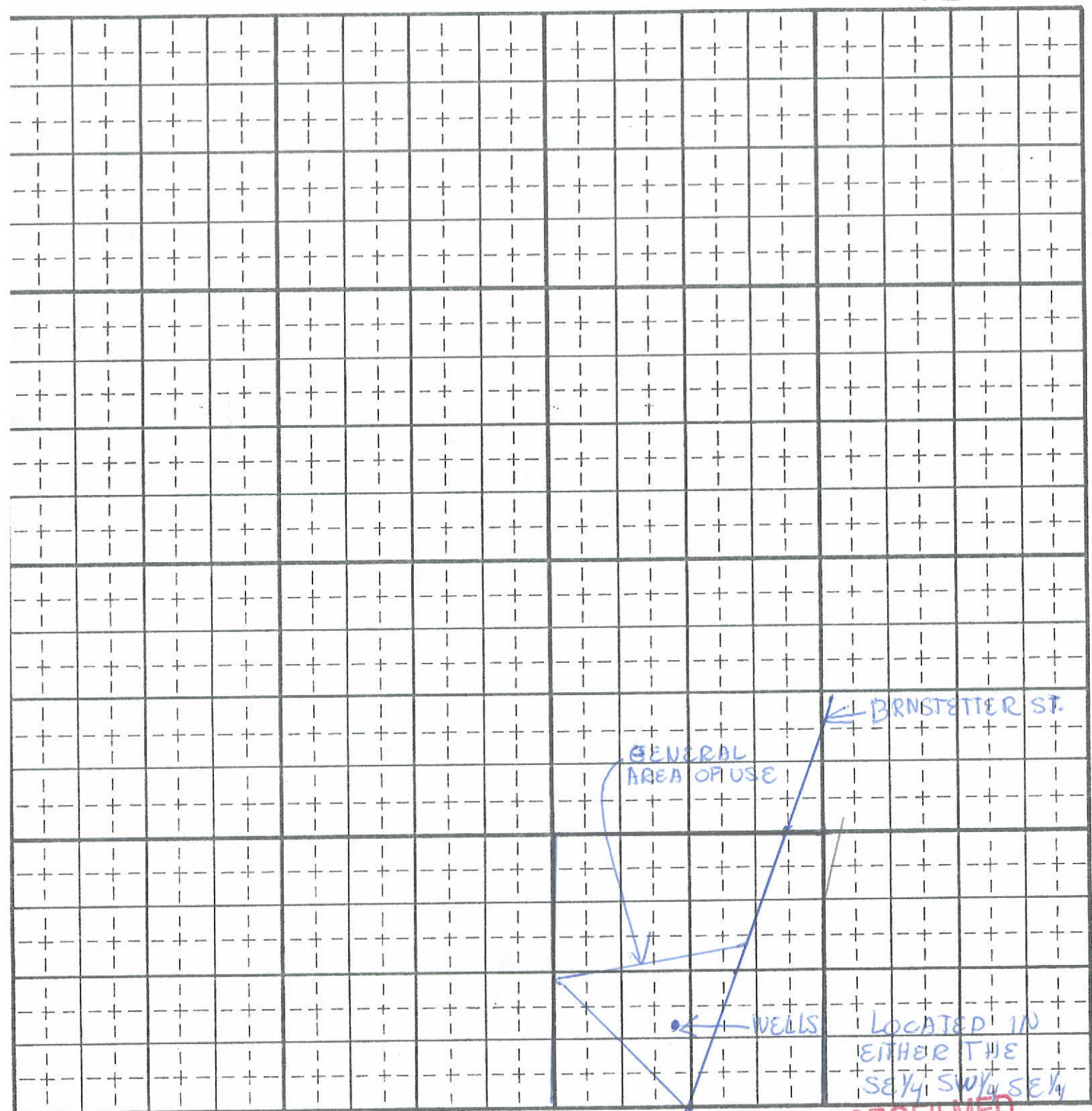


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 4 N R 1 E SEC 23

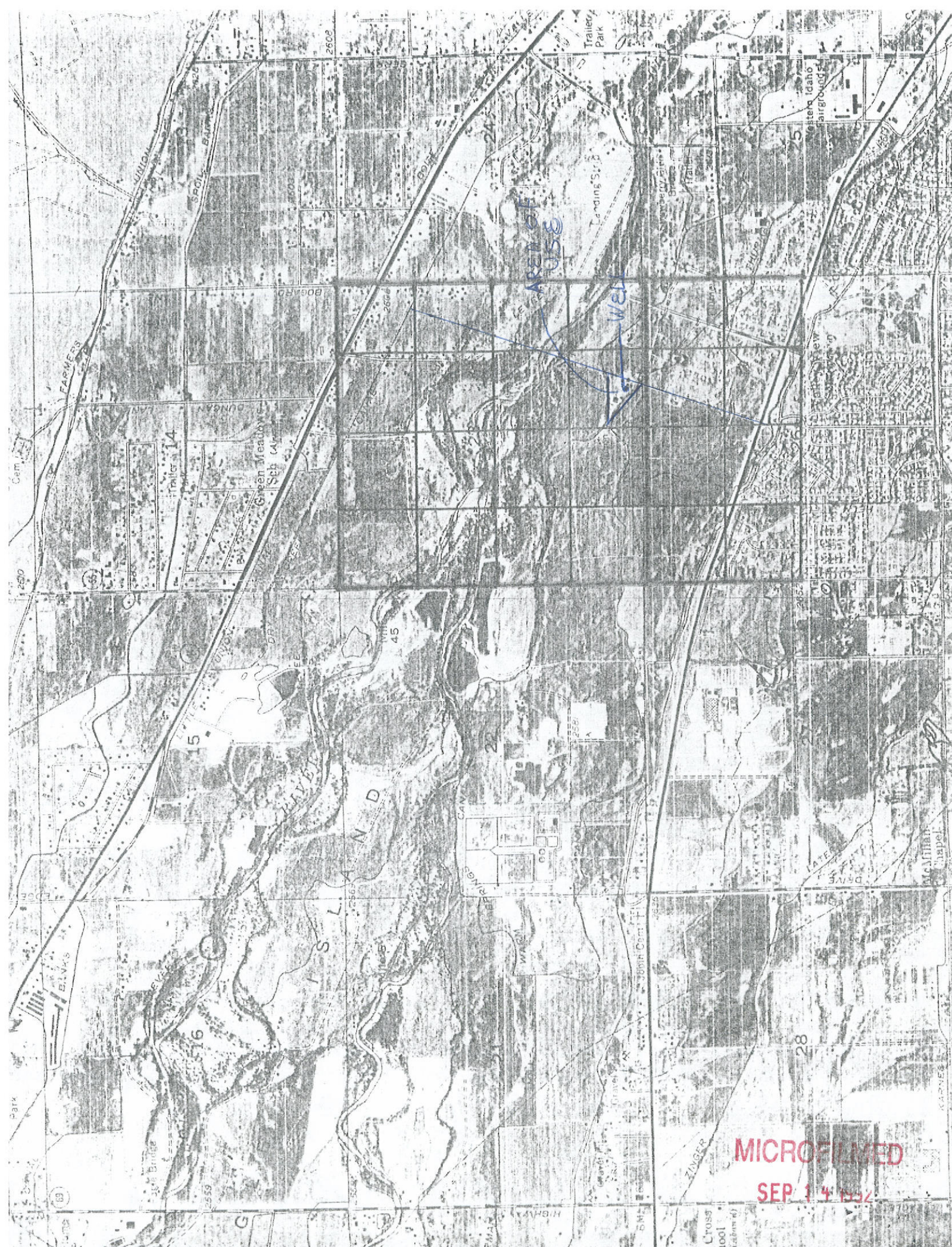


MICROFILMED
SEP 14 1992

Last Name SMITH

Ident No. _____

Copies: White-State, Yellow-Claimant



#63-24158
2003 NAPP

POU?

2 homes
farm machinery repair
warehouse





NORTHSIDE OF GUEST CABIN
ACTIVE WELL



NORTHSIDE OF GUEST CABIN
ACTIVE WELL

63-24158



SOUTHSIDE OF GUEST CABIN
IN-ACTIVE WELL



SOUTHSIDE OF GUEST CABIN
IN-ACTIVE WELL

Common or a few
in addition to
main line & repair

FORMERLY
250 BEEFCATTLE
150 DAIRY CATTLE
HD cattle

Page 1

CURRENTLY NO CATTLE - FEEDLOT IN NEED OF REPAIR.

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-24158

WATER RIGHT NUMBER: 63-24158

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

Source

GROUND WATER

Tributary

Beneficial Use

STOCKWATER

DOMESTIC

COMMERCIAL

From To

1/01 to 12/31

1/01 to 12/31

1/01 to 12/31

Diversion Rate

0.200 CFS

0.120 CFS

0.120 CFS

Total Diversion: 0.440 CFS

Annual Volume

(Reduce to .17 cfs (Burlee))

Location of Point(s) of Diversion

GROUND WATER

ADA County

SE1/4SW1/4SE1/4
p12

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

Place of Use

STOCKWATER

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

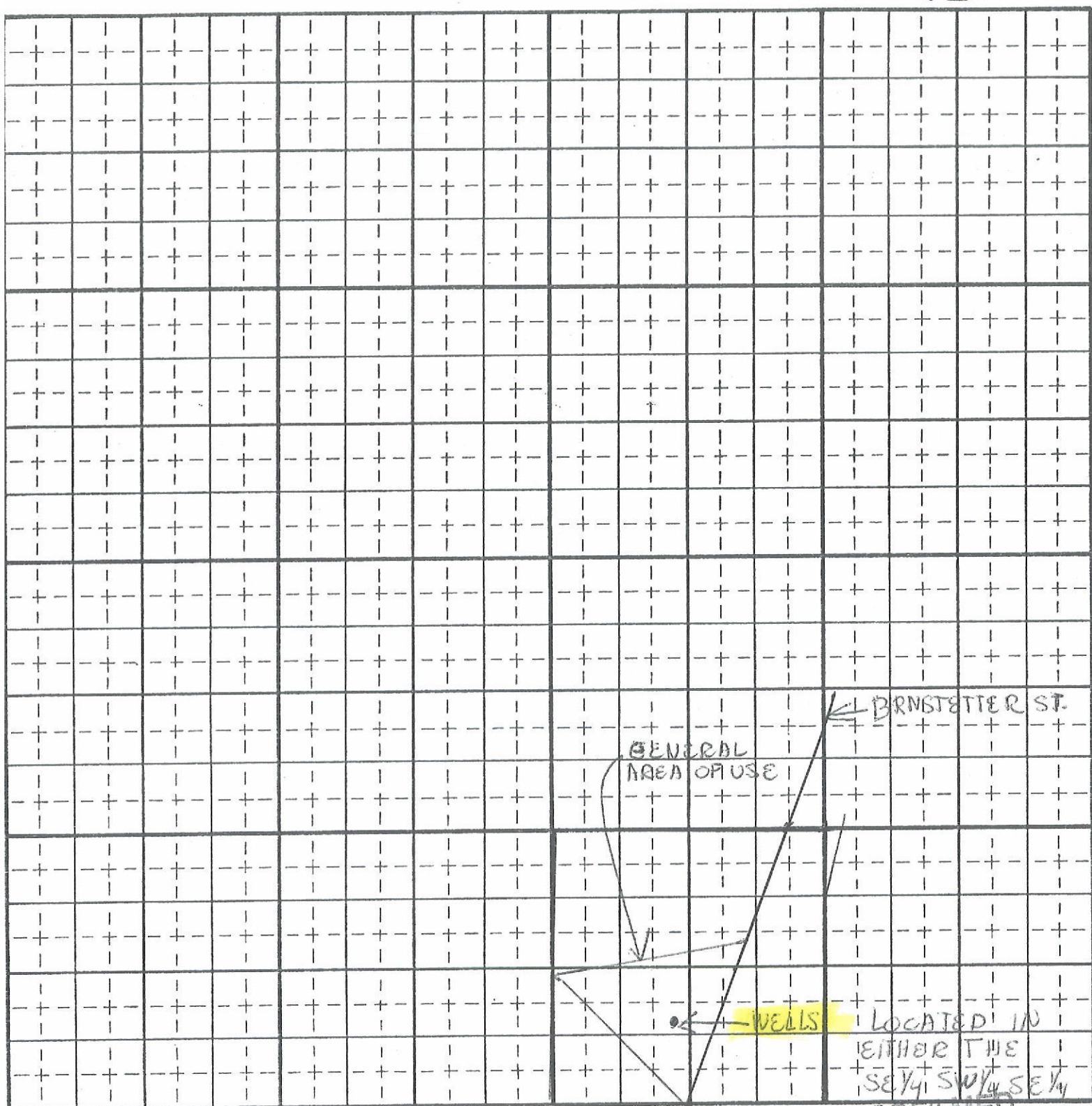
DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	X

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 4 N R 1 E SEC 23



MICROFILMED
SEP 14 1992

Last Name

SMITH

Ident No.

Copies: White-State, Yellow-Claimant

63-24158

THIS
IS
JOSEPH SMITH
HOUSE
~~AT~~ NOT
63-24158



12-8-2001

VERNON K SMITH
SCALE = 606 / 111 1/2



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

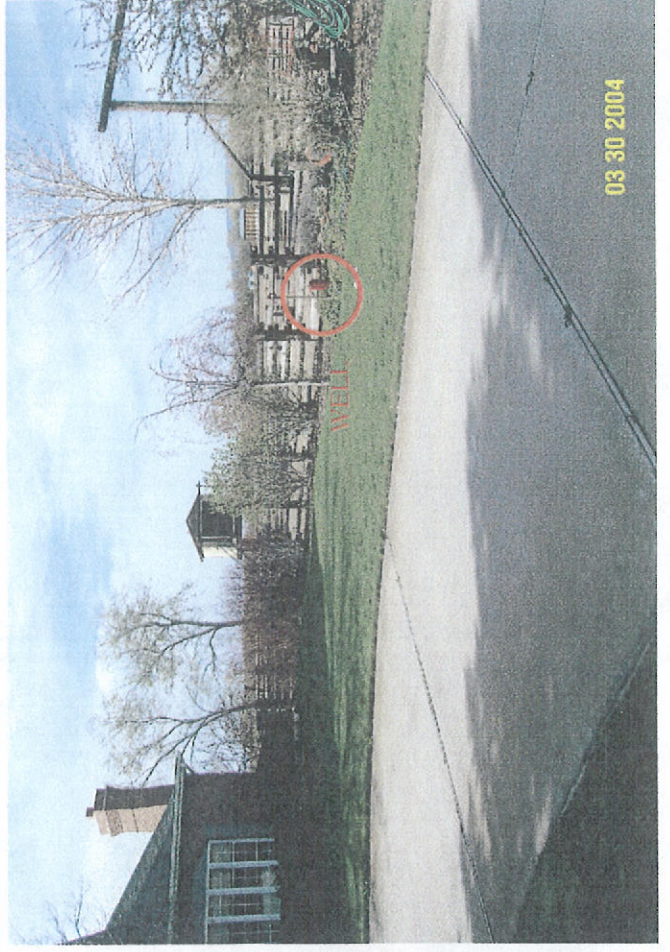


OVER →

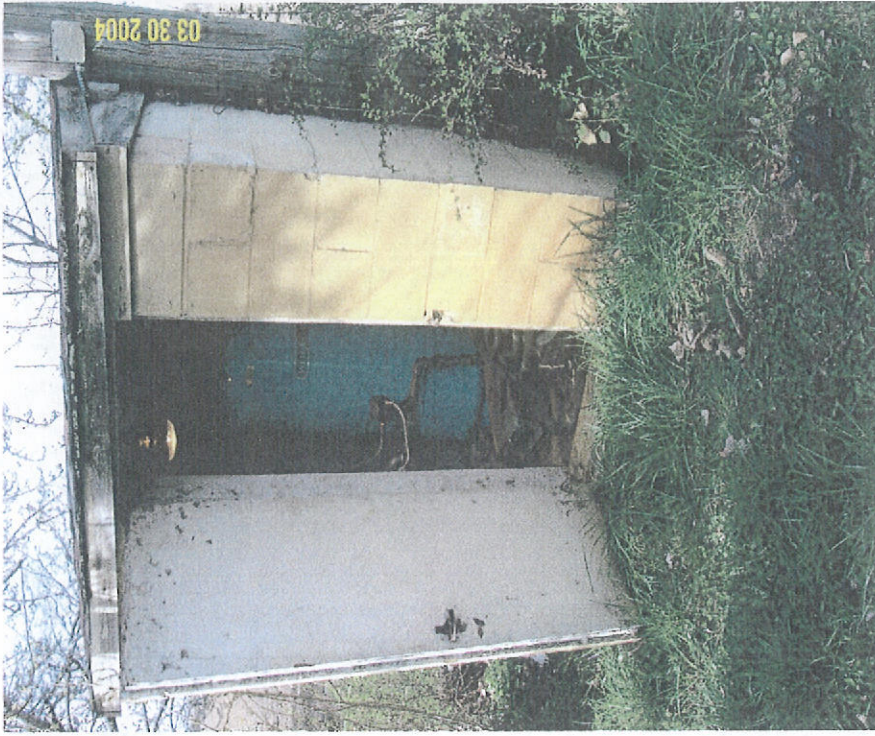


brother, **Joseph H. Smith**
Domestic

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



OVER →



Mother's house Domestic Well

PUMP INFORMATION: *(Interpid)*

Site Tag A0013254

GPS 2314253 # 24
1386806

1 HP Submersible Pump

Franklin Motor

Serial No. 2801084915

1" Discharge Pipe

63-24158



63- 24158



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: A63-24158
Date Received: 8/18/1989
Receipt No: C020476
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

208-375-2934

83714

AND

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

208-375-2934

83714

2. Date of Priority: JAN 1, 1953

3. Source: GROUNDWATER Trib. to:

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.
DOMESTIC	01/01	12/31	0.120		
STOCKWATER	01/01	12/31	0.200		
COMMERCIAL	01/01	12/31	0.120		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

A63-24158

Page 1

Date: 12/09/91

MICROFILMED

SEP 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	23	SW	SE		DOMEST	
			SW	SE		STOCK	
			SW	SE		COMMER	

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:
NONE

14. Remarks:

A REPLACEMENT WELL WAS DRILLED IN 1988.
THE ORIGINAL WELL AND PUMP FOR DOMESTIC AND STOCKWATER USE WAS REPLACED BY THE NEW WELL IN JUNE, 1988, WHICH IS 120 FEET DEEP WITH 8" CASING WITH SUBMERSIBLE PUMP AND NEW DISTRIBUTION PIPE MADE OF PVC MATERIALS AND NEW PRESSURE TANK INSTALLED IN OLD PUMP HOUSE FACILITY.
TWO HOUSEHOLDS, COMMERCIAL BUSINESS, WAREHOUSE, OUTBUILDINGS, BARNs, CORRALS, HOLDING PENS, SPRAYING UNITS, FEEDLOTS.
THIS WATER RIGHT CLAIM IS SUBMITTED IN CONJUNCTION WITH THE DOMESTIC AND STOCKWATER CLAIM ON THE SHORT FORM RELATING TO THIS WELL, SOME OF THE LARGE FACILITIES AND BUILDINGS HOWEVER HAVE BEEN USED IN A COMMERCIAL APPLICATION IN CONJUNCTION WITH BUSINESS ON PROPERTY INVOLVING A BENEFICIAL USE OF WATER INCLUDING THE USE OF WATER IN WAREHOUSES STORAGE FACILITIES, FEEDLOTS AND BUSINESS VENTURES.

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

A63-24158

Date Received

08-18-1989

Receipt Number

C020476

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 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) Groundwater
which is tributary to (b) _____

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: A replacement well was drilled in 1988.

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. The original well and pump for domestic
and stockwater use was replaced by the new well in June, 1988, which is 120
feet deep with 8" casing with submersible pump and new distribution pipe
made of PVC materials and new pressure tank installed in old pump house
facility.

MICROFILMED

SEP 14 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan. 1 to Dec. 31 amount .12 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount .20 or _____

For Commercial purposes from Jan 1 to Dec. 31 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .44 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Two households, commercial business, warehouse, outbuildings, barns corrals, spray units, feedlots.

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	
																	DS		
																	C		

Total number of acres irrigated _____

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.

_____ or None ()

14. Remarks: This water right claim is submitted in conjunction with the domestic and stockwater claim on the short form relating to this well, some of the large facilities and buildings however have been used in a commercial application in conjunction with business on property involving a beneficial use of water including the use of water in warehouses, storage, outbuildings, barns, corrals, holding pens, spraying units, feedlots and business ventures.

MICROFILMED
SEP 14 1992

Last Name SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

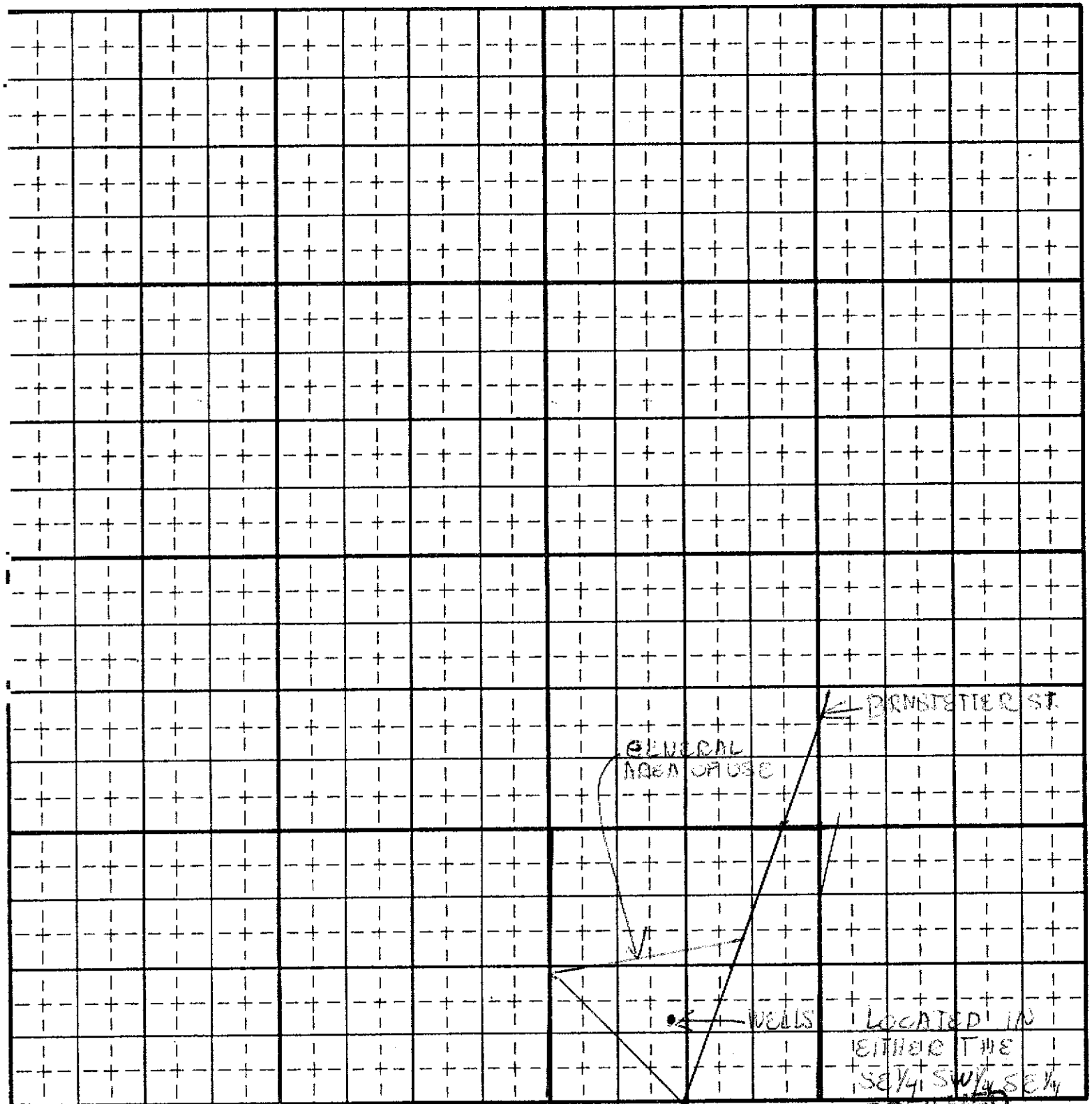
If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

CONFIDENTIAL

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 4 N R 1 E SEC 23



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 _____ 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

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 *[Signature]*

Residing at Bon, Idaho

My Commission Expires 12/20/94

Please Print Name

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 _____

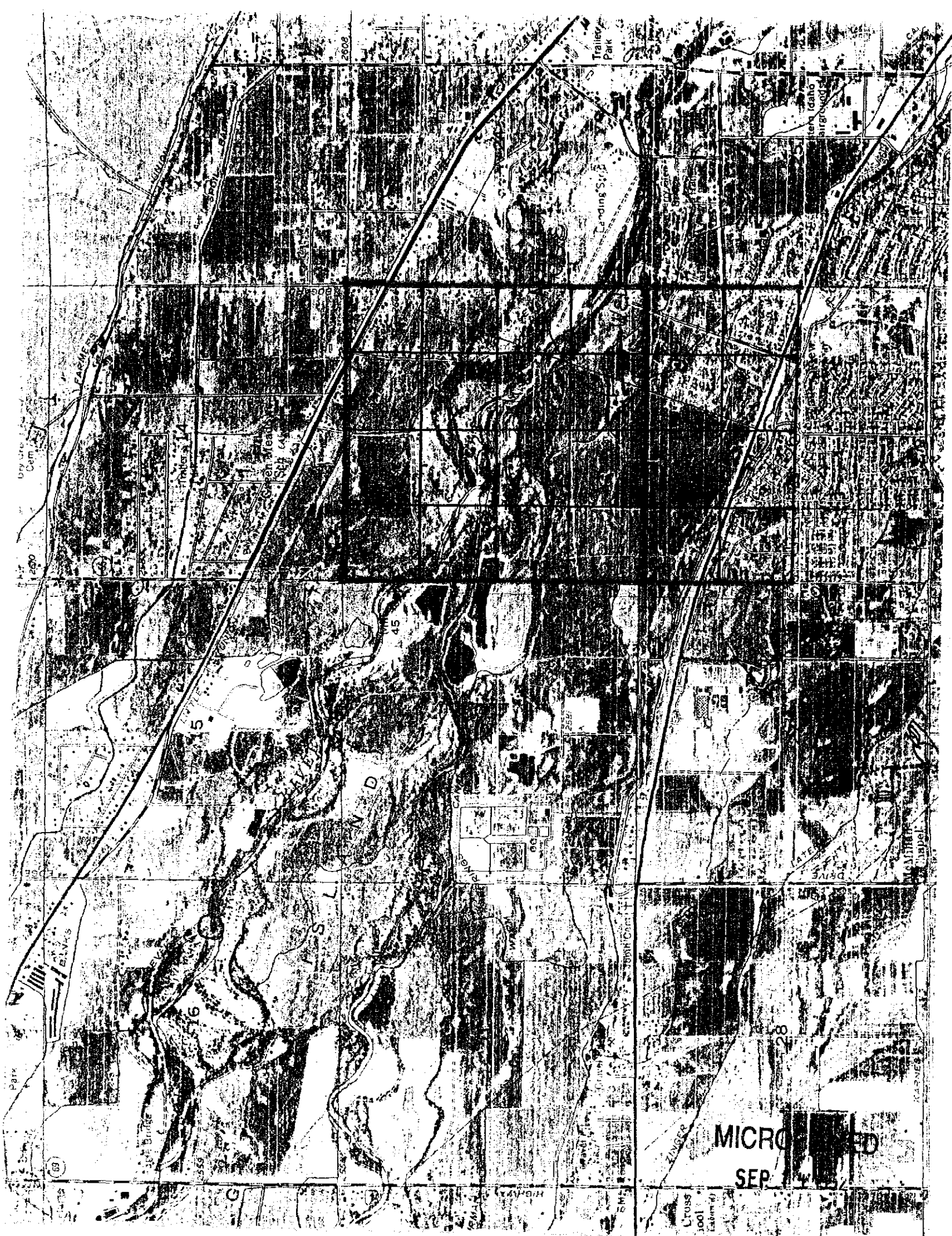
Date _____

MICROFILMED

SEP 14 1992

Last Name SMITH Ident. Number _____

Copies White-State, Yellow-Claimant



MICROFILMED
SEP 14 1957

4/5/1

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Smith

#7,8

CLAIM IDENT. NO.

AG3-24-158

DATE RECEIVED

8-18-89

CK #

AMOUNT \$

C020476

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? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
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 N/A
- Is the consumptive use correct? ☐ YES ☒ NO N/A *ok p se*
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 N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *see Maps* *
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 N/A
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 N/A
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 Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: DPDate: 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: afDate: 05-24-91

Sent to claimant by:

Checked by: apeDate: 3/29/91Comments: Per D. Shaff 12-6-91, added V. Smith as R owner.

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 SRBA }
 }
Case No. 39576 }
 }
 } PARTIAL DECREE PURSUANT TO
 } I.R.C.P. 54(b) FOR
 } Water Right 63-24158

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: GROUND WATER

QUANTITY: 0.08 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION: T04N R01E S23 SRSWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:	Stockwater		Within Ada County
	T04N R01E S23	SNSSE	
	Domestic		Within Ada County
	T04N R01E S23	SNSSE	

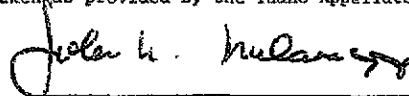
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

- # of studenwater - $\frac{150 \text{ dairy or}}{250 \text{ range cattle?}}$

(+) need Commercial Use
volume calculation
(questionnaire enclosed)

- when did 2nd well become
inactive? _____

- Thurman-Mill?

- when did dairy cease
operation? (1970s)
(comm. use?)

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

RIGHT NUMBER: 63-24158

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

VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

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	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER Within ADA County

T04N R01E S23 SWSE

DOMESTIC Within ADA County

T04N R01E S23 SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO: A PORTION OF S0526120995.

Stockwater use is for 150 dairy and 250 range cattle.

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-24158

WATER RIGHT NUMBER: 63-24158 ✓

Owner Type

Current Owner

Name and Address

ESTATE OF VERNON K SMITH ✓
 C/O VICTORIA H SMITH
 RT 4
 5933 N BRANSTETTER ✓
 BOISE, ID 83714
 (208)375-2934

Current Owner

VICTORIA H SMITH ✓
 5933 N BRANSTETTER
 RT 4
 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

Source

GROUND WATER ✓

TributaryBeneficial Use

STOCKWATER ✓

DOMESTIC ✓

REMOVE COMMERCIAL ✓
(farm machinery repair & warehouse)From To

1/01 to 12/31 ✓

1/01 to 12/31 ✓

1/01 to 12/31 ✓

Diversion Rate

.04 -0.200 CFS ✓

.04 -0.420 CFS ✓

.09 -0.120 CFS ✓

Annual VolumeTotal Diversion: -0.440 CFS ✓

0.17 capacity

questionnaire

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SE1/4SW1/4SE1/4 ✓

Sec. 23, Twp 04N, Rge 01E, B.M. ✓

2 POOLS (+) SE SW SE

Place of Use

STOCKWATER ✓

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

DOMESTIC ✓

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
												X	

ADD N11 & N13 -

OVER →

No evidence received, therefore, this was recommended as meeting the definition of 42-111, a single family domestic use.

Property Address:

9604 N. Branstetter

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-24158

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N 01E 23																X	

COMMERCIAL ✓

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

Conditions of Approval:Remarks:

1. General

A REPLACEMENT WELL WAS DRILLED IN 1988.

THE ORIGINAL WELL AND PUMP FOR DOMESTIC AND STOCKWATER USE WAS REPLACED BY THE NEW WELL IN JUNE, 1988, WHICH IS 120 FEET DEEP WITH 8" CASING WITH SUBMERSIBLE PUMP AND NEW DISTRIBUTION PIPE MADE OF PVC MATERIALS AND NEW PRESSURE TANK INSTALLED IN OLD PUMP HOUSE FACILITY. TWO HOUSEHOLDS, COMMERCIAL BUSINESS, WAREHOUSE, OUTBUILDINGS, BARN, CORRALS, HOLDING PENS, SPRAYING UNITS, FEEDLOTS.

THIS WATER RIGHT CLAIM IS SUBMITTED IN CONJUNCTION WITH THE DOMESTIC AND STOCKWATER CLAIM ON THE SHORT FORM RELATING TO THIS WELL, SOME OF THE LARGE FACILITIES AND BUILDINGS HOWEVER HAVE BEEN USED IN A COMMERCIAL APPLICATION IN CONJUNCTION WITH BUSINESS ON PROPERTY INVOLVING A BENEFICIAL USE OF WATER INCLUDING THE USE OF WATER IN WAREHOUSES STORAGE FACILITIES, FEEDLOTS AND BUSINESS VENTURES.

Comments:

ADD - Domestic use is for ^{external use of} 12 households

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 X02 - Stockwater use is for 150 dairy & 250 range cattle.

ADD W - Use of this right is combined with water from Thurman-Mill Ditch Co.

ADD REMARK - Commercial use is for a farm machinery repair & warehouse?

Parcel No: a portion of 30526/20 995. (118.7 AC)

(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 \$62.00 (\$25.00 + 37.00)
- ☐ Well logs (if needed) (could not find in files - KLB)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in SWSE
- ☒ 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 completeClaim No(s) A63-24158Owner: Estate of Vernon K. Smith & Victoria H. Smith
Phone No. (208) 375-2934Current Address: 5933 N. Bramstetter, Rt. 4 Boise 83714

Property Address: ☒ No change NAME IS THE SAME
9604 N. Bramstetter ☐ NEW OWNER
Boise 83714 ☒ 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 requesting an affidavit.

Source: Groundwater Tributary to _____

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed: _____

(See Conversation Memos).
[continued, p. 4]

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: 2PODs - ADD SE SW SE
- ☐ If different, when did POD change? _____

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
		SE	SW	SE					

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 USES☐ No change☐ Different UsesUse Stockwater From _____ To _____ Amount .04 CFS _____ AFAUse Domestic From _____ To _____ Amount .04 CFS _____ AFAUse Commercial From _____ To _____ Amount .09 CFS AFA**TOTAL VOLUME - Groundwater only**☒ Incomplete on claim, the total is, Amount .08 CFS _____ AFA☐ Changes found, the new total is, Amount .08 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)NON-IRRIGATION USES: external use - 2 houses only 150 dairy + 250 range☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____Types _____ Additional comments: Commercial use is for (a) farm machinery repair & warehouse.**PLACE OF USE:**☒ No Change☐ Changes shown below:Parcel No: a portion of 805261 20995.

Since no evidence was received, this is recommended as meeting the definition of 42-111; a single family domestic use.

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: 4.15.05

(in office review)

FIELD EXAMINER: Kimberly Brown

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, S26 and found nothing.)

-KLB

#63-24158
2003 NAPP

POU?

2 homes
form machinery repair
warehouse

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

#63-24158

* "Farm machinery repair & warehouse" -FX
(+) "outhouses, barns, corrals, holding pens, spraying units, feedlots" -
COMMERCIAL USE VOLUME (Remarks)

* Please keep in mind that these questions pertain only to the use of the water listed on the enclosed **Adjudication Claim Report**.

Type of Establishment: (example – camp, church, country club, bar/lounge, boardinghouse, factory, motel, highway rest area, hospital, laundry, office, park, restaurant, school, service station, theater)

Type of Facilities: (example: kitchen facility/cafeteria, lavatory facilities, shower(s), bath(s), sink(s), trailers, flush toilets)

Number of Fixtures: (example: number of flush toilets, number of bathtubs, number of bathroom/kitchen sinks, number of showers, etc.)

How many employees (and/or public individuals) per day use each of the facilities your commercial use is based upon?

How many hours per day is the facility open for this specific use?

How many days per week is the facility open for this use?

Is this facility open year round? ____ Yes ____ No

If not, please indicate the length of time the facility is open during the year.

****** Most businesses have a good idea of how many gallons of water per day they use. If this is true in your case, please indicate how many **total gallons of water you use** for the commercial purposes explained above:

Additional information you feel may be pertinent:

Your name

Business telephone number

Please return to:

**ATTN: Kimberly Brown
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082**

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				

11
12,330 gpd

12,330 gpd

(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

overlap review —

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-24158

04/15/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
25744	Claim	04N	01E	23	SW	SE		IRRIGATION	15/22	VICTORIA H SMITH
~~24158~~	~~Claim~~	~~04N~~	~~01E~~	~~23~~	~~SW~~	~~SE~~		~~STOCKWATER~~		~~ESTATE OF VERNON K SMITH~~
25744	Claim	04N	01E	23	SW	SE		STOCKWATER		VICTORIA H SMITH
~~24158~~	~~Claim~~	~~04N~~	~~01E~~	~~23~~	~~SW~~	~~SE~~		~~COMMERCIAL~~		~~ESTATE OF VERNON K SMITH~~
~~24158~~	~~Claim~~	~~04N~~	~~01E~~	~~23~~	~~SW~~	~~SE~~		~~DOMESTIC~~		~~ESTATE OF VERNON K SMITH~~

Receipt Details for ID C020476

Status	Adjustment Type	Version
	Adjusted Receipt	3

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/20/1991 8:00:38 AM	8/20/1991	State	\$69.50	Check
Payer		SMITH, VICTORIA H.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
6531			
Card Expiration Date	Credit Card Transaction #		

Comment DOCKET SHEET SUBSCRIPTION

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$62.00	ADJUDICATION FEE (SEE REC # C009892)	410162	9337	00		6490
\$7.50	DOCKET SHEET SUBSCRIPTION	410196	9337	00		6515

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	24158		\$37.00	Claim
63	25744		\$25.00	Claim
63	24158		\$37.00	Claim
63	25744		\$25.00	Claim
63	24158		\$37.00	Claim
63	25744		\$25.00	Claim

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

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

Form 219
6/92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT**A. GENERAL INFORMATION**Permit No. 63-241581. Owner: VERNON K. SMITH Phone No. _____

Current Address: _____

2. Accompanied by: VERNON EXAM DATE: 3/30/04

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUND WATER tributary to _____**B. OVERLAP REVIEW**

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

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

GPS

NORTH SIDE WELL
A 0002470 SITE TAG
2314457 #27
1387312SOUTH SIDE WELL
A 0002471 SITE TAG
GPS 2314449 #28
1387298

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1		SE	SW	SE	23	04N	01E	ADA	FROM NAPP PHOTO + GPS
#2		"	"	"	"	"	"	"	" " " "

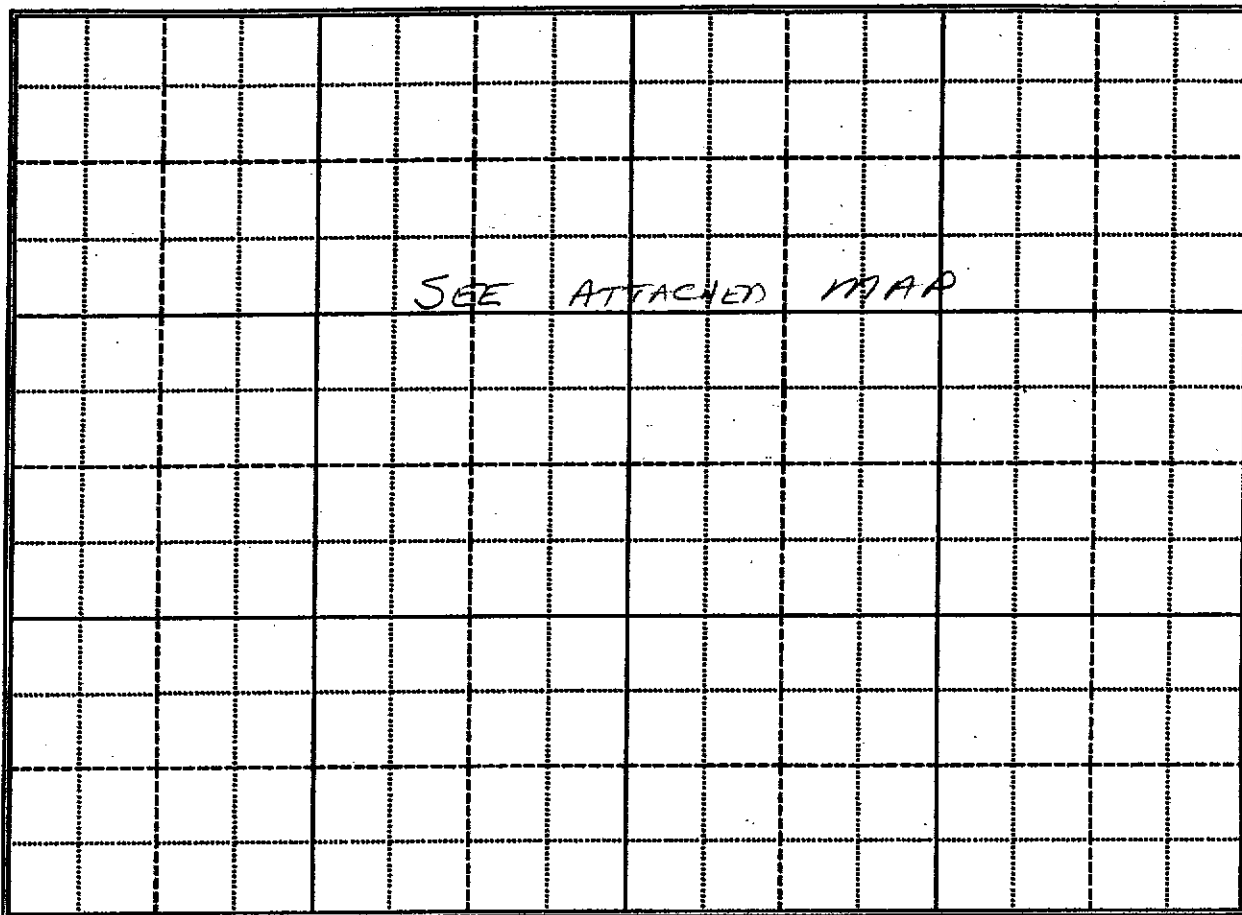
2. Place(s) of Use:

Indicate Method of Determination

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		

STOCK
WATER
DOMESTIC
COMMERCIAL

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
NORTH #1	SUBMERSIBLE		DATA UNKNOWN		WELL CASING IS 8.63" O.D. SWL = 9.25'
SOUTH #2	NO PUMP		IN WELL		WELL CASING IS 7.43" O.D. SWL 8.11'

*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: _____

E. NARRATIVE/REMARKS/COMMENTS

3/30/04 FIELD EXAM COMPLETED.

4/12/04 WRITE-UP- ON 3/30/04 I WENT BACK TO THE FARM SUBSEQUENTLY
WITH A PREVIOUS ON SITE VISIT WITH "VERN". THIS RIGHT HAS 2
PWD ONE IS LOCATED ON THE NORTH SIDE OF THE GUEST HOUSE AND
THE OTHER IS ON THE SOUTH SIDE. THE NORTH WELL IS THE ONLY ACTIVE
WELL AT THIS TIME. IT SERVES THE 2 HOMES, A SHOP AND A
WAREHOUSE TYPE BLDG. WHEN I TALKED WITH VERN ABOUT THIS WELL
HE DID NOT KNOW THE HP BUT SAID IT WAS SUPPOSED 50-60 GPM,
WITH THE DISCHARGE PRESSURE BETWEEN 30-50 PS. THIS WILL CALCULATE
TO ABOUT A 2.5 HP PUMP. I BELIEVE THE ESTIMATE IS RELATIVELY ACCURATE.
THE WELL ON THE SOUTH SIDE OF GUEST HOUSE IS A 7.4" O.D
CASING. ACCORDING TO VERN THIS WELL HAS BEEN USED TO IRRIGATE
THE YARD + GARDEN. HE PLANS ON RE-INSTALLING A PUMP IN THIS WELL
WHEN HE COMPLETES THE YARD RENOVATION. HE SAID AN AUTOMATIC
SPRINKLER SYSTEM WOULD BE USED AND THESE ARE USUALLY DESIGNED
FOR 15-20 GPM. OR IN THIS CASE PROBABLY A ONE-HP PUMP.
I DISCUSSED WITH VERN THAT THE SUM OF THE TWO WELLS WHEN
OPERATING AS PLANNED (ABOUT 75 GPM MAX) OR .17 CFS WILL NOT
BE AS MUCH AS THE TOTAL FLOW RATE FOR THIS RIGHT. HE FELT LIKE
THE AMOUNT OF WATER WOULD BE ADEQUATE FOR ANY FUTURE NEEDS

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

#1 KNOWN: PUMP WILL PUMP BETWEEN 50-60 GPM =
 WELL ACTIVE ON NORTH SIDE
 SWL ABOUT 7-8' P.W.L. EST @ 25 FT
 DISCHARGE PRESSURE 30-50 (70-115) PSI

#2 WELL INACTIVE
 EST OF NEW PUMP WOULD BE FOR 15-20 GPM

$$HP = \frac{(50)(140)}{(3960) \cdot 7} = 2.5 HP$$

$$HP = \frac{(60)(95)}{3960 \cdot 7} = 2.0$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{YARD IRRIGATION ONLY}$$

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversión Q (cfs)	Annual Volume V (afa)
	From	To		
STOCKWATER	1/1	12/31	.04	450 HETU @ 25 GPM
DOMESTIC	1/1	12/31	.04	186 GPM
COMMERCIAL	1/1	12/31	.09	
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 Rubén H. Schen Date 4/12/04

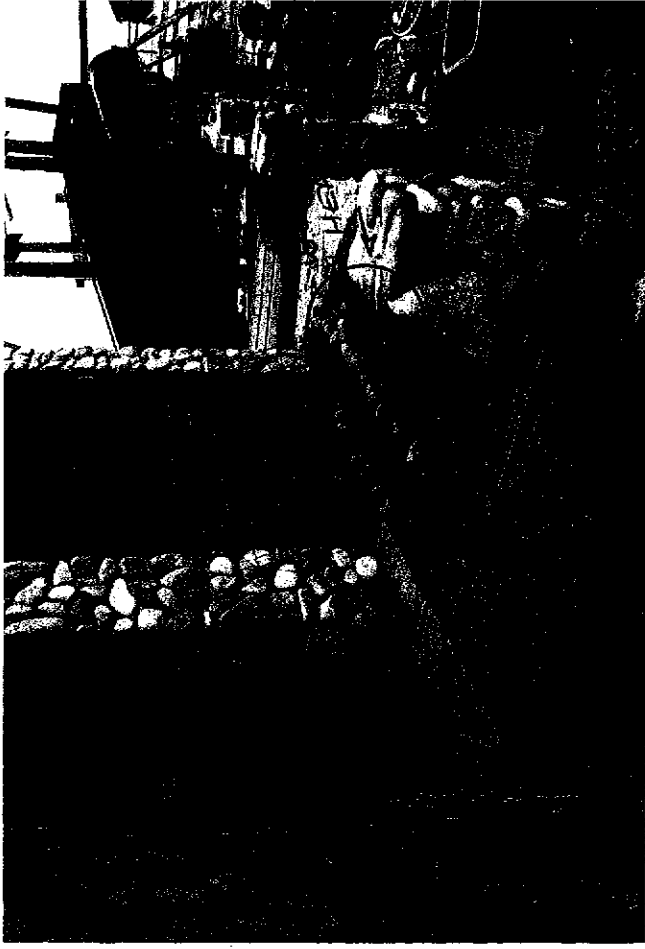
Reviewer _____ Date _____

SEAL



NORTHSIDE OF GUEST CABIN
ACTIVE WELL

63-24158



NORTHSIDE OF GUEST CABIN
ACTIVE WELL

Common or
black
& brown
water



SOUTHSIDE OF GUEST CABIN
IN-ACTIVE WELL



SOUTHSIDE OF GUEST CABIN
IN-ACTIVE WELL

250 BEEF CATTLE
150 DAIRY CATTLE

08/01/2003

Adjudication Claim Report 63-24158

[illegible]

Twps Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-24158

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 23															X		

COMMERCIAL

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

Conditions of Approval:Remarks:

1. General

A REPLACEMENT WELL WAS DRILLED IN 1988. ✓

THE ORIGINAL WELL AND PUMP FOR DOMESTIC AND STOCKWATER USE WAS REPLACED BY THE NEW WELL IN JUNE, 1988, WHICH IS 120 FEET DEEP WITH 8" CASING WITH SUBMERSIBLE PUMP AND NEW DISTRIBUTION PIPE MADE OF PVC MATERIALS AND NEW PRESSURE TANK INSTALLED IN OLD PUMP HOUSE FACILITY. TWO HOUSEHOLDS, COMMERCIAL BUSINESS, WAREHOUSE, OUTBUILDINGS, BARNS, CORRALS, HOLDING PENS, SPRAYING UNITS, FEEDLOTS.

THIS WATER RIGHT CLAIM IS SUBMITTED IN CONJUNCTION WITH THE DOMESTIC AND STOCKWATER CLAIM ON THE SHORT FORM RELATING TO THIS WELL, SOME OF THE LARGE FACILITIES AND BUILDINGS HOWEVER HAVE BEEN USED IN A COMMERCIAL APPLICATION IN CONJUNCTION WITH BUSINESS ON PROPERTY INVOLVING A BENEFICIAL USE OF WATER INCLUDING THE USE OF WATER IN WAREHOUSES STORAGE FACILITIES, FEEDLOTS AND BUSINESS VENTURES.

THIS
COMMENTS
SEEM TO BE
ACCURATE
BHS

Comments:

HP UNKNOWN
PROBABLY 2

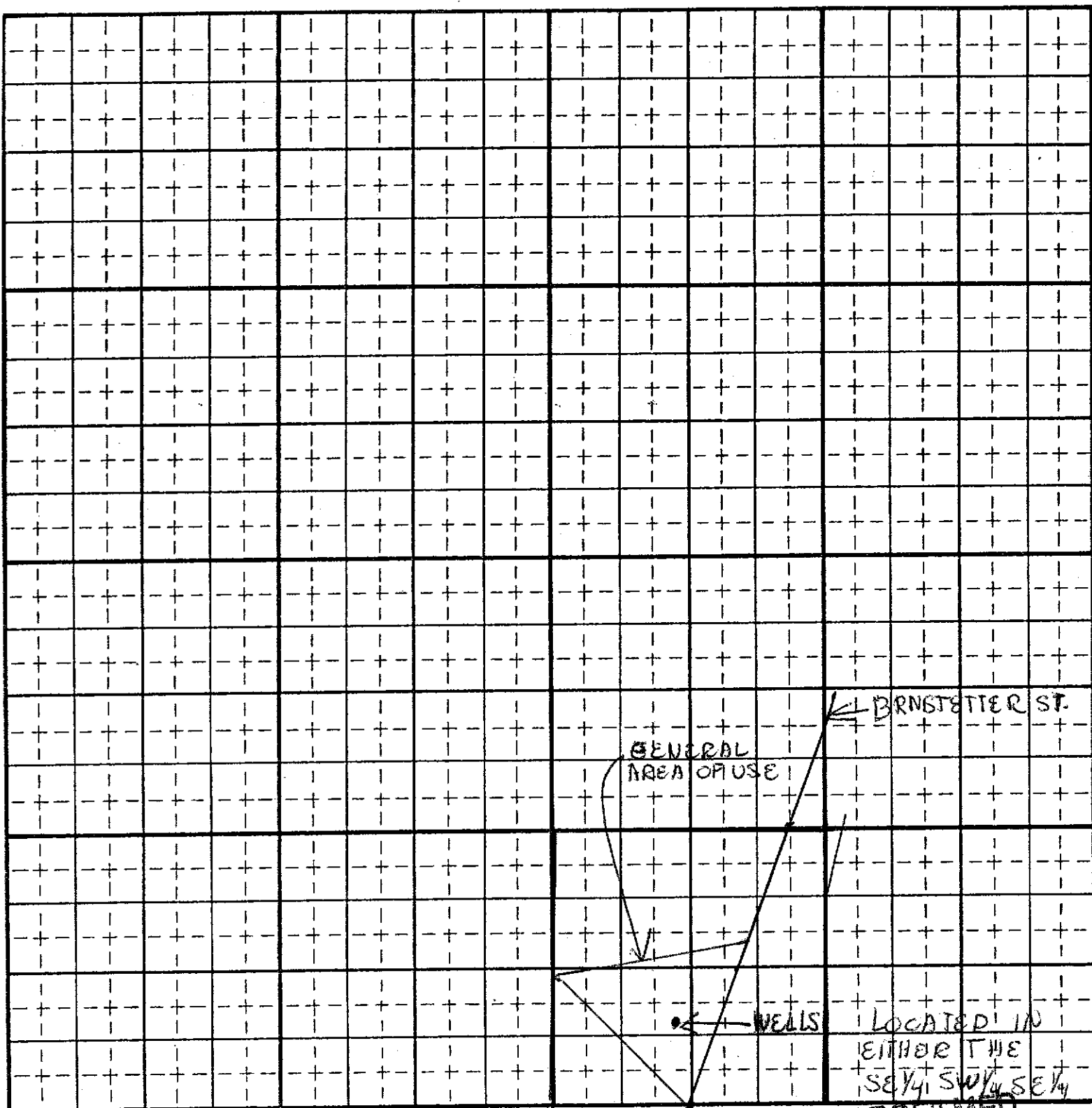
Dates and Other Information:

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

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 4 N R 1 E SEC 23



MICROFILMED
SEP 14 1992

Last Name SMITH Ident No. _____

Copies: White-State, Yellow-Claimant



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63

This is another right

RIGHT ID 63 24158
POD ID 228537.2
Quad Eagle 5
Claim Type Large
Easting 314527
Northing 287306
GPSID A0013230

Diversion Description

SEE REMARKS. 3 wells. One submersible located on North side of guest house (GPS ID A0013228), one submersible on South side of guest house (GPS ID A0013229) at the last "Homestead" at the end of the road. There is also an artesian well (GPS ID A0013230) serving Brick house North of white Victorian style house. No access to controls evident. Could not locate pump information.

Assumptions

Horsepower, elevation head, pressure head

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked ja Photos\228537d.jpg
Photos ja Photos\228537e.jpg

EPE (ft)	Date (M/D/Y)	Time	Flow Rate (CFS)
17	12/5/01	14.50	0.11

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 3
Pressure Head (psi) 50
Elevation Head (ft) 50
Motor Mfg
Motor Serial #
Pump Type Submersible
Pump Mfg
Pump Serial#

New Contact Information ☐

New Contact Comments

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INTREPID
Engineering Services, Inc. (IESI)
Enabling People and Solutions

RIGHT ID

63 24158

63-24158

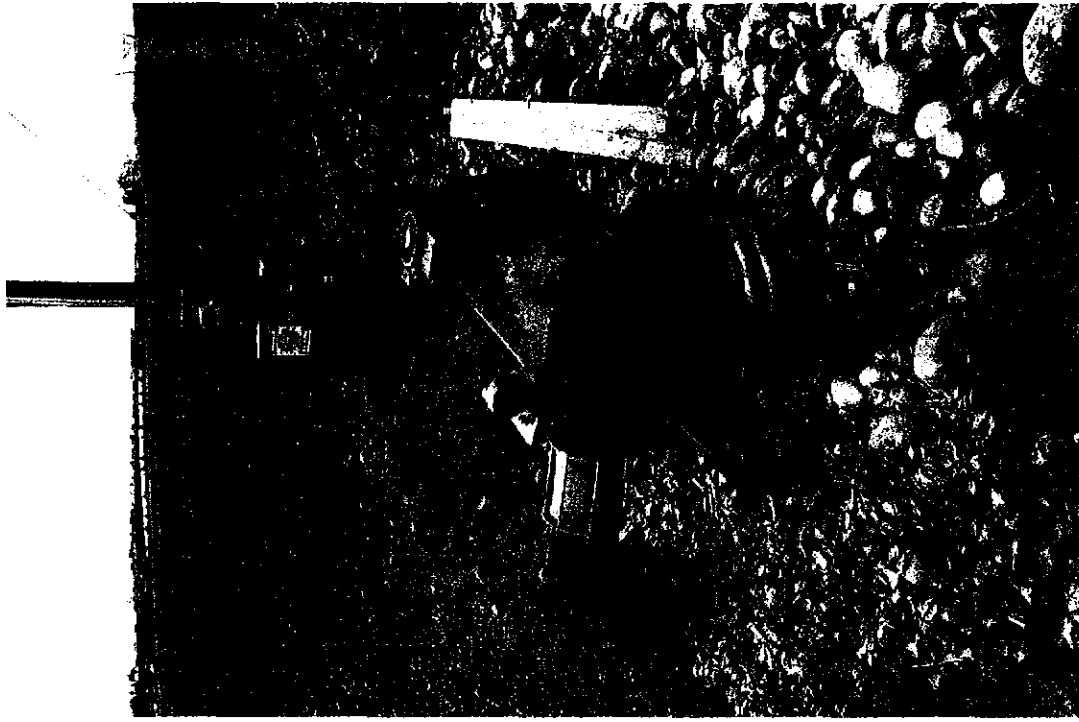
THIS
IS
JOSEPH SMITH
HOUSE
~~110~~ NOT
63-24158



[illegible]

T04N
R01E

$$\text{SCALE} = 606' / 1'' \approx 606'$$



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

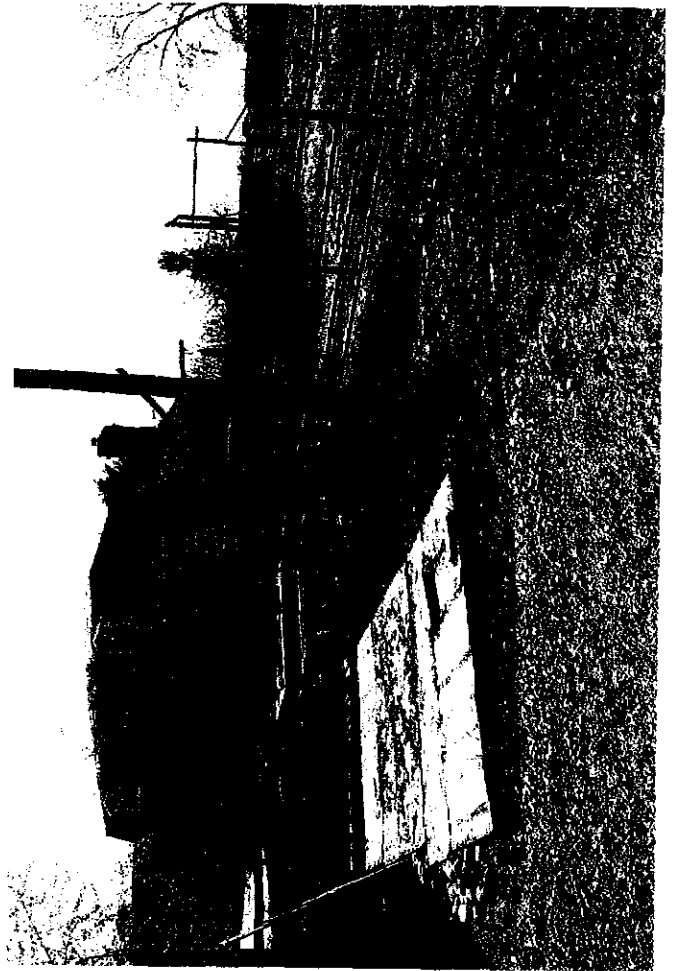
200 FT. TO MAIN DITCH FROM

THURMAN MILL DITCH.



brother, Joseph H. Smith
Domestic

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

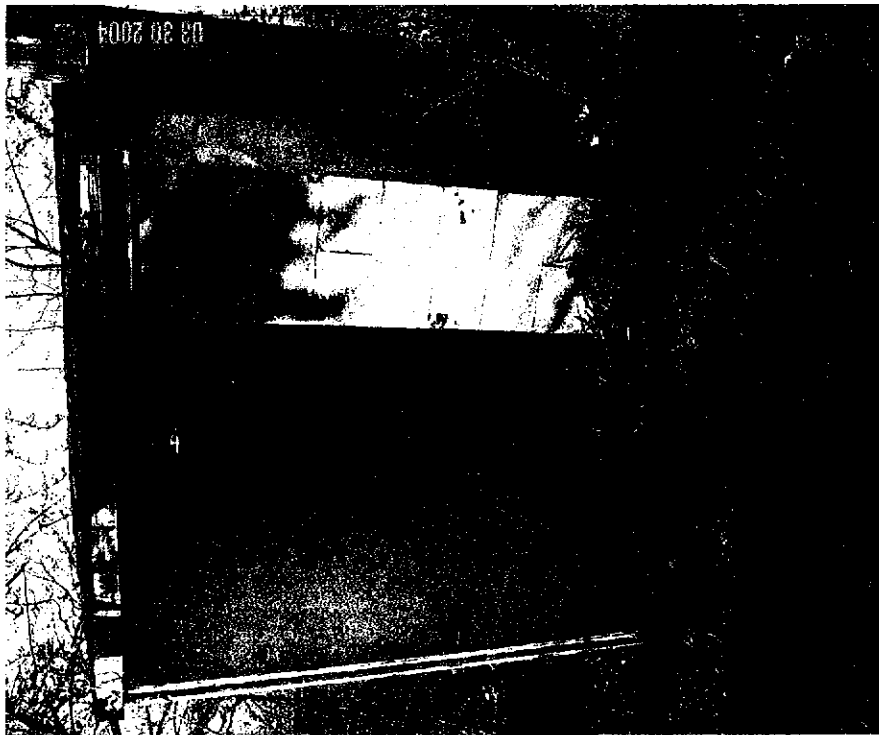


OVER →

Location Data -

Site Tag #A 000 2469

GPS - 2314390
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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2004

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

September 21, 2004

VERNON K SMITH
1900 W MAIN
BOISE ID 83702

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

*As representative,
this was sent
to the 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.

Your adjudication claims are being recommended for disallowal because:

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 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
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 exam.

KARL 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



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63

RIGHT ID 63 24158
POD ID 228537.2
Quad Eagle 5
Claim Type Large
Easting 314527
Northing 287306
GPSID A0013230

Diversion Description

SEE REMARKS. 3 wells. One submersible located on North side of guest house (GPS ID A0013228), one submersible on South side of guest house (GPS ID A0013229) at the last "Homestead" at the end of the road. There is also an artesian well (GPS ID A0013230) serving Brick house North of white Victorian style house. No access to controls evident. Could not locate pump information.

↑ * This is for Joseph Smith's house located south of this P.O.U.

Assumptions

Horsepower, elevation head, pressure head

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/Issues)
Phase-IV (Total Complete)

Linked

ja Photos\228537d.jpg

Photos

ja Photos\228537e.jpg

EPE (ft)

17

Date (M/D/Y)

12/5/01

Time

14.50

Flow Rate (CFS)

0.11

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined .016
Smooth earth .025
Earth .033
Rough bed, weeds on sides .04
Smooth natural stream .033
Rough natural stream .1

Pumped System

☒

HP 3

Pressure Head (psi) 50

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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INTREPID

Engineering Services, Inc. (IES)
Enabling People and Solutions

RIGHT ID

63 24158

63-24158



Photo 228537d

63- 24158



Photo 228537e



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office



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