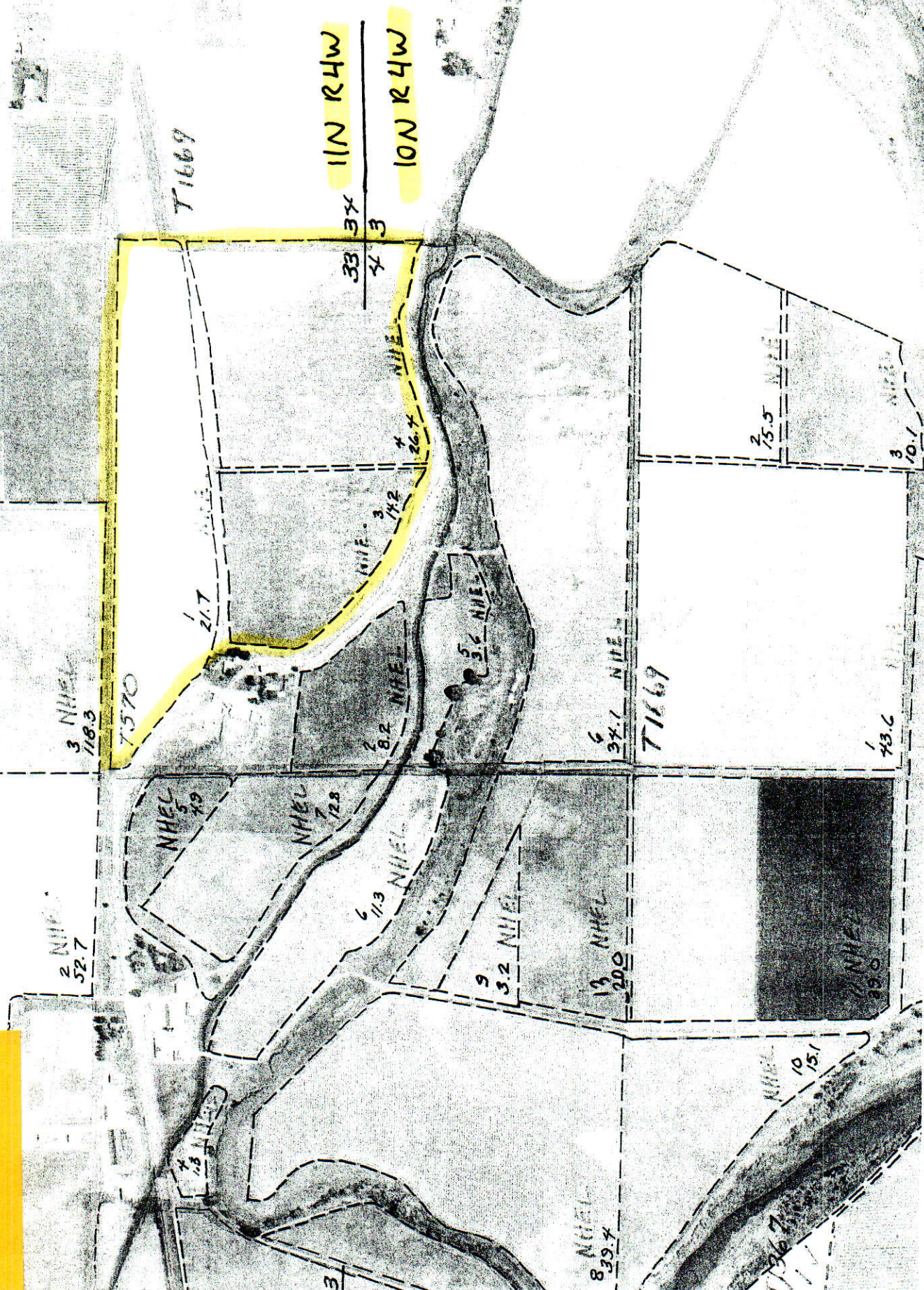


old County
map



PMO

PARCEL: RP 11N04W338410 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

WEISER ID 8367

WEISER RIVER

For parcel comments

CAT	RY	QUANTITY	UN
1	2000	62340	AC
19	2000	6110	AC

TOTALS

68450

FKkeys:

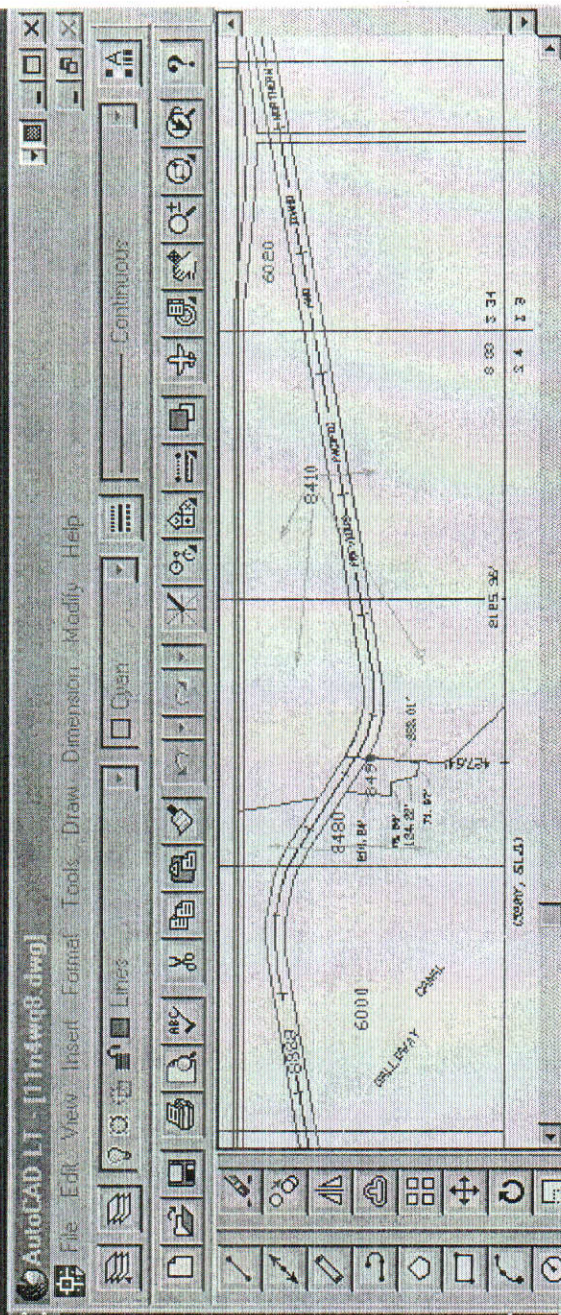
F2=TX F3=Exit

F8=CT F13=TM

$$S = S$$
$$F_6 = NM$$
$$F_{18} = H_S$$

F22=EU

ENTER NEXT PARCEL NUMBER RP



Press pick button and drag to pan.

VALUE	HO MKT	HO EXMP	CB MKT	OTHER
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
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86	86	86	86	86
87	87	87	87	

62.34

Acres

FILE INQUIRY

File Edit Transfer Appearance Communication Assist Window Help



2/24/04

PMO

AutoCAD LT - 110n4wq2.dwg

File Edit View Insert Format Tools Draw Dimension Modify Help

PARCEL: RP 10N04W040010 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

WEISER ID 8367

X for parcel comments

CAT	RY	QUANTITY	UN
1	1999	4720	AC
19	1999	5340	AC

TOTALS

10060

FKeys:

F2=TX F3=Exit

F8=CT F13=TM

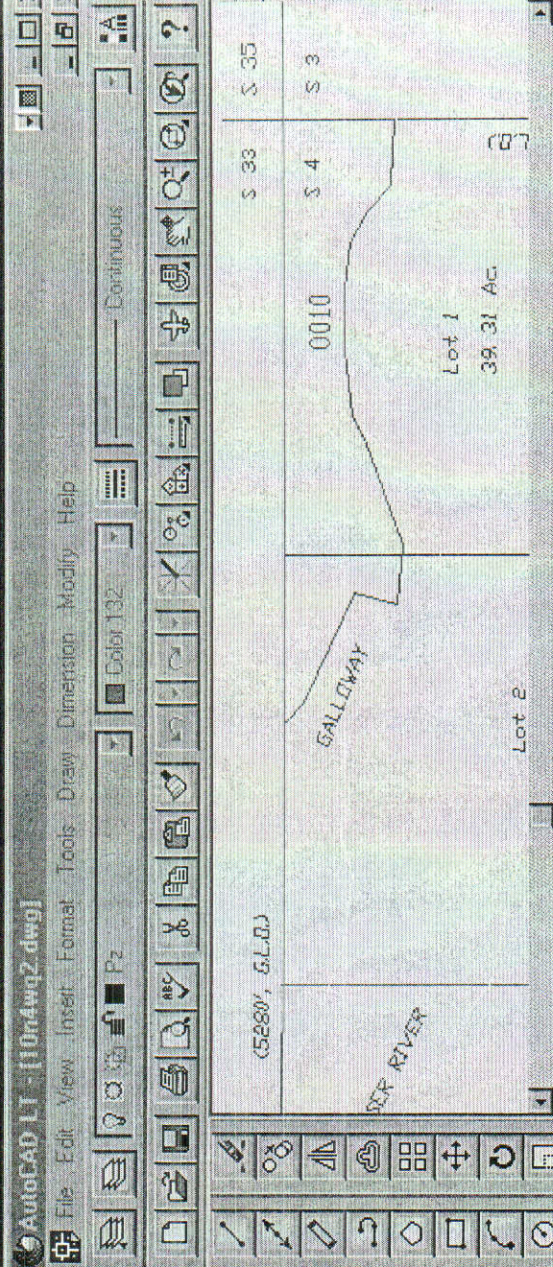
F5=SS F6=NM

F18=HS F20=SrCh

F7=LG

F22=EU

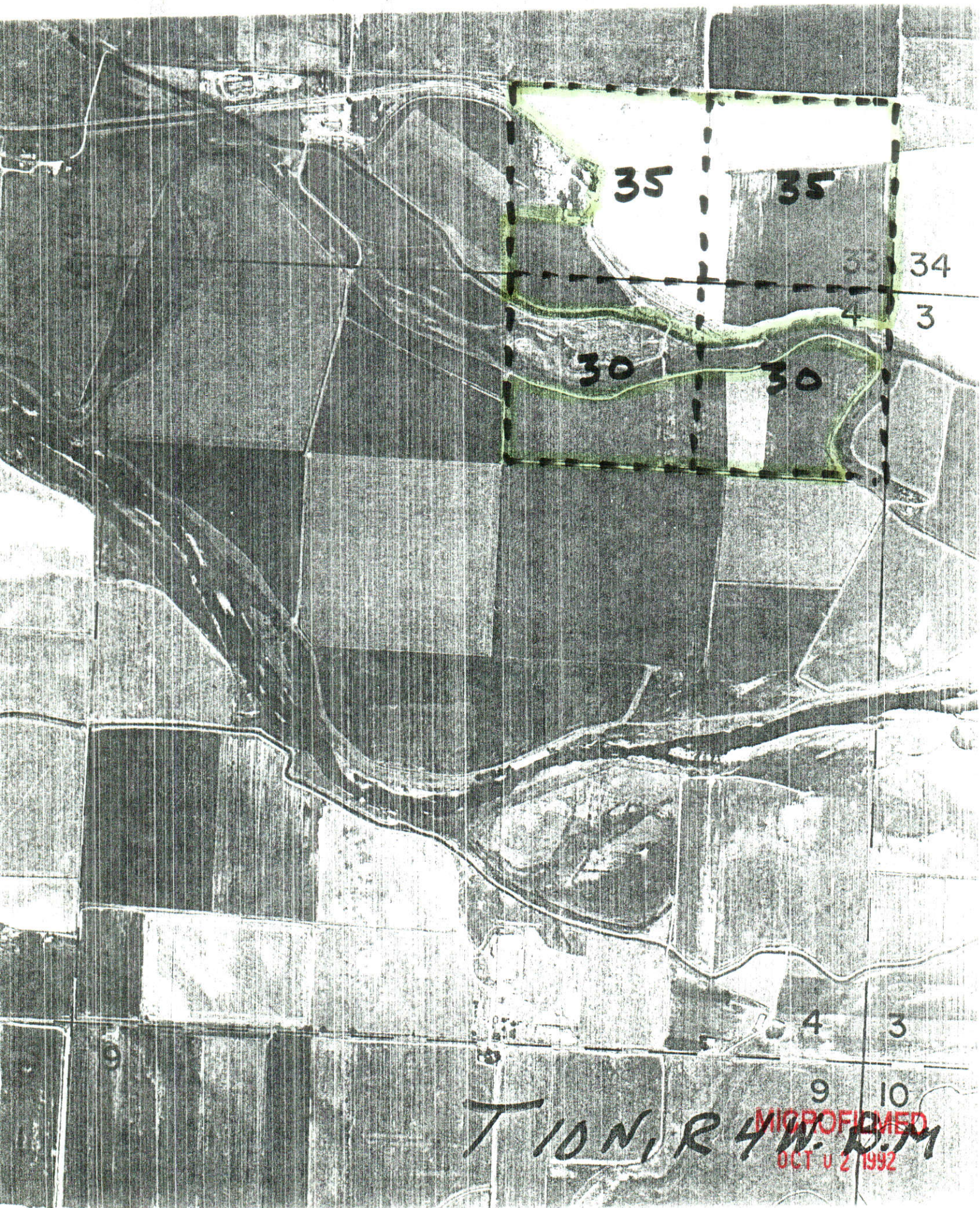
ENTER NEXT PARCEL NUMBER RP A



Press pick button and drag to pan.

VALUE HO MRKT HO EXMP CB MRKT OTHER

4.72 acres



T 10 N, R 4 W, B. M.

MICROFILMED
OCT 12 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14444
Date Received: 8/25/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLYDE SMITH
2061 WEISER RIVER RD
WEISER ID USA 83672

Phone: (208)549-0507

DAN C SMITH
2061 WEISER RIVER RD
WEISER ID USA 83672

Phone: (208)549-0507

2. Date of Priority: 06/01/1923

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	35	SW NE NE	WASHINGTON	

5. Description of diverting works:

DIVERTED FROM WEISER RIVER INTO GALLOWAY CANAL, THEN TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.26	

7. Total Quantity Appropriated is:
1.26 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
10N	04W	4	NE	NE	IRRIGATION	23
			NW	NE	IRRIGATION	29
					Section Acres	52
11N	04W	33	SW	SE	IRRIGATION	11
					Section Acres	11
					Total Acres	63

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 67-4039. DB 3/24/2004

ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35 THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

15. Basis of Claim: Statutory Claim

RECEIVED

MAR 23 2004

WATER RESOURCES
WESTERN REGION

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

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
	67-4039	Y			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- 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 Smith Dan Smith
2041 Weiser Riv. Rd. Weiser Id 83672

4. New Owner/Claimant(s)

Edward L. Pollard

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2117 Weiser River Rd.

City, State and ZIP Code

Weiser, ID 83672

New Telephone Number

() 208-549-2944

5. Date you acquired the property

July 21, 2003

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 <u>67-4039</u>		
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	<u>1.34 cfs</u>	<u>see attached</u>
Stock		<u>Plat Map & meets</u>
Domestic		<u>+ bounds</u>
Other		
Total	<u>67</u>	

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)
(include title if applicable)

Edward L. Pollard

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 DS/LG Date 3-23-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Adjudication Claim Report 67-4039

67-14444

> ok

CLYDE SMITH
2061 WEISER RIVER RD
WEISER, ID 83672
(208)549-0507

DAN C SMITH
2061 WEISER RIVER RD
WEISER, ID 83672
(208)549-0507

Status: Active

WEISER RIVER

SNAKE RIVER

Annual Volume

1.26 cfs

1.26 cfs total

SW1/4NE1/4NE1/4

Sec. 35, Twp 11N, Rge 04W, B.M.

WASHINGTON County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04W	4	30.0	30.0															60.0
			23	29															52
11N	04W	33															25.0	30.0	70.0
																	11	X	11

Total Acres: ~~130~~

63 total

Conditions of Approval:

Acres

Remarks:

1. General ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35 THIS RIGHT SHOULD
DEFAULT TO WATER RIGHT LICENSE 67-07165

8/25/89

MAR 23 2004

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

For Value Received

DAN C. SMITH AKA DANNY C. SMITH AKA DANNY CLYDE SMITH AND VERLA M. SMITH,
HUSBAND AND WIFE

do hereby GRANT, BARGAIN, SELL AND CONVEY unto

EDWARD L. POLLARD, A MARRIED MAN

whose current address is 2117 WEISER RIVER ROAD
WEISER, IDAHO 83672

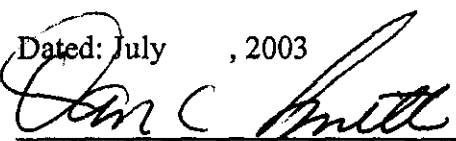
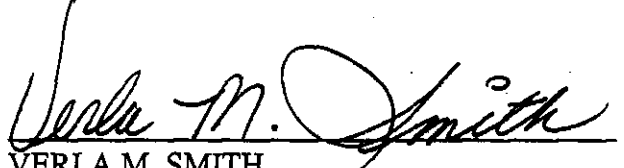
the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

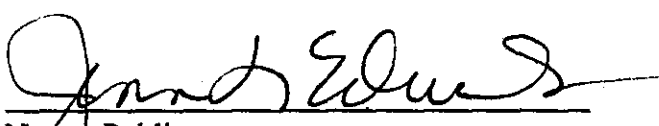
SEE ATTACHED EXHIBIT "A"

THE CONSIDERATION FOR THIS WARRANTY DEED IS GOOD AND VALUABLE CONSIDERATION
PAID BY AN ACCOMMODATOR PURSUANT TO AN IRC 1031 EXCHANGE.Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.
ALSO INCLUDING 140 SHARES OF CRANE CREEK WATER.Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases,
mineral reservations and mineral conveyances of record.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee HIS heirs and
assigns forever. And the said grantors do hereby covenant to and with the said grantee that they are the owners
in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements,
encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and
defend the same from all lawful claims whatsoever.

Dated: July , 2003


DAN C. SMITH
VERLA M. SMITH

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 21st day of JULY, 2003, before me, a notary
public in and for the said State, Personally appeared
DAN C. SMITH AKA DANNY C. SMITH AKA DANNY CLYDE SMITH
AND VERLA M. SMITHknown to me to be the person/s whose names are subscribed
to the within instrument, and acknowledged to me that they
executed the same.
Notary Public

Residing at

Comm. Expires

Payette, IDAHO
3/27/09

EXHIBIT "A"

A parcel of land situated within the S1/2SE1/4 of Section 33, Township 11 North, Range 4 West, Boise, Meridian and within Government Lots 1 and 2 of Section 4, Township 10 North, Range 4 West, Boise Meridian, Washington County, Idaho, which parcel of land is more particularly described as follows:

Beginning at the southeast corner of the S1/2SE1/4 of Section 33, T.11N., R.4W., B.M. (northeast corner Government Lot 1, Section 4, T.10N., R.4W., B.M.);

Thence N 0° 08'00"W, a distance of 1316.70 feet along the east line of said S1/2SE1/4 to the northeast corner of said S1/2SE1/4;

Thence N 89°39'27"W, a distance of 2365.52 feet along the north line of said S1/2SE1/4;

Thence S 9°01'23"E, a distance of 330.16 feet to a point on a line 50.00 feet northeasterly from the centerline of the former Pacific and Idaho Northern (PIN) Railroad tracks;

Thence S 47°19'31"E, parallel to and 50.00 feet northeasterly from the centerline of said former PIN Railroad tracks, a distance of 16.19 feet to a point of curvature;

Thence a distance of 373.96 feet along the arc of a 904.93 foot radius curve to the left, having a central angle of 23°40'38", and a long chord bearing S 61° 18'52"E a distance of 371.30 feet, said curve being 50.00 feet northeasterly from the center of said former PIN Railroad tracks;

Thence S 4°53'45"W, a distance of 493.92 feet;

Thence S 30°59'25"E, a distance of 61.45 feet;

Thence S 44°29'09"E, a distance of 245.06 feet;

Thence S 47°18'24"E, a distance of 93.31 feet;

Thence S 54°11'39"E, a distance of 282.27 feet;

Thence S 65°34'07"E, a distance of 365.09 feet;

Thence S 13°24'04"W, a distance of 119.98 feet to a point on the northerly bank of the Galloway Canal;

Thence easterly along the northerly bank of said Galloway Canal to a point on the east line of Government Lot 1, T.10N., R.4W., B.M.;

Thence N 0°09'W, a distance of 390 feet, more or less along the east line of said Government Lot 1 to the point of beginning.

SUBJECT TO the right-of-way of the existing County Road known as Weiser River Road along the north side of the above described parcel of land.

Continue

Easement

EXHIBIT "A" CONTINUED

TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within said S1/2SE1/4, the easterly line of said easement being the westerly line of the above described parcel of land, which line described as S 9°01'23" E, a distance of 330.16 feet. Said Easement being SUBJECT TO the right-of-way of said Weiser River Road.

ALSO TOGETHER WITH AND SUBJECT TO a 30.00 foot wide ingress-egress and utility easement within said S1/2SE1/4 and said Government Lots 1 and 2, and easement being 15.00 feet wide on each side of the following described centerline:

Beginning at the northwest corner of said S1/2SE1/4;

Thence S 89°39'27"E, a distance of 267.28 feet along the north line of said S1/2SE1/4 to the northwest corner of the above described parcel of land;

Thence S 9°01'23"E, a distance of 330.16 feet to a point of a line 50.00 feet northeasterly from the centerline of former PIN Railroad tracks;

Thence S 47°19'31"E, parallel to and 50.00 feet northeasterly from the centerline of said former PIN Railroad tracks, a distance of 16.19 feet to a point of curvature;

Thence a distance of 373.96 feet along the arc of a 904.93 foot radius curve to the left, having a central angle of 23°40'38", and a long chord bearing S 61°18'52"E a distance of 371.30 feet, said curve being 50.00 feet northeasterly from the center of said former PIN Railroad tracks;

Thence S 4°53'45"W, a distance of 473.92 feet, to the TRUE POINT OF BEGINNING on the centerline of said easement;

Thence N 8°17'24" W, a distance of 135.09 feet along the centerline of said easement;

Thence S 17°58'03"W, a distance of 101.76 feet along the centerline of said easement;

Thence S 9°19'54"E, a distance of 141.84 feet along the centerline of said easement;

Thence S 40°36'56"E, a distance of 418.32 feet along the centerline of said easement;

Thence S 48°59'46"E, a distance of 126.29 feet along the centerline of said easement;

Thence S 61°25'25"E, a distance of 259.65 feet along the centerline of said easement;

Thence S 76°09'35"E, a distance of 118.94 feet along the centerline of said easement;

Thence S 63°50'23"E, a distance of 140.94 feet along the centerline of said easement to the point of ending, which point bears N 13°24'04"E, a distance of 26.00 feet from the southwest corner of the above described parcel of land.

ALSO TOGETHER WITH THE SUBJECT TO all utility, irrigation, and drainage easements of record or in use.

LOW R4W

2/24/04

PMO

PARCEL: RP 11N04W38410 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

WEISER ID 8367

WEISER RIVER

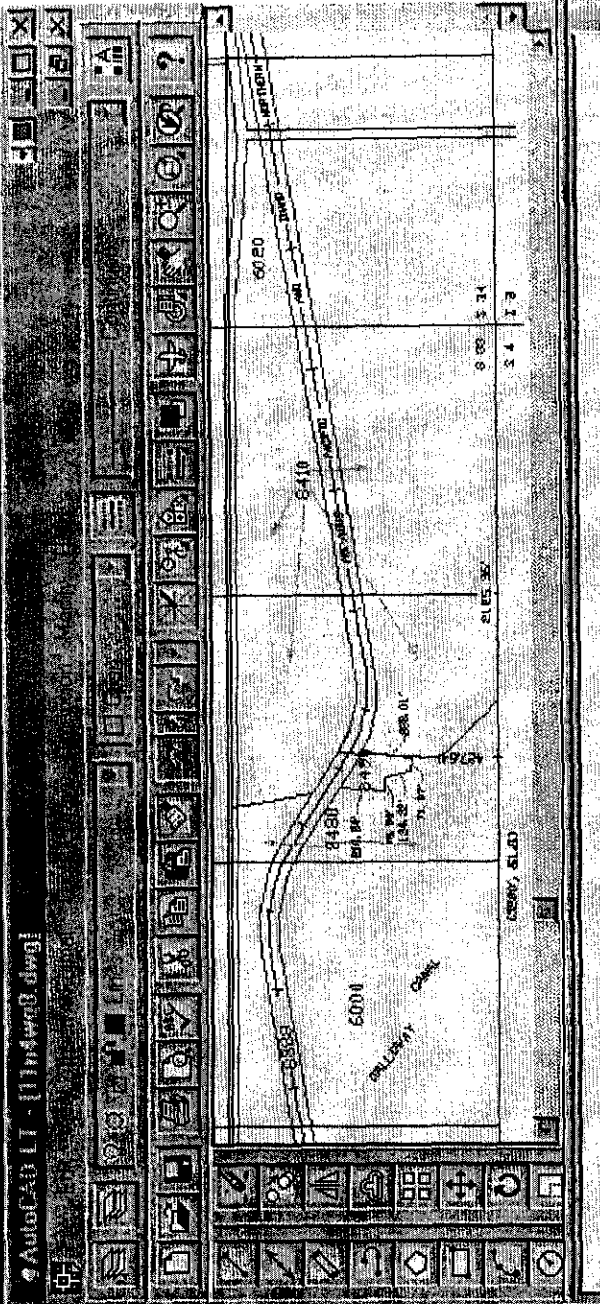
CAT	RY	QUANTITY	UN	VALUE	HO	MRKT	HO	EXMP	CB	MRKT	OTHER
1	2000	62340	AC								
15	2000	6110	AC								

TOTALS 68450

FKeys: F2=TX F3=Exit F4=TM F5=SS F6=NM F7=LG F8=CT F9=HS F10=Srch F11=EU

ENTER NEXT PARCEL NUMBER RP _____ A

← 62.34
ACRES





2/24/04 PMO

PARCEL: RP 10N04W040010 A

POLLARD, EDWARD L

2117 WEISER RIVER RD

WEISER ID 8367

CAT	RY	QUANTITY	UN
	1999	4720	AC
	1999	5340	AC

TOTALS 10060

FKeys: TX=Exit CT=TM

VALUE HO MKRT HO EXMP CB MKRT OTHER

← 4.72 acres

ENTER NEXT PARCEL NUMBER RP A

F7=SS F8=NM F9=LG
F10=HS F11=Srch F12=EU

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: A67-04039
Date Received: 8/25/1989
Receipt No: 6010346
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE SMITH 208-549-0507
Address: 2061 WEISER RIVER RD.
WEISER, ID 83672

AND/OR

Name: DAN C. SMITH 208-549-0507
Address: 2061 WEISER RIVER RD.
WEISER, ID 83672

2. Date of Priority: JUN 01, 1923

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	04W	35	SW	NE	NE		WASHINGTON

5. Description of diverting works:
DIVERTED FROM WEISER RIVER INTO GALLOWAY CANAL, THEN TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.600		

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

8. Total consumptive use is 455.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-04039

Page 1

Date: 08/25/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	04W	4	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
						Section Acres	60.0
11N	04W	33	SW	SE		IRR	35.0
			SE	SE		IRR	35.0
						Section Acres	70.0
						Total Acres	130.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07165

14. Remarks:
ORIGINAL POINT OF DIVERSION WAS IN THE NESE OF SEC. 35
THIS RIGHT SHOULD DEFAULT TO WATER RIGHT LICENSE 67-07165

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): *Sam Smith* Date: 8-25-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25TH day
of AUGUST 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____
My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

35

34

3

34

3

9

10

10/11/1982

MEMORANDUM

DATE: 3/25/2004

FROM: Lori Graves

TO: Water Right File 67-7165, SRBA File 67-4039 - *split to 67-14444 + 67-14445*

RE: Ed Pollards Ownership Change Confusion

Ed Pollard paid \$100 to change a portion of water right 67-7165 into his name. This right was licensed prior to 1987 but has not been claimed in the SRBA. Kay Walker sent Mr. Pollard a letter 3/4/2004 requesting that a claim be filed. The owner listed on the right that Mr. Pollard purchased his property from is Clyde Smith.

Dan Smith (Clyde Smith's son) and Mr. Pollard met with me 3/23/2004 to discuss the problem. Dan Smith said that he had filed an SRBA claim.

As it turns out, in 1973, Clyde Smith filed application for permit no. 67-7165 and statutory claim no. 67-4039 for the same acres, system and amounts. He filed the statutory claim because he did not want to lose priority of when he first put the water to beneficial use. He filed the application for permit because he wanted a perfected water right, which the statutory claim did not provide. The application was examined and licensed for 72 "upper" acres irrigated with a pump system. According to Dan, Clyde failed to show the examiner the lower acres irrigated with the ditch system, which is why only 72 acres got licensed.

Anyway, an SRBA claim was filed on the statutory claim listing a 1923 priority date and 160 acres. A claim was not filed on the license because the licensed amounts are included in the statutory claim. The Smiths will be submitting affidavits establishing the priority date and also an explanation regarding the acres licensed vs. acres claimed.

As a result, Mr. Pollard filed a change in ownership on 67-4039. Denise submitted a refund request for the \$100 paid for Mr. Pollard's change in ownership for 67-7165, which is now N/A and can be returned.

3/26/04 update: I called Dan Pollard and asked that in the information he was submitting, he include an explanation on how the upper acres were irrigated via gravity system in 1923. He stated that he could provide evidence that the lower acres were irrigated since ~1933 via gravity, but not the upper acres. Pumps for irrigation of the upper acres were installed in 1954, which he can also provide evidence for.

Jan Shurte said that we would evaluate Dan's evidence and information when received and determine whether to just advance Mr. Pollard's priority date on his portion of the claim (upper acres) or create a new number.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 24, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CLYDE SMITH
DAN C SMITH
2061 WEISER RIVER RD
WEISER ID 83672

Re: Original Notice of Claim to a Water Right No. 67-4039

Renumbered to Notice of Claim to a Water Right No. 67-14444

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your right. This claim represents the remaining portion of the claim filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB: db

Enclosure