

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: A63-25743
Date Received: 8/18/1989
Receipt No: C009892
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

208-375-2934

83714

AND/OR

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

208-375-2934

83714

2. Date of Priority: JAN 1, 1953

3. Source: DRAIN DITCH

Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	26	NE	SE	NW		ADA
			NW	SE	NW		ADA
			SE	SE	NW		ADA

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.210		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 24.5 Acre Feet Per Annum.

9. Non-irrigation uses:

LIVESTOCK, PRIMARILY CATTLE IN VARYING NUMBERS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	26	SW NE		IRR	1.0
			SW NE		STOCK	
			SE NW		IRR	6.0
			SE NW		STOCK	
Section Acres						7.0
Total Acres						7.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

WATER FROM DOMESTIC WELL FOR STOCKWATER AND SOME IRRIGATION

14. Remarks:

NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A63-25743Date Received 8-18-89Receipt Number 2009892

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Victoria H. Smith, individually, and as
Excatrix of the Estate of Vernon K. Smith, deceased Phone (208) 375 2934
Mailing Address 5933 N. Branstetter, Rt. 4, Boise, Idaho Zip 83714

2. Date of Priority (Only one (1) per claim) Precedes January 1, 1953

3. Source of water supply (a) Drain Ditch
which is tributary to (b) Drainage from Boise River system.

4. a. Location of existing point of diversion is: Township 4N Range 1E Section 26,
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: NE 1/4, SE 1/4, NW 1/4 AND NW 1/4, SE 1/4, NW 1/4 of Section 26 as
there had before been several pumping stations along the ditch.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pumping system that lifts water by
electric pump stations from Drain ditch onto the property to flood irrigate
about 7+ acres of natural state Boise River bottom basin. The soil is
comprised of much gravel and sand, requiring continuous flow o
irrigation water.

MICROFILMED

SEP 14 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/15 amount .21 or _____

For Stockwater purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 24.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Livestock-primarily cattle in varying numbers.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	26			1/S					6/S									

Total number of acres irrigated 7+

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Water from domestic well for stockwater and some irrigation or None ()

14. Remarks: The soil composition contains sand and gravel in its natural state
lying along the base of the bluff along the south side of Highway 20-26
in the Boise River Basin bottom lowland.

MICROFILMED

SEP 14 1992

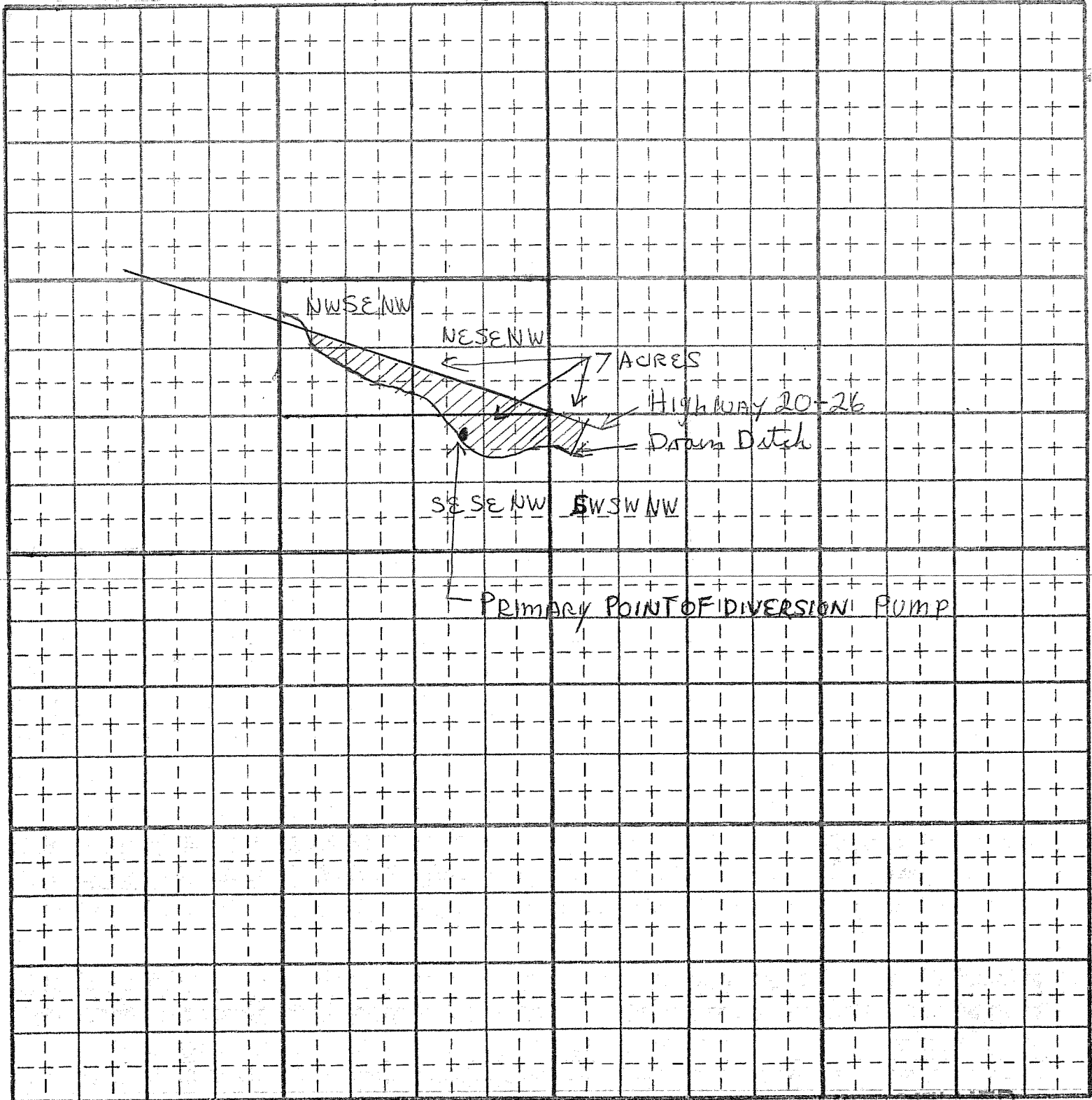
Last Name SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T.4N R1E Sec 26



MICROFILMED

SEP 14 1992

Last Name

Smith

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments One (aerial photo)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Victoria H. Smith Date 8-18-89
Executrix of Individual Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August 19 89

SEAL

Notary Public [Signature]

Residing at Bone Idaho

My Commission Expires 12/20/94

Please Print Name VERNON K. SMITH

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

SEP 14 1992

Last Name SMITH Ident. Number _____

Copies White-State, Yellow-Claimant



SEP 28 1992

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McMillan Chapel

DRIVE

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Smith

#1

CLAIM IDENT. NO. AG3-25743

DATE RECEIVED 8-18-89 Rec'd # 2009892

AMOUNT \$

YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: [Signature]

Date: 2-08-90

Claim must be returned to claimant: ☒ (Yes) ☐ (No)

Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by: [Signature]

Sent to claimant by: [Signature]

Date:

Date: 08-14-91

Date: 08-14-91

Checked by: [Signature]

Date: 10/3/91

Comments: Per D. Shaff 12-10-91, added V. Smith as Row SEP 14 1992

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau

K

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 20 2007	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-25743

I. FINDINGS OF FACT

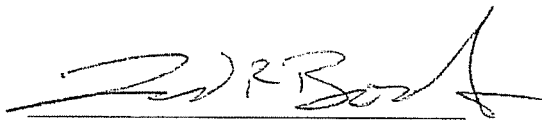
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that this water right be disallowed.

On December 1, 2006, pursuant to an order granting leave to file a late objection, an objection was filed by the claimant, by and through her attorney Vernon Smith. On August 16, 2007, the parties to the subcase filed a *Standard Form 5 - Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-25743 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated August 20, 2007



Theodore R. Booth
Special Master
Snake River Basin Adjudication

TRICT OF DISTRICT COURT - SEBA
IN FALLS Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 20 2007

By _____ Clerk

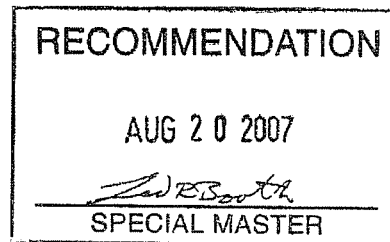
Deputy Clerk

PAGE 1
Aug-16-2007

RULE 54(b) CERTIFICATE

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

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



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

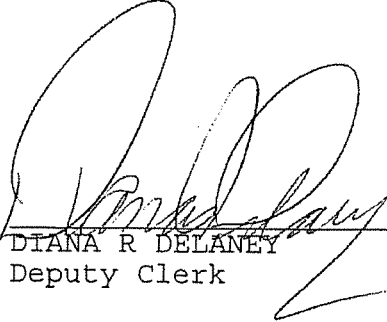
Water Right(s): 63-25742

On August 20, 2007, Special Master JOHN M MELANSON issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 20, 2007.



DIANA R DELANEY
Deputy Clerk

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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-25742

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

VICTORIA H SMITH
Represented by:
VERNON K. SMITH JR.
1900 W MAIN ST
BOISE, ID 83702
Phone: 208-345-1125

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

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

PAGE 1
08/20/07

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AUG 20 2007

**DEPARTMENT OF
WATER RESOURCES**

RECEIVED

JUL 02 2007

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 16 2007	
	Clerk
	Deputy Clerk

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

In Re SRBA.

Case No. 39576

Subcase No. 63-25743

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

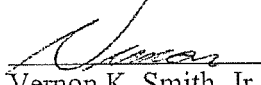
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

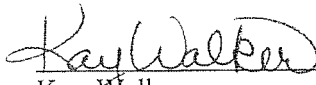
CLAIMANT(s)/OBJECTOR(s):

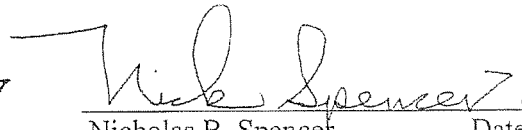
Estate of Vernon K. Smith

Victoria H. Smith


Vernon K. Smith, Jr. Date
Attorney for Claimants/Objectors

IDWR Concurrence:

 6-26-07
Kay Walker Date
Senior Water Resource Agent

 6-29-07
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

SF5 Right No. 63-25743

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

RIGHT NUMBER: 63-25743

NAME AND ADDRESS: VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

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

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.110 CFS

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

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S26 SESESW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.070 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S26	SWNE	0.30	T04N R01E S26	SESW	2.10
STOCKWATER in ADA County					
T04N R01E S26	SWNE		T04N R01E S26	SESW	

2.4 ACRES TOTAL

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

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

The source of this water right is waste water. The wasting of water
may be discontinued at any time.

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 - Beneficial Use

Stockwater use is for 500 range cattle.

SF5 Right No. 63-25743

CERTIFICATE OF MAILING

I certify that on Aug. 14, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

VICTORIA H SMITH
Represented by:
VERNON K. SMITH JR.
1900 W MAIN ST
BOISE, ID 83702

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE, ID 83714

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Deserae Kramer
Signature of person or attorney mailing form



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 28, 2007

Vernon K. Smith, Jr.
1900 W. Main Street
Boise, ID 83702

RE: SRBA Subcase Nos. 63-25741, 63-25742, 63-25743 & 63-25744

Dear Mr. Smith:

Recently, Kay Walker, Senior Water Resource Agent at IDWR's Western Regional office requested information concerning the above-referenced water rights from you. Since Ms. Walker has not yet received your response, she has gone ahead and prepared proposed recommendations based upon what information she does now have.

I am enclosing a Standard Form 5 ("SF5") for each of the above-referenced subcases. The SF5 is the document required by the Snake River Basin Adjudication ("SRBA") Court to resolve water right disputes. Please review the SF5's and the revised recommendations, and if the documents are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the documents to me.

If you should have any questions or concerns regarding the revised recommendations, please contact Kay Walker at 334-2190. She will be able to assist you.

Sincerely,

A handwritten signature in cursive script, reading "Ray Williams", is positioned above the typed name and title.

Ray Williams
Paralegal

Enclosures

cc; Kay Walker

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

RIGHT NUMBER: 63-25743

NAME AND ADDRESS: VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE ID 83714SOURCE: UNNAMED DRAINTRIBUTARY: BOISE RIVERQUANTITY: 0.110 CFSThe quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S26 SESENW Within ADA CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.040 CFS</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>0.070 CFS</u>

PLACE OF USE: IRRIGATION in ADA CountyT04N R01E S26 SWNE 0.30 T04N R01E S26 SENW 2.10STOCKWATER in ADA CountyT04N R01E S26 SWNE T04N R01E S26 SENW2.4 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.The source of this water right is waste water. The wasting of water
may be discontinued at any time.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 - Beneficial Use
Stockwater use is for 500 range cattle.

MEMORANDUM

TO: Files

FROM: Kay Walker *kw*

RE: Status of Claims 63-25741, 63-25742, 63-25743 and 63-25744

Date: May 8, 2007

.....

Vernon Smith called me this morning in regard to the status of the above claims. He stated he had received the letters I had sent in regard to the excessive flow information request. He stated that the information we requested was attached to the notice of objection forms he had submitted. I told him all that was attached to the objection form was a profile report of the claim his mother had filed and a profile report of the recommendation that had been made. Mr. Smith stated the information concerning excessive flow was on these documents. I went further and explained that the claims submitted by his mother were only claims and the Department had never documented any need for excessive flow under these rights.

Mr. Smith wanted to know if he could reschedule the status conference that was to be held today at 3:00 pm. I told him that was not up to me and he needed to discuss with Becky. Shortly after this conversation, Becky called me and relayed that Mr. Smith wanted us to prepare the SF5's for these rights so he could sign off on them today. Becky relayed that was not possible, but we would prepare the SF5's and get them out for signature right away.

MEMORANDUM

TO: Nick Spencer

FROM: Kay Walker 

RE: Status of Claims 63-25741, 63-25742, 63-25743 and 63-25744

Date: May 3, 2007

.....

We received evidence of priority for the above claims on March 15, 2007. I reviewed the evidence and found we can now recommend each of the claims for decree.

In preparing the recommendations, I found that Claim Nos. 63-25741 and 63-25744 were filed for excessive flow rates for irrigation purposes. On March 27, 2007, I prepared and sent correspondence requesting submittal of completed excessive flow rate questionnaires within 30 days of the date of my letter. I also included a statement in my letter that said if we did not receive the requested information within the 30-day period we would recommend the claims for one inch per acre for irrigation use. As of this day I have not received any correspondence or completed questionnaires from the claimant, Victoria H. Smith or her representative, Vernon K. Smith Jr. (who was sent a copy of all correspondence with enclosures).

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 500 range cattle.



Idaho Department of Water Resources

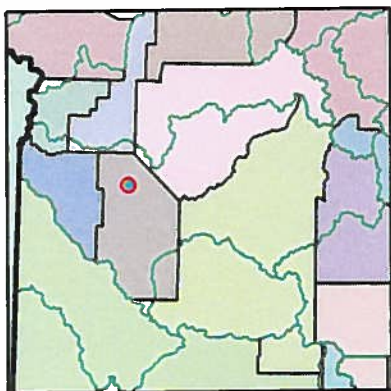
SRBA Recommendation:

63-25743

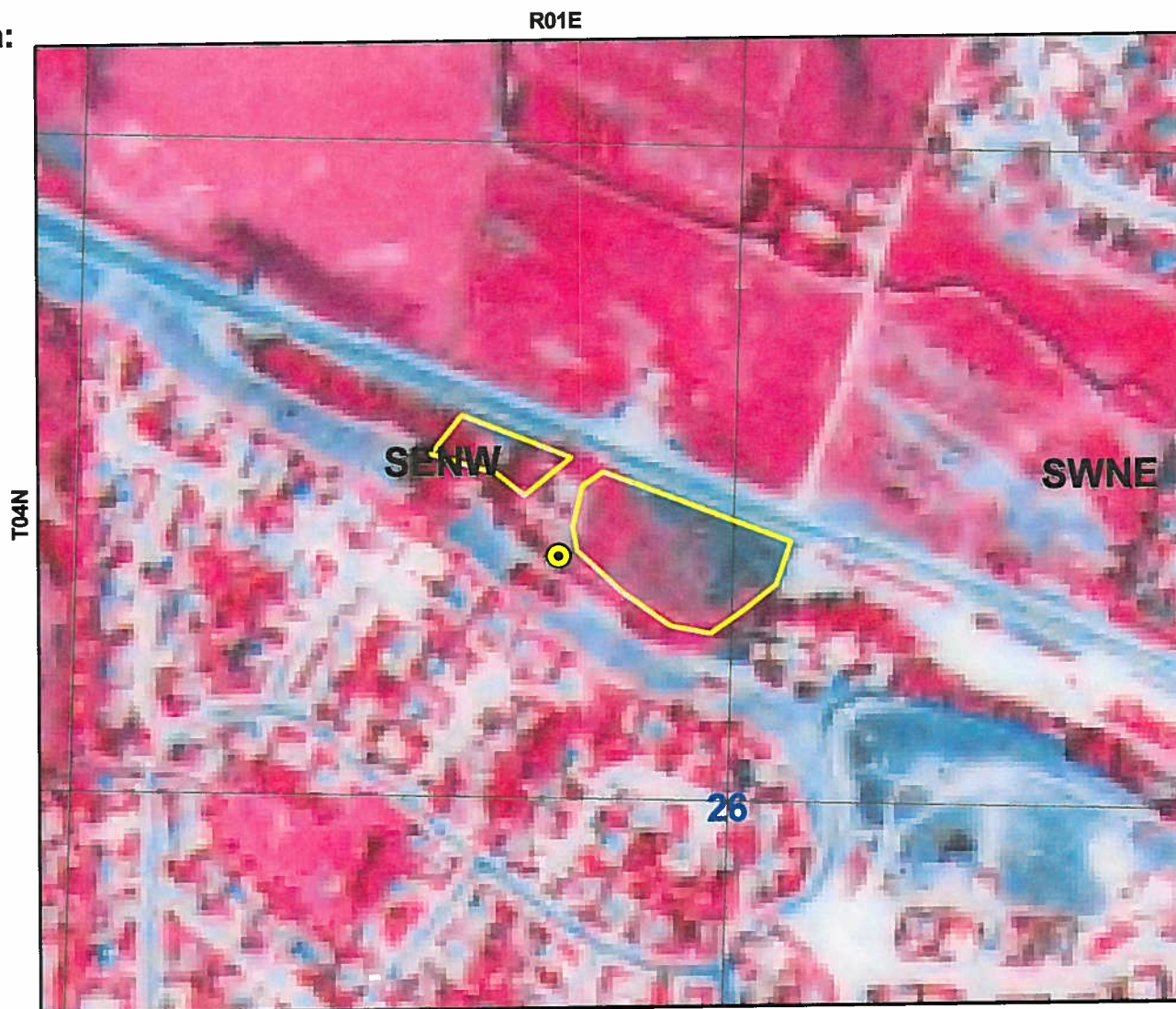
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by K. Walker
On Monday, March 26, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH ✓ 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH ✓ C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH ✓ 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953 ✓
 Basis: Beneficial Use ✓
 Status: Active

Source
 DRAIN DITCH

Beneficial Use
 STOCKWATER
 IRRIGATION ✓

From To
 1/01 to 12/31 ✓
 4/01 to 10/15

Rec. Standard
 season
 for
 Area

Tributary
 BOISE RIVER

Diversion Rate

0.040 CFS

0.210 CFS

0.250 CFS

0.11

Annual Volume

0.07

0.03 cfs/Ac

excessive
 flow
 info
 needed.

500 range
 cattle - (per K.B.'s hearing
 notes)
 N/A - surface
 water.

Location of Point(s) of Diversion

DRAIN DITCH
 ADA County

NE1/4SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

DRAIN DITCH
 ADA County

SE1/4SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

DRAIN DITCH
 ADA County

NW1/4SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	26	X				

P/U 02 W/63-25741?
 No - other side
 of road
 per shape
 files

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					4.0				6.0										7.0

0.3

2.1

2.4

Total Acres: 7

ok to allow
0.03 cfs/ac
since
less
than
5 ac.

Conditions of Approval:

- NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.
THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

MAR 05 2007

VERNON K. SMITH
ATTORNEY AT LAW
1900 West Main Street
Boise, Idaho 83702
Idaho State Bar No. 1365
Telephone: (208) 345-1125
Fax: (208) 345-1129

o0o

Subcase 63-25743

AFFIDAVIT OF VICTORIA H. SMITH

o0o

STATE OF IDAHO)
) ss
COUNTY OF ADA)

Victoria H. Smith, being first duly sworn upon oath, deposes and says as follows:

1. That Affiant is currently 93 years of age, born on October 31, 1913. That Affiant, in her individual capacity and as the surviving spouse of the deceased, Vernon K. Smith, who died on May 2, 1966, is the sole and exclusive owner of those real property interests and water rights and pursuant to terms of the will as entered in the estate of Vernon K. Smith, affected thereby concerning the subject matter of this pending case. That the water right number, 63-25743, is identified in the attached documentation from the Idaho Department of Water

Resources, adjudication claim report, in reference there to, which does therein identify the owners of said real property and those water right interests to be your Affiant, Victoria H. Smith, and the Estate of Affiant's deceased husband, Vernon K. Smith, each of whom have been represented by Vernon K. Smith Jr., who has assisted in the preparation of the documentation for the perfection of those water rights that have been appropriated to and used on the real property described within said adjudication claim report attached hereto.

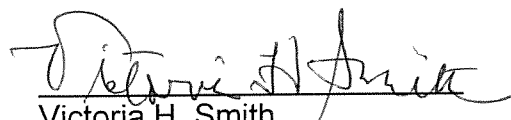
2. The real property involved in this proceeding was purchased by Affiant and her late husband in the 1950's. The real property in question is located on the south side of State Highway 20-26, also referred to at times as Chinden Boulevard, and the points of diversion are located along the drain ditch within that property, flowing across the property, and the diversion has been generally at the locations of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 26, TWP 4 North, Rgi 1 East BM. There had been several pumping stations along the ditch in its historic use. The real property has been receiving the beneficial use of both stock water and irrigation water from the ditch, through the use of these several pumping stations along the ditch, that have been in various forms of existence and in use since January 1, 1953. In 1987, the stock water was used from January 1 to December 31 of that year, as was the case each year, at a diversion rate that has been recognized by IDWR to be 0.040 cfs, and the irrigation water has been utilized from April 1 to October 15 of that year, as was the case each year, at a diversion rate recognized by IDWR to be 0.210 cfs, for a total diversion rate of 0.250 cfs. The pumping station lifts water by electric

pump stations have been located along the drain ditch and does pump water onto the property to flood irrigate about three (3) to seven (7) acres, that is located along the base of the bluff along the south side of State Highway 20-26, on the Boise River Basin bottom lowland. The soil is comprised of gravel and sand, requiring continuous flow of irrigation water.

3. The Affiants claim was submitted on August 18, 1989, pursuant to the Snake River Adjudication Project, and the appropriation of beneficial use for both stock water and irrigation was in affect as described above as based on the use of the water in the year 1987. The use continues to the present date.

4. This water right should be recommended and approved within the State of Idaho Department of Water Resource Director's report, with the priority date of January 1, 1953 and an appropriation of beneficial use as described above.

DATED this 5th day of January, 2007.


Victoria H. Smith
Affiant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
<u>Total Diversion:</u>		0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	26			X					X									

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0				6.0										7.0

Total Acres: 7

Conditions of Approval:Remarks:

- General NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH.
PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.
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Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

SEP 01 2008

2006 SEP -6 PM 12: 52

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA

Case No. 39576

ORDER RE: LATE OBJECTION;

NOTICE OF HEARING

Dated September 7, 2006.

Lee R Bond

ORDER RE: LATE OBJECTION; NOTICE OF HEARING
G:\BASIN FOLDERS\Orders\63orders\25741 et al.late objection.doc
Last printed 9/1/2006 1:31:00 PM

DWK

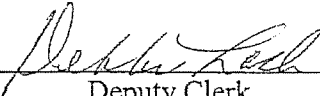
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RE: LATE OBJECTION: NOTICE OF HEARING was mailed on September 7, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Vernon K Smith Jr
1900 W Main St
Boise, Idaho 83702

Estate of Vernon K smith
c/o Victoria H Smith
Rt 4, 5933 N Branstetter
Boise, Idaho 83714


Deputy Clerk

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase

63-25743
(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Vernon K. Smith Representative for Victoria H. Smith (owner)
Address: and Estate of Vernon K. Smith Sr. (owner)
1900 West Main St. Boise, Idaho 83702
Daytime Phone: 208-345-1125

Name & Address of Attorney, if any:

Vernon K. Smith
1900 West Main St.
Boise, Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Victoria H. Smith
Address: 5933 N. Branstetter
Boise, Idaho 83714

SCANNED
OCT 03 2006

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Estate of Vernon K. Smith and
Victoria H. Smith
2. ☒ **Source**
Should be: Drain Ditch
3. ☒ **Quantity**
Should be: stock 0.40, irrigation 0.10
total 0.50 cfs
4. ☒ **Priority Date**
Should be: January 1, 1953
5. ☒ **Point of Diversion** NE 1/4 SE 1/4 NW 1/4 S 26 T 4 N R 1 E BM
Should be: NW 1/4 SE 1/4 NW 1/4 S 26 T 4 N R 1 E BM
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: stockwater and irrigation
8. ☒ **Period of Year**
Should be: January 1 to December 31 stockwater
April 1 to October 15 irrigation
9. ☒ **Place of Use**
Should be: see attached claim and
above point of diversion
10. ☒ **I object because:**
☐ This water right Should not exist.
☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** priority date is
January 1, 1953, and beneficial use
exists.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

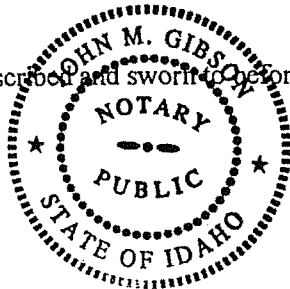
Vernon K. Smith, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



21st day of April 2006
John M. Gibson
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 10-17-07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 21st day of April 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

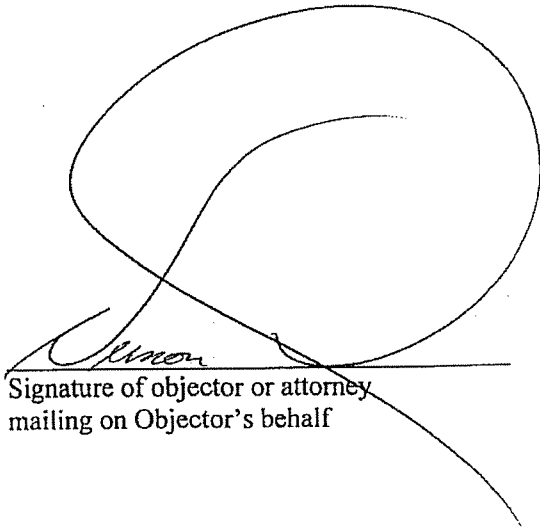
Name: Victoria H. Smith
Address: 5933 N. Branstetter
Boise, Idaho 83714

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	26	X	X			

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 26			1.0					6.0									7.0

Total Acres: 7

Conditions of Approval:Remarks:

- General NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Comments:Dates and Other Information:

Claim Received Date: 8/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25743 V1

WATER RIGHT NUMBER: 63-25743 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125

Priority Date: 01/01/1953

Basis:

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
DRAIN DITCH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	4/01 to 10/15	0.210 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	26	X	X			

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-25743 V1

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 01E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	7.0
			1.0				6.0										

Total Acres: 7

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. Explanatory NO BENEFICIAL USE FOUND.

Comments:

1. kbrown 4/15/2005 Reason for Disallowal

Comment: After numerous attempts to obtain evidence of priority, I have not received anything to substantiate the claimed priority date (see Conversation Memorandum & Priority Date, Adjudication Field Report, p. 1).

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	4/15/2005 10:40:43 AM	kbrown			Disallowed
Summary			04/15/2005	kbrown	Disallowed

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25743 V1

Summary	4/15/2005 10:46:53 AM	kbrown	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	4/15/2005 10:40:44 AM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Dissallowed.

DISALLOWED

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743 ✓

WATER RIGHT NUMBER: 63-25743 ✓

Owner Type Name and Address
 Current Owner VICTORIA H SMITH ✓
 5933 N BRANSTETTER
 RT 4
 BOISE, ID 83714
 (208)375-2934
 Current Owner ESTATE OF VERNON K SMITH ✓
 C/O VICTORIA H SMITH
 RT 4
 5933 N BRANSTETTER
 BOISE, ID 83714
 (208)375-2934
 Representative VERNON K SMITH ✓
 1900 W MAIN
 BOISE, ID 83702
 (208)345-1125

Priority Date: 01/01/1953 ✓
 Basis: Beneficial Use ✓
 Status: Active

Property Address:
 9907 W. Chinden ← old homestead
 5933 N. Branstetter
 9604 N. Branstetter

Source Tributary
 UNNAMED DRAIN-DITCH ✓ BOISE RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
REMOVE STOCKWATER ✓	1/01 to 12/31 ✓		0.040 CFS ✓	(see Field Report)
IRRIGATION	4/01 to 10/15 ✓		0.210 CFS ✓	
Total Diversion:			0.250 CFS ✓	

change to 3/1-11/15

Location of Point(s) of Diversion
 UNNAMED DRAIN-DITCH ✓ NE 1/4 SE 1/4 NW 1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
 ADA County ✓

REMOVE DRAIN-DITCH ✓ SE 1/4 SE 1/4 NW 1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
 ADA County ✓

REMOVE DRAIN-DITCH ✓ NW 1/4 SE 1/4 NW 1/4 ✓ Sec. 26, Twp 04N, Rge 01E, B.M. ✓
 ADA County ✓

Place of Use
 STOCKWATER ✓ (REMOVE)

Twp	Rge	Sec	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	Totals
✓ 04N	01E	26		X			X								

IRRIGATION

use is combined with water from
 ADD W57 - Thurman - Mill Irr. Dist.

DISALLOWED

Page 2

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
✓ 04N	01E	26			✓ 1.0				✓ 6.0										✓ 7.0
				0.5					3.6										4.1
Total Acres: ✓																			
4.1																			

Conditions of Approval:

Remarks:

1. General

NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH. PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Comments:

Dates and Other Information:

Claim Received Date: 8/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Parcel Nos:

a portion of

"

"

80526244250

80526244432

80526120995

DISALLOWED

Field Exam Date 4.14.05

(in office review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$57.⁰⁰
- ☐ Well logs (if needed) (could not find any - KUB)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-25743

Owner: Estate of Vernon K. Smith & Victoria H. Smith Phone No. (208) 375-2934

Current Address: 5933 N. Boran Stetter, Rt. 4, Boise 83714

- ☐ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: N/A

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1/1/1953

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

I have sent two letters requesting evidence of priority. In addition, I spoke with Vernon Smith in Sept. 2003 and March 2004 regarding evidence. I also spoke with his mother, Victoria H. Smith, in April 2004 and subsequently left a message for Vernon Smith at his office requesting an affidavit (see

Source: Drain Ditch Tributary to _____ Conversation Memos).
☐ No Change – SAME SOURCE
☒ Source found is different than claimed: UNNAMED DRAIN (continued, p. 4)

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: POD is located in the NE SE NW.
- ☐ If different, when did POD change? _____

site tag - A 0002464

* preliminary calculations based on 1987 & 1994 NAPP irrigation

Place of Use			NE				SW				SE				Totals			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
					0.5					3.6								4.1

Overlap with other water rights: _____

Thurman-Mill Bitch Co.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

See Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002464					
2314097					
1386592					

GPS coordinates >

FLOW MEASUREMENTS:

See IDWR Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

S26

SENW

63-25741
14 AC irr.

63-25742

63-24160
D&S-.08cfs

old homestead
#63-25740

63-25743
7 AC irr.

overlap review -

Page 1

04/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-25740

WATER RIGHT NUMBER: 63-25740

<u>Owner Type</u>	<u>Name and Address</u>
Representative	VERNON K SMITH 1900 W MAIN BOISE, ID 83702 (208)345-1125
Current Owner	VICTORIA H SMITH 5933 N BRANSTETTER RT 4 BOISE, ID 83714 (208)375-2934
Current Owner	ESTATE OF VERNON K SMITH C/O VICTORIA H SMITH RT 4 5933 N BRANSTETTER BOISE, ID 83714 (208)375-2934

Priority Date: 01/01/1953

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

DOMESTIC
STOCKWATER

From To

1/01 to 12/31
1/01 to 12/31

Diversion Rate

0.040 CFS
0.040 CFS

Total Diversion: 0.080 CFS

Annual Volume

Location of Point(s) of Diversion

GROUND WATER
ADA County

SE1/4NW1/4

Sec. 26, Twp 04N, Rge 01E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	26								X									

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	26								X									

Covers
old

homestead (1910)

over
→

located south

of hwy. surrounded
by the 6-acres covered by
#63-25743

Property location -
9907 W. Chinden

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-25740

Conditions of Approval:

1. C18 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. S0526244430

Comments:

1. DUNN1 9/15/1993 COPIED FROM REMARKS

Comment: ONE HOUSEHOLD AT THE OLD HOMESTEAD AND STOCKWATER USAGE WHICH HAS VARIED OVER THE YEARS AS TO NUMBER AND TYPE OF LIVESTOCK. THERE IS ALSO WATER PUMPED FROM THE DRAIN DITCH USED FOR STOCK WATER AND TO IRRIGATE APPROXIMATELY 7 ACRES SOUTH OF HIGHWAY 20-26 WHICH SURROUNDS THE OLD HOMESTEAD AND WELL. THE POINT OF DIVERSION IS A WELL WHICH, FROM THE AERIAL PHOTO, APPEARS TO BE ON THE 1/4 1/4 1/4 LINE.

Dates and Other Information:

Licensed Date:
Decreed Date: 4/14/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

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Property Details for Parcel S0526244250

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General Information

Property Acres: 6.327
Zone Code: R6
Primary Code Area: 190 [Tax Districts](#)
Group Type: SECT
Subdivision: 4N 1E 26
Section: 4N1E26

Property Description

PAR #4250 IN NW4
 SEC 26 4N 1E

**Property Address**

9907 W CHINDEN BLVD
 MERIDIAN, ID 83642

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Assessor Links

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- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	180-OTHER RURAL LAND	2.327	\$124,400	MARKET
Primary	190-WASTE LAND	4.000	\$0	MARKET
Primary	340-RES IMPROVEMENT	0.000	\$10,000	COST

Total Assessed Value: \$134,400

Parcel Valuation History

Assessed value for year 2004 \$134,400
Assessed value for year 2003 \$125,200
Assessed value for year 2002 \$125,200
Assessed value for year 2001 \$44,000
Assessed value for year 2000 \$44,000

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Property Characteristics

[Residential](#)
[Land](#)

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Residential **Land****Residential Characteristics 1 for Parcel "S0526244250"**

Occupancy Date:	No Date Available
Year Built:	1910
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	3
Number Bathrooms:	0.75
Number of Fireplaces:	0
Air Conditioning:	N
Car Storage Sq Ft #1:	0
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	0
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	744
Main Floor Sq Ft:	744
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Residential**Land**

Land Characteristics 1 for Parcel "S0526244250"

Residential Acres:	2.327
Commercial Acres:	0.000
Other Acres:	4.000
MLS Area:	650 - W Boise - Meridian Dist
Street:	None
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/26/03
Time: 12:40:42

Rec/No - C009892 AR/No -
From: - SMITH, EXEC., VICTORIA H.

Receipt Type - CK Doc/No - 2952
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 08/18/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE_(SEE REC # C020476)	9337		410162	6490		347.00

Total Due - 347.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6324102	25.00	A6324105	25.00	A6324160	25.00
A6324158	25.00	A6325740	25.00	A6325741	64.00
A6325742	54.00	A6325743	57.00	A6325744	47.00

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right No. A63-24158, A63-25741,
A63-25742, A63-25743, & A63-25744**

September 9, 2003 @ 10:25 a.m.

Vernon K. Smith called in response to the evidence of priority letter he recently received from our office. I explained the reason for my request and gave Mr. Smith several examples of how to supply this evidence; specifically an affidavit written and signed by his mother, Victoria H. Smith, since she filled-out the *Notices of Claim*. During our conversation, Mr. Smith said that there are four wells associated with the five water rights and that he has 176 shares with the Thurman-Mill Ditch Company. He also stated that, due to the gravel pits in their area, the water table is going down, and as a result, they are using 5 times the amount that they are allotted from the ditch company.

March 8, 2004 @ 10:44 a.m.

Vernon Smith called in response to the second evidence of priority letter sent from the Attorney General's office. Mr. Smith said that all these claims pertain to a 200-acre ranch that his family bought in 1954. He stated that he will write-out an (1) affidavit for all of these claims.

April 29, 2004 @12:18 p.m.

Since I have not received any evidence of priority, I called #375-2934 and Vernon Smith's mother, Victoria H. Smith, answered the telephone. Since she filled-out the original *Notices of Claim*, I thought that I would broach the subject of her writing an affidavit about her personal knowledge of the use of the wells and how she came up with the two different priority dates (1953 & 1956) for these claims. When I asked why she chose 1953 and 1956, Mrs. Smith became confused and very uncomfortable. She said that I should contact "Vernon" at: (cell) #919-0024 or (office) #345-1125. I told her that I would do as she requested.

At 12:24 p.m., I called #345-1125 (office) and asked for Vernon Smith. Since Mr. Smith was not in the office, I left a message with the man that answered the telephone and stated that he needed to submit evidence of priority as soon as possible; and that an affidavit would suffice.

Kimberly Brown
Senior Water Resource Agent
Western Region

[illegible]

E. NARRATIVE/REMARKS/COMMENTS

THIS IS A SMALL 5HP CENTRIFUGAL PUMP TO LIFT WATER FROM THE DRAINAGE DITCH THRU A CONNECTED POLY ETHYLENE PIPELINE 2" DIA. TO THE FIELD HEADLAND ON THE EAST SIDE OF THE FIELD. THE FIELD HAS BEEN IRRIGATED WITH A VARIETY OF SYSTEMS. MAINLY A MAKESHIFT GATED PIPE. PDD WAS GPS'ed AND IS SHOWN ON THE MAP IN THE APPROXIMATE LOCATION. I QUESTION THE CURRENT IRRIGATED ACRES AS 7.0 ACRES. VERNON SAID THEY HAVE ALWAYS CALLED IT 7 ACRES ON THE SOUTH SIDE OF THE ROAD.

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

SMALL PUMP
ON DRAINAGE DITCH
SOUTH SIDE OF CHINDEN

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

WATER RIGHT NUMBER: 63-25743

Owner Type Name and Address
Current Owner VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE, ID 83714
(208)375-2934
Current Owner ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
RT 4
5933 N BRANSTETTER
BOISE, ID 83714
(208)375-2934
Representative VERNON K SMITH
1900 W MAIN
BOISE, ID 83702
(208)345-1125

Priority Date: 01/01/1953
Basis: Beneficial Use
Status: Active

Source
DRAIN DITCH

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to	12/31	0.040 CFS	4" SUCTION
IRRIGATION	4/01 to	10/15	0.210 CFS	1 1/2" DISCHARGE

Total Diversion: 0.250 CFS

Location of Point(s) of Diversion

DRAIN DITCH	NE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	SE1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		
DRAIN DITCH	NW1/4SE1/4NW1/4	Sec. 26, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use
STOCKWATER

A000 2464
GPS 2314097
1386592

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X					X					

IRRIGATION

Burke - map (attached)
created by contractor shows
only 1 Point of diversion,
please have claimant review
attached map and indicate points;
as listed below.

PUMP MOTOR = BALDOR
5 HP
230V -
24 AMPS
3450 RPM
SF 1.15
PUMP = BERKELEY
CENTRIFUGAL
MODEL B 1 1/2 TPM
MODE 21F89V
BOISE RIVER 5.5" IMPELLER
SN B58143

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25743

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					1.0				6.0										7.0

Total Acres: 7

Conditions of Approval:Remarks:

1. General

NE1/4 SE1/4 NW1/4 AND NW1/4, SE1/4, NW1/4 OF SECTION 26 AS THERE HAD BEFORE BEEN SEVERAL PUMPING STATIONS ALONG THE DITCH.

PUMPING SYSTEM THAT LIFTS WATER BY ELECTRIC PUMP STATIONS FROM DRAIN DITCH ONTO THE PROPERTY TO FLOOD IRRIGATE ABOUT 7+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPRISED OF MUCH GRAVEL AND SAND, REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING ALONG THE BASE OF THE BLUFF ALONG THE SOUTH SIDE OF HIGHWAY 20-26 IN THE BOISE RIVER BASIN BOTTOM LOWLAND.

Comments:Dates and Other Information:

Claim Received Date: 8/18/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

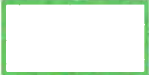
Mitigation Plan: False

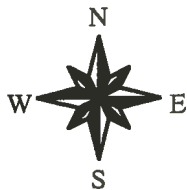
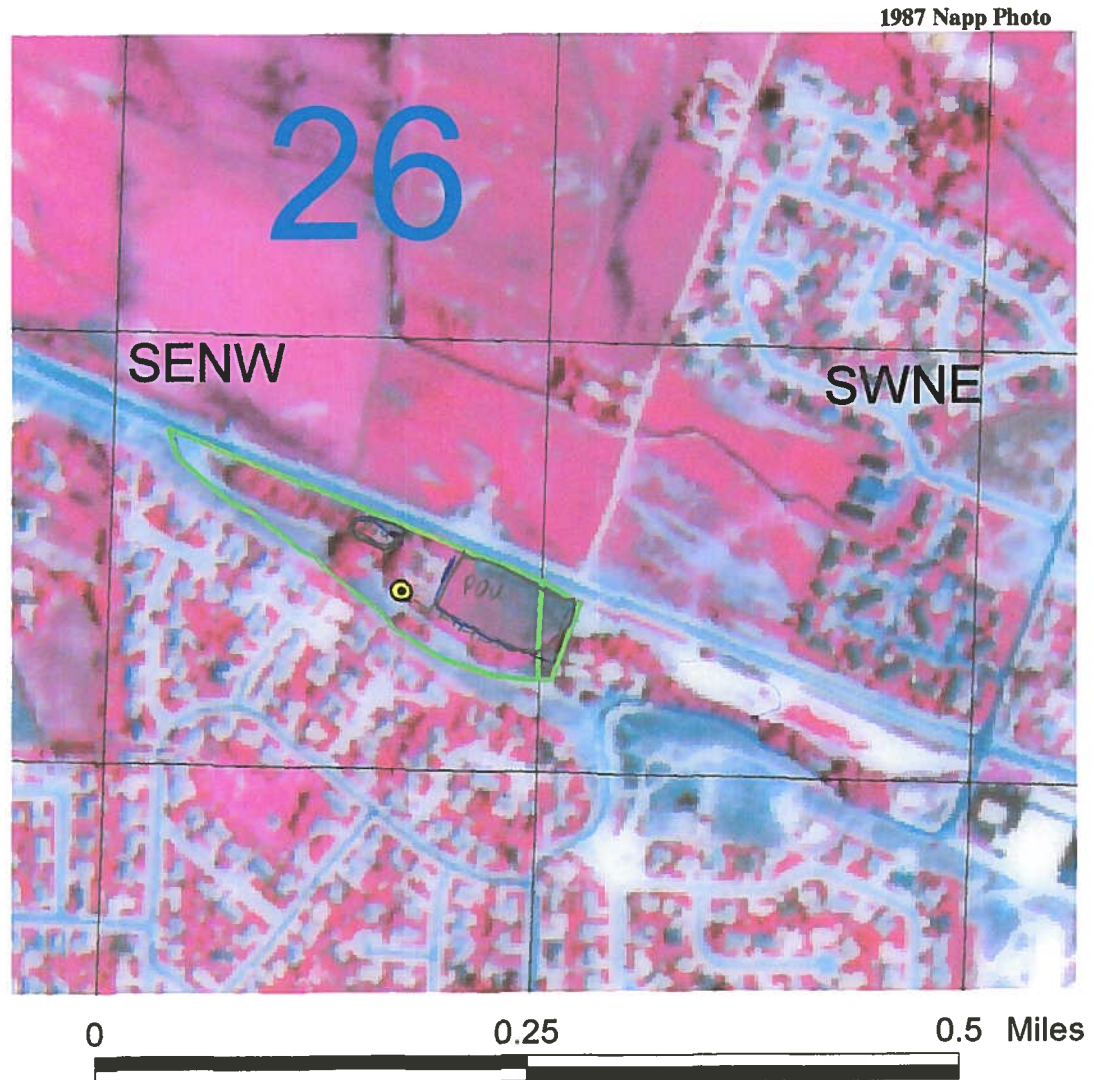
Idaho Department of Water Resources

Claim Number: 63-25743

Legal: T4N, R1E, S26

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



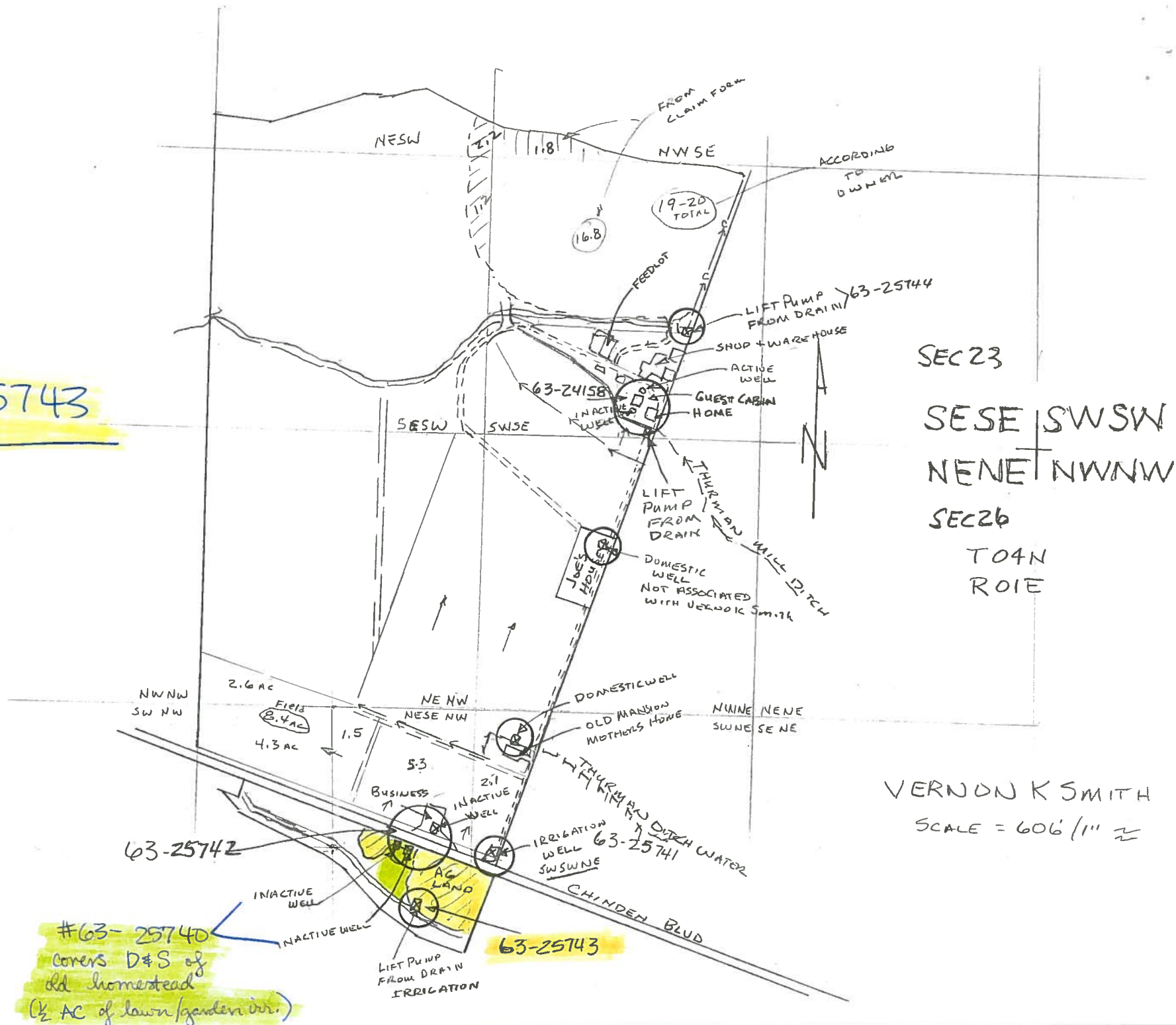


63-25743



* DRAWN BY IDWR CONTRACTOR, BURKE SCHOLER, DURING FIELD EXAMS. (3/04)

#63-25743





This PARMA WATERLIFTER is the one South of the farmstead. It is used to lift water coming from the Thurman-Mill Ditch, which empties into this drain ditch. No other water right is associated with it. SEE REVERSE SIDE FOR DATA



OVER →

PARMA WATER LIFTER

MOTOR - "INDUSTRIAL MOTOR"

10 HP 1740 RPM

SF 1.15

SN = F99-G626A-F

IDAHO POWER MTR

OZ 455 612 ABB

$K_h = 7.2$

ID# 04NOIE 23-02

SITE TAG A0002465

GPS

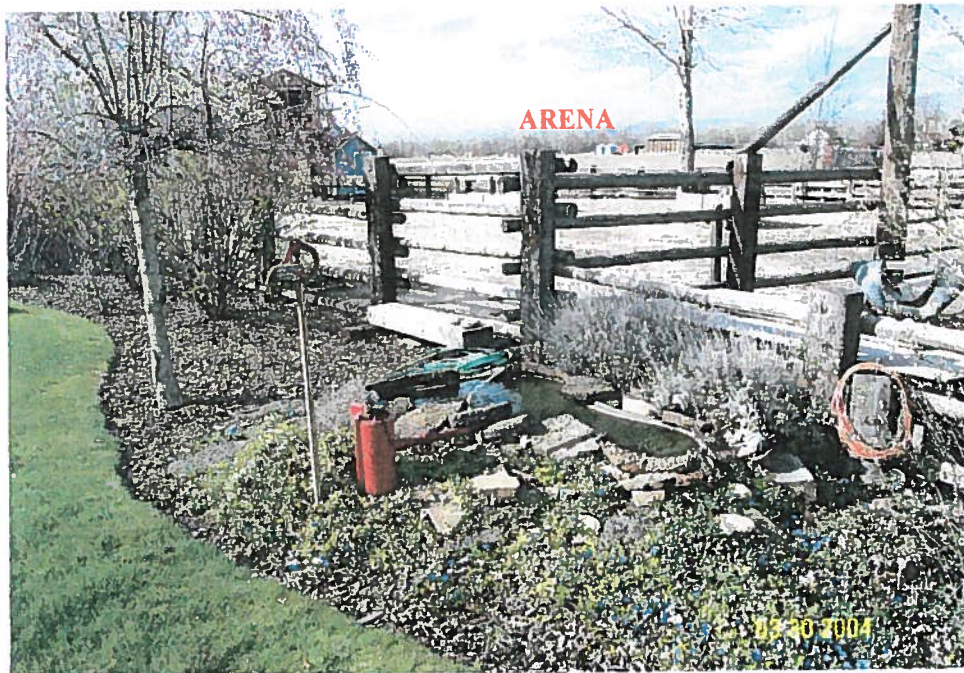
2314470	#
1387262	20

PUMP HAS AN 8" DISCHARGE.

PIPELINE ^{TO} THE SOUTH ABOUT

200 FT. TO MAIN DITCH FROM

THURMAN MILL DITCH.



brother, **Joseph H. Smith**
Domestic

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



OVER →



Mother's house Domestic Well

PUMP INFORMATION: *(Intrepid)*

Site Tag A0013254

GPS	2314253	#
	1386806	24

1 HP Submersible Pump

Franklin Motor

Serial No. 2801084915

1" Discharge Pipe





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 21, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

**RE: Snake River Basin Adjudication (SRBA) Claim Nos. A63-24158, -25741,
-25742, -25743, -25744**

Dear Ms. Smith,

As you are aware, the Department of Water Resources, Western Region, is in the process of reviewing adjudication water right claims in your area. Although it is our goal to favorably recommend historic water rights, I have no choice but to recommend your claims as disallowed to the Snake River Basin Adjudication court.

Your adjudication claims are being recommended for disallowal because:

_____ 1.) No beneficial use was found.

_____ 2.) Ownership was not confirmed.

___X___ 3.) Other – After two letters requesting evidence of priority (last due date: March 12, 2004) and subsequent telephone conversations, we have not received any documentation to substantiate the claimed priority date.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Kimberly Brown'.

Kimberly Brown
Senior Water Resource Agent
Western Region

Cc: File



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2004

VERNON K SMITH
1900 W MAIN
BOISE ID 83702

** This letter was
sent to Mr. Smith's
(att'y) office, as
representative.*

**RE: Snake River Basin Adjudication (SRBA) Claim Nos. A63-24158, -25741,
-25742, -25743, -25744**

Dear Ms. Smith,

As you are aware, the Department of Water Resources, Western Region, is in the process of reviewing adjudication water right claims in your area. Although it is our goal to favorably recommend historic water rights, I have no choice but to recommend your claims as disallowed to the Snake River Basin Adjudication court.

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Respectfully submitted,

Kimberly Brown

Kimberly Brown
Senior Water Resource Agent
Western Region

Cc: File



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
February 10, 2004

ESTATE OF VERNON K SMITH
C/O VICTORIA H SMITH
5933 N BRANSTETTER
BOISE ID 83714

Re: SRBA Claim A63-24158, -25741, -25742, -25743, -25744

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Kimberly Brown at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If she does not hear from you by March 12, 2004, then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Kimberly Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

ESTATE OF VERNON K. SMITH
VICTORIA H. SMITH
5933 N BRANSTETTER
RT 4
BOISE ID 83714

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-24158, A63-25741, A63-25742, A63-25743,
A63-25744

Dear Claimant,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement.

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 4, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

In addition, please contact me at the Western Region office as soon as possible to set up a field exam.

KAUFELD DREHER
Director
(up a field)

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-24158, A63-25741, A63-25742, A63-25743, A63-25744



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 11, 1991

Victoria H. Smith
Rt. 4, 5933 N. Branstetter
Boise, ID 83714

RE: Snake River Basin Adjudication (SRBA)
Ada County - Claims #A63-24158, A63-24160
A63-25740, A63-25741, A63-25742, A63-25743
& A63-27544

Dear Mrs. Smith:

Enclosed for your records is a copy of the water rights filed by you for your property in Ada County. We have also sent a copy of each right to your son, Vernon K. Smith.

Please contact us if you have any questions or concerns.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosures:

Claims Referenced Above

cc: Vernon K. Smith w/Enclosures

MICROFILMED

SEP 14 1992

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-25743 Date: 6-4-01

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1E	26			1					6									7
GIS						.5					6.5									7
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 7

Overlapping POU Claim #'s:

Total GIS Acres: 7

COMMENTS:

only 1 POD shown on map

Idaho Department of Water Resources

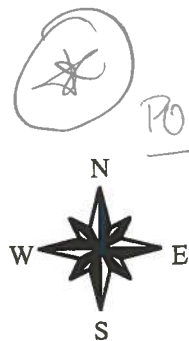
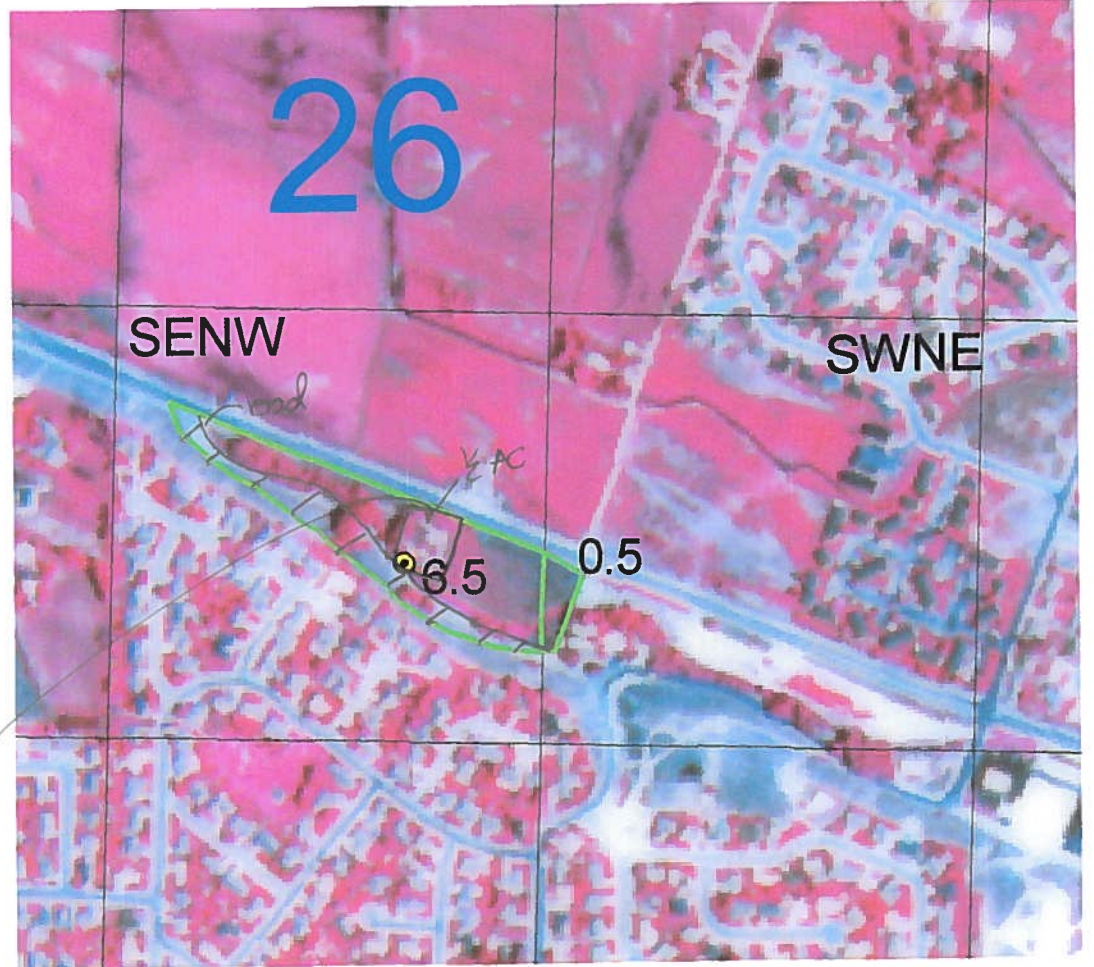
Claim Number: 63-25743

Legal: T4N, R1E, S26

Reviewed By:

1987 Napp Photo

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



POU -

Karan

did not remove $\frac{1}{2}$ acre covered by #63-25740,
road, and back field that is not irrigated
in 1987 or 1994 NAPP images.

-KLB