITCH FACILITY	SE1/4SW1/4SE1/4	Sec. 23, 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	23									X				X				

IRRIGATION

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	23									2.0				2.0				3.0	15.0	22.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-25744 V1

Total Acres: 22

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, nothing was submitted to substantiate the claimed priority date (see Conversation Memorandum and Priority Date remarks, Adjudication Field Report, p. 1).

2. kbrown 4/15/2005 Property Address

Comment: Property address: 9604 N. Branstetter, Boise 83714.

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:
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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/15/2005 2:20:33 PM	kbrown			Disallowed
Summary			04/15/2005	kbrown	Disallowed

Verification Log:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25744 V1

Summary	4/15/2005 2:22:25 PM	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 2:20:33 PM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed.

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

RIGHT NUMBER: 63-25744

NAME AND ADDRESS: VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

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

SOURCE: DRAIN DITCH FACILITY

TRIBUTARY: BOISE RIVER DRAINAGE

QUANTITY: 2.600 CFS

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S23 SESWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.100 CFS
IRRIGATION	4/01 10/15	2.500 CFS

PLACE OF USE:

STOCKWATER Within ADA County

T04N R01E S23 NESW

T04N R01E S23 SESW

T04N R01E S23 NWSE

T04N R01E S23 SWSE

IRRIGATION Within ADA County

T04N R01E S23 NESW 2.0

T04N R01E S23 SESW 2.0

T04N R01E S23 NWSE 3.0

T04N R01E S23 SWSE 15.0

22 ACRES TOTAL

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

EXPLANATORY MATERIAL:

NO BENEFICIAL USE FOUND.

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.

ArcView -
thrusting
down
for
estimate

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

Total Acres: 22 ✓

Conditions of Approval:Remarks:

1. General

PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:

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

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

ADD X02 - Stockwater use is for _____ ? dairy
cattle. or range

DISALLOWED

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 \$47.⁰⁰ (C009892) + \$25.⁰⁰ (C020476) = \$72.⁰⁰
- ☐ Well logs (if needed) (could not find in IDWR files - 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) A63-25744

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

Current Address: 5933 N. Branstetter, 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've 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; specifically requesting an affidavit (see Conversation Memos).

Source: Drain Ditch Facility Tributary to _____

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: unnamed drain

POINT OF DIVERSION

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

(no govt lot) in SWSE

[continued, p. 4]

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
									A0002465

Description of diverting works

See IDWR 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 USES

☐ No change

☐ Different Uses

Season of use is 3/1 to 11/15.

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

Remote stock? 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: Stockwater use is directly from ditch

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Govt. lots 7 & 10
(NWSE) (SESW)
(NESW)

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 (in office review)

FIELD EXAMINER: Kimberly Brown

Priority Date - continued

I then sent a letter to both the home and 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 briller's Reports file for 4N, 1E, 826 and found nothing.)

-KLB

DISALLOWED

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											L40			L40		L7			

Overlap with other water rights: _____

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

Delivery System Narrative: See IDWR Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002465					
2314470					
1387262					

FLOW MEASUREMENTS: See Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS (OVER)

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	0.7	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

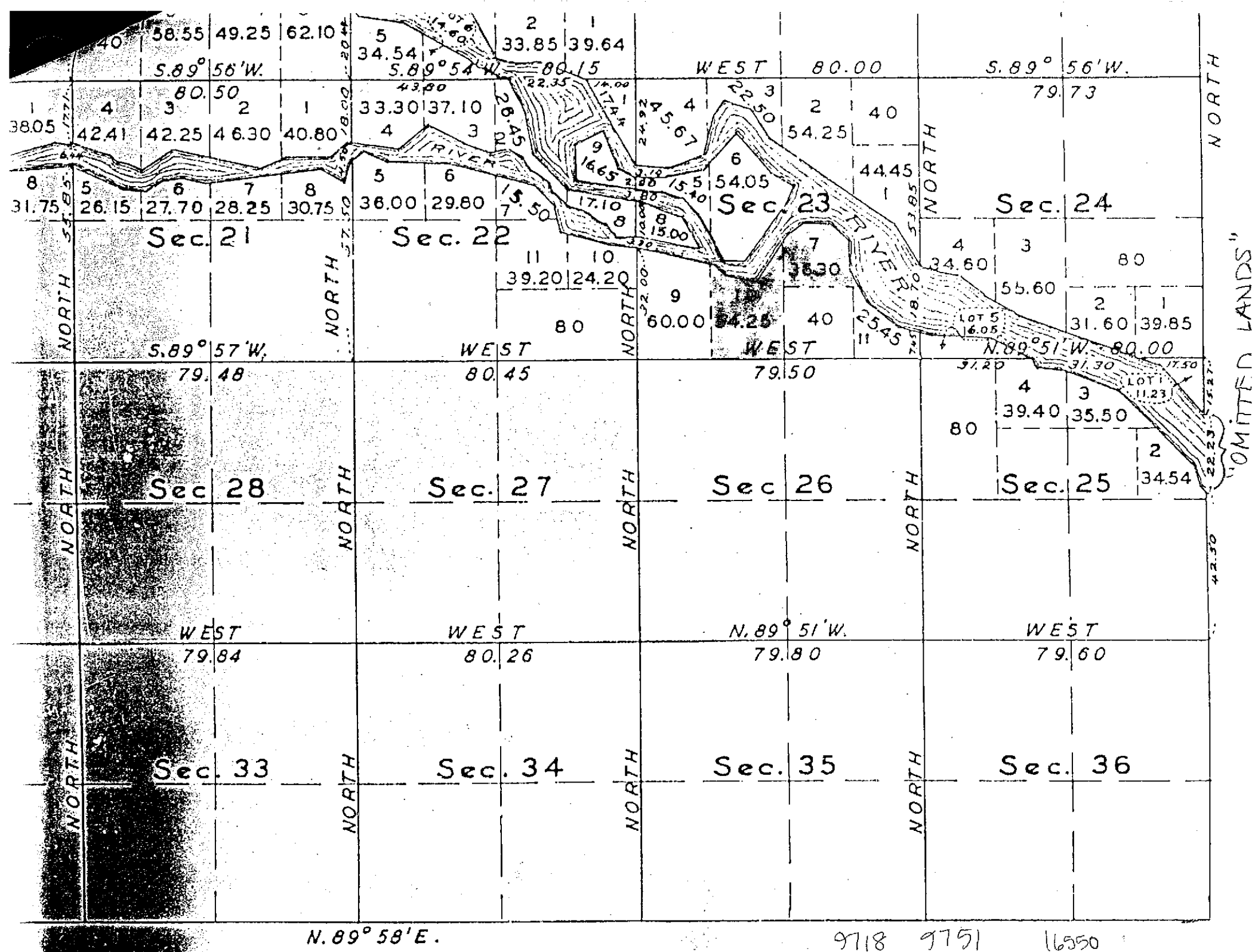
a) for livestock use @ 12 gpd/hd, N (0.00022).

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



SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/26/03
Time: 12:39:45

Rec/No - C020476 AR/No -
From: - SMITH, VICTORIA H.

Receipt Type - CK Doc/No - 6531
Remarks -

OLD RECEIPT

Receipt Date: 05/14/1991

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		69.50

Total Due - 69.50

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6324158	37.00	A6325744	25.00		7.50

*there's got
to be more...*

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

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.

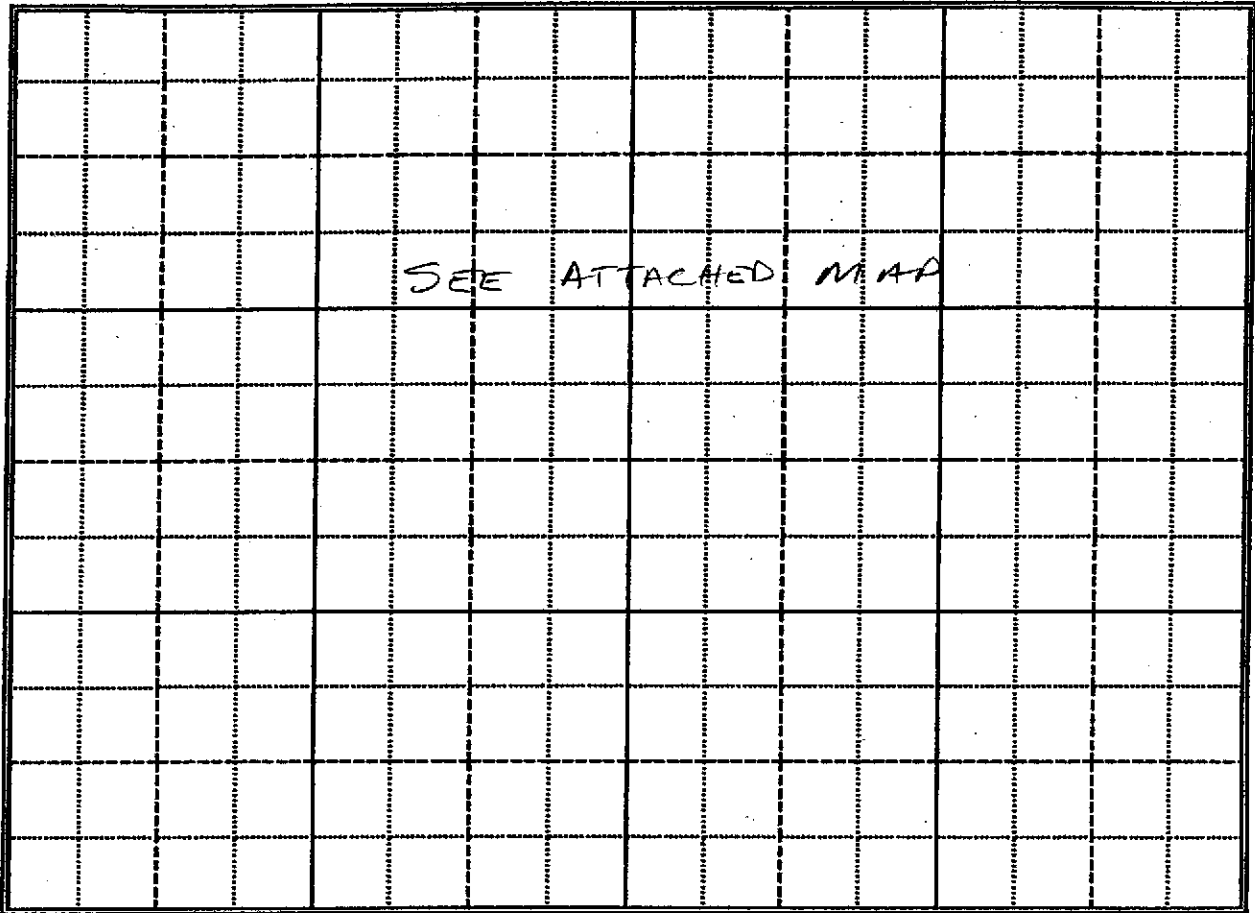
Since I have not received any evidence of priority, I called #375-2934 and Vernon Smith's mother, Victoria H. Smith, answered the telephone. Since she filled-out the original *Notices of Claim*, I thought that I would broach the subject of her writing an affidavit about her personal knowledge of the 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

[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	CENTURY ELEC	5	N/A	PARMA WATERLIFTER	10" DISCHARGE
	1745 RPM				4:1 MOTOR TO PUMP PULLEY RATIO
	5F115 EFF 82 PF 91				1745 RPM 5F115 230V 22AMP PF 910

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

IDAHO POWER MTR
95 308 655 Kh=7.2

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

3/30/04 FIELD EXAM.

4/12/04 WRITE-UP

I COMPLETED THE FIELD EXAM ON 3/30/04. SUBSEQUENTLY TO A VISIT WITH "VERN" WHO SHOWED ME AROUND AND WE DISCUSSED THE POND, POU AND IRRIGATION SYSTEM.

I COMPLETED THIS WRITEUP AND FOUND MOST OF THE ITEMS IN ORDER. THE PLACE OF USE AS OUTLINED ON THE NAPP PHOTO SEEMS VERY CLOSE. THE ACREAGE UNITS AS DESCRIBED MAY OR MAY NOT BE ACCURATE BASED ON THE PHOTO. VERN STATED THAT THE BIG FIELD WAS BETWEEN 19 and 20 ACRES. SEE PHOTO

THE PUMP HAS THE CAPACITY TO PUMP THE WATER RIGHT FLOW RATE. IF THE WATER LEVEL IN THE POND DROPS BELOW THE 7 FT LEVEL IT WILL NOT HAVE THE FULL CAPACITY

THE PERIOD ON USE IS NOT CONSISTANT WITH THE TIME FRAMES ON THE TABLE.

BKS

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

KNOWN: 5HP

6' LIFT (MAX)

40% EFF. (MAX)

$$Q = \frac{(5)(40)(3960)}{6} = \frac{1320}{448.83} = 2.94 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 22 \times 4.5 = 99 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.5 \times 200 \times 1.9835 = 991$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 99 \text{ AF}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/01	10/15	2.5	99
STOCK WATER	1/1	12/31	FROM STREAM 0.1	-
Totals:			2.6	

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. AUTHENTICATIONField Examiner's Name Bruce A. Schorn Date 4/12/04

Reviewer _____ Date _____

SEAL

Burke - all of these belong to the same claimant = 1 field exam.

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

WATER RIGHT NUMBER: 63-25744

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: Beneficial Use
 Status: Active

Source
 DRAIN DITCH FACILITY

Beneficial Use
 STOCKWATER
 IRRIGATION

From To Diversion Rate
 1/01 to 12/31 0.100 CFS
 4/01 to 10/15 2.500 CFS
 3/1 to 11/15
Total Diversion: 2.600 CFS

Location of Point(s) of Diversion
 DRAIN DITCH FACILITY
 ADA County

SE1/4SW1/4SE1/4

Sec. 23, Twp 04N, Rge 01E, B.M.

Place of Use
 STOCKWATER

Stockwater used directly from surface drain ditch water
 NO PASTURE - CROPLAND

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	23	X	X	X	X	

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	23	2.0	2.0	3.0	15.0	22.0

2.2 1.2 1.8 16.8 = 22.00

PARMA WATER LIFTER

MOTOR = INDUSTRIAL MOTOR
 10 HP
 1740 RPM
 SF 1.15
 230V
 42.2 AMPS
 SN 899-
 F99: G626A-F

PUMP: 8" DISCHARGE
 PIPELINE TO SOUTH - ABOUT 200'
 TO MAIN IRR. DITCH

THIS INFO IS
 FOR PARMA WATER
 LIFTER ON SOUTH SIDE
 OF HOUSE

Tributary
 BOISE RIVER DRAINAGE

ID POWER MTR
 02 455 612 ABB
 K_h 7.2
 04N01E 23 02

Annual Volume
 A 0002465

GPS 2314470
 1387262

instream use

(in stream Stock use)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

Total Acres: 22

Conditions of Approval:

Remarks:

Description of diverting works —

1. General

FARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
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

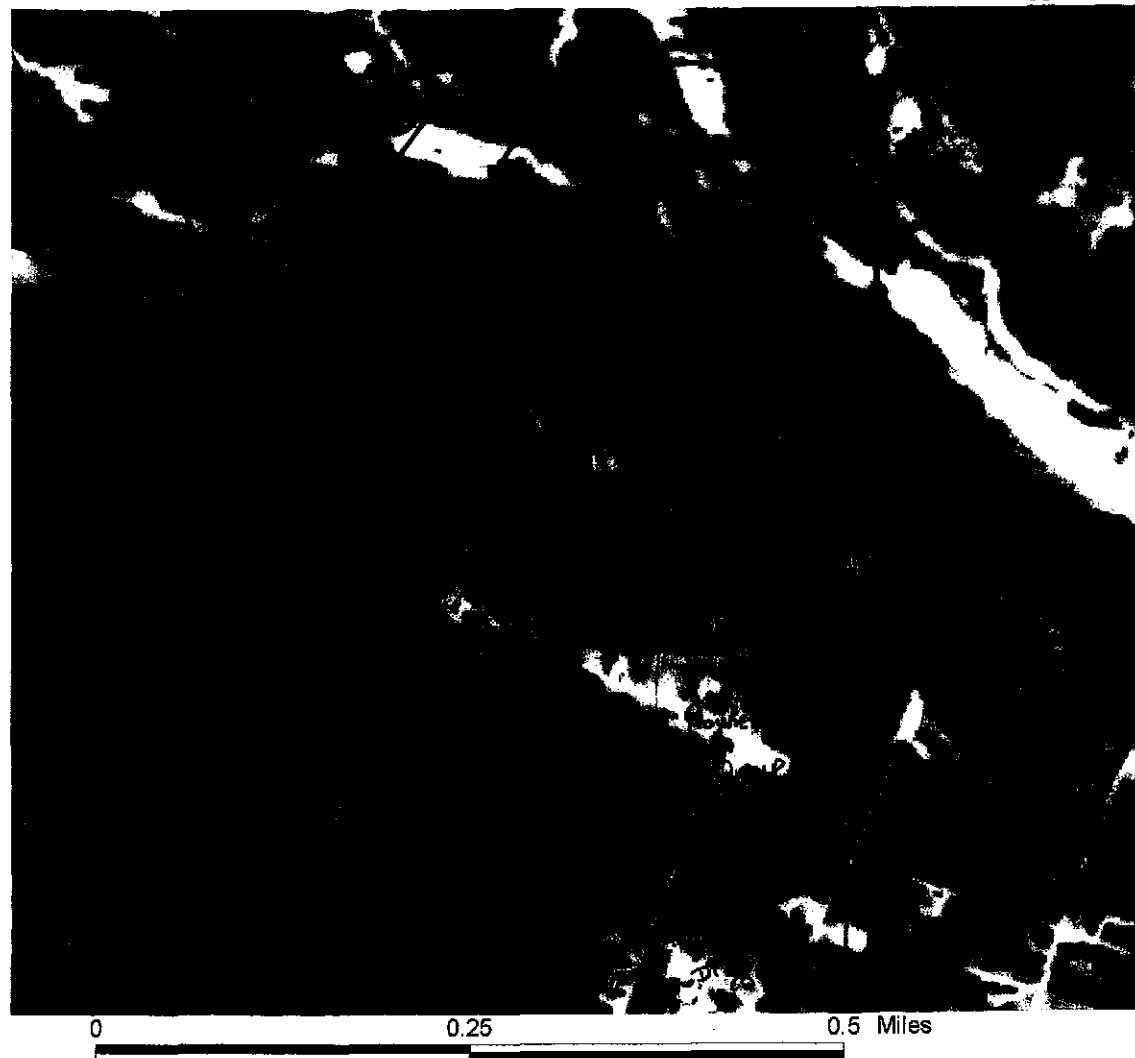
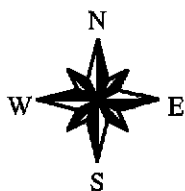
Claim Number: 63-25744

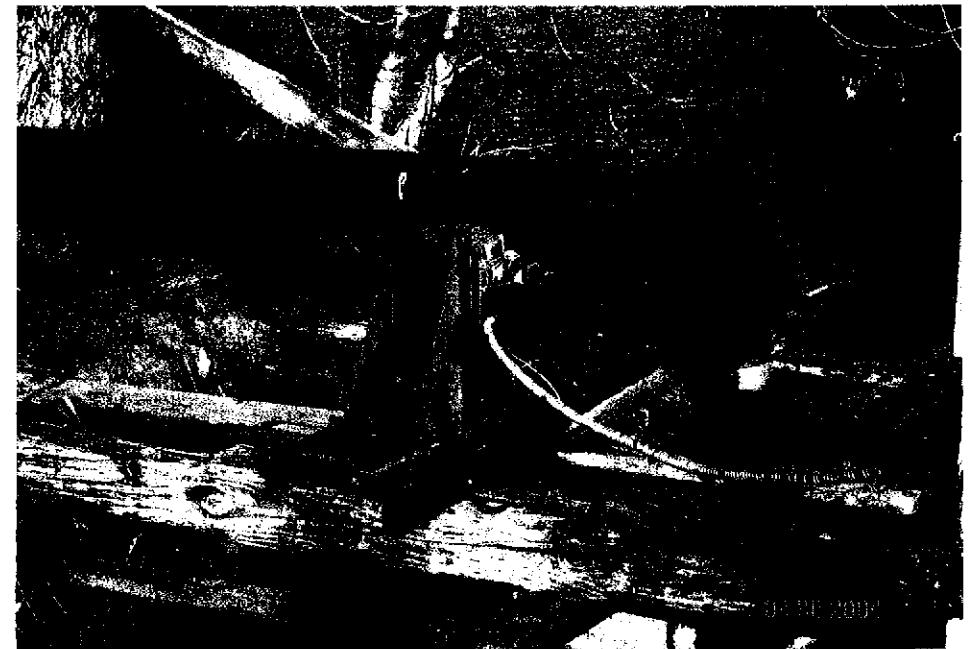
Legal: T04N, R01E, S23

Reviewed By:

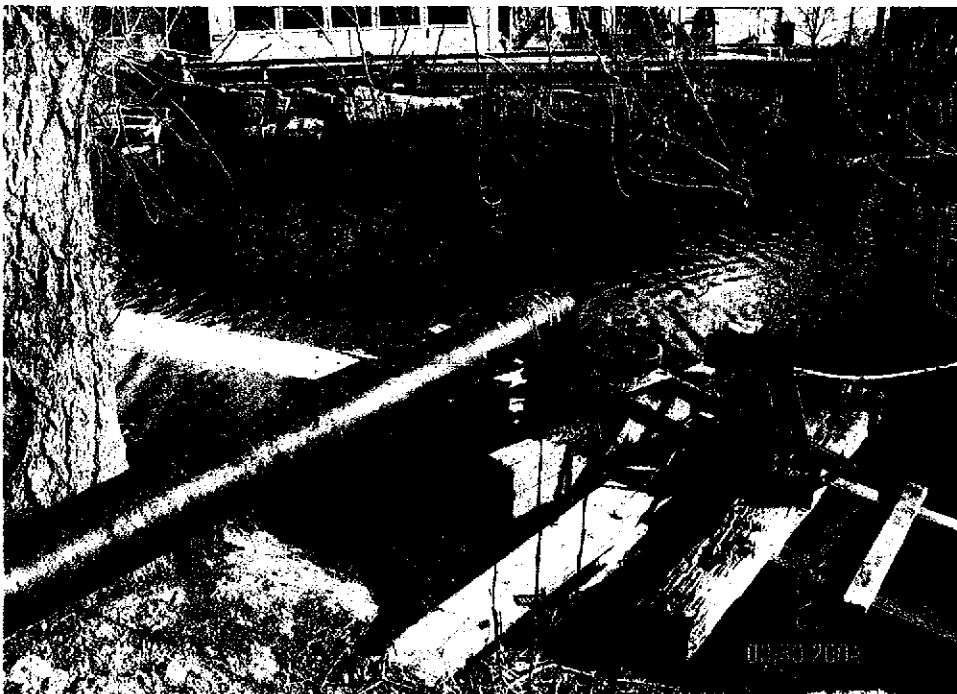
1987 Napp Photo

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

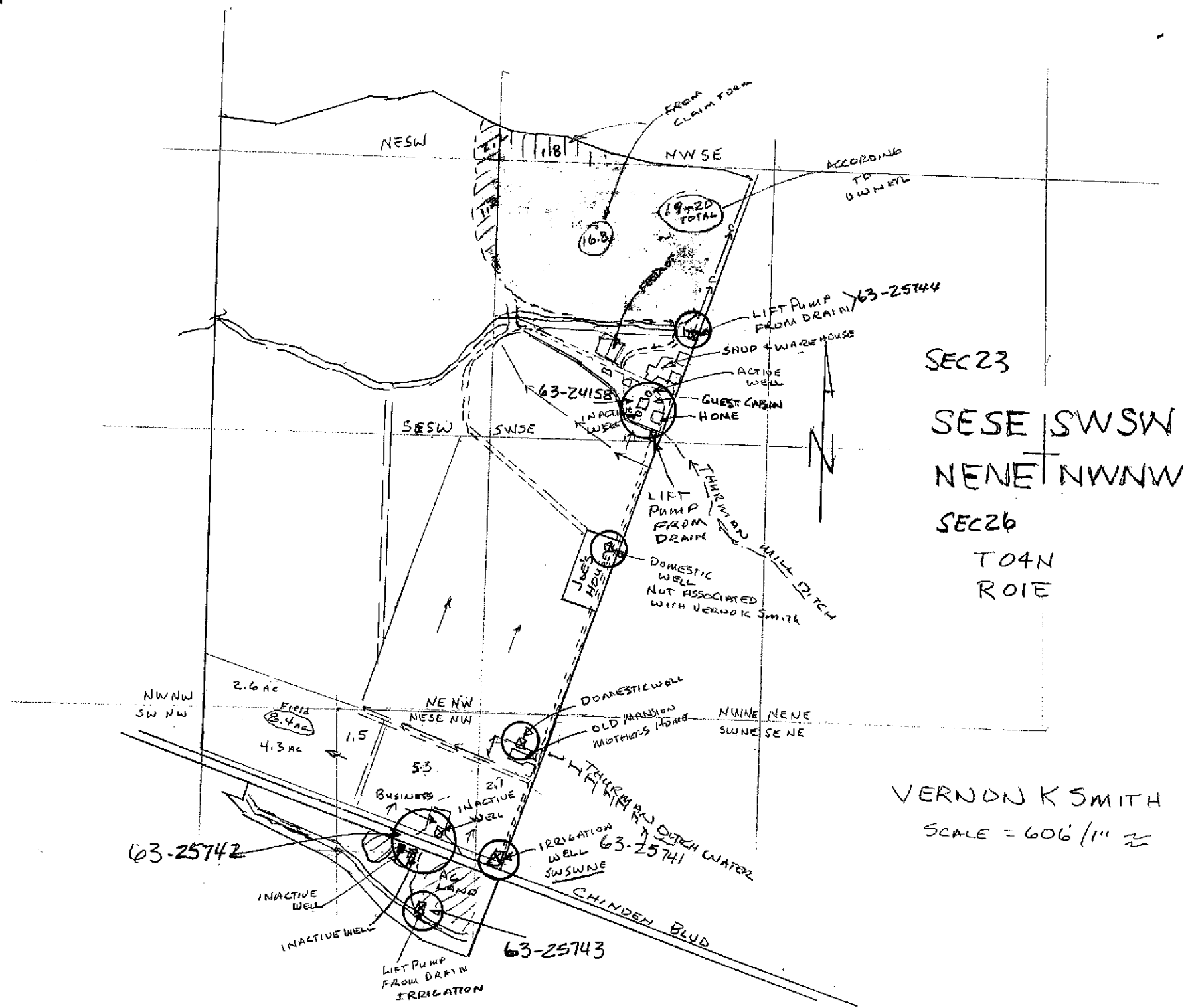




63-25744



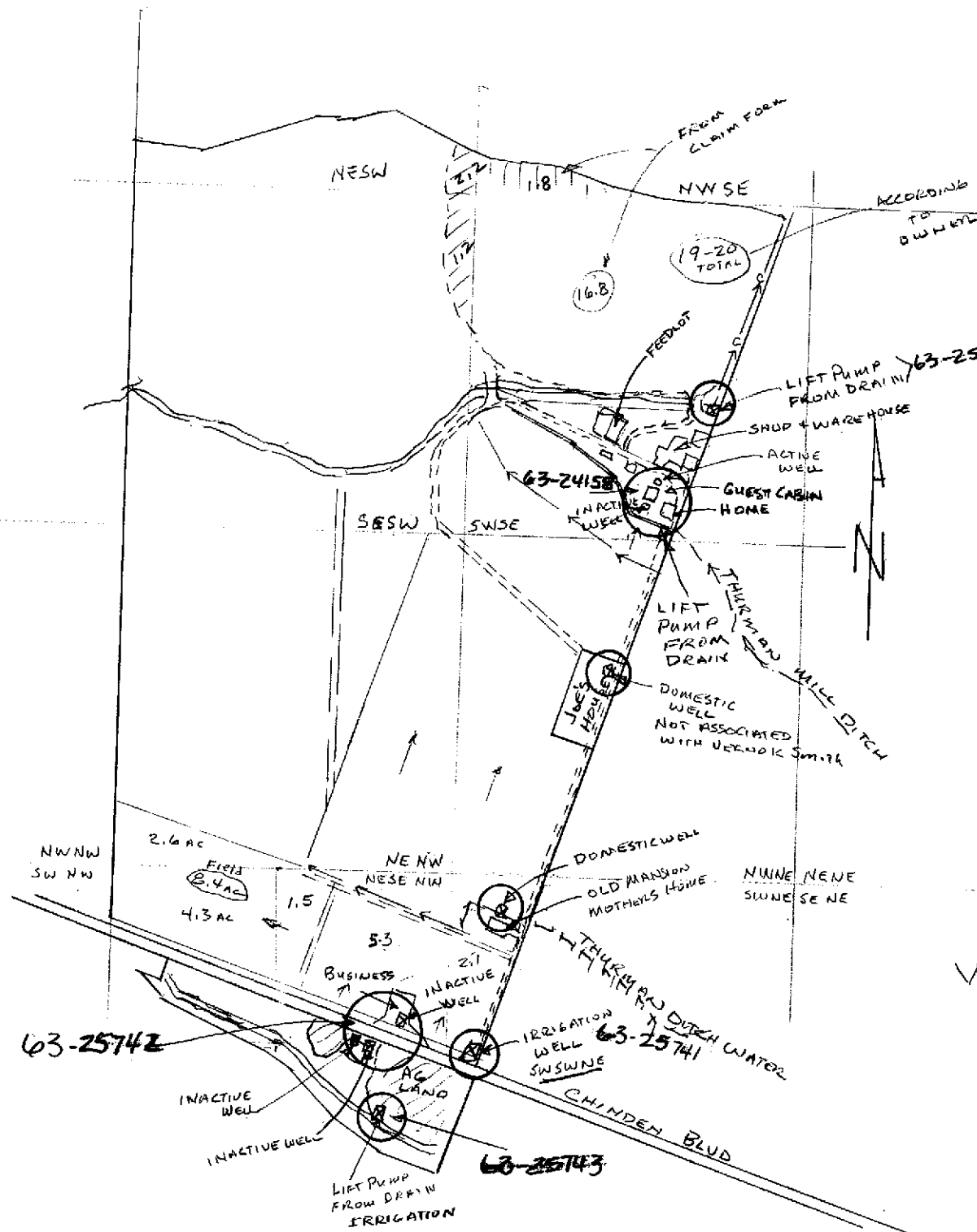
* DRAWN BY IDWR CONTRACTOR, BURKE SCHOLEK, DURING FIELD EXAMS. (3/04)



SEC 23
SESE | SWSW
NENE | NWNW
SEC 26
T04N
R01E

VERNON K SMITH
SCALE = 606' / 1" ≈

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





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

02 455 612 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



- domestic use not filed on

OVER →

LOCATION DATA - Burke

SITE TAG A0002469 .

GPS

2314390	H
1387066	ZL



Mother's house Domestic Well

PUMP INFORMATION: *(Interpid)*

Site Tag A0013254

GPS

2314253	#
1386806	24

1 HP Submersible Pump

Franklin Motor

Serial No. 2801084915

1" Discharge Pipe

T04N, R01E, S26, 8WNE

- domestic use not filed on





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
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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2004

VERNON K SMITH
1900 W MAIN
BOISE ID 83702

*As representative,
this was sent to
office address as
well.*

**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.

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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. WARDEN
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 exam.

DAVID 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

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-25744

Date: 5-20-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1E	23									2			2		3	15		22
GIS												2.2			1.2		1.8	16.8		22
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 22

Overlapping POU Claim #'s:

Total GIS Acres: 22

COMMENTS:

Per claim map.

Idaho Department of Water Resources

Claim Number: 63-25744

Legal: T04N, R01E, S23

Reviewed By:

1987 Napp Photo

*Part of this shape
belongs to DeChambré
not Smith's
(subtract)*



Point of Diversion



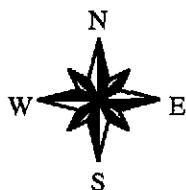
Place of Use



Section Lines



Quarter Quarter Lines





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

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: A63-25744
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

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 FACILITY Trib. to: BOISE RIVER DRAINAGE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	23	SE	SW	SE		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	2.500		
STOCKWATER	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is 77.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	23	NE	SW		IRR	2.0
			NE	SW		STOCK	
			SE	SW		IRR	2.0
			SE	SW		STOCK	
			NW	SE		IRR	3.0
			NW	SE		STOCK	
			SW	SE		IRR	15.0
			SW	SE		STOCK	
						Section Acres	22.0
						Total Acres	22.0

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:

STOCKWATER USAGE DIRECTLY FROM SURFACE DRAIN DITCH WATER

14. Remarks:

PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+- FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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

463-25744

Date Received

8-18-89

Receipt Number

C009892

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

Victoria H. Smith, individually, and as
1. Name of Claimant (s) Excatrix of the Estate of Vernon Phone (208) 375-2934
K. Smith, deceased
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 Facility
which is tributary to (b) The Boise River Basin Drainage System

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 23,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Ada

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. Parma water lifter pump system, 10"
discharge into a concrete ditch operated by a 5 hp General Electric motor
pumping 1200 gal/m+- from drain ditch, irrigation approximately 22-23+-
acres of natural state Boise River bottom basin. The soil is composed of
much gravel and sand requiring continuous flow of irrigation water.

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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 2.5 or _____

For Stockwater purposes from 1/1 to 12/31 amount .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 77.0 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	23									2/S		2/S		3/S	15/S			

Total number of acres irrigated 22+

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.
Stockwater usage directly from surface drain ditch water. or None ()

14. Remarks: The soil composition contains sand and gravel in its natural state lying in the Boise River Basin bottom lowland.

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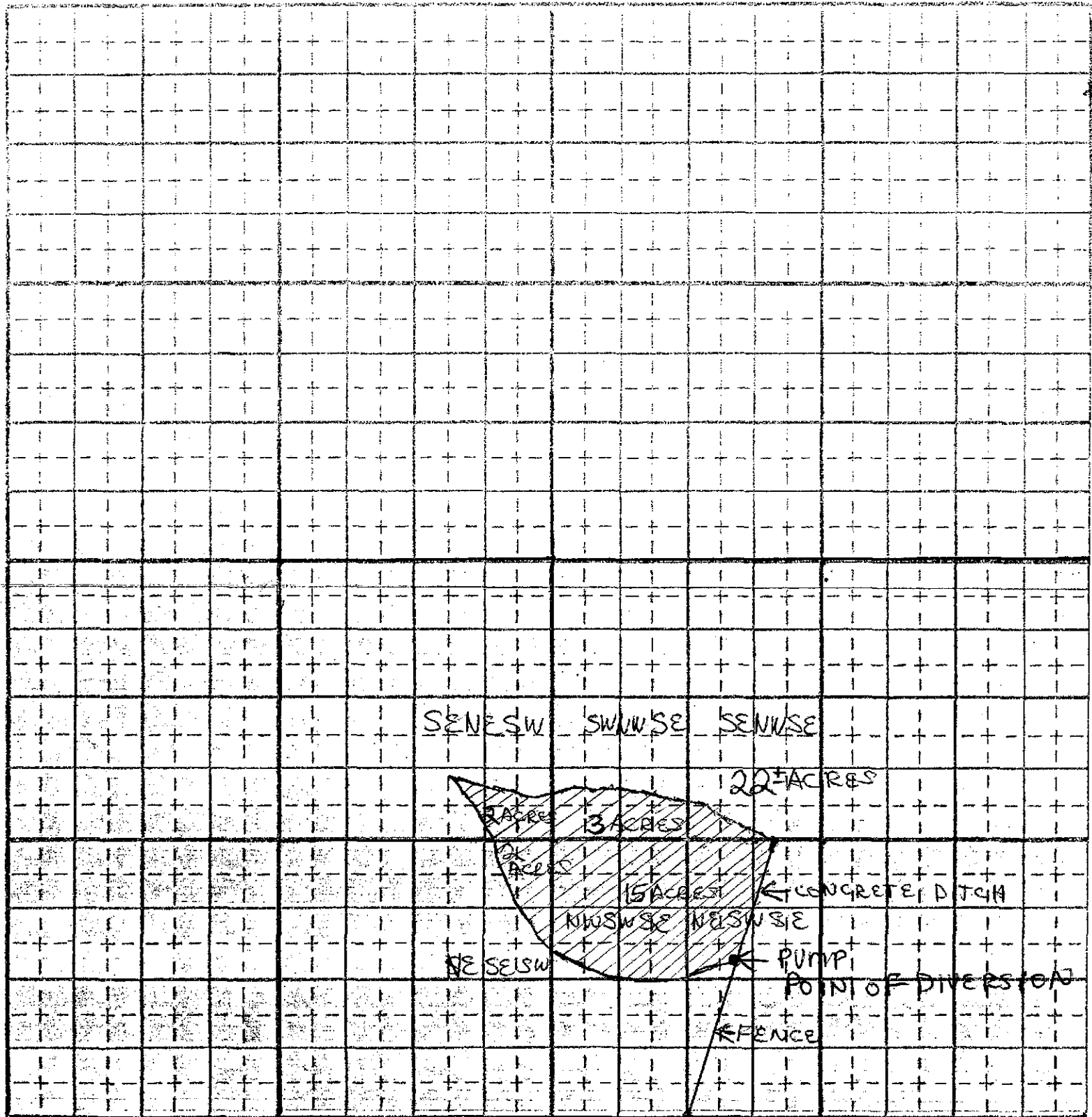
Last Name SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project show clearly the point of diversion, the size of area, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 4 N R 1 E SEC 23



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Last Name Smith

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments One-aerial photograph

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 ADP) SS.

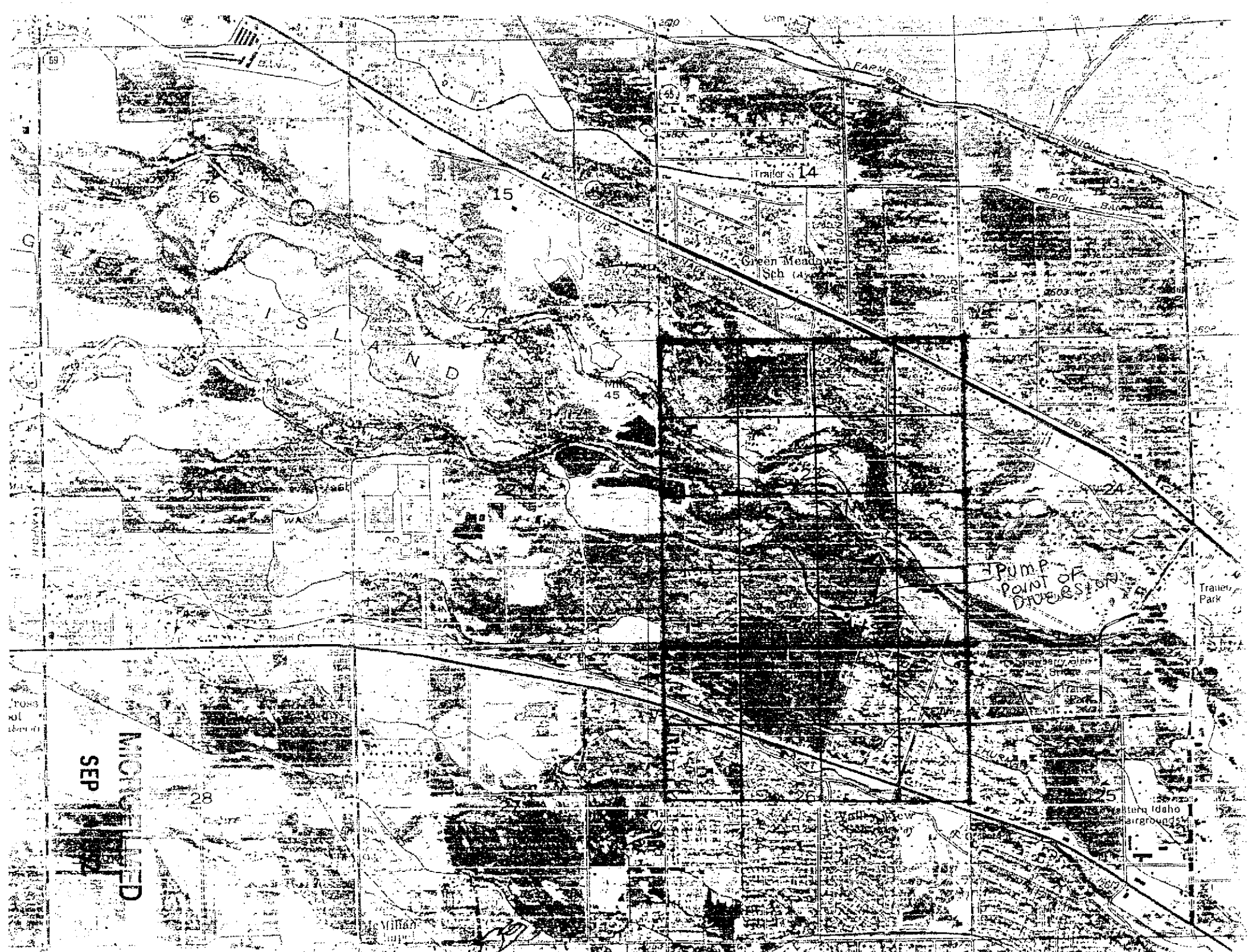
Subscribed and sworn (or affirmed) before me this 18th day of August 19 89

SEAL Notary Public [Signature]
Residing at Bonne, 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 _____

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Smith

#9

CLAIM IDENT. NO.

A63-25744

DATE RECEIVED

8-18-92

CK #

C009892

AMOUNT \$

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
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. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
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. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
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.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by:

Date:

2-07-90

Claim must be returned to claimant:

☒ (Yes) ☐ (No)

Claimant must be notified of modifications:

☒ (Yes) ☐ (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments: Per D. Staff 12-6-91, added V. Smith as Owner.

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