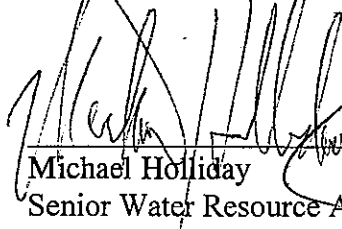
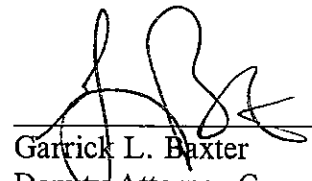


IDWR Concurrence:



Michael Holliday
Senior Water Resource Agent
8/28/2009

Date



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR
8/25/09

Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10058

NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of rediversion from Blackfoot River.

QUANTITY: 10.580 CFS

Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of ~~13.44 cfs~~ 13.9 cfs.

PRIORITY DATE: 02/21/1890

POINT OF
DIVERSION:

T01N R37E S31 SWNE Lot 7 Within BINGHAM County
T02S R36E S24 NESWSE Lot 2 Injection Within BINGHAM County
T03S R34E S23 SWSWSW Rediversion Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	10.580 CFS

PLACE OF USE:

~~672 ACRES TOTAL~~ 695 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Smith-Maxwell Ditch Company.

This right is limited to the irrigation of 263.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of ~~672 acres~~ 695 acres in a single irrigation season. Combined Right Nos.: 27-12108 and 1-10058.

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a combination of old Right Nos. 1-28C, 1-28E, 1-87B, 1-87C, 1-87D, 1-169F, and 1-169G.

MSH
LH
MB
DN
JD

CERTIFICATE OF MAILING

I certify that on 9/18/, 2009, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

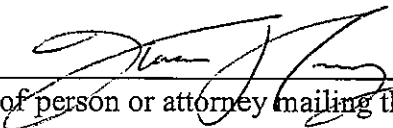
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase:

Smith-Maxwell Ditch Co.
C/O Layne Hamilton
839 W Riverton Rd
Blackfoot ID 83221

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of person or attorney mailing the form



Smith-Maxwell Ditch Co

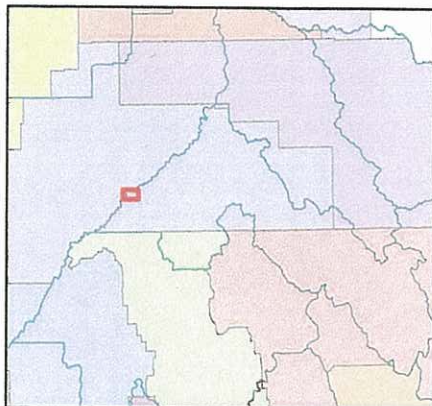
Adjudication Recommendations: 1-10058, 27-12108

MWA *PN* *AB*

Irrigation Service Area Boundary
GIS Place of Use Illustration

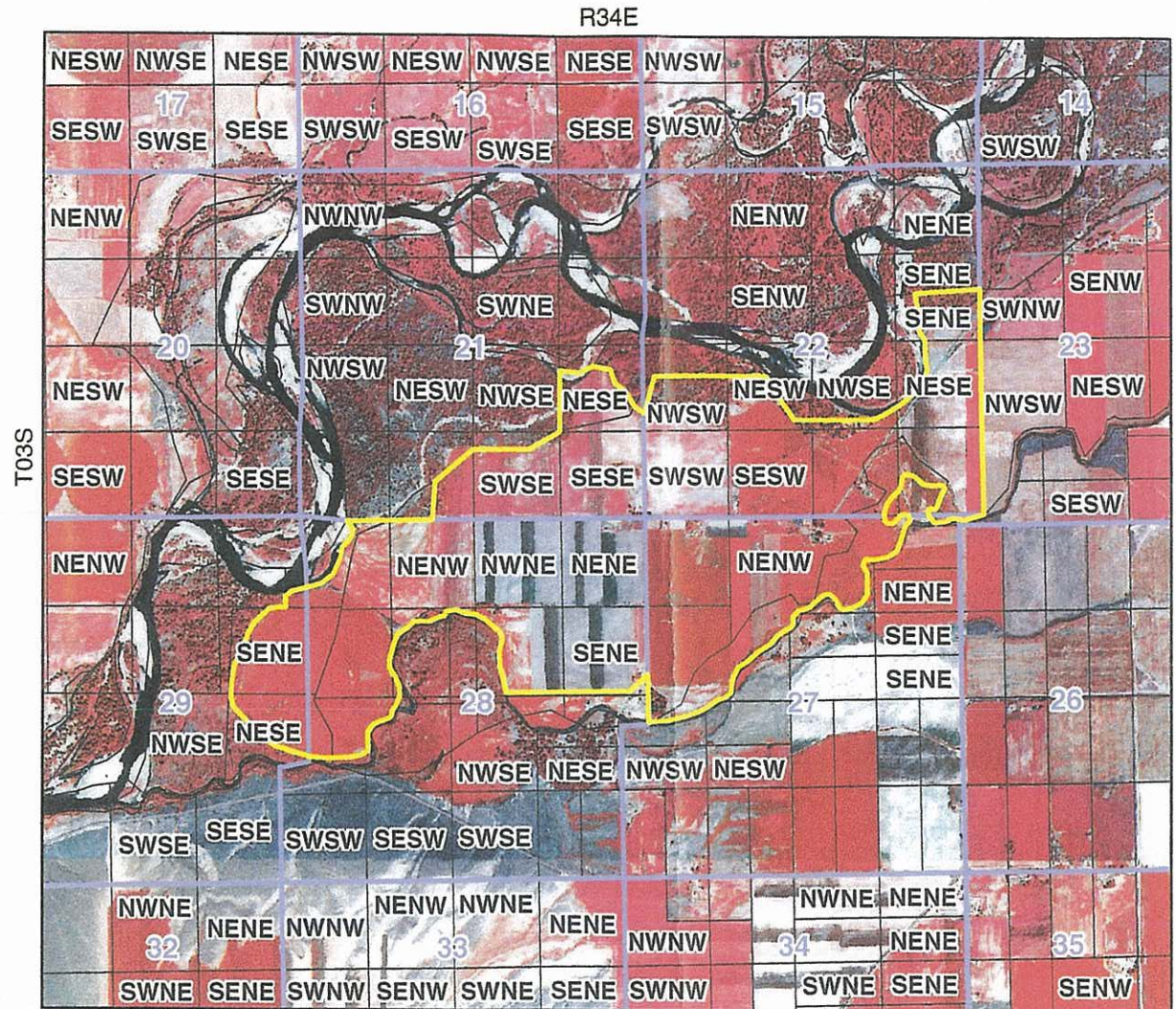
Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bingham County
IDWR Basin 27

Prepared by Danielle Favreau
On August 14, 2009
1987/88 Aerial Photography



0 0.5 1 2 Miles