

POD OVERLAPS

BASIN	Seque nce	Split Suffi	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Ver sio	Source Table
63	96	B	Decreed	Active	1897-08-10		SMITH 4 CREEK	DOMESTIC, STOCKWATER	TRINITY MOUNTAIN IRRIGATION DISTRICT (Current)		wrAdjudicationClai m
63	100		Decreed	Active	1899-10-07		SMITH 3.5 CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	3334		License	Active	#####		SMITH 8.8 CREEK	IRRIGATION	DAVISON, DEAN (Current)		wrAdjudicationClai m
63	3335		License	Active	#####		SMITH 0.5 CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrAdjudicationClai m
63	19703		Beneficia l Use	Active	4/1/1945		SMITH 3.5 CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	100		Decreed	Active	1899-10-07		SMITH 3.5 CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License	Active	#####		SMITH 8.8 CREEK	IRRIGATION	DAVISON, DEAN (Current)	1	wrAdjudicationRec ommendation
63	19703		Beneficia l Use	Active	4/1/1945		SMITH 1.93 CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License	Active	#####		SMITH 8.8 CREEK	IRRIGATION	DAVISON, DONALD L (Current)		wrWaterRight
63	3335		License	Active	#####		SMITH 3.66 CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrWaterRight

TRINITY MOUNTAIN IRRIGATION DISTRICT

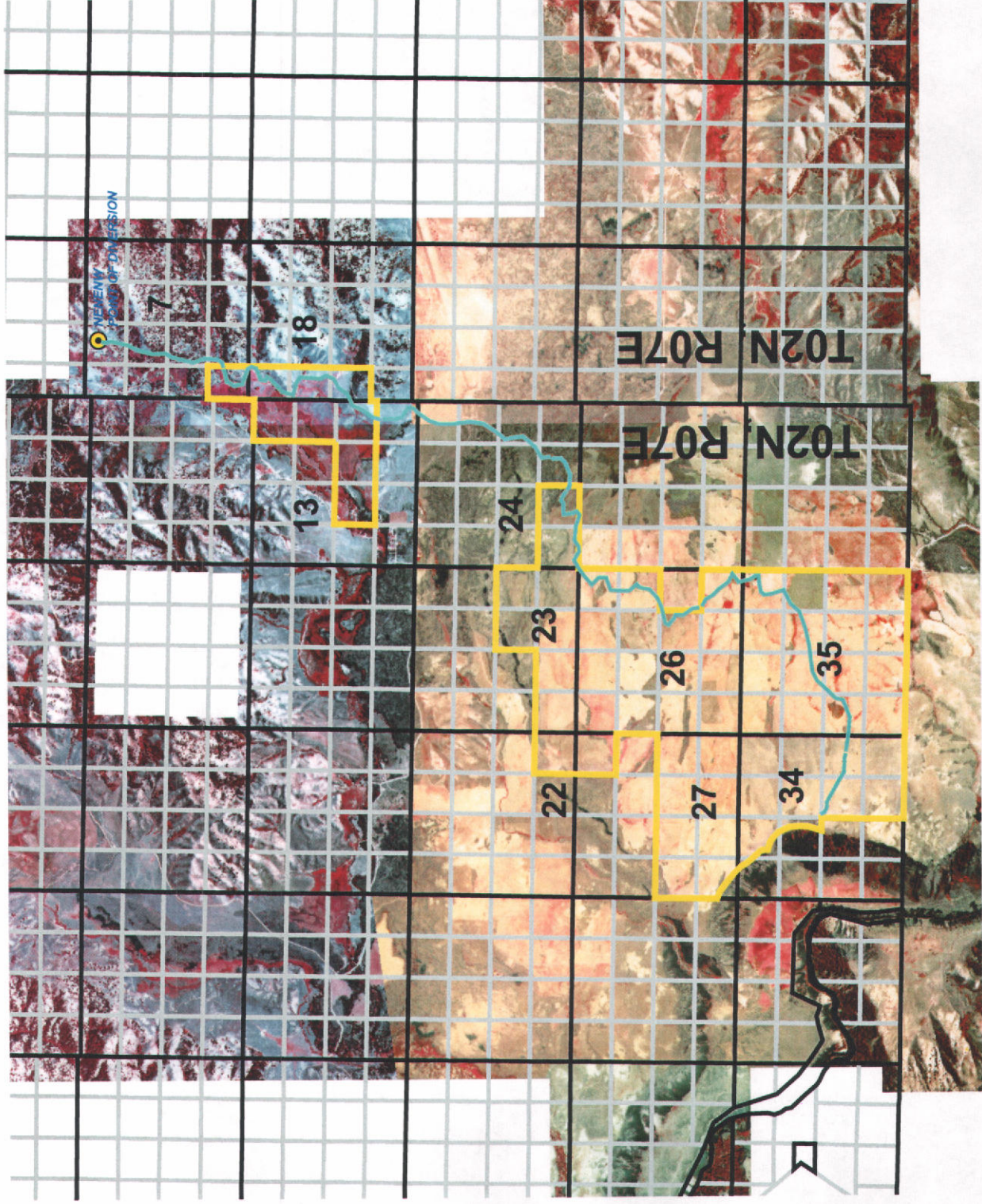
Service Area Boundary

Date Prepared: 01-23-02
Prepared By: Ron Howerton



-  Trinity Mtn. Canal
-  Point of Diversion
-  Boundary
-  Section
-  Quarter/Quarter

1987 NAPP

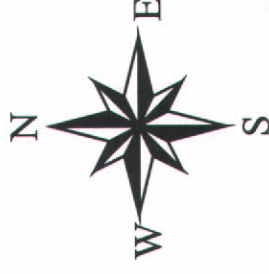


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TRINITY MOUNTAIN IRRIGATION DISTRICT

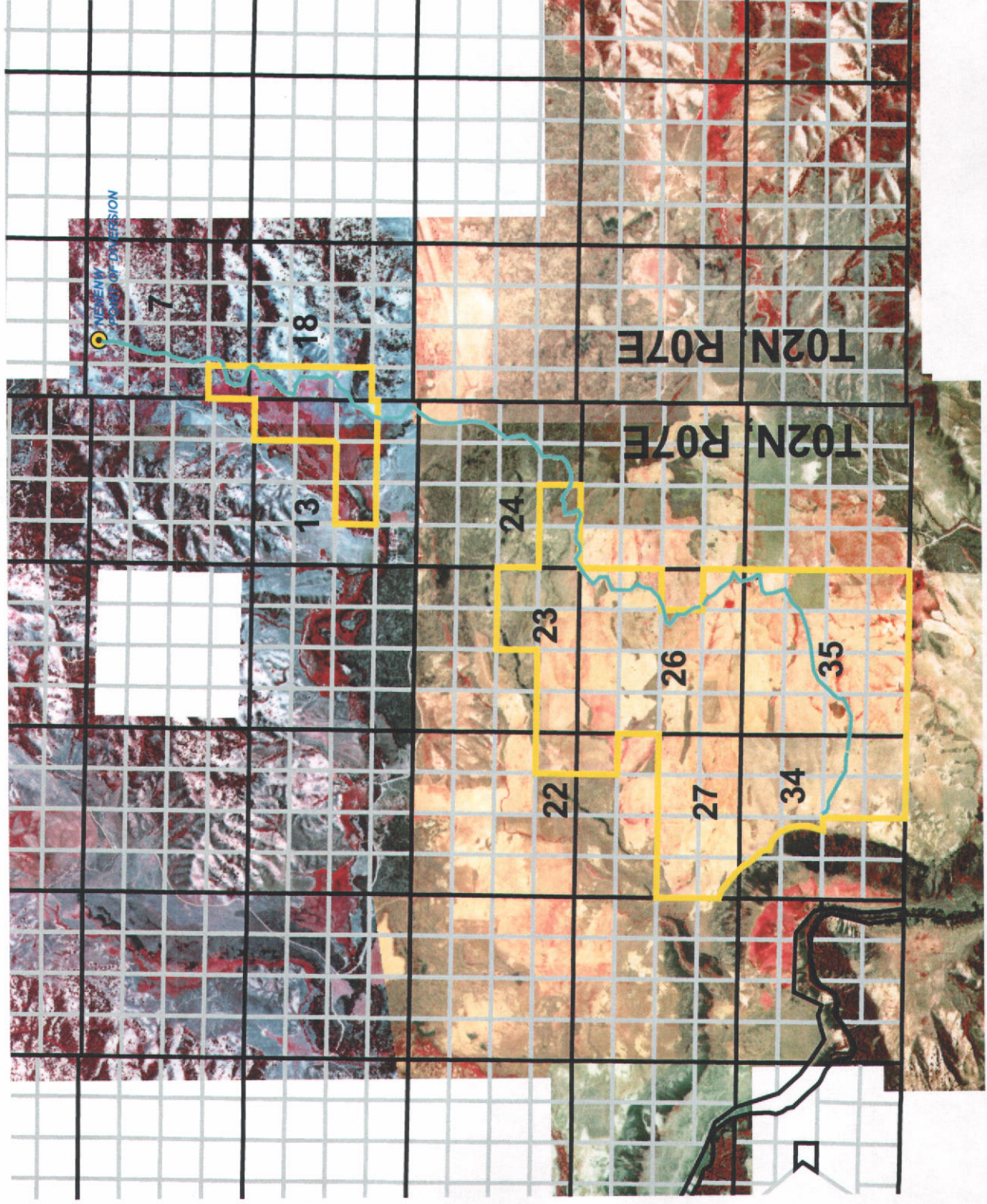
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- Trinity Mtn. Canal
- Point of Diversion
- Boundary
- Section
- Quarter/Quarter

1987 NAPP



TRINITY MOUNTAIN IRRIGATION DISTRICT

X63 TOPO X64 TOPO

Y13 TOPO Y14 TOPO

T02N, R07E T02N, R07E

7 18

13

24

23

22

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NENENW
POINT OF DIVERSION

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SWNW

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TRINITY MOUNTAIN IRRIGATION DISTRICT

X63 TOPO X64 TOPO

Y13 TOPO Y14 TOPO

NENEW
POINT OF DIVERSION

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T02N, R07E

T02N, R07E

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NWNE

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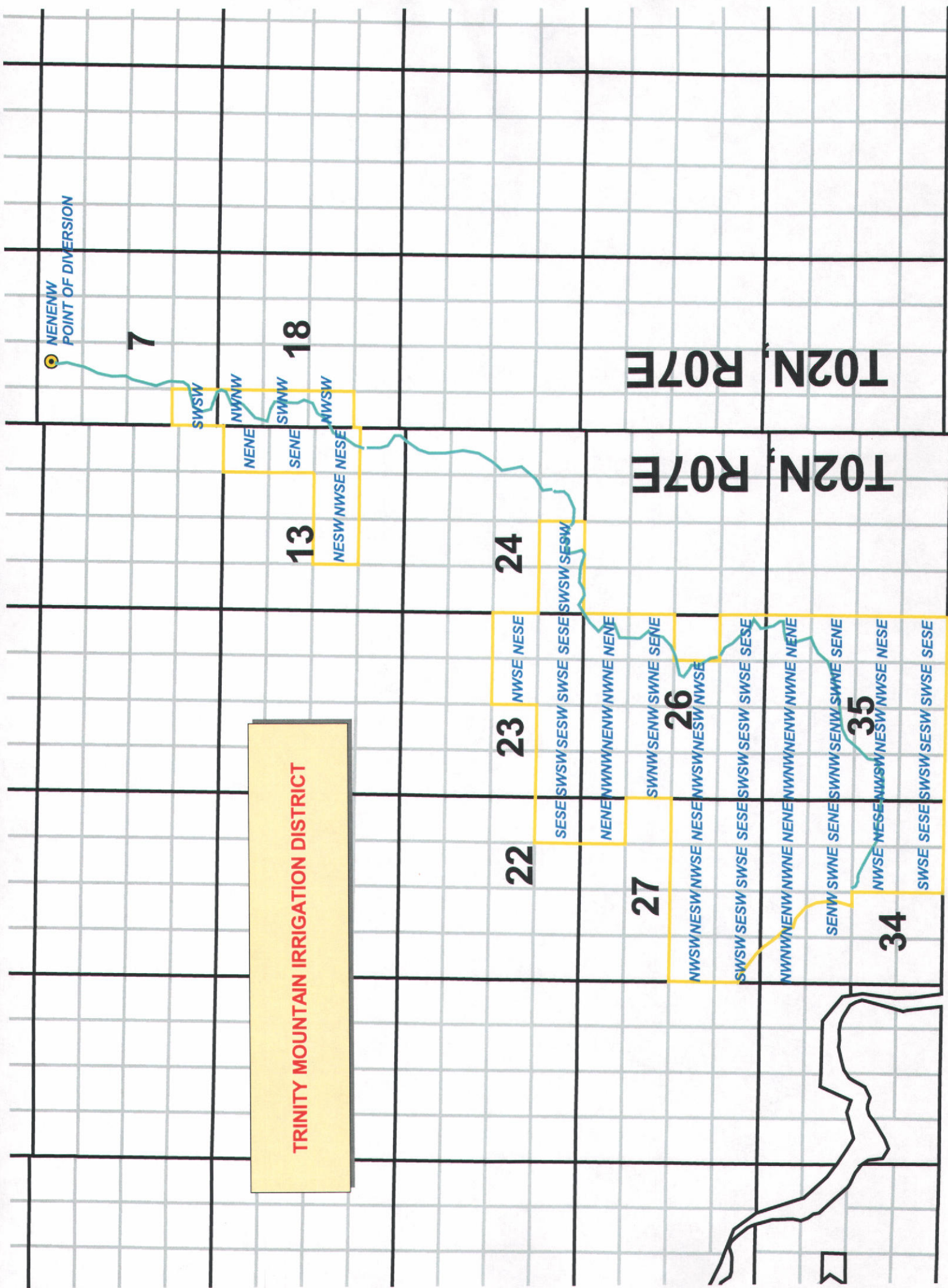
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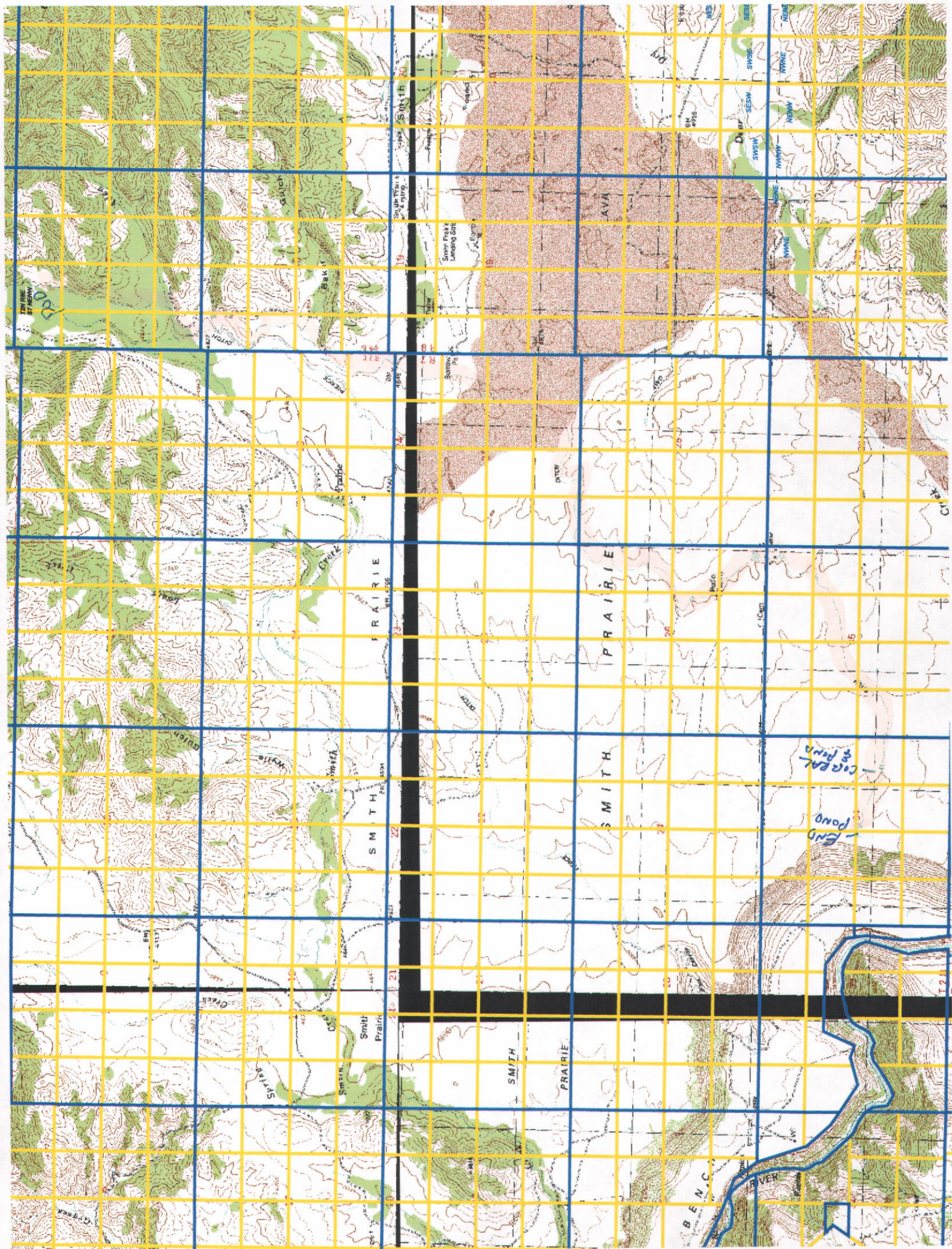
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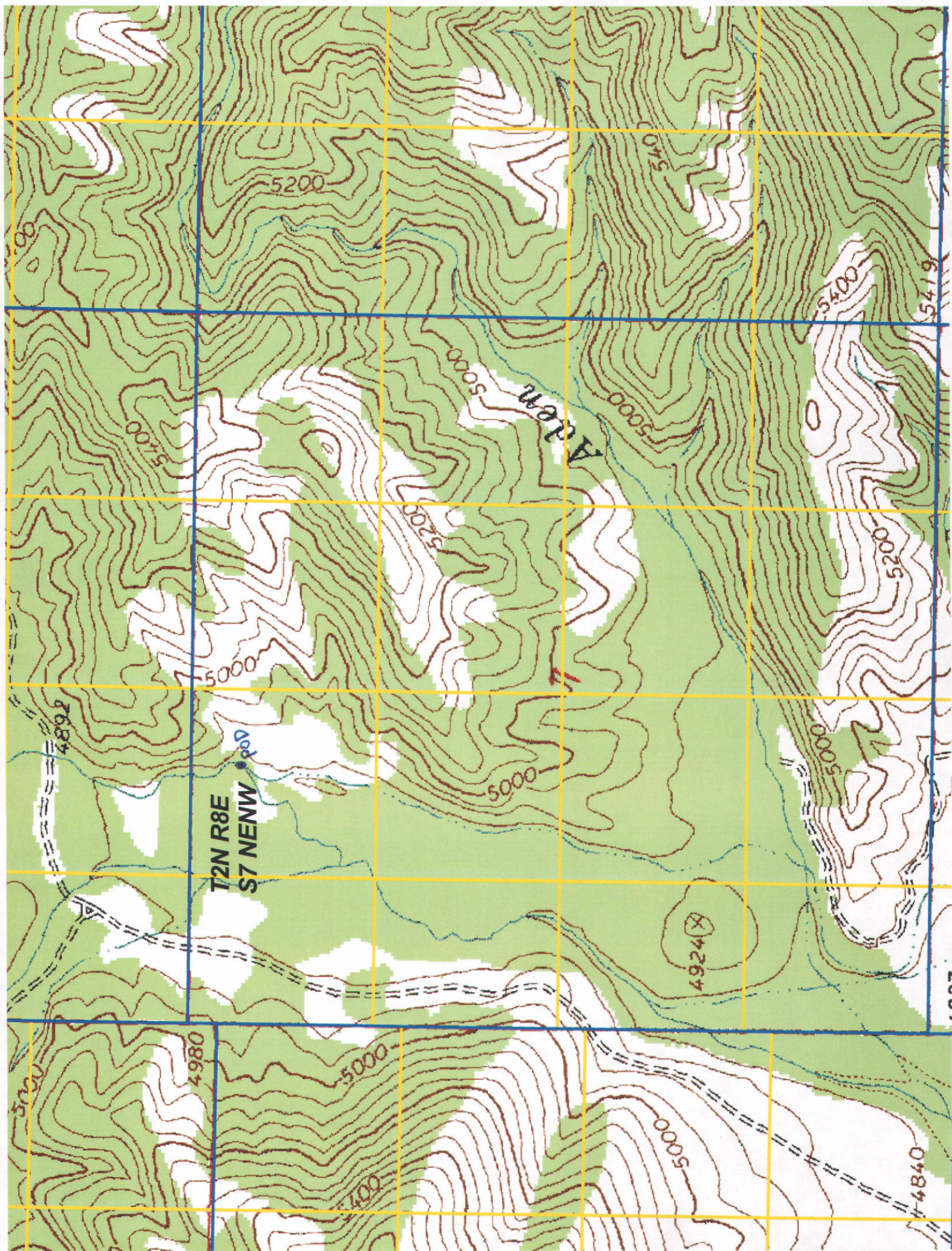




Photo 1. FX Oct. 17, 2001. Photos by RDH. Canal for Trinity Mountain 63-96B overlaps with 63-100, 63-19703, 63-3334 & 63-3335 POD = T02N, R08E, S07, NENENW.



Photo 2: Same as above. View is from West side of Smith Creek to East. Screw Head gate.



Photo 3: Weir, located in ditch just below POD. View is to South.



Photo 4: Ditch just below weir and POD. View is to South.

and to be better given over the
North Mountain Irrigation District
of this county, which has applied
to the Commissioner of Reclamation
of the State to make for certificate
authorizing it to transfer the use of
300 inches of the water of Spanish
Creek from the said land on which it is
now used, that it:

The northwest quarter of the northwest quarter (NW¼ NW¼) and lots numbered 1607 and 1608 of section thirty-three (33); and lots numbered one and two of section thirty-two (32). All is township two (2) north, range seven (7) east, Bole Meridian, containing 154.35 acres according to the United States government survey thereof.

to the ladies within the Thirty
Municipal Election District; and
that on the 24th day of September, A.
D. 1912, at Bolos, Idaho, before the
Commissioners of Registration of his
jurisdiction, present, the opportunity
authorities being, the opportunity
with be given to any and all persons
to appear and present for his consid-
eration any reason of rescinding, why a
certificate should not be issued ac-
cording to the laws of the State.

Dated at Boise, Idaho, this 30th
 day of August, 1935.

W. B. SWANWICK,
Commissioner of Reclamation of the
State of Idaho.

10

I, Geo. W. Johnston, do solemnly swear that
I am one of the publishers of the

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of the publication thereof, was published in said newspaper for two consecutive weeks, the first publication having been made on the 28th day of August, 1923, and the last publication having been made on the 4th day of Sept.

1925, that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and notice supplement thereof.

And I further swear that the said MOUNTAIN HOME REPUBLICAN has been continuous and uninterrupted published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this 12th day of December 1925

E. J. Hacharas
Notary Public.

(My commission expires Oct 13 1925...)

Publisher's Fee, \$3.00

NOTICE
Notice is hereby given that the Trinity Mountains Irrigation District of Blaine County, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for certificate authorizing it to transfer the use of 200 inches of the water of Smith Creek from the land on which it is now used, that is:

The northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lots numbered four and five of section thirty-three (33); and Lots numbered one and two of Section thirty-two (32), all in township two (2) north, range seven (7) east, Boise Meridian, containing 154.36 acres according to the United States Government Survey thereof.

to the lands within the Trinity Mountains Irrigation District; and that on the 8th day of September, A. D. 1925, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Dated at Boise, Idaho, this 29th day of August, 1925.

W. G. SWENDEEN,
Commissioner of Reclamation of the
State of Idaho.

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 63-96B
Date Received: 11/28/1989
Receipt No: C013039
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TRINITY MOUNTAIN IRRIGATION DISTRICT Phone: (208)868-3224
C/O ELMER IRELAND
1015 PRAIRIE RD
PRAIRIE ID USA 83647

2. Date of Priority: 08/10/1897

3. Source: SMITH CREEK Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
02N	08E	7		NE NE NW		ELMORE

5. Description of diverting works:

CEMENT HEADGATE AND GRAVITY DITCH TO P/U'S

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER		1/01	12/31	4
DOMESTIC		1/01	12/31	0.16

7. Total Quantity Appropriated is:
4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	07E	13	SE NE	STOCKWATER	
			NE SW	STOCKWATER	
			NE SE	STOCKWATER	
			NW SE	STOCKWATER	
			NE NE	STOCKWATER	
02N	07E	22	SE SE	STOCKWATER	

02N	07E	23	SW SW	STOCKWATER
			SE SW	STOCKWATER
			SE SE	STOCKWATER
			NE SE	STOCKWATER
			NW SE	STOCKWATER
			SW SE	STOCKWATER
02N	07E	24	SW SW	STOCKWATER
			SE SW	STOCKWATER
02N	07E	26	NE NE	DOMESTIC
			SW NE	STOCKWATER
			SW SE	STOCKWATER
			SE SE	STOCKWATER
			NE NE	STOCKWATER
			NW NE	STOCKWATER
			SE NE	STOCKWATER
			NE NW	STOCKWATER
			NW NW	STOCKWATER
			NE SW	STOCKWATER
			SW SW	STOCKWATER
			SE SW	STOCKWATER
			NW SE	STOCKWATER
			SW NW	STOCKWATER
			SE NW	STOCKWATER
			NW SW	STOCKWATER
02N	07E	27	SE SE	STOCKWATER
			NE SW	STOCKWATER
			NE NE	STOCKWATER
			NW SW	STOCKWATER
			SW SW	STOCKWATER
			SE SW	STOCKWATER
			NE SE	STOCKWATER
			NW SE	STOCKWATER
			SW SE	STOCKWATER
02N	07E	34	NE NE	STOCKWATER
			NW NE	STOCKWATER
			SW NE	STOCKWATER
			SE NE	STOCKWATER
			NE NW	STOCKWATER
			NW NW	STOCKWATER
			SE NW	STOCKWATER
			NE SE	STOCKWATER
			NW SE	STOCKWATER
			SW SE	STOCKWATER
			SE SE	STOCKWATER
02N	07E	35	NE SE	DOMESTIC
			NE NE	DOMESTIC
			SW NE	STOCKWATER
			SE NE	STOCKWATER
			SE SW	STOCKWATER
			NE SE	STOCKWATER
			NW SE	STOCKWATER
			SW SE	STOCKWATER
			NE NW	STOCKWATER
			NW NW	STOCKWATER
			SW NW	STOCKWATER
			SE NW	STOCKWATER
			NE SW	STOCKWATER
			NW SW	STOCKWATER
			SW SW	STOCKWATER
			SE SE	STOCKWATER
			NE NE	STOCKWATER
			NW NE	STOCKWATER
02N	08E	7	SW SW	DOMESTIC
			SW SW	STOCKWATER

02N

08E

18

NW NW
SW NW
NW SW

STOCKWATER
STOCKWATER
STOCKWATER

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED BY RDH 02/08/02.

P/U IS DISTRICT LANDS.

RECEIVED
NOV 28 1989

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: A63-00096B
Date Received: 11/21/1989
Receipt No: 003039-003043
Received By: D.K.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TRINITY MOUNTAIN IRRIGATION DISTRICT 208-868-3224
Address: C/O ELMER IRELAND
C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647
2. Date of Priority: AUG 10, 1897
3. Source: SMITH CREEK Trib. to: BOISE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	08E	7	NE	NE	NW		ELMORE

5. Description of diverting works:
CEMENT HEADGATE AND GRAVITY DITCH TO P/U'S

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	4.000		
DOMESTIC	01/01	12/31	0.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 4 HOMES, STOCKWATER FOR UP TO 5000 HEAD MIXED.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	13	NE	NE		STOCK	

A63-00096B

Page 1

Date: 11/21/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	07E	13	SE		NE		STOCK	
			NE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
		22	SE		SE		STOCK	
		23	SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		24	SW		SW		STOCK	
			SE		SW		STOCK	
		26	NE		NE		STOCK	
			NE		NE		DOMEST	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SW		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		27	NE		NE		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NE		SE		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		34	NE		NE		STOCK	
			NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres		
02N	07E	34	NE	SE	STOCK			
			NW	SE	STOCK			
			SW	SE	STOCK			
			SE	SE	STOCK			
		35	NE	NE	STOCK			
			NE	NE	DOMEST			
			NW	NE	STOCK			
			SW	NE	STOCK			
			SE	NE	STOCK			
			NE	NW	STOCK			
			NW	NW	STOCK			
			SW	NW	STOCK			
			SE	NW	STOCK			
			NE	SW	STOCK			
			NW	SW	STOCK			
			SW	SW	STOCK			
			SE	SW	STOCK			
			NE	SE	STOCK			
			NE	SE	DOMEST			
			NW	SE	STOCK			
			SW	SE	STOCK			
			SE	SE	STOCK			
			08E	7	SW	SW	DOMEST	
					SW	SW	STOCK	
		18		NW	NW	STOCK		
				SW	NW	STOCK		
				NW	SW	STOCK		

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
N/A

14. Remarks:

P/U IS DISTRICT LANDS.
TRANS. 365. IN 1925 TRANSFERRED 200 INCHES OF THE ORIGINAL RIGHT TO THE LANDS OF THE TRINITY MOUNTAIN IRRIGATION DISTRICT.. THE ORIGINAL DECREE WAS FOR IRRIGATION AND DOMESTIC FOR E.M. WOLFE IN SECS. 32 AND 33 IN T02N, R07E. FOR OVER THE PAST 50 YEARS THE RIGHT HAS BEEN USED ONLY FOR STOCKWATER AND FOUR DOMESTIC USES WITHIN THE LANDS OF THE DISTRICT. OWNERSHIP OF THE DISTRICT'S RIGHT IS REPRESENTED BY THIRTEEN SHARES. PRESENT OWNERSHIP OF IS AS FOLLOWS: D. DAVISON, 2 SHARES; L.G. DAVISON, 3 SHARES;

14. Remarks: Continued

ELMER IRELAND, 4 SHARES; CLYDE COOK, 3 SHARES; JIM VENABLE, 1 SHARE. THE CFS CLAIMED HERE MAY APPEAR TO BE HIGHER THAN THAT NORMALLY USED, BUT THE DITCHES TRAVERSE SOIL TYPES WHICH ARE VERY POROUS AND THE DITCH LOSS IN THE SEVERAL MILES OF SYSTEM IS VERY HIGH. CLAIMANT IS OBTAINING DOCUMENTATION OF THE SOIL TYPES THROUGH WHICH THE DITCHES RUN FOR SUBSTANTIATION OF THE CLAIMED RATE OF DIVERSION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

(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.

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Snake River Basin Adjudication
Change in Address of Notice of Claim

FEB - 7 2002

Idaho Dept. of Water Resources

Claim Number(s):

63-00096B

Previous Mailing Address:

TRINITY MOUNTAIN IRRIGATION DISTRICT

C/O ELMER IRELAND
C/O PRAIRE STAGE

MOUNTAIN HOME ID 83647

New Mailing Address:

Trinity mtn. Irrigation Dist.
% Elmer Ireland
1015 Prairie Rd
Prairie, Idaho 83647

Telephone Number:

() 868-3224

Signature of Claimant(s):

Elmer Ireland

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

RECEIVED

FEB 07 2002

WATER RESOURCES
WESTERN REGION

ONE MILE

SCALE: ONE INCH TO ONE MILE

SCALE: ONE INCH TO ONE MILE

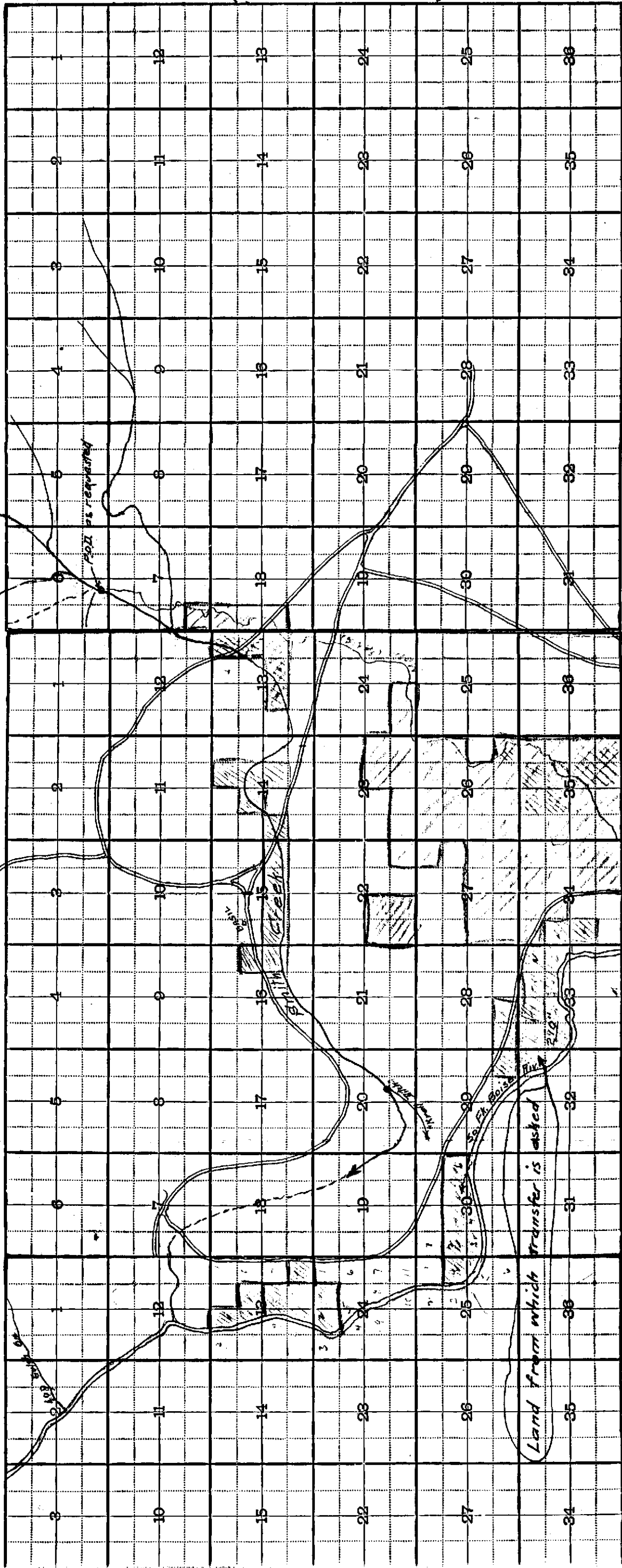
Range 6 E.

Township 2 N.

Range 7 E.

Township 2 N.

Range 8 E.



MAP

Showing general locations relating to proposed water transfer in Water Dist 12-F 1925

OLD DECREEES

Name	Approx. Cultiv'n	100. Acres
Alment	150	-
Sandlin	100	-
Marker	100	-
Miller	160	-
Goble	80	-
Total	590	-

OWNERS IN DISTRICT

- Geo. Bates
- Smizer
- Engleman
- Bower
- Greer
- Ireland
- Reedy
- McPherson
- Ray Bates
- Mrs. H.C. "
- Stark
- Hatcher
- DeCloidt

2280 Acr

Dist Boundary

Decreed water = Dist Lands

Decreed to
Water rights for 200 sq. ft.
(1907)

Land from which transfer is asked

~~62~~ 62
Caib - Gaib-Elkcreek-Rock outcrop association, 2 to 20 percent slopes

271

COMPOSITION

Caib soil and similar inclusions - 40 percent

Elkcreek soil and similar inclusions - 30 percent

Rock outcrop - 15 percent

Contrasting inclusions - 15 percent

SETTING

Landform:

foothills,

Elevation: about 5,400 feet

Climatic Data: (average annual)

*precipitation - about 15 inches

*air temperature - about 42 degrees F

*frost-free season - about 65 days

GAIB SOIL

Position on landscape:

ridges,

sideslopes,

Rock fragments on surface: kind -

*stones;

percentage of surface covered - 1 to 3

Typical profile:

*0 to 4 inches - brown stony fine sandy loam

*4 to 12 inches - brown very gravelly loam

*12 inches - hard bedrock

Depth class:

shallow (10 to 20 inches)

This is the soil unit
to the reach of
ditch in question with
high water loss of the
Trinity Mountain Irrigation
District,

Marlin Porter
SCS Cons Tech
Mountain Home

Have significant fractures in size and numbers

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Drainage class:

well drained

Permeability:

moderate;

Available water capacity:

low

Potential rooting depth: 10 to 20 inchesRunoff:

slow to medium

Hazard of erosion by water:

slight to moderate;

TELK CREEK SOIL

Position on landscape:

hillsides,

Rock fragments on surface: kind -

*stones;

percentage of surface covered - 1 to 3

Typical profile:

*0 to 4 inches - brown stony loam

*4 to 10 inches - brown stony clay loam

*10 to 22 inches - pale brown stony loam

*22 inches - hard bedrock

Depth class:

moderately deep (20 to 40 inches)

Drainage class:

well drained

Permeability:

moderately slow;

many fractures in size & numbers

MICROFILMED

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Available water capacity:

low

Potential rooting depth: 20 to 40 inchesRunoff:

slow to medium

Hazard of erosion by water:

slight to moderate;

ROCK OUTCROP

Rock outcrop consists of areas of exposed basalt or rhyolite bedrock that is fractured in some places. It is essentially barren of vegetation.

Position on landscape:

canyonsides,

CONTRASTING INCLUSIONS

*Brinegar soils in drainageways

*Simonton soils on toeslopes

*soils that have 3 to 15 percent stones on the surface

*soils that have slopes of more than 20 percent

MAJOR USE

rangeland,

MAJOR MANAGEMENT FACTORS

Soil-related factors:

available water capacity,

stones on the surface,

hazard of water erosion,

rock outcrops,

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RANGELAND

Dominant vegetation in potential natural plant community:

☐ Gaib soil - ☐ low sagebrush and bluebunch wheatgrass;

☐ Elkcreek soil - ☐ Mountain big sagebrush, Idaho fescue and bluebunch wheatgrass;

Production is limited mainly by ☐ soil depth on the Gaib soil and available water capacity.

General management considerations:

Rangeland improvements by seeding of adapted species is limited by ☐ shallow soil depth of the Gaib soil and rock outcrops.

Suitability for seeding is

fair.

Seeding the more favorable areas of this unit is difficult because of the pattern in which they occur with the less favorable areas.

The use of equipment is limited by

slope,

surface rock fragments,

rock outcrops,

Pipeline installation is limited by ☐ soil depth and rock outcrops.

Fence construction on ☐ the Gaib soil is ☐ limited by soil depth.

INTERPRETIVE GROUPS

Capability classification:

☐ VIe;

Range site:

☐ Gaib soil - ☐ Shallow stony loam 8 to 16 inch precipitation zone;

☐ Elkcreek soil - ☐ Loamy 12 to 16 inch precipitation zone;

MICROFILMED

AUG 14 1992

03/01/2002

NOTICE OF ERROR
REPLY

RECEIVED

MAR 13 2002

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-96B

TRINITY MOUNTAIN IRRIGATION DISTRICT

C/O ELMER IRELAND

1015 PRAIRIE RD

PRAIRIE ID 83647

Telephone Number: (208)868-3224

RECEIVED

MAR 12 2002

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-8-02

SIGNATURE:

Elmer Ireland

Please print your name: EIMER IRELAND

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

02/08/2002

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

RIGHT NUMBER: 63-96B

NAME AND ADDRESS: TRINITY MOUNTAIN IRRIGATION DISTRICT
C/O ELMER IRELAND
1015 PRAIRIE RD
PRAIRIE ID 83647

SOURCE: SMITH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 4.00 CFS

PRIORITY DATE: 08/10/1897

POINT OF DIVERSION:
T02N R08E S7 NENENW Within ELMORE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	4.000 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO STOCKWATER USE WITHIN THE BOUNDARIES OF THE TRINITY MOUNTAIN IRRIGATION DISTRICT.

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: Decreed

STOCKWATER, 5000 RANGE CATTLE AND MIXED LIVESTOCK WATER IS DELIVERED THROUGH TRINITY MOUNTAIN CANAL.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-96B

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS OK NW

☐ NEW ADDRESS: WAS CHANGED PER NOTICE IN FILE 2/8/02 Rdl

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

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

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

SEE NARRATIVE SHEET

6. ☐ No Change - WATER USES

☒ Different uses, (list uses found): NO DOMESTIC FOUND

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. ☐ No Change - NON-IRRIGATION USES:

☒ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: SEE NARRATIVE

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

SEE NARRATIVE SHEET DATED JAN. 24, 2002.
ALSO SEE MAPS IN FILE.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10/17/2001

FIELD EXAMINER:

RON HOWERTON

Print Name

Ron Howerton

Signature

F01
 Bu1 K06
 N11
 d18

**Idaho Department of Water Resources
CLAIM VERIFICATION NARRATIVE SHEET**

Updated: January 24, 2002

Date of Exam: 10/17/2001

Field examiner:

**Ron Howerton
Senior Water Right Agent**

Water Right Nos.: 63-96B Smith Creek (Trinity Mountain Irrigation District)

**Contacts: Elmer Ireland Chairman
Barbara Ireland Secretary**

Narrative:

Met at Elmer's home on 10/17/2001 at 10 AM. We drove around the place of use and to the end of the Trinity Canal.

DIVERTING WORKS & POD: The decree and transfer were ambiguous and did not list the location of the POD.

The "Trinity Canal" is used to deliver other private irrigation rights 63-100, 63-19703, 63-3334 and 63-3335 in addition to this claimed decreed right 63-96B.

The diversion dam was field inspected by the department in 1974. During witch license right 63-3334 was field inspected. It was measured at a maximum of 12.33 CFS. The diversion is a concrete structure head gate in Smith Creek with a 4-foot Cippoletti weir. The canal is approximately 30, 500 feet to a stock pond at the end.

The canal is full of small to medium pebbles and goes through a large out cropping of lava. Much ditch loss has occurred here per the meetings I have attended and how to lessen this ditch loss has often been a subject. My estimate of conveyance loss was calculated to show as much as 6.74 CFS without considering the lava outcropping. The canal width varies, but an average is about 7 feet wide and about an average of 2 feet below land surface. See Worstell spreadsheet in file. The large amount of ditch loss is justification for this 4 CFS stock water right.

SOURCE: Smith Creek.

SEASON OF USE: The decree was ambiguous by not listing the season of use; the transfer also left it out. I'm recommending the standard season for stock water use.

PLACE OF USE: The place of use is listed as district lands and recommended as within the boundaries of the district. I used the information within the claim and my field exam conducted on 10/17/2001 with Elmer Ireland. The four domestic homes that were claimed to use Smith Creek are only stock water uses and are within the districts boundaries.

THE DECREE: Transfer 365 on the decree was granted September 7, 1925. The intent of the transfer was to quote “enable all the various ranches located with in the district boundaries to replenish stock ponds and have some live water upon the fields during the fall pasture period, thus saving much forage now necessarily wasted.” See letter dated August 29, 1925 from the Department of Reclamation.

The irrigation use and domestic use has been replaced by stock water use for over 50 years at time of SNAKE RIVER BASIN ADJUDICATION as shown on the claim in 1989. (Domestic uses have long been considered to include stock water on ambiguous decrees and old licenses or transfers.)

The district’s right is still represented by thirteen shares according to chairman, Elmer Ireland.

OVERLAP REVIEW: of the aforementioned rights listed under diverting works above are irrigation rights delivered through the Trinity Canal. See POD overlap spreadsheet in file.

Irrigation overlaps are no longer considered since it only serves to be a delivery entity for irrigation and now the major supplier of stock water under this right 63-96B.

A claim for 96A was rejected due to insufficient fees and an explanatory letter from the Department of Lands 9/3/1992 indicating that the claim wasn’t necessary. See copy of memorandum in file dated March 11, 1996 by MTS.

Conversation with IDAHO DEPARTMENT OF WATER RESOURCES attorney Nick Spencer on the 29th of October 2001 gave me advice. Since the Trinity Mountain Irrigation District is a delivery entity for stock and/or other private irrigation it can still be considered an active irrigation district.

See profile report of decree and original copies of transfer in file.

AJ5809NP
No. A63-00096B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/23/02
PAGE: 1

OWNER CODE: C
NAME & ADDRESS: TRINITY MOUNTAIN IRRIGATION DISTRICT
C/O ELMER IRELAND
C/O PRAIRIE STAGE
MOUNTAIN HOME ID 83647
(208) 868-3224

PRIORITY DATE: 08/10/1897

WATER USE: STOCKWATER DOMESTIC

USE PERIOD FROM TO: 01-01 12-31 01-01 12-31

DIVERSION RATE: 4.000 CFS

DIVERSION VOLUME: 0.168 CFS

TOTAL DIVERSION: 4.000 CFS

Water Source: SMITH CREEK / Tributary to: BOISE RIVER, SOUTH FORK / Stage: DECREED

Point(s) of Diversion: T02N R08E S07 NENENW / ELMORE County

Place of use Legal Description for: STOCKWATER

T	R	S	NE			NW			SW			SE		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	SESW	NENE	NWSE	SWSE
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Lt	Ac	Lt
02N 07E 13	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 07E 22	:	:	:	:	:	:	:	:	:	:	:	:	:	:
02N 07E 23	:	:	:	:	:	:	:	:	:	:	:	:	:	:
02N 07E 24	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 07E 26	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 07E 27	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 07E 34	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 07E 35	:	:	S	:	:	S	:	:	S	:	:	S	:	:
02N 08E 7	:	:	:	:	:	:	:	:	:	:	:	:	:	:
02N 08E 18	:	:	:	:	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

T	R	S	NE			NW			SW			SE		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	SESW	NENE	NWSE	SWSE
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Lt	Ac	Lt
02N 07E 26	:	:	D	:	:	D	:	:	D	:	:	D	:	:
02N 07E 35	:	:	:	:	:	:	:	:	:	:	:	:	:	:
02N 08E 7	:	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: ELMORE

Non-Irrigation Uses: DOMESTIC FOR 4 HOMES STOCKWATER, FOR UP TO 5000 HEAD MIXED.

Other Rights: N/A

Remarks: GEN

P/U IS DISTRICT LANDS.
TRANS. 365 IN 1925 TRANSFERRED 200 INCHES OF THE ORIGINAL RIGHT
TO THE LANDS OF THE TRINITY MOUNTAIN IRRIGATION DISTRICT.. THE
ORIGINAL DECREE WAS FOR IRRIGATION AND DOMESTIC FOR E.M. WOLFE
IN SECS. 32 AND 33 IN T02N, R07E. FOR OVER THE PAST 50 YEARS THE
RIGHT HAS BEEN USED ONLY FOR STOCKWATER AND FOUR DOMESTIC USES
WITHIN THE LANDS OF THE DISTRICT. OWNERSHIP OF THE DISTRICT'S

218
211

FOI-EXP: WATER IS DELIVERED
THROUGH THE TRINITY
MOUNTAIN CANAL

(NO DOMESTIC)

POU 1 Rmk

For Stockwater
KOB

EXP Rmk

5000 RANG CATTLE AND MIXED
LIVESTOCK

Remarks:

RIGHT IS REPRESENTED BY THIRTEEN SHARES. PRESENT OWNERSHIP OF
IS AS FOLLOWS: D. DAVISON, 2 SHARES; L.G. DAVISON, 3 SHARES;
ELMER IRELAND, 4 SHARES; CLYDE COOK, 3 SHARES; JIM VENABLE,
1 SHARE. THE CFS CLAIMED HERE MAY APPEAR TO BE HIGHER THAN THAT
NORMALLY USED, BUT THE DITCHES TRAVERSE SOIL TYPES WHICH ARE
VERY POROUS AND THE DITCH LOSS IN THE SEVERAL MILES OF SYSTEM
IS VERY HIGH. CLAIMANT IS OBTAINING DOCUMENTATION OF THE SOIL
TYPES THROUGH WHICH THE DITCHES RUN FOR SUBSTANTIATION OF THE
CLAIMED RATE OF DIVERSION.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 638

Field Inspection Flag:

Presumption Flag:

Audit:

07/31/92 WALKER 03/30/95 POST-STD

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 63-000968

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TRINITY MOUNTAIN IRRIGATION DISTRICT	08/10/1897	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	4.000 CFS	
TOTAL DIVERSION:					4.000 CFS	

Water Source: SMITH CREEK Tributary to: BOISE RIVER, SOUTH FORK Stage: DECREED

Pou County:

Remarks: GEN P/U IS DISTRICT LANDS.
TRANS. 365.

Dates: App. Received: 08/10/1897
Proof Due Date: 08/10/1897
Exam Made Date: 08/10/1897
Licensed Date: 08/10/1897

Misc: Water District Number: 638 Field Exam Fee:

Audit: 05/28/85 05/01/88 CONVERT 08/10/89 CURTIS

207 9-20-00

BASIN	Seque nce	Split Suffi	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Ver sio	Source Table
63	96 B		Decreed Active	1897-08-10		SMITH CREEK	DOMESTIC, STOCKWATER	TRINITY MOUNTAIN IRRIGATION DISTRICT (Current)		wrAdjudicationClai m
63	100		Decreed Active	1899-10-07	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	3334		License Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DEAN (Current)		wrAdjudicationClai m
63	3335		License Active	#####	0.5	SMITH CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrAdjudicationClai m
63	19703		Beneficia l Use Active	4/1/1945	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)		wrAdjudicationClai m
63	100		Decreed Active	1899-10-07	3.5	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DEAN (Current)	1	wrAdjudicationRec ommendation
63	19703		Beneficia l Use Active	4/1/1945	1.93	SMITH CREEK	IRRIGATION	CLYDE J COOK TRUST (Current); PRISCILLA COOK TRUST (Current)	1	wrAdjudicationRec ommendation
63	3334		License Active	#####	8.8	SMITH CREEK	IRRIGATION	DAVISON, DONALD L (Current)		wrWaterRight
63	3335		License Active	#####	3.66	SMITH CREEK	IRRIGATION	ACARREGUI, JOE T (Current)		wrWaterRight

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: SMITH CREEK 63-96b BY: RDH DATE: OCT 17, 2001

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	30500	7.0	2.50	6.74		0.00	0.0000	0.00	6.74
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	30500			6.74	0.00			0.00	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

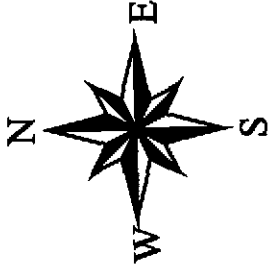
FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

TRINITY MOUNTAIN IRRIGATION DISTRICT

Service Area Boundary

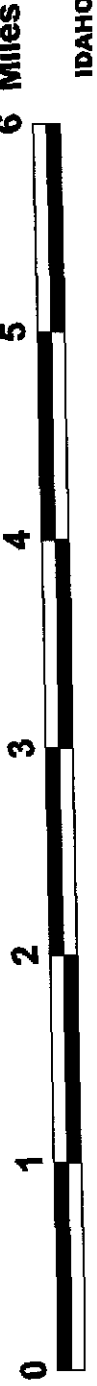


Date Prepared: 01-23-02
Prepared By: Ron Howerton



- Trinity Mtn. Canal
- Point of Diversion
- Boundary
- Section
- Quarter/Quarter

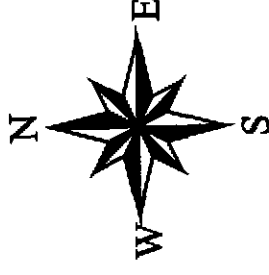
1987 NAPP



TRINITY MOUNTAIN IRRIGATION DISTRICT

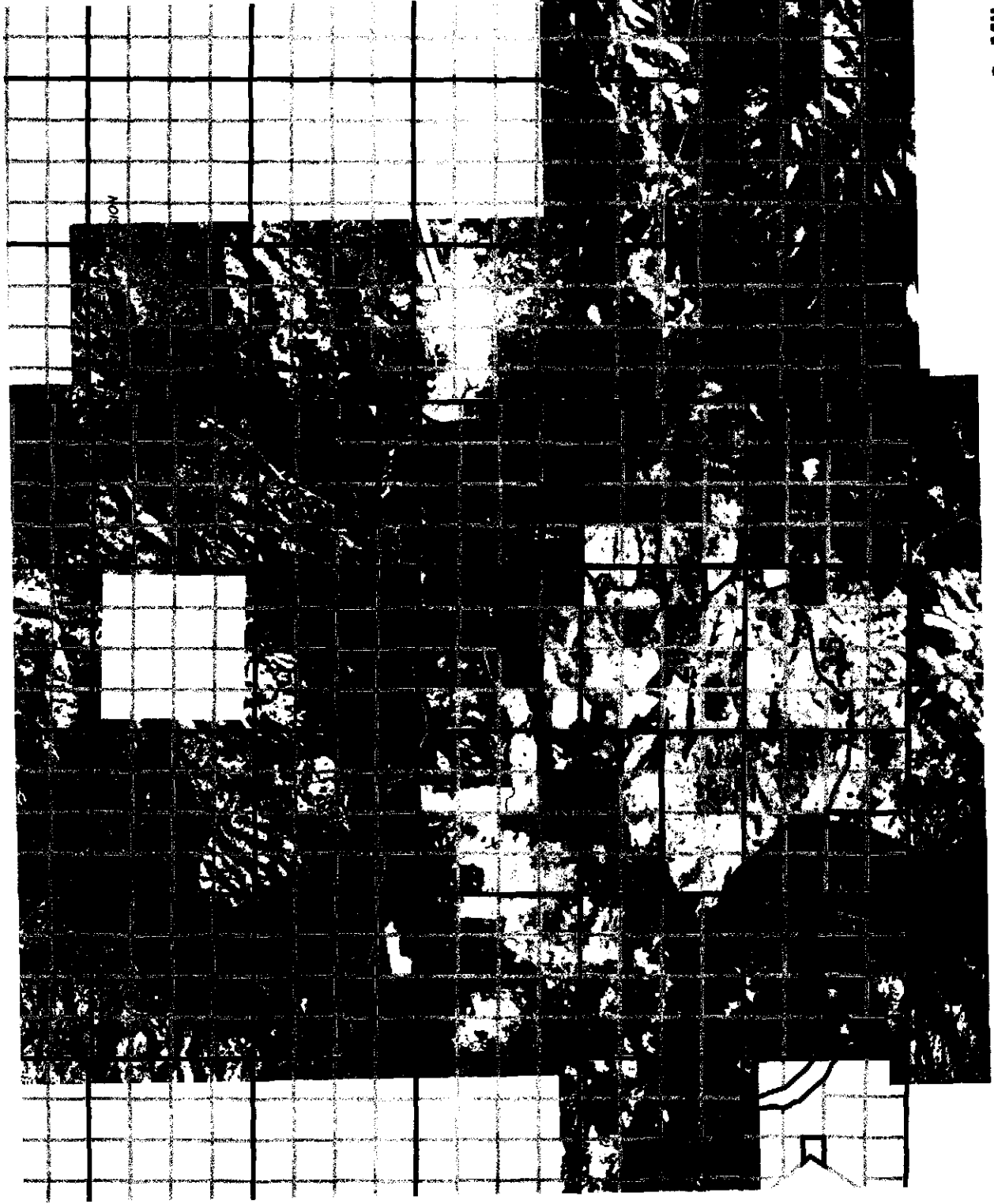
Service Area Boundary

Date Prepared: 01-23-02
Prepared By: Ron Howerton



- Trinity Mtn. Canal
- Point of Diversion
- Boundary
- Section
- Quarter/Quarter

1987 NAPP



TRINITY MOUNTAIN IRRIGATION DISTRICT

X63 TOPO

X64 TOPO

Y11 TOPO

Y14 TOPO

24

23

22

T02N R07E

T02N R07E

27

26

35

TRINITY MOUNTAIN IRRIGATION DISTRICT

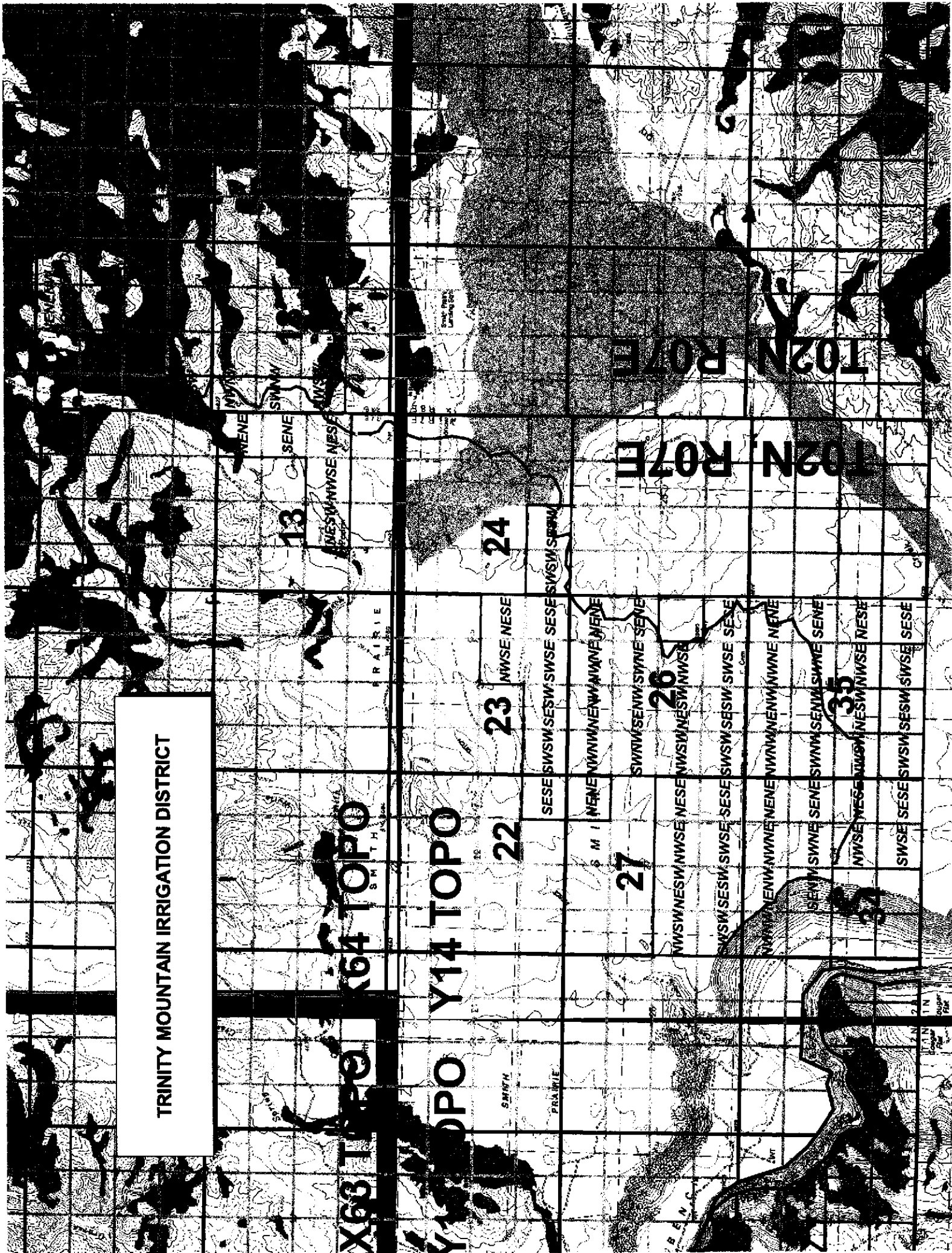
X68 TOPO K64 TOPO

Y14 TOPO

22 23 24

T02N R07E T02N R07E

26 27 34 35



NENENW
POINT OF DIVERSION

7

SWSW

NWNW

SWNW

NWSW

18

NENE

SENE

13

NESWNWSE NESE

TRINITY MOUNTAIN IRRIGATION DISTRICT

24

NWSE NESE

23

SESE SWSW SESW SWSE SESE SWSW SESW

22

SESE SWSW SESW SWSE SESE SWSW SESW

NENE NWNW NWNW NENE

27

SWNW SENW SWNE SENE

26

NWSWNESWNWSE NESE NWSWNESWNWSE

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SENW SWNE SENE SWNW SENW SWNE SENE

35

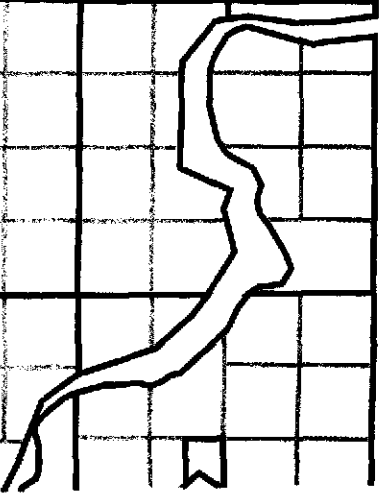
NWSE NESE NWSWNESWNWSE NESE

34

SWSE SESE SWSW SESW SWSE SESE

T02N, R07E

T02N, R07E





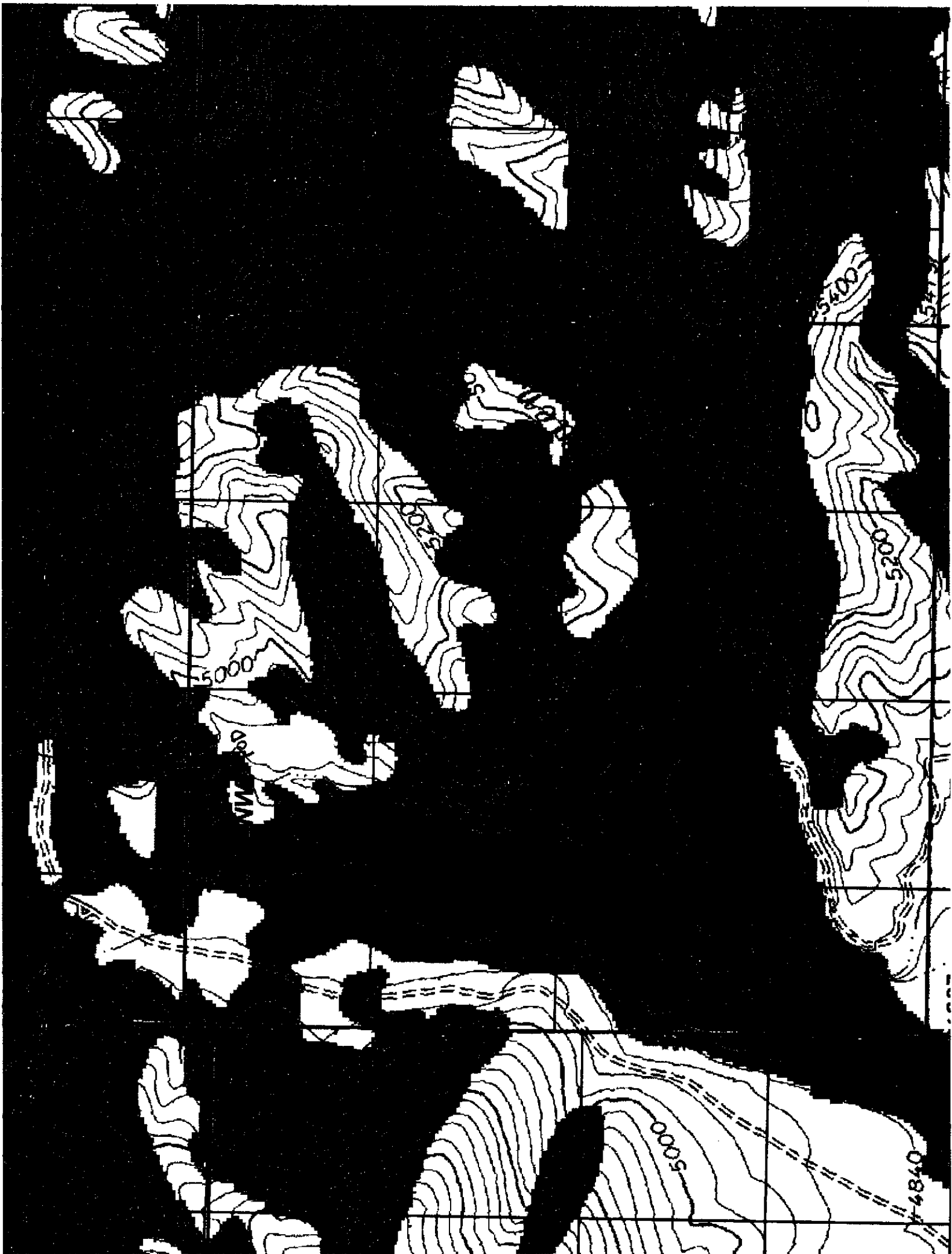




Photo 1. FX Oct. 17, 2001. Photos by RDH. Canal for Trinity Mountain 63-96B overlaps with 63-100, 63-19703, 63-3334 & 63-3335 POD = T02N, R08E, S07, NENENW.

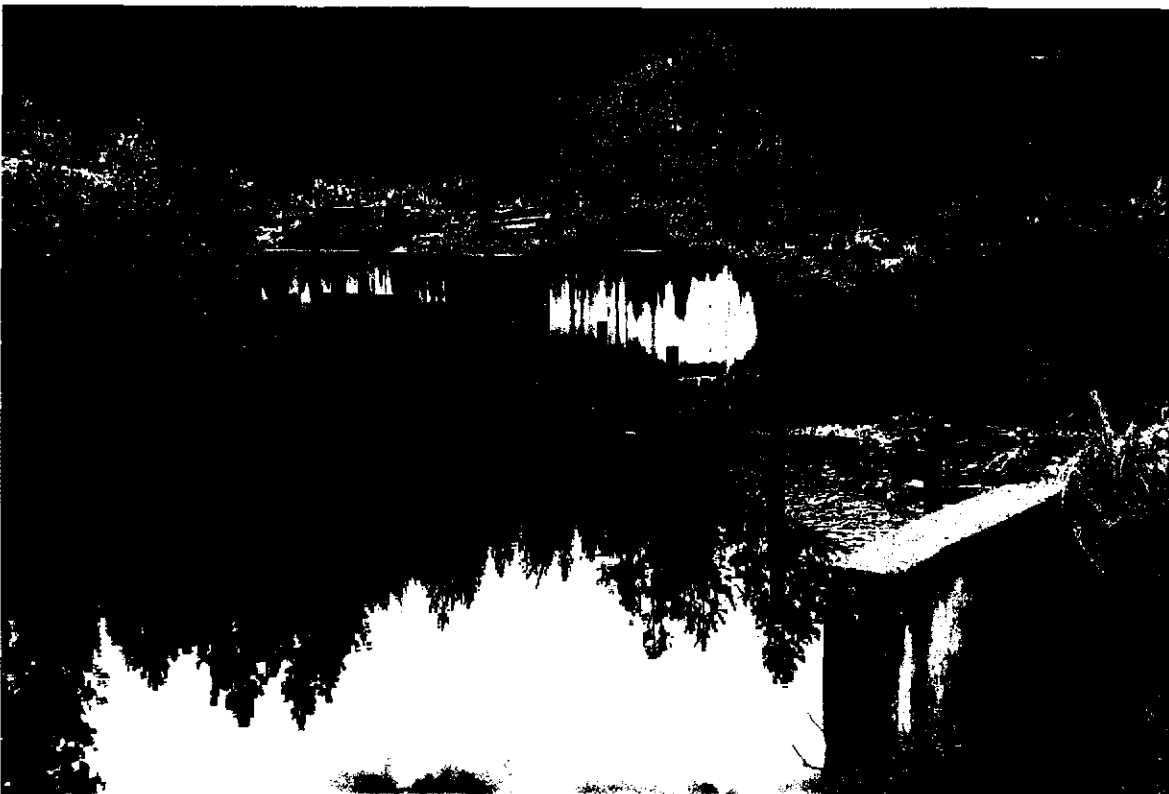


Photo 2: Same as above. View is from West side of Smith Creek to East. Screw Head gate.



Photo 3: Weir, located in ditch just below POD. View is to South.



Photo 4: Ditch just below weir and POD. View is to South.

STATE OF IDAHO
C. C. MOORE, Governor
DEPARTMENT OF RECLAMATION
W. A. SWENDSEN, Commissioner
BOISE

August 29, 1925

In Re: Trinity Mountain Irrigation District

Mr. W. G. Swendsen
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

Upon the 28th instant, the undersigned in company with Mr. C. J. Franklir investigated conditions bearing upon the matter of permanent transfer of certain decreed water of Smith Creek in Water District 12-7, the desired transfer being from the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Lots 4 and 5 of Section 33 and Lots 1 and 2 of Section 32, Township 2 North, Range 7 East, Boise Meridian, to which it was dedicated, to lands situated within the boundaries of said irrigation district, which lands comprise an area of about 2300 acres. This area is composed principally of lands having late water rights and consequently, subject to a total deprivation of water during the late summer or early fall. This condition renders it practically impossible to utilize the fall pasturage upon these farms under present conditions.

The irrigation district has purchased an option upon 210 miners' inches of decreed water from the estate owning the water, originally decreed to E. M. Wolfe. Use of this amount of water of an early date of priority would enable all the various ranches located within the district boundaries to replenish stock ponds and have some live water upon the fields during the fall pasturage period, thus saving much forage now necessarily wasted. An effort to obtain the viewpoint of the older right settlers resulted in an interview with Mr. Miller, who stated that use of the water in question was vitally necessary to the holders of late rights and that if they bought and owned same it should be granted them and that he had no objection to the proposed transfer.

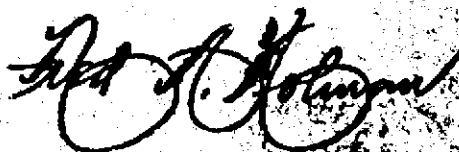
Page 2,

August 20, 1945

Mr. W. G. Beards

In view of the foregoing and with a thought
of the greatest good to the greater number, it would appear
desirable and proper that this transfer be allowed.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert H. Holman". The signature is written in a cursive style with a large, looping initial "R".

September 14, 1923.

Re: Transfer Water Right
Trinity Mountain Irr. Dist.

Mr. E. W. Oppenheim,
Attorney at law,
 Boise, Idaho.

Dear Sir:-

Enclosed you will find the certificate of transfer
of water right issued to the Trinity Mountain Irrigation Dist.,
with receipt for fee paid.

The affidavit of publication ^{has not been received}
from the Mountain Home Republican. ^{Please have this forwarded}
to me as soon as possible.

Very truly yours,
E. G. SWEDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

OTWSE-R10461

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 845

63-0096

This is to certify that Trinity Mountain Irrigation District, of Elmore County, State of Idaho, has a right to the use of the waters of Smith Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, in the case entitled "Theodore Pierce, plaintiff, vs. William Pierce, et al, defendants," wherein two hundred ten (210) inches of the waters of Smith Creek, in Water District No. 12-F, were decreed to E. M. Wolfe, for use upon the following described lands:

Lots 1 and 2, Sec. 33; Lots 4 and 5 and NW 1/4, Sec. 33,
in township 2 North, range 7 East of Boise Meridian;

said right bearing priority of August 10, 1897; that said decree had been entered in the records of the Department of Reclamation of the State of Idaho in Book 5 of Decrees at page 243; that, upon the application of Trinity Mountain Irrigation District for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho and the said application having been granted, the right to the use of two hundred (200) inches of the waters of Smith Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and the water right hereby confirmed shall by this certificate become appurtenant for irrigation and domestic purposes, are described as follows, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

200 inches, dated August 10, 1897;

All lands assessed for benefits in the Trinity Mountain Irrigation District

That the water to be transferred will be diverted at a point in the Southeast quarter of the Southwest quarter (SE 1/4 SW 1/4), Section 6, Township 2 North, Range 8 East of Boise Meridian, and will be carried through the main canal of the Trinity Mountain Irrigation District.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 19th day of September, 1925.

W. G. STUBBS,
Commissioner of Reclamation.

By *[Signature]*
Assistant.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION
OF THE TRINITY MOUNTAIN IRRIGATION
DISTRICT FOR TRANSFER OF WATER
RIGHT: WATER DIST. #12-F:
CASE #150.

ORDER GRANTING TRANSFER

WHEREAS, On September 7, 1925, at the Department of Reclamation of the State of Idaho, Boise, the matter of the application of the Trinity Mountain Irrigation District for transfer of water right came regularly on for hearing, pursuant to the published notice: and,

WHEREAS, No appearance was made at the hearing, either in person or by affidavit, to protest against the said transfer, and the evidence submitted by the applicant shows a greater duty of water would result by reason of the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that the said transfer be granted and that the certificate of transfer be issued to the applicant herein, in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at Boise, Idaho, this 10th day of September, 1925.

W. C. SWENDSEN,
Commissioner of Reclamation.

By G. H. Kauter
Assistant.

13-B

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, WITHIN AND FOR ELIOT COUNTY.

THEODORE PIERCE,

Plaintiff,

vs.

WILLIAM PIERCE, GEORGE W. COBLE,
JULIUS P. NEUERTH, JOHN KRALL,
A. E. BROWN, MINNIE J. NEUERTH,
ROBERT SANDLIN, MARTHA B. LOVING,
SARAH C. SLITH, E. M. WOLFE, successor
in interest to William Pierce, et al.,

DECEMBER

Defendants.

This cause came regularly on for trial on the 12th day of December A.D. 1906, being the 7th Judicial Day of the December Special Term 1906 of said Court; E. J. Dockery Esq., appearing as Counsel for plaintiff Theodore Pierce, and E. M. Wolfe Esq., as counsel for defendant William Pierce and for defendant and cross complainant E. M. Wolfe, as successor in interest to William Pierce; Edgar Wilson, Esq., as counsel for defendants and cross complainants John Krall, Robert Sandlin and Martha B. Loving; Carl A. Davis, Esq., as counsel for defendants and cross complainants Julius P. Neuerth and Minnie J. Neuerth; and Messrs. Morrison & Pence as counsel for defendants and cross complainants A. E. Brown, and George W. Coble.

A trial by jury was waived by express agreement of Counsel, and it appearing to the Court that the matter would involve the taking of a large amount of testimony and consume a great amount of time it was ordered by the Court that a Referee be appointed herein to take the testimony and report the same to the Court. H. M. Braun was appointed to take such testimony, which was afterwards taken and documentary evidence introduced before said referee, all parties being present and represented by their respective counsel. Said testimony and documentary evidence having been reported to and filed in this court in this action, and the same having been examined by the Court, and arguments made by the counsel for all the respective parties herein;

Now on the 23th day of May A.D. 1907, findings of fact and Conclusions of law, having been expressly waived by the counsel for the respective parties, the Court orders that judgment be entered herein in accordance with a stipulation on file in said cause, signed by the counsel for all the said respective parties.

WHEREFORE, by reason of the law and the premises and the stipulations aforesaid, findings of fact and conclusions of law having been expressly waived by the respective parties to this action, it is ordered, adjudged and decreed by this Court that the respective parties hereto are entitled to take from, and use, for irrigating and domestic purposes, the waters flowing in Smith Creek in Elmore County, State of Idaho, in dates of priorities and in the following amounts respectively, to-wit:

That the plaintiff Theodore Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in Elmore County, State of Idaho, in each year, said use to date from the 10th day of August A.D. 1897, for use upon the N.E.1-4, of the N.E.1-4 of Section 33, Tp.2, R. 7E.S.1-4, and Lots 1,2 and 3, and the N.W.1-4, of the N.E.1-4, and the N.E.1-4, of the N.W.1-4, of Section 33, Tp.2, N.7, E.3-4, and the S.W.1-4, of the N.W.1-4, and the N.W.1-4, of the S.W.1-4, of Section 34, Tp.2, N. 7, E.3-4, 235-1-2, inches continuous flow and that he pay his costs in this action, taxed at the sum of \$2.75.

Trans 365
That E.M. Wolfe, successor in interest to the right of defendant William Pierce be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of said Smith Creek in each year, said use to date from the 10th day of August A.D. 1897, for use upon Lots 1 and 2 in Section 32, Lots 4 and 5 in Section 33, and the N.W.1-4, of the N.W.1-4, of Section 33, all in Tp.2, N.7, E.3-4, S.1-4, 210 inches continuous flow, and that he pay his costs in this action, taxed at \$2.75.

That the defendant and cross complainant John Krall be, and he is hereby awarded the use of the amount of water hereinafter stated from the waters of Smith Creek, in each year, said use to date from the 8th day of August A.D. 1898, for use upon the land embraced in U.S. Desert Land Entry No. 1308 in the United States Land Office at Boise City, Idaho, October 22, 1894, and described as follows to-wit: "being in Elmore County, Idaho, and on unsurveyed land beginning at the initial point marked by a lava rock five feet high and ten (10) feet long, with monument of small rocks on top, being about 1-1-2 miles Northwest of the mouth of Cottonwood Creek where it empties into the South Boise River, and about 3-4, of a mile North of South Boise River at a point one mile below the mouth of said Cottonwood Creek, thence North 1-2 mile, thence West 3-4, mile, thence South 1-2 mile, thence East 3-4 mile, to place of beginning; each of said corners being marked by monument of rock with stakes; containing 240 acres, more or less (The Cove), 436 inches continuous

BEFORE THE DEPARTMENT OF RECLAMATION
OF THE STATE OF IDAHO.

.....

Application of
TRINITY MOUNTAIN IRRIGATION DISTRICT
Elmore County, State of Idaho,
FOR THE TRANSFER OF PLACED OF USE
Under Section 5582 of the Idaho Compiled Statutes
as amended 1921 Session Laws, Chapter 146.

TO THE HON. W. G. SWENDSEN,
COMMISSIONER OF RECLAMATION
STATE OF IDAHO:

COMES NOW the Trinity Mountain Irrigation
District and respectfully represents:

I.

Your petitioner, Trinity Mountain Irrigation
District, is a quasi-municipal corporation of Elmore County,
State of Idaho, duly organized under the laws of said state.

II.

Your petitioner is the owner of the following
described land in Elmore County, Idaho:

The Northwest Quarter of the Northwest Quarter
(NW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lots numbered Four and Five of Section
Thirty-three (33); and Lots numbered One and Two of
Section Thirty-two (32), all in Township Two (2) North,
Range Seven (7) East, Boise Meridian, containing 154.52
acres according to the United States Government Survey
thereof.

III.

That there is appurtenant to the land above described
a water right of 810 inches of the water of Smith Creek as of
priority date of August 10, 1897, in accordance with the terms of

a certain decree entered in the case of Theodore Pierce vs. William Pierce and others, a copy of which decree is on file in your department to which reference is hereby made for further particulars.

IV.

Your petitioner desires to abandon the use of 200 inches of such water on the said land to which it is now appurtenant and which is receiving the benefit of the same and transfer the place of use to the lands within the Trinity Mountain Irrigation District.

V.

The said 200 inches to be conducted to the lands within the Trinity Mountain Irrigation District will be diverted through another canal than that heretofore used, to wit; the main canal of the Trinity Mountain Irrigation District, the point of diversion of which is described as follows, to wit;

A point in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section six (6), Township Two (2) North, Range Eight (8) East, Boise Meridian, which bears North 47° 50' East 2,222 feet from the Southwest corner of said Section six.

VI.

The reason for making said transfer is that the lands in the Trinity Mountain Irrigation District are more valuable for agricultural purposes than the land to which said water is now appurtenant, but the present water supply for said irrigation district lands is not sufficient adequately to irrigate them and the water now being transferred is to supplement the present water supply.

WHEREFORE, petitioner prays that your department
fix a time for hearing this application and publish notice thereof
as required by statute at the expense of your petitioner and
upon said hearing that you approve the transfer of the place of
use and point of diversion as aforesaid, evidencing such approval
by your certificate.

Dated at Boise, Idaho, this 14th day of August,

1925.

TRINITY MOUNTAIN IRRIGATION DISTRICT

By Oppenheim & Lempert
Its Attorneys.

AFFIDAVIT OF PUBLICATION

County of Elmore)
STATE OF IDAHO) ss

I, Geo. W. Robertson, do solemnly swear that I am one of the publishers of the

MOUNTAIN HOME REPUBLICAN

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of the publication thereof, was published in said newspaper for two consecutive weeks, the first publication having been made on the 28th day of August, 1925, and the last publication having been made on the 4th day of September, 1925.

And I further swear that the said MOUNTAIN HOME REPUBLICAN has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the date publication of the attached notice.

Subscribed and sworn to before me this 12th day of September, 1925.

Geo. W. Robertson
Notary Public.

My commission expires on 13 1925.

Publisher's Fee \$5.00

AFFIDAVIT OF PUBLICATION

It is hereby given that the Trinity Mountain Irrigation District of Blaine County, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for certificate authorizing it to transfer the use of 200 inches of the water of Smith Creek from the land on which it is now used, that is:

The northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lots numbered 100 and 90 of section thirty-three (33); and Lots numbered one and two of Section thirty-two (32), all in township two (2) north, range seven (7) east, Boise Meridian, containing 154.88 acres according to the United States Government Survey thereof.

on the lands within the Trinity Mountain Irrigation District; and that on the 5th day of September, A. D. 1925, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

Dated at Boise, Idaho, this 28th day of August, 1925.

W. S. SWANBERG,
Commissioner of Reclamation of the
State of Idaho.

12884

MEMORANDUM

TO: FILES A63-00096A & A63-00096B

FROM: MEL SCHULTE *MSD*

DATE: MARCH 11, 1996

A review of the water rights and SRBA claims relating to Smith Creek revealed a problem associated with the above referenced claims and their related "R" records.

A 63-00096A was rejected due to insufficient fees and an explanatory letter from the Dept of Lands dated 9/3/1992 indicating the claim wasn't necessary. When the "R" record was created for this claim, an exact duplicate "R" record was created for A63-00096B in error. A63-00096B is a claim that should be reviewed on its own merits irrespective of A63-00096A. A63-00096B has not been reviewed as this date and to have an "R" record on the data base is incorrect and confusing. Therefore, Jan Shurte deleted the R63-00096B record on March 10, 1996.

MTS

MICROFILMED

SEP 27 1996

From: DWR80::MSCHULTE 29-FEB-1996 15:56:59.93
To: @AUX_DATA:CONTROL.DIS
CC: MSCHULTE
Subj: REJECTED RIGHTS/WATER MASTER RPT: - AJ_SELECTION:MTSSMITH_FB.SEL

The following water right numbers did not process:

A6300096A BLANK STAGE - *Dept of Lands - stock (500 hd) - rejected for fees*
A6300098 BLANK STAGE - *not claimed*
R6300096A BLANK STAGE - *ok*
R6300096B BLANK STAGE - *blow away*
R6300098 BLANK STAGE -

MICROFILMED

SEP 27 1996

AJ5809NP
No. A63-000968

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/01/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TRINITY MOUNTAIN IRRIGATION DISTRICT C/O ELMER IRELAND C/O PRAIRIE STAGE MOUNTAIN HOME ID 83647 (208) 868-3224	08/10/1897	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	4.00 CFS 0.16 CFS	
						TOTAL DIVERSION: 4.00 CFS

Water Source: SMITH CREEK
Point(s) of Diversion: T02N R08E S07
Tributary to: BOISE RIVER, SOUTH FORK
Stage: DECREED
ELMORE County

Place of use Legal Description for: STOCKWATER

NE										NW										SW										SE																			
NENE					NWNE					SWNE					NENW					NWNW					SWNW					NENW					NWSW					SWSW					SESE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																	
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Place of use Legal Description for: DOMESTIC

NE										NW										SW										SE																			
NENE					NWNE					SWNE					NENW					NWNW					SWNW					NENW					NWSW					SWSW					SESE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																	
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POU County: ELMORE

Non-Irrigation Uses: DOMESTIC FOR 4 HOMES, STOCKWATER FOR UP TO 5000 HEAD MIXED.

Other Rights: N/A

Remarks: P/U IS DISTRICT LANDS.
TRANS. 365. IN 1925 TRANSFERRED 200 INCHES OF THE ORIGINAL RIGHT
TO THE LANDS OF THE TRINITY MOUNTAIN IRRIGATION DISTRICT.. THE
ORIGINAL DECREE WAS FOR IRRIGATION AND DOMESTIC FOR E.M. WOLFE
IN SECS. 32 AND 33 IN T02N, R07E. FOR OVER THE PAST 50 YEARS THE
RIGHT HAS BEEN USED ONLY FOR STOCKWATER AND FOUR DOMESTIC USES
WITHIN THE LANDS OF THE DISTRICT. OWNERSHIP OF THE DISTRICT'S
RIGHT IS REPRESENTED BY THIRTEEN SHARES. PRESENT OWNERSHIP OF

AJ5809NP

No. A63-000968

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/01/96
PAGE: 2

Remarks:

IS AS FOLLOWS: D. DAVISON, 2 SHARES; L.G. DAVISON, 3 SHARES;
ELMER IRELAND, 4 SHARES; CLYDE COOK, 3 SHARES; JIM VENABLE,
1 SHARE. THE CFS CLAIMED HERE MAY APPEAR TO BE HIGHER THAN THAT
NORMALLY USED, BUT THE DITCHES TRAVERSE SOIL TYPES WHICH ARE
VERY POROUS AND THE DITCH LOSS IN THE SEVERAL MILES OF SYSTEM
IS VERY HIGH. CLAIMANT IS OBTAINING DOCUMENTATION OF THE SOIL
TYPES THROUGH WHICH THE DITCHES RUN FOR SUBSTANTIATION OF THE
CLAIMED RATE OF DIVERSION.

Dates: Exam Made Date:

Verified Date:

Misc:

Water District Number: 638

Field Inspection Flag:

Presumption Flag:

Audit:

07/31/92 WALKER 03/30/95 POST-STD

MICROFILMED
SEP 27 1996