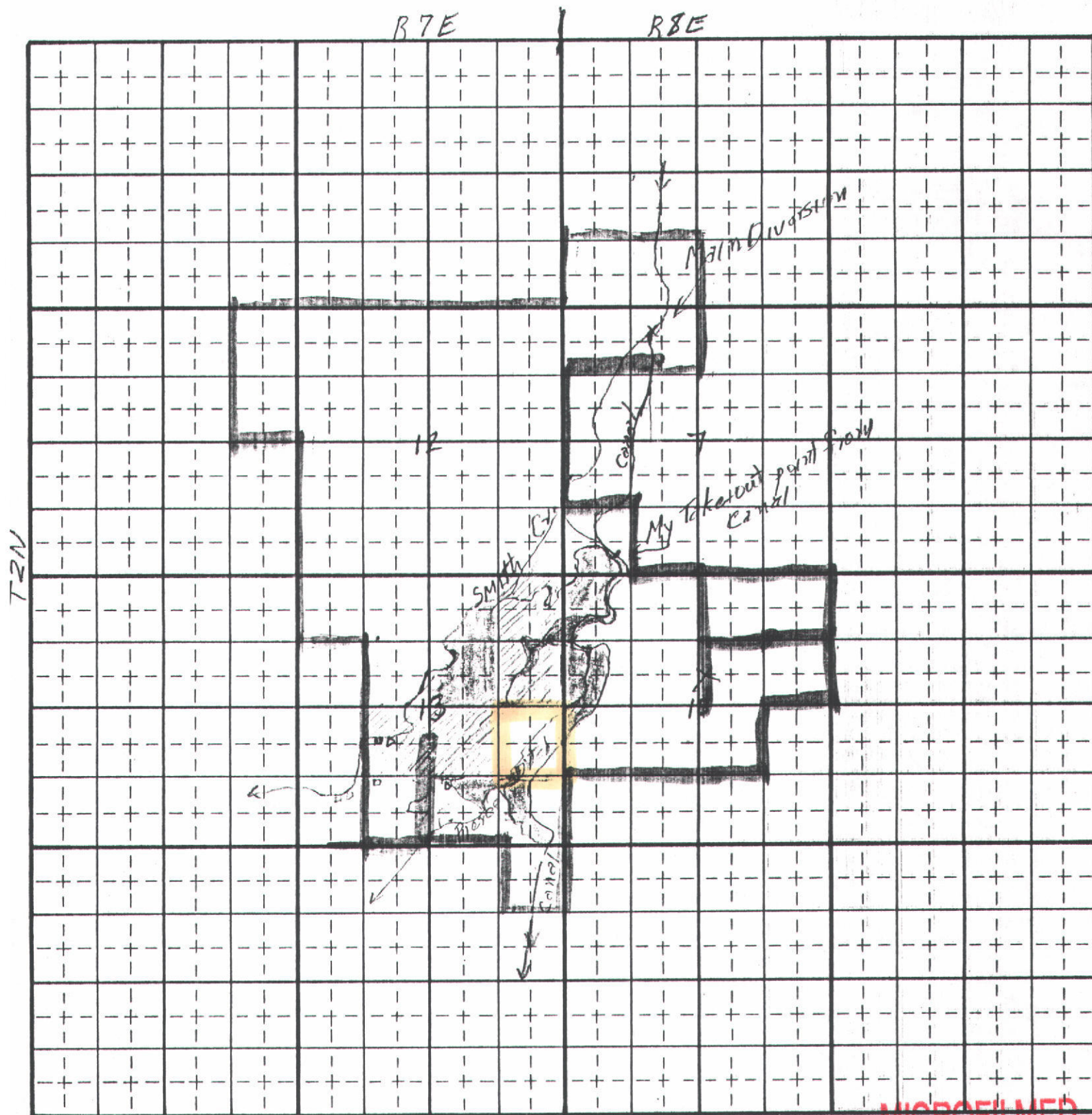


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

SEP 02 1992

Cook Prop. [X] - Decreed Water Right 10-7-99 - 160 A.

Other Owners
Additional Ground Irrig. from same source 101 A.

Last Name Cook

Ident No. 39576

Copies: White-State, Yellow-Claimant

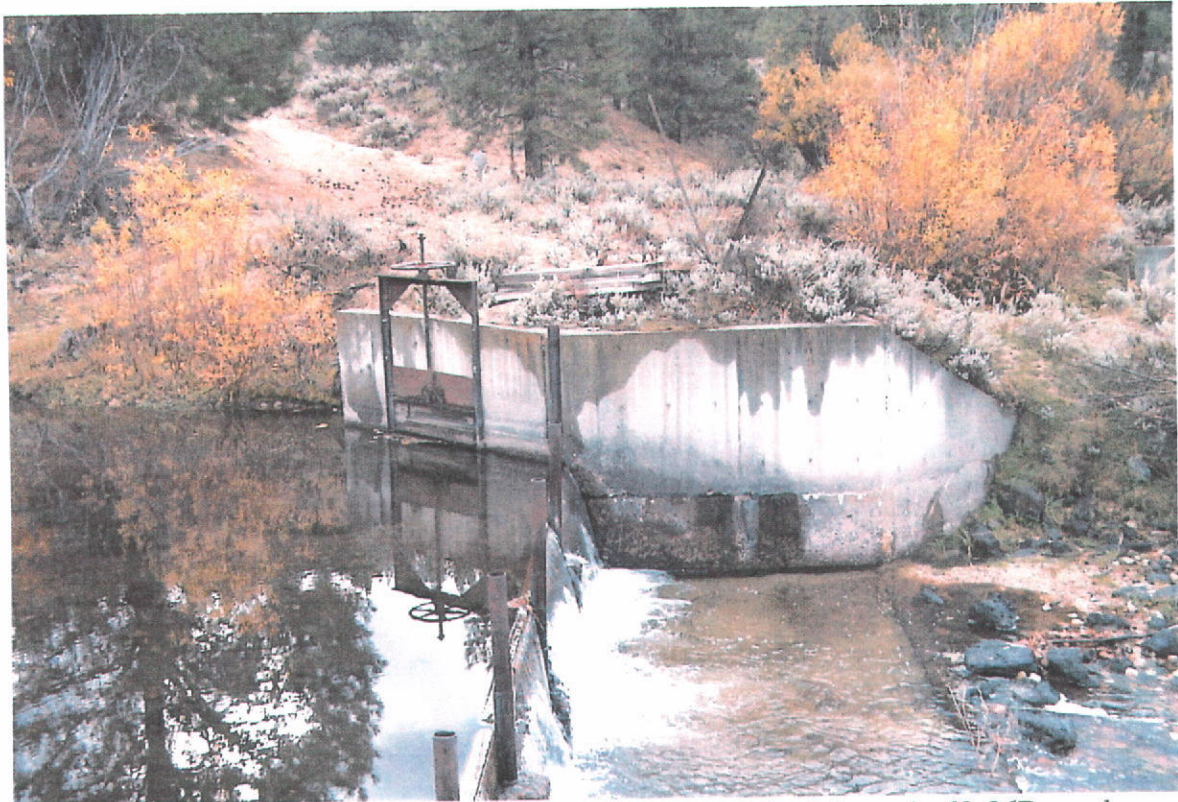


Photo 1. FX Oct. 17, 2001. Photos by RDH. Canal for Trinity Mountain 63-96B overlaps with 63-100, 63-19703, 63-3334 & 63-3335 POD = T02N, R08E, S07, NENENW.

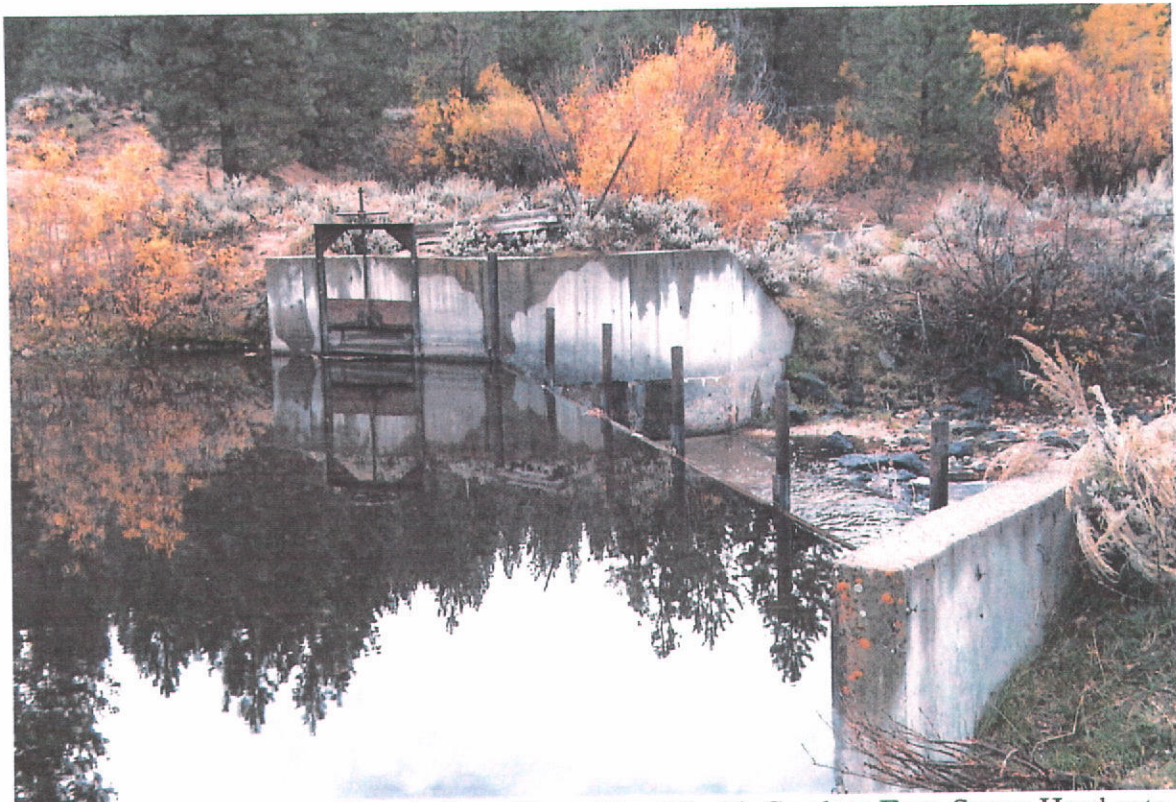


Photo 2: Same as above. View is from West side of Smith Creek to East. Screw Head gate.



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.

Photo 5. 2nd FX Oct. 18, 2001: Photos by RDH. 65-100 & 65-19703. Takeout from Trinity ditch. Located in the NWNW, S18, T02N R08E.



Photo 6. View from above take out looking West.



Photo 7. Place of use, upper photo part A of BCD.

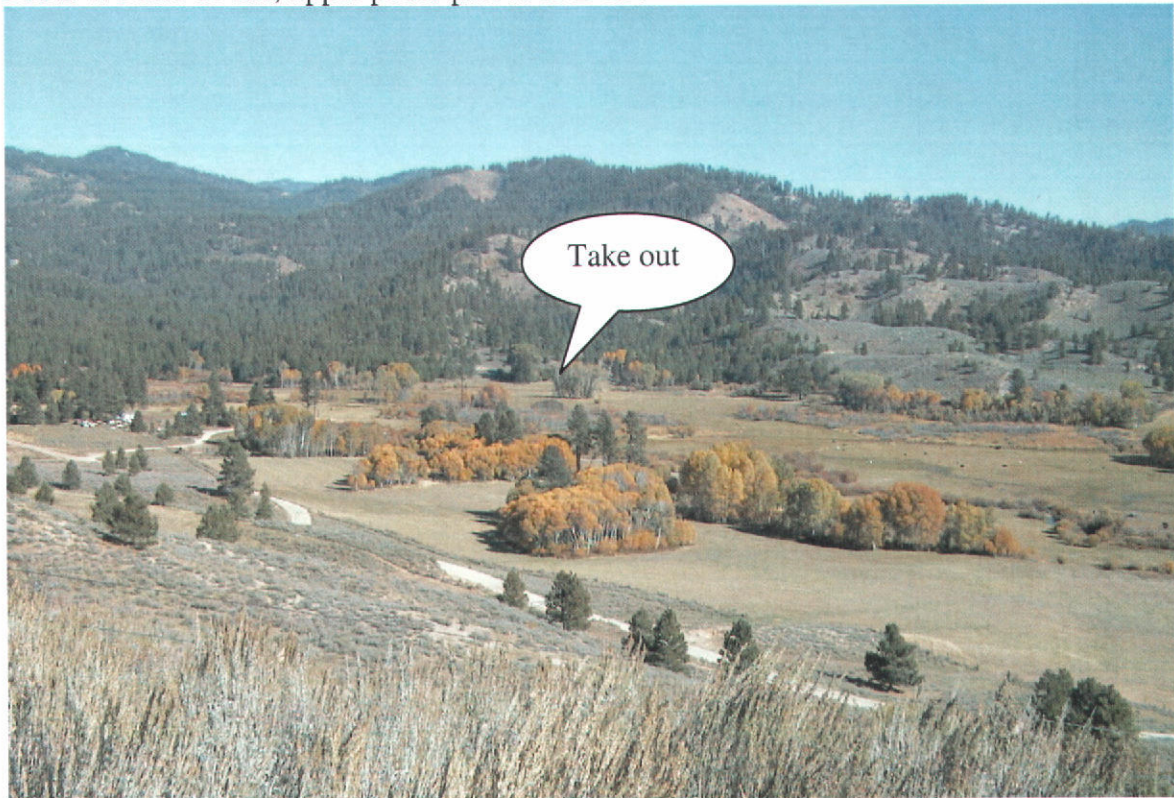


Photo 8. Place of use part B of ACD.

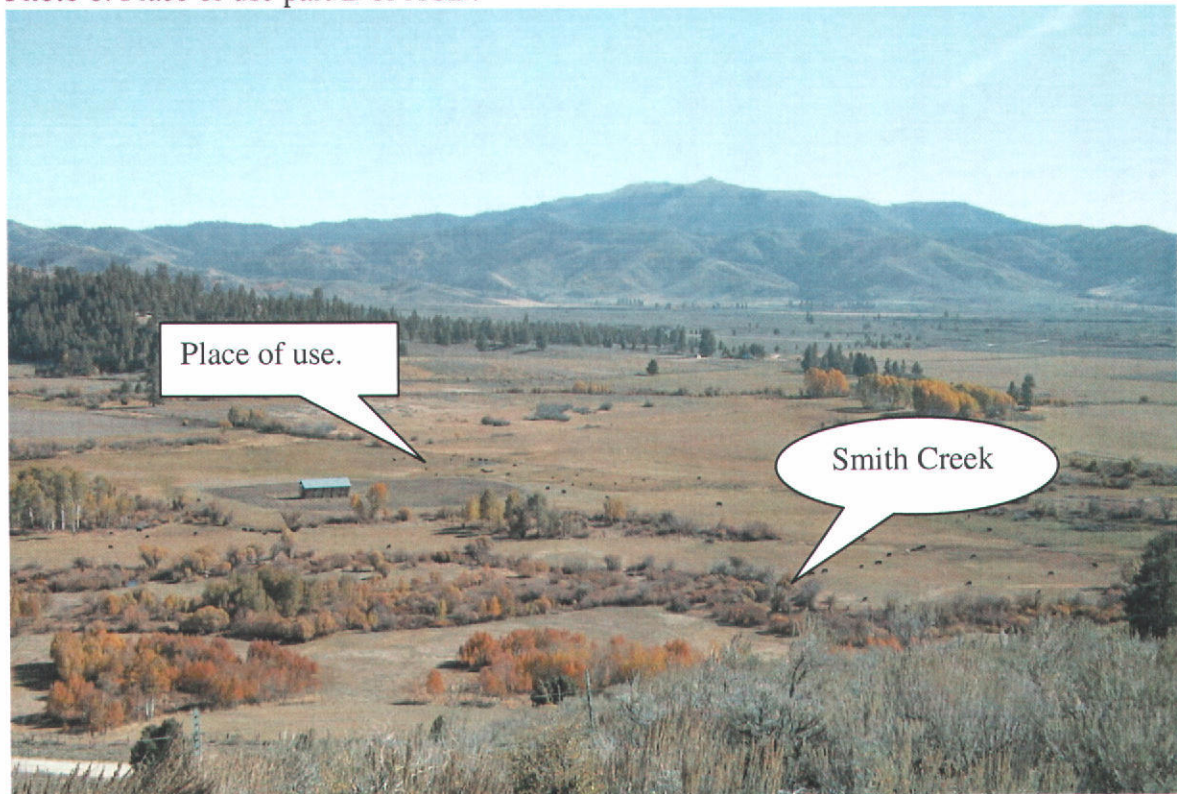


Photo 9. Place of use part C of ABD.

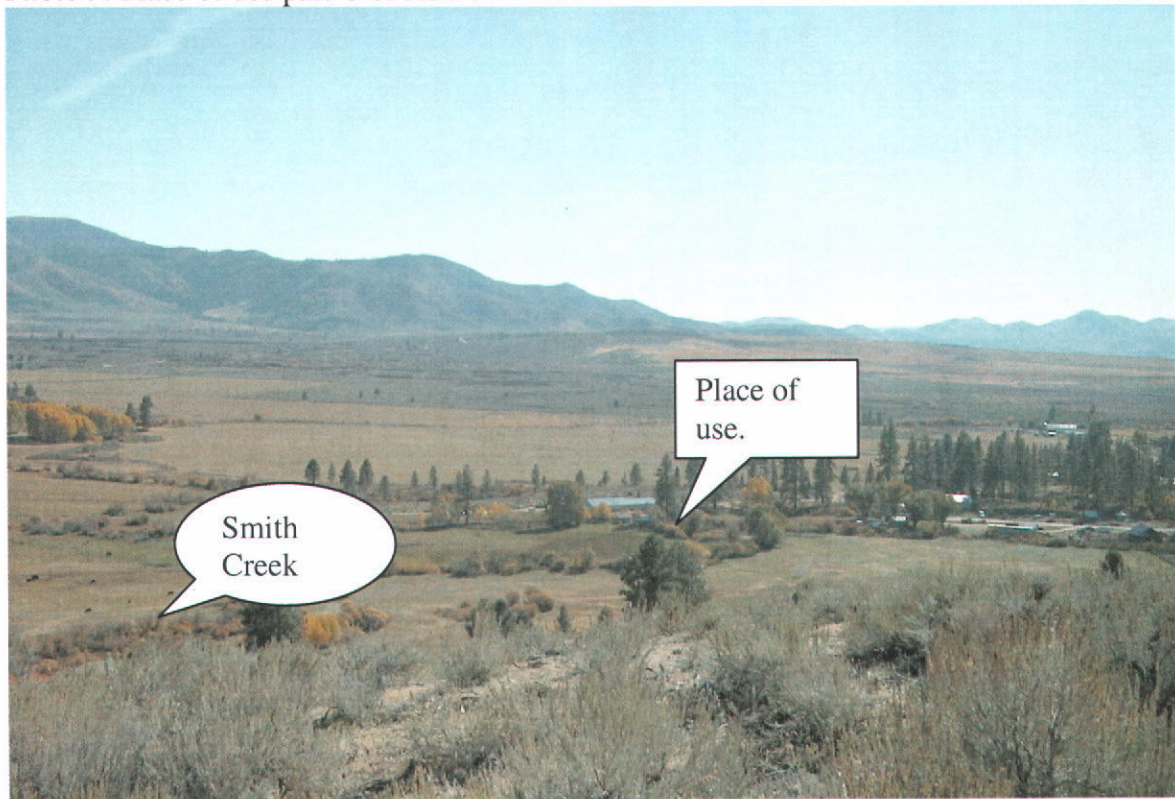
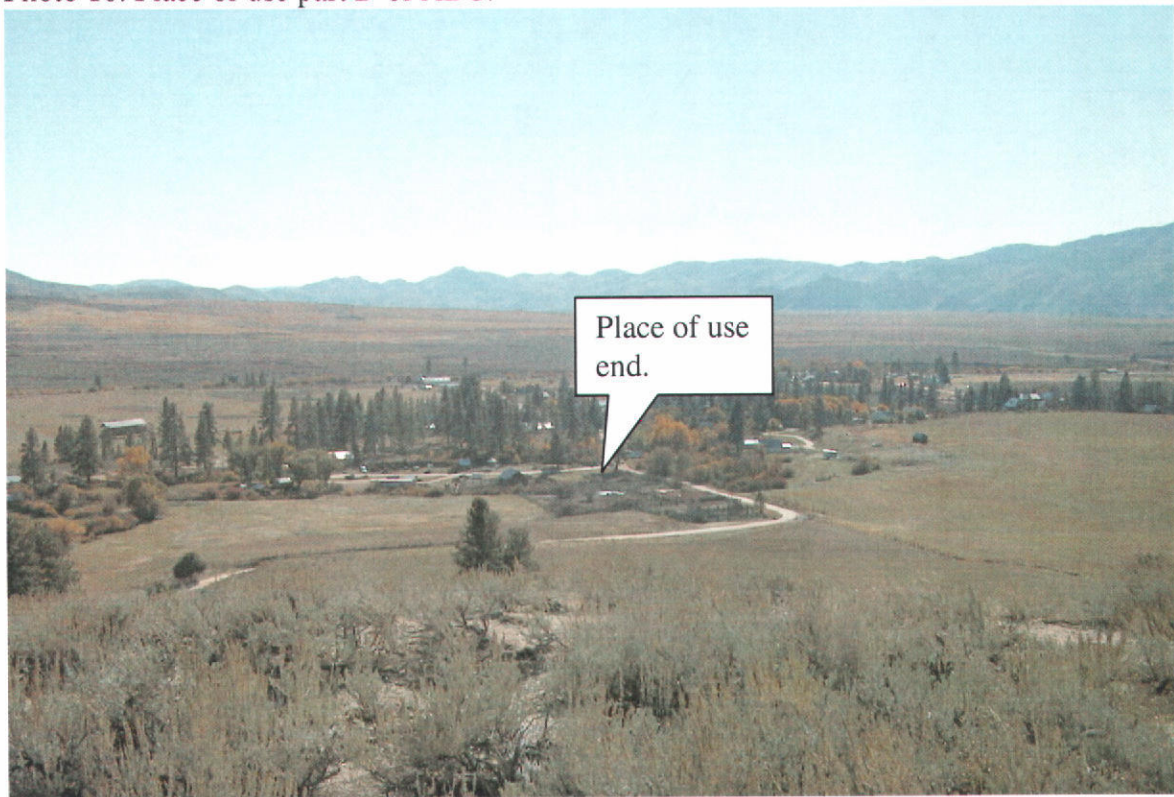


Photo 10. Place of use part D of ABC.

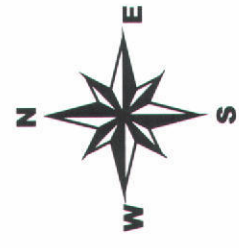


T02N, R07E
S13
T02N, R08E
S07 & S18

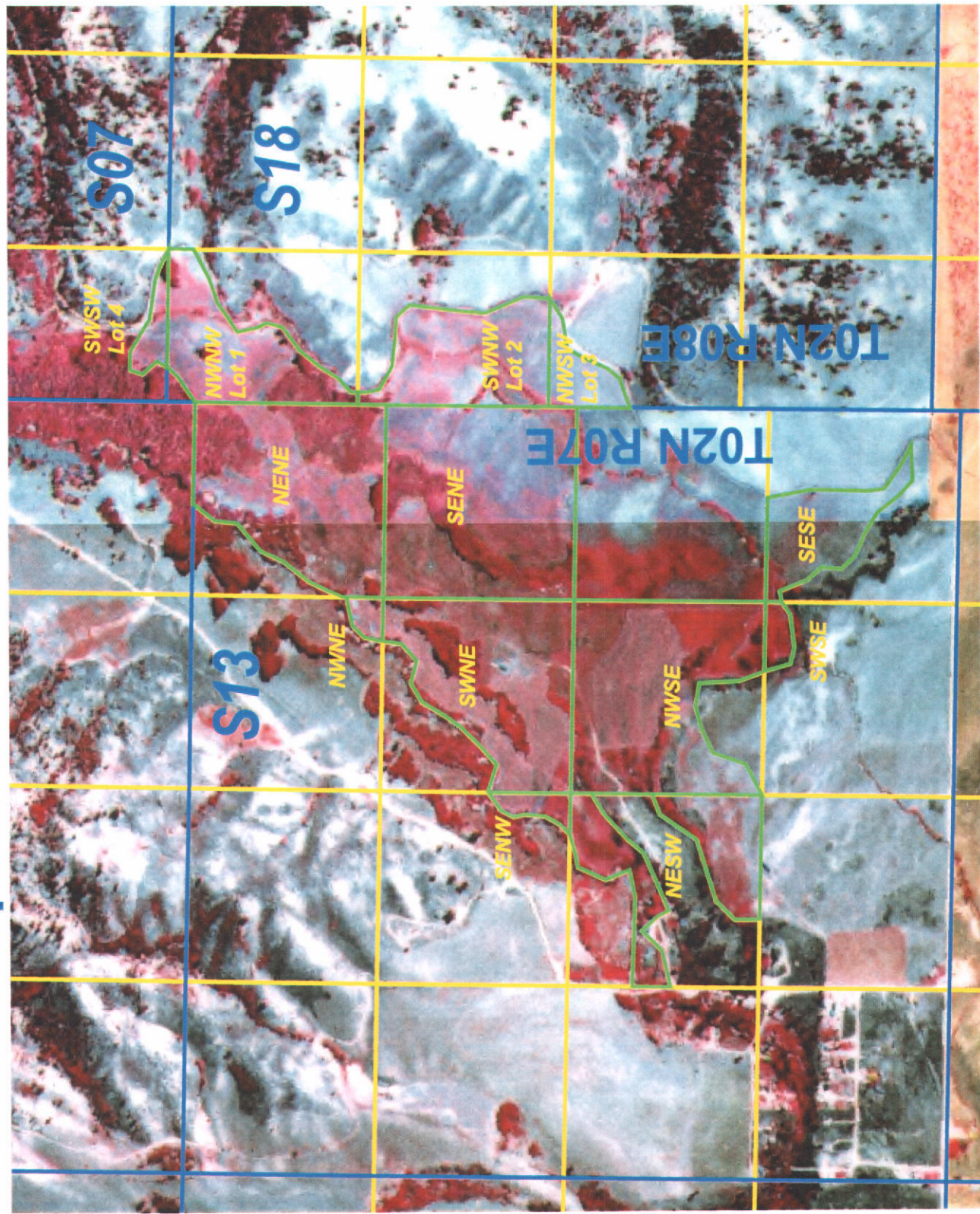
Idaho Department of Water Resources

Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

-  Place of use
-  POD
-  SECTION
-  1/4 1/4



1987 NAPP



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

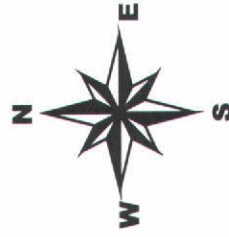
Place of use

POD

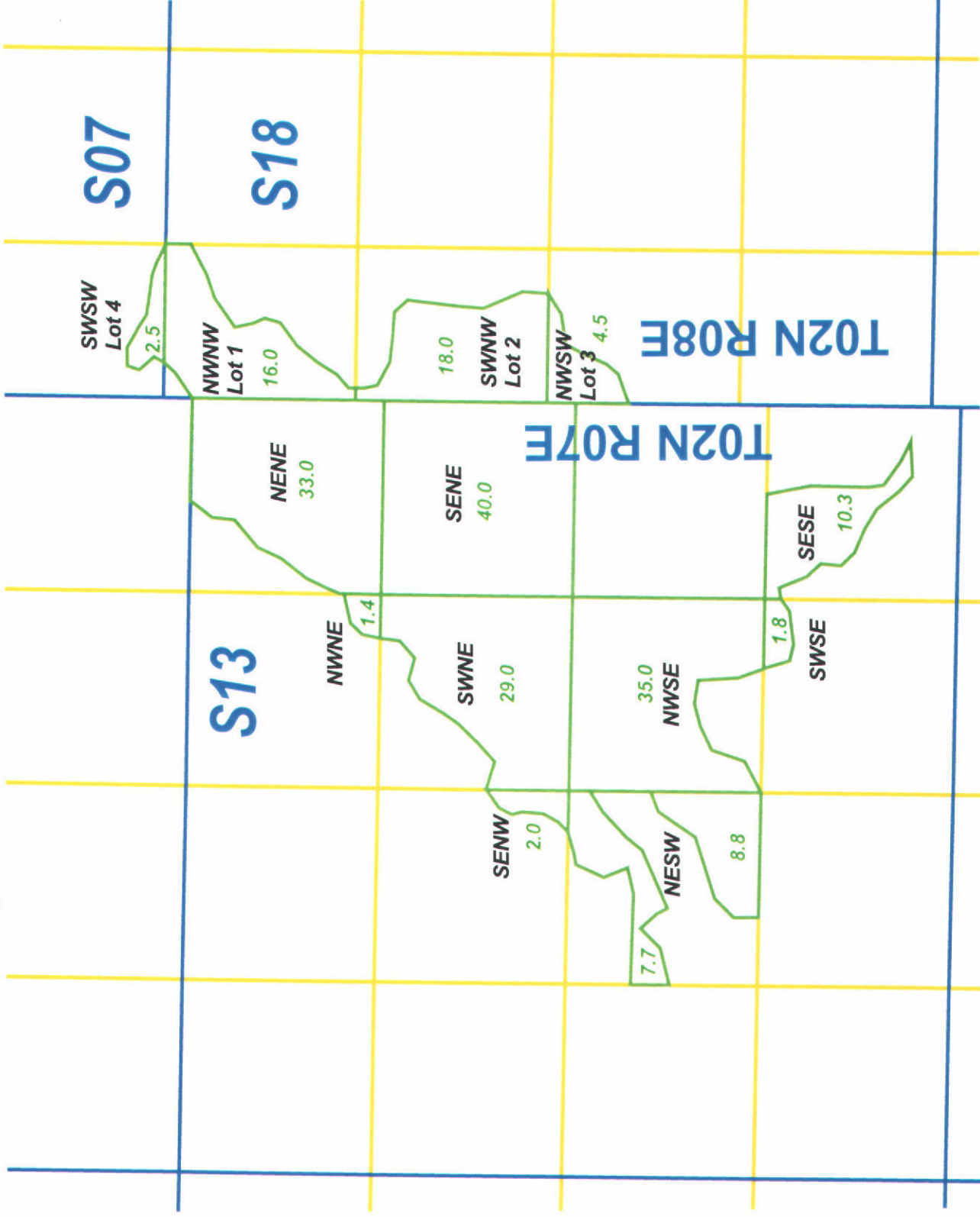
SECTION

1/4 1/4

210.0 Acres



1987 NAPP



T02N, R08E

S07

NENENW

Smith Creek

Trinity Mountain

Irrigation Co.

Diversion Dam &

Headgate

PRAIRIE
X64 TOPO
1964

4924(X)

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: A63-19703
Date Received: 11/21/1989
Receipt No: CO12949
Received By: CJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE J. COOK 208-868-3246
Address: C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647
2. Date of Priority: APR 01, 1945
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	NW	NE	NW		ELMORE
5. Description of diverting works:
TRINITY MOUNTAIN IRRIGATION CO. DIVERSION, DAM AND HEADGATE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.500		
7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 525.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	13	NE	NE		IRR	26.0
			SW	NE		IRR	25.0
			SE	NE		IRR	40.0
			SE	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	07E	13	NE	SW		IRR	11.0
			NW	SE		IRR	32.0
			SW	SE		IRR	9.0
			SE	SE		IRR	15.0
						Section Acres	161.0
	08E	7	SW	SW	4	IRR	6.0
						Section Acres	6.0
		18	NW	NW	1	IRR	16.0
			SW	NW	2	IRR	21.0
			NW	SW	3	IRR	6.0
						Section Acres	43.0
						Total Acres	210.0

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:
63-00100

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Clyde J. Cook Date: 11-21-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 89 Carter Fritschle
Notary Public

Seal

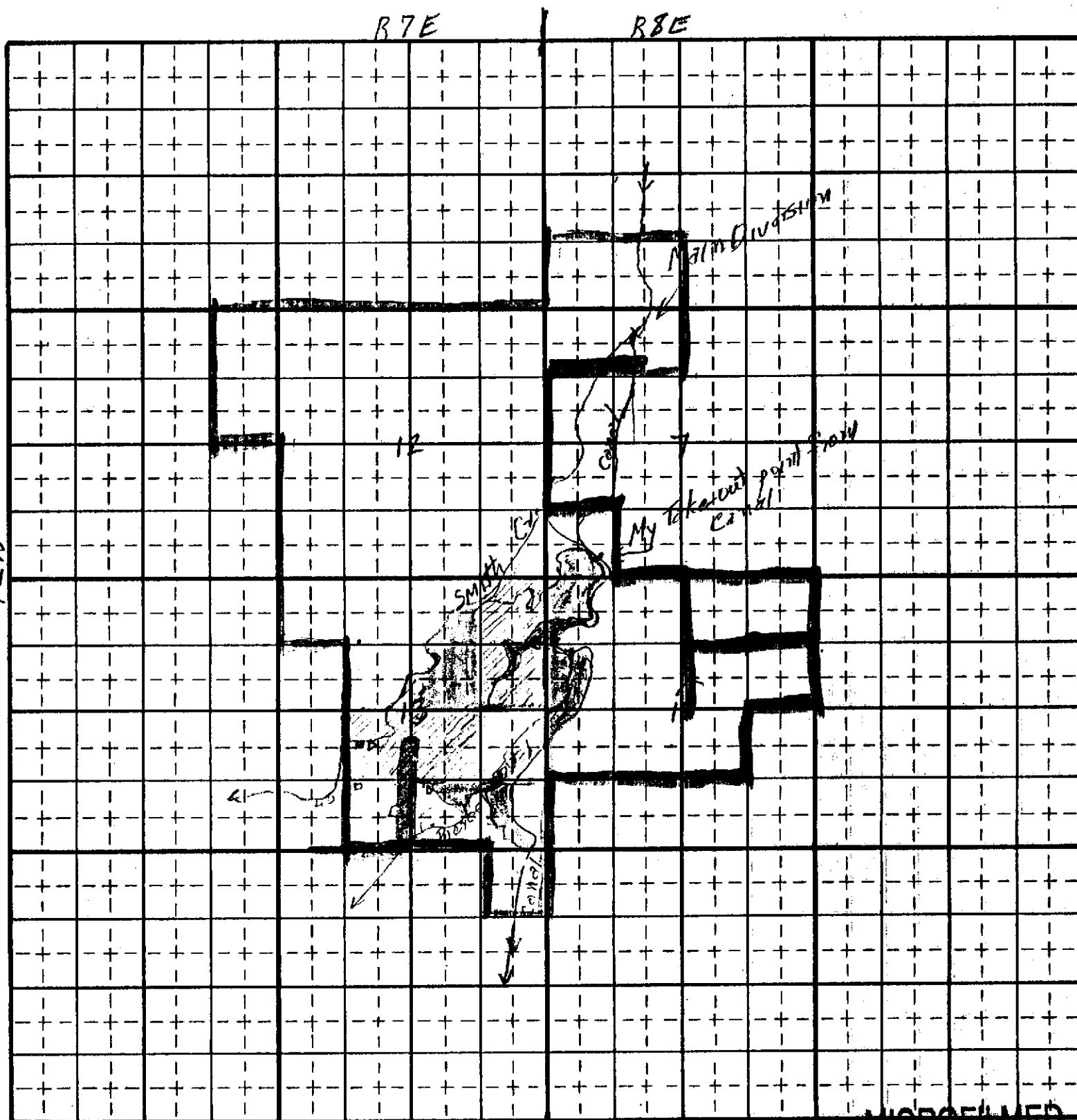
Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

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

Scale: 2 inches equals 1 mile



MICROFILMED

SEP 02 1992

— Cook Prop. — Decreed Water Right 10-7-99 - 160 A.

Other Owners

Additional Ground Irrig. From Santa Source 101 A.

Last Name Cook

Ident No. 39576

Copies: White-State, Yellow-Claimant

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 63-19703
Date Received: 11/21/1989
Receipt No: C012949
Received By:

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

1. Name of Claimant(s): CLYDE J COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID USA 83647

Phone: (208) 868-3246

PRISCILLA COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID USA 83647

Phone: (208) 868-3246

2. Date of Priority: 04/01/1945

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	NW NE NW	ELMORE	

5. Description of diverting works:

TRINITY MOUNTAIN IRRIGATION CO. DIVERSION, DAM AND HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.5	

7. Total Quantity Appropriated is:
3.5 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	NE NE		IRRIGATION	26
			SE NE		IRRIGATION	40
			SE NW		IRRIGATION	3
			NE SW		IRRIGATION	11
			NW SE		IRRIGATION	32
			SW SE		IRRIGATION	9
			SE SE		IRRIGATION	15
			SW NE		IRRIGATION	25
					Section Acres	161
02N	08E	7	SW SW	4	IRRIGATION	6
					Section Acres	6
02N	08E	18	NW NW	1	IRRIGATION	16
			SW NW	2	IRRIGATION	21
			NW SW	3	IRRIGATION	6
					Section Acres	43
					Total Acres	210

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:

Changed into name of trust by DB 10/23/2001

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 18 2001
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u> </u>	<u>A63-00100</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>A63-19703</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>63-19704</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>63-19705</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. ~~The appropriate FILING FEE.~~ See instructions for fee amounts. NA
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) CLYDE J. COOK
4. New Owner/Claimant(s) COI PRAIRE STAGE BOX 71, MOUNTAIN HOME ID 83647
Clyde J. and Priscilla Cook Trust
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 71 Smith Cr. Rd
- City, State and ZIP Code Prairie ID 83647
- New Telephone Number (208) 868-3246
5. Date you acquired the property NA

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Clyde J. and Priscilla Cook Trust
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

DECLARATION OF TRUST
of the

Clyde J. and Priscilla Cook ~~Trust~~

TRUST

We, Clyde J. Cook Husband and Priscilla Cook Wife
presently residing and domiciled at

Prairie Stage, Box 71, Mountain Home, ~~Idaho~~, Elmore, Idaho, 83617
Number Street City-Town County State Zip

hereby establish the Clyde J. and Priscilla Cook Trust, naming ourselves as Joint Trustees of this Grantor or revocable Trust as the Creators thereof; and we declare that we hold and will hold the assets and properties hereinafter named for the ultimate use and benefit of the Beneficiary or Beneficiaries hereinafter named; and that we hold these assets and properties not as tenants in common or as community property, but as Joint Tenants with rights of survivorship, such assets and properties to be disposed of and distributed following the death of the last surviving Trustee named above, according to the terms of this Trust.

1. We hereby declare that the following real or personal, tangible or intangible, properties are now being conveyed by assignment, affidavit, or deed from ourselves as individuals to ourselves as Trustees of the Clyde J. and Priscilla Cook Trust.

We hereby reserve a life estate for all real estate we own.

(Assets to be listed on page 9 (asset sheet). Page 9 is not to be recorded.)

RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGION

2. We hereby provide and declare that

We are also principal beneficiaries until our deaths, then our
children, namely; Nathan C. Cook, Martha Naomi Cook, Luther M.
Cook, and Neilus E. Cook.

shall be the Beneficiary or the Beneficiaries of this Trust, to share in the following manner:

Equally

3. We hereby appoint Nathan C. Cook to serve
as Successor Trustee following the death of the last surviving Trustee named above.

4. Should such Successor Trustee for any reason be unable to serve, we hereby appoint
Martha Naomi Cook to serve as Contingent Successor Trustee.

5. Upon the death of the last original surviving Trustee, the Successor Trustee is hereby directed to assume the duties and powers of Trustee of this Trust, and to transfer forthwith the assets and properties of this Trust to the Beneficiary or Beneficiaries herein named, in accordance with the provisions of this Indenture.

6. Should it be necessary in the best interests of the Trust corpus to manage certain properties before the dissolution and termination of this Trust before final distribution of assets can be made, we hereby direct that our Successor Trustee shall perform such duties as long as necessary; but that the distribution of corpus and the termination of the Trust shall occur as expeditiously as reasonably possible.

7. We hereby direct that whenever the corpus of this Trust shall have been fully distributed, this Trust shall be dissolved and terminated.

8. We reserve the right during the lifetime of both Trustees or of one survivor to amend or revoke this Trust in whole or in part without consulting, or obtaining the consent of, any Beneficiary named herein; however, any such amendment or revocation shall be duly recorded in the Office of the County Recorder. Should we decide to sell or liquidate any of the assets of this Trust, we reserve the right to make whatever disposal of any receipts received therefor, in whatever manner we may desire.

9. We reserve the right during our lifetime to receive any and all incomes which may derive from any of the assets of this Trust for our own use and benefit and to dispose of the same in any manner we may desire; the same powers and benefits to be received and enjoyed by any surviving original Trustee.

10. We reserve the right to designate a new Beneficiary or different Beneficiaries or to remove any existing Beneficiary at any time during our lifetime or the lifetime of a surviving original Trustee.

11. In the event of our legal incapacity, we hereby appoint the Successor Trustee named above as the person to assume the duties and powers of Acting Trustee hereunder. Successor Trustee is hereby directed to use all income and assets necessary for the complete care and comfort of both Grantors or of the surviving Grantor.

12. No bond shall be required from any Trustee or Successor Trustee.

13. Since this is a Common Law Trust, it shall be enforced and administered without the permission or interposition of any court or other person or authority.

14. This Declaration of Trust shall be construed and enforced, wherever applicable or necessary, in accordance with the laws of the State of Idaho.

15. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators, and assigns of the undersigned and upon any Successor Trustee of this Trust.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day of Dec, 1993.

Witnesses:

Priscilla Cook
2) Dorine Russell

Clyde J. Cook L. S.
Husband
Priscilla Cook L. S.
Wife

10 Prairie Stage
Address
Mountain Home, Idaho 83647

State of Idaho
County of Blaine SS:

On the 23 day of December, 1993, before me came Clyde J. Cook and Priscilla Cook, known to me to be the individuals described in the foregoing instrument, who executed the same, and acknowledged it to be their free act and will.

SEAL

My commission expires: 7-30-99

Carol J. Allen
Notary Public

IDAHO DEPARTMENT OF WATER RESOURCES 12/06/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: CLYDE J COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID 83647

PRISCILLA COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID 83647

SOURCE: SMITH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER
QUANTITY: 1.93 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-100 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.43 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 63-100 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEAD GATE.

PRIORITY DATE: 04/01/1945

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>
IRRIGATION	04/01 10/31	1.930 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R07E S13	NENE	33.0	T02N R07E S13	NWNE	1.4
T02N R07E S13	SWNE	29.0	T02N R07E S13	SENE	40.0
T02N R07E S13	SENE	2.0	T02N R07E S13	NESW	16.5
T02N R07E S13	NWSE	35.0	T02N R07E S13	SWSE	1.8
T02N R07E S13	SESE	10.3	T02N R08E S18 Lot 1	NWNW	16.0
T02N R08E S18 Lot 2	SNNW	18.0	T02N R08E S18 Lot 3	NWSW	4.5
T02N R08E S07 Lot 4	SWSW	2.5			

210 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-100 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 210.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
WATER IS DELIVERED THROUGH THE TRINITY CANAL.

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

CLAIM NO(s). 63-19703

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

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: SEE AFFIDAVIT
(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 CLARIFIED 10 Acre tract
☐ 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:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses 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 1,93 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

B/U BEGAN AFTER DECREE DATE — OK FOR MORE
WATER — NOT AN ENLARGEMENT.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: Oct 18, 2001

FIELD EXAMINER: RON HOWERTON

Print Name

Ron Howerton
Signature

SEE ATTACHED
CLAIM REPORT
FOR CFS
FOR ADDITIONAL
ACRE PRO RATE
AND ADDED
CONVEYANCE LOSS;
+ RELATED
DOCUMENTS
IN FILE.

SEE CLAIM REPORT FOR
CHANGES

C05
C18
E01
E11
E28
F01

12/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19703

WATER RIGHT NUMBER: 63-19703

Owner Type Name and Address
 Original Owner CLYDE J COOK
 C/O PRAIRIE STAGE
 MOUNTAIN HOME, ID 83647
 (208)868-3246
 Current Owner CLYDE J COOK TRUST
 71 SMITH CREEK RD
 PRAIRIE, ID 83647
 Current Owner PRISCILLA COOK TRUST
 71 SMITH CREEK RD
 PRAIRIE, ID 83647

Priority Date: 04/01/1945
 Basis: Beneficial Use
 Status: Active

Source
 SMITH CREEK

Beneficial Use
 IRRIGATION

Location of Point(s) of Diversion
 SMITH CREEK
 ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T02N R07E S13	NENE	26.0	33	T02N R07E S13	SWNE	25.0	29
T02N R07E S13	SENE	40.0		T02N R07E S13	SENE	30.0	2
T02N R07E S13	NESW	11.0	16.5	T02N R07E S13	NWSE	32.0	35
T02N R07E S13	SWSE	9.0	1.8	T02N R07E S13	SESE	15.0	10.3
T02N R08E S07 Lot 4	SWSW	6.0		T02N R08E S18 Lot 1	NWNW	16.0	
T02N R08E S18 Lot 2	SWNW	21.0	1.8	T02N R08E S18 Lot 3	NWSW	6.0	4.5

Total Acres: 210

Conditions of Approval:Remarks:

1. General Changed into name of trust by DB 10/23/2001

ADD CORR LOSS COMMENT - Limited for 1.23 cfs

C18

C05 EXP

E28 Limited to 0.02 cfs when measured at field headgate

E11 Combined total acres with 63-100 is 200

E01 Combined total cfs with 63-100 is 5.43

E01 WATER IS DELIVERED THROUGH THE TRINITY CANAL

CALC.

Amount of CFS Recommended
for 8/4 CLAIM PPOU

DECREED RT = 3.5 CFS
 $(3.5) \div 0.02 \text{ CFS/ACRE} = 175 \text{ ACRES}$

210 ACRES FOUND IN PPOU
 - 175 DECREED ACRES
 = 35 ADDITIONAL

$(35)(0.02) = 0.7 \text{ CFS}$
 PLUS CONVEYANCE = + 1.23
 LOSS

TOTAL FOR THIS
 RIGHT = 1.93 CFS

OF PROPOSED WEIR MEAS MADE
 AUG 1974 OF
 12.33 CFS

Tributary
 SOUTH FORK BOISE RIVER

From To Diversion Rate
 4/15 to 10/15 3.500 CFS 1.93
 4/1 - 10/31 3.500 CFS 1.93
 Total Diversion:

NE
 NW1/4NE1/4NW1/4

Sec. 7, Twp 02N, Rge 08E, B.M.

POD OVERLAP:
 63-968
 63-3334
 63-100
 63-3335

ADD 513 NWNE 1.4

CFS
 Comb. totals
 1.47 (63-19703)
 3.5 (63-100)
 5.43 CFS

COMMENTS
 PERMISSABLE POW WITH:
 63-100

Accomplish change in POW
 in 1945 AS CLAIMED SEE
 AFFIDAVIT BY PRISCILLA COOK.

FX 63-100 § 63-19703 10-18-01 12:45 PM

MET WITH PRISCILLA AND LUTHER COOK (-CLYDE IS DECEASED)
AT HOME IN PRAIRIE, (LOCATION ACROSS SMITH CR ROAD FROM SCHOOL)

- 1) REVIEWED DRAFT MAP FOR ACCURACY WITH LUTHER (SON)
I NEEDED TO LOOK AT FIRST TAKE-OUT POINT FOR
CONVEYANCE LOSS CALC. WATER IS DIVERTED FROM TRINITY
IRRIGATION POINT OF DIVERSION. (COOKS OWN PROPERTY THAT POD
IS ON)
2. CLKD WITH $\frac{1}{4}$ $\frac{1}{4}$ TRACTS THAT THE NUNE WAS ON PROPERTY
AND MEANT TO CLAIM § I WILL RECOMMEND.
3. I LEFT OFF SWSW QUARTER AREA ON THE CLAIM DRAFT
MAP.
4. TOOK PHOTOS AT THIS LOCATION IN THE FIRST TAKE-OUT FOR
CALCULATIONS FOR DITCH LOSS.
5. TOOK PHOTOS OF POD BELOW TAKE-OUT
6. DROVE TO AN OBSERVATION POINT AND TOOK 3
PHOTOS THAT OVERLOOK THE RANCH.
7. PHOTOS OF POD WERE DONE ON 10-17-01 WHEN
INVESTIGATING SAMPOD AS TRINITY WATER IRRIG POD DITCH
MEASUREMENT AS WELL FOR CONVEYANCE LOSSES. -SEE TRINITY FILE
8. TOOK OWNERSHIP CHANGE AND AFFIDAVIT FOR 19703 DOP.
9. PERMISSIBLE PLACE OF USE - ADD ADDITIONAL
CFS FOR AN INCH PER ACRE ON B/C CLAIM AND
DITCH LOSS.

$$\begin{aligned} (35 \text{ ACRES}) (.02) &= 7 \text{ CFS} \\ + \text{DITCH LOSS} \\ \hline &= \text{Amount for 19703} \end{aligned}$$

AFFIDAVIT

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

63-19703)
(
(

State of Idaho)

County of Elmore)

Priscilla Cook

being first duly sworn,

deposes and says: Lou Ihrig was owner of

said property in April 1945, when

additional acres were reclaimed from

sagebrush land and put under irrigation.

Priscilla Cook

(Signature)

Subscribed and sworn to before me this

day 18 of oct, 20 01.

Ron Howerton

(Notary Public)

Residing at _____

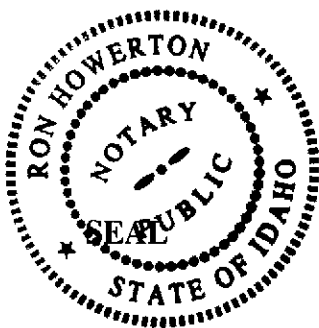
Ron Howerton

Residing at Boise, Idaho

My Commission Expires _____

My Commission Expires December 8, 2001

6



RECEIVED

OCT 18 2001

WATER RESOURCES
WESTERN REGION

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: SMITH CREEK 63-19703 BY: RDH DATE: DEC 5, 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	5542	7.0	2.50	1.23		0.00	0.0000	0.00	1.23
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	5542			1.23	0.00			0.00	

1st
TAKE-OUT
DISTANCE
GPS MEASURED

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

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER:

Ron Howerton

FIELD EXAM DATE:

Sr Water Agent

10-17-01

FOR CLAIM(S)

63-968 63-3334 63-100 63-19703

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

Visual of Ditch
Full of gravel
Small to medium
PEBBLES...
Ave Depth below
Land surface is 24"
SEE TOPO FOR LENGTH
OF Ditch...

WORK SHEET

W = () FT) i = () FT/DAY)(0.0667)

S = CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = () CFS/MILE)() MILE)

CONVEYANCE LOSS =

1.23

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 8

Length in Inches = = A

Section 2 =

Section 3 = 6

Map Scale: In. = 1 Mile = B

Total... = 14

A/X: B/5,280 = Ft/5,280 = Mile

/2or 3... = 7 = W

Data/forms/Conv.loss.doc

OVERLAP with
63-19703
But not
same use
ave for
un-paved
amount

POD OVERLAPS

<u>BASIN</u>	<u>Seque</u> <u>nce</u>	<u>Split</u> <u>Surfi</u> <u>Basis</u>	<u>Status</u>	<u>Priority</u> <u>Date</u>	<u>RATE</u>	<u>Source</u> <u>List</u>	<u>Water Use List</u>	<u>Owner List</u>	<u>Ver</u> <u>sio</u>	<u>Source Table</u>
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



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.

Photo 5. 2nd FX Oct. 18, 2001: Photos by RDH. 65-100 & 65-19703. Takeout from Trinity ditch. Located in the NWNW, S18, T02N R08E.



Photo 6. View from above take out looking West.



Photo 7. Place of use, upper photo part A of BCD.



Photo 8. Place of use part B of ACD.

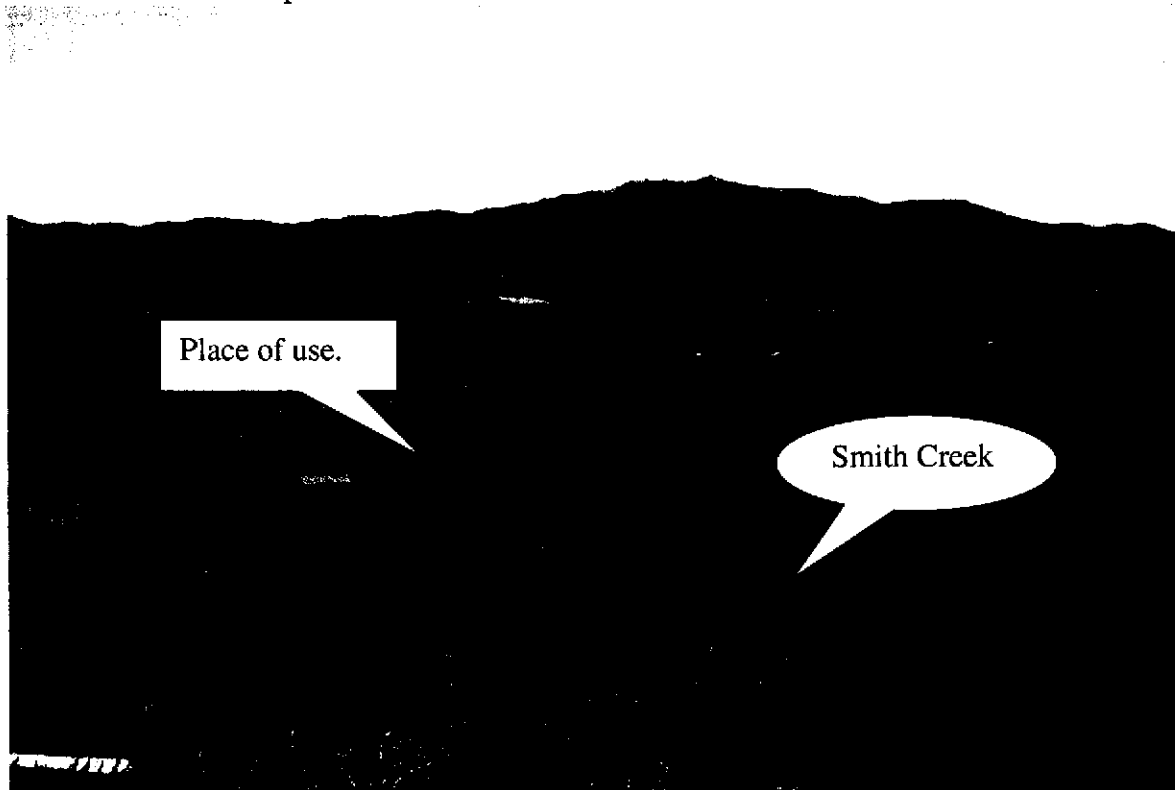


Photo 9. Place of use part C of ABD.



Photo 10. Place of use part D of ABC.



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

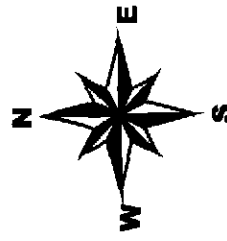
 Place of use

© POD

 SECTION

 1/4 1/4

210.0 Acres



1987 NAPP



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

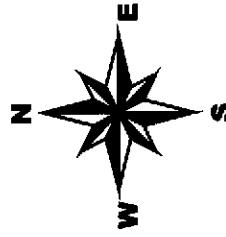
Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

□ Place of use

⊙ POD

∧ SECTION

1/4 1/4



1987 NAPP



0 0.25 0.5 0.75 1 Miles

Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

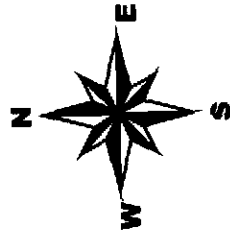
Claims: 63-100 &
63-19703 PPOU
Updated: 6 DEC 01
By: Ron Howerton

 Place of use

© POD

 SECTION

1/4 1/4



1987 NAPP

1 Miles

0.75

0.5

0.25

0



Idaho Department of Water Resources

T02N, R07E
S13
T02N, R08E
S07 & S18

**Claims: 63-100 &
 63-19703 PPOU**
Updated: 6 DEC 01
By: Ron Howerton

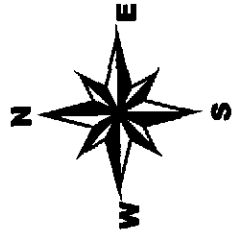
 **Place of use**

 **POD**

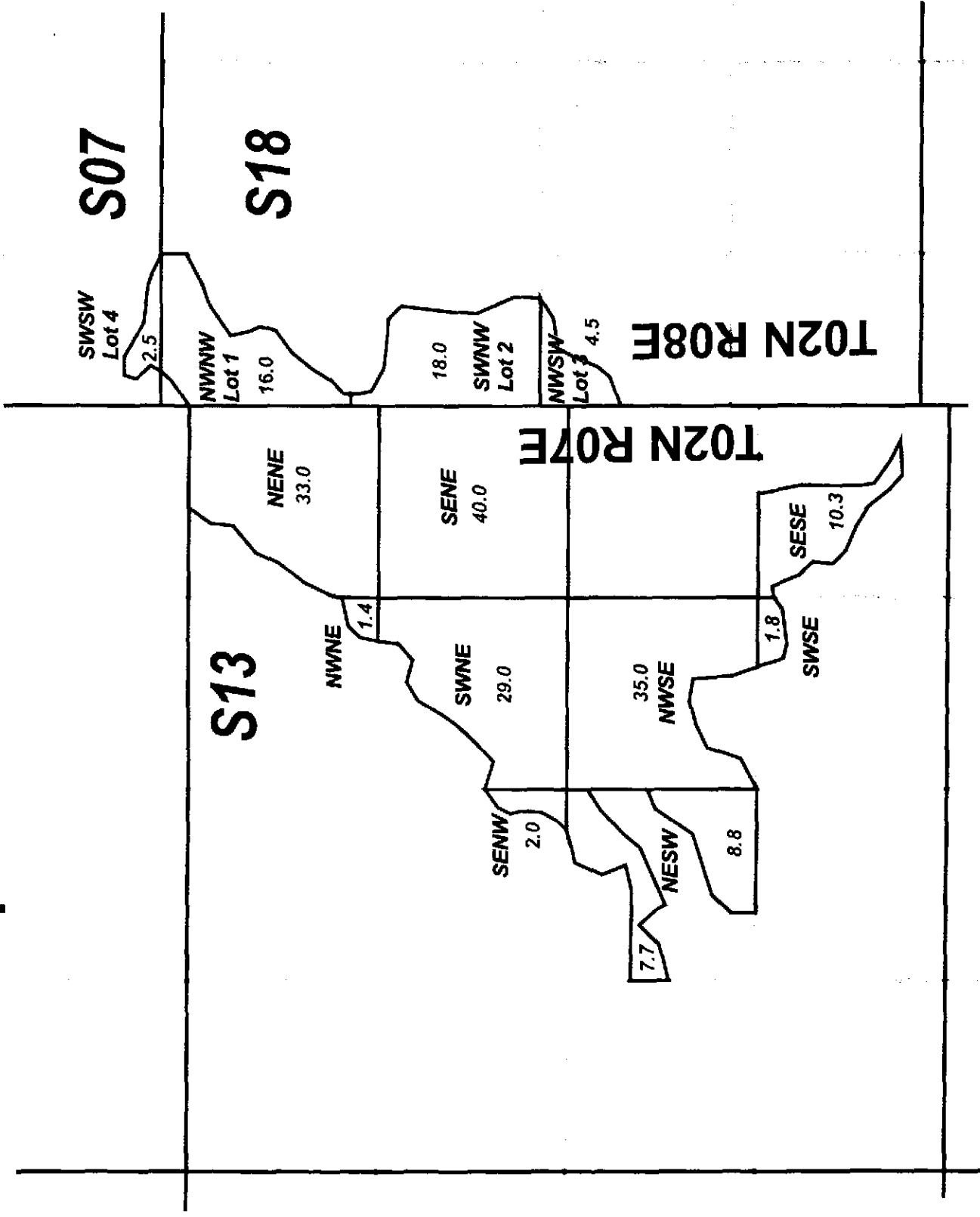
 **SECTION**

1/4 1/4

210.0 Acres



1987 NAPP



**PRAIRIE
X64 TOPO
1964**

Smith Creek
Trinity Mountain
Trig Station
Diversion Dam &
Headgate

NENENMO

5000

5200

February 13, 1975

Mr. Donald L. Davison
Prairie Stage, Box 64
Mountain Home, Idaho 83647

Dear Mr. Davison:

A representative of this Department has made an examination of the works covered by your Permit No. 31099/63-3334 and has found the following:

Quantity of water diverted: 12.33 cfs Source: Smith Creek

Amount of water that can be recognized as beneficially used under Idaho law: 8.80 cfs

The maximum quantity diverted shall not exceed 1,980 acre feet per year.

Beneficial use: For irrigation of 440 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23; SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26; E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27; All in Twp. 2N, Rge. 7E

Point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 2N, Rge. 8E, B.M.

Priority date established: April 23, 1963

If you do not concur with these findings, please advise us within 10 days; otherwise a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jr

MEASUREMENT MADE ON
POD Aug 1974 SAME POD
AS COOKS 63-1008 B/u
CLAIM 63-19703

DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

1. Name of permit holder Donald L. Davison

Post office address Prairie Stage, Box 64, Mtn. Home, ID 83647 Phone _____

Person to contact _____ Phone _____

2. Source of water supply Groundwater ☐ Surface water ☒ Smith Creek
(name spring, stream, etc.)
Tributary to S. Fork Boise River

3. Water will be used for the following purposes:

Amount 12.8 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 12.8 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2N N/S Range 8E E/W, B.M., Section 7, Subdivision NE 1/4 NW 1/4 Elmore
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4
County _____

Other Points of Diversions: _____

Description of diverting works: Diversion dam into canal to place of use - diverted from canal thru feed ditches.

Measuring device required: yes ☐ no ☒

Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	7E	22															40		40
		23											40						40
		26			40		40			40	40	40	40		40				280
		27	40		40	40			40										160
		34					40	40	40										120

TOTAL ACREAGE 640

Permit No. 31099/63-3334
Examination for b/n

DATE OF EXAM August 1974

ACREAGE
Found 140
Recommended 44.0

Irrigation Requirement 45 Ac Ft/Ac

USE
Irrigation Q = 8.8 c.f.s. V = 1980.0 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: Smith Creek
Twp. 2 (N/S, Rge 9 E/W, B.M., Sec 7 Sub. NE 1/4 NW 1/4 Elmore County

Exchange? yes _____ no X

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
Twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 12.33 cfs Method of measurement Gippeletti Weir

Total Q recommended 8.8 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 1980 Ac Ft/Ac

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

$Q = 4' \text{ Gippeletti Weir @ } 95 \text{ feet} = 12.33 \text{ cfs}$
 $V = (4.5)(440) = 1980 \text{ Ac Ft/Ac} \text{ Allow } 8.8 \text{ cfs}$

SYSTEM DESCRIPTION:

Headgate in Smith Creek with installed weir
4' wide, concrete structure with earth
canal approx 8 miles (est) long, gravity irrigation
to lands indicated

REMARKS:

Examiner's Signature August 1974 Date _____

Checked by f. Broun Date _____

Approved by _____ Date _____



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 15, 2001

CLYDE J COOK
C/O PRAIRIE STAGE
MOUNTAIN HOME, ID 83647

Re: Claim No(s) 63-19703

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have 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 the historical use of water for a beneficial 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. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

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. 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 Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

2

OWNER
CODE

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C

CLYDE J COOK
C/O PRAIRIE STAGE
MOUNTAIN HOME ID 83647
(208) 868-3246

04/01/1945

IRRIGATION

04-15 10-15

3,500 CFS

3,500 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

525.00 AFA

Water Source: SMITH CREEK

Tributary to: BOISE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion:

102N R08E S07

N4NENW

ELMORE County

Place of use Legal Description for: IRRIGATION											
			NE		NW		SW		SE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02N	07E	13	26		25	40			32	09	15
02N	08E	7									
02N	08E	18									
										TOTAL ACRES	210.0

POU County: ELMORE

Other Rights: 63-00100

Other Water Rights Listing Overlapping Place(s) of Use:
A63-00100

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 638

Field Inspection Flag:

Presumption Flag: