

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: A63-25744
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

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 FACILITY Trib. to: BOISE RIVER DRAINAGE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	23	SE	SW	SE		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	2.500		
STOCKWATER	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is 77.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	23	NE	SW		IRR	2.0
			NE	SW		STOCK	
			SE	SW		IRR	2.0
			SE	SW		STOCK	
			NW	SE		IRR	3.0
			NW	SE		STOCK	
			SW	SE		IRR	15.0
			SW	SE		STOCK	
						Section Acres	22.0
						Total Acres	22.0

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:

STOCKWATER USAGE DIRECTLY FROM SURFACE DRAIN DITCH WATER

14. Remarks:

PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+- FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.

THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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

163-25744

Date Received

8-18-89

Receipt Number

0009892

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly Victoria H. Smith, individually, and as1. Name of Claimant (s) Excatrix of the Estate of Vernon Phone (208) 375-2934
K. Smith, deceasedMailing Address 5933 N. Branstetter, Rt. 4, Boise, Idaho Zip 837142. Date of Priority (Only one (1) per claim) Precedes January 1, 19533. Source of water supply (a) Drain Ditch Facility
which is tributary to (b) The Boise River Basin Drainage System4. a. Location of existing point of diversion is: Township 4N Range 1E Section 23,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

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, 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. Parma water lifter pump system, 10"
discharge into a concrete ditch operated by a 5 hp General Electric motor
pumping 1200 gal/m+- from drain ditch, irrigation approximately 22-23+-
acres of natural state Boise River bottom basin. The soil is composed of
much gravel and sand requiring continuous flow of irrigation water.

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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 2.5 or _____

For Stockwater purposes from 1/1 to 12/31 amount .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 77.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	23									2/S		2/S		3/S	15/S			

Total number of acres irrigated 22+

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.
Stockwater usage directly from surface drain ditch water. or None ()

14. Remarks: The soil composition contains sand and gravel in its natural state
lying in the Boise River Basin bottom lowland.

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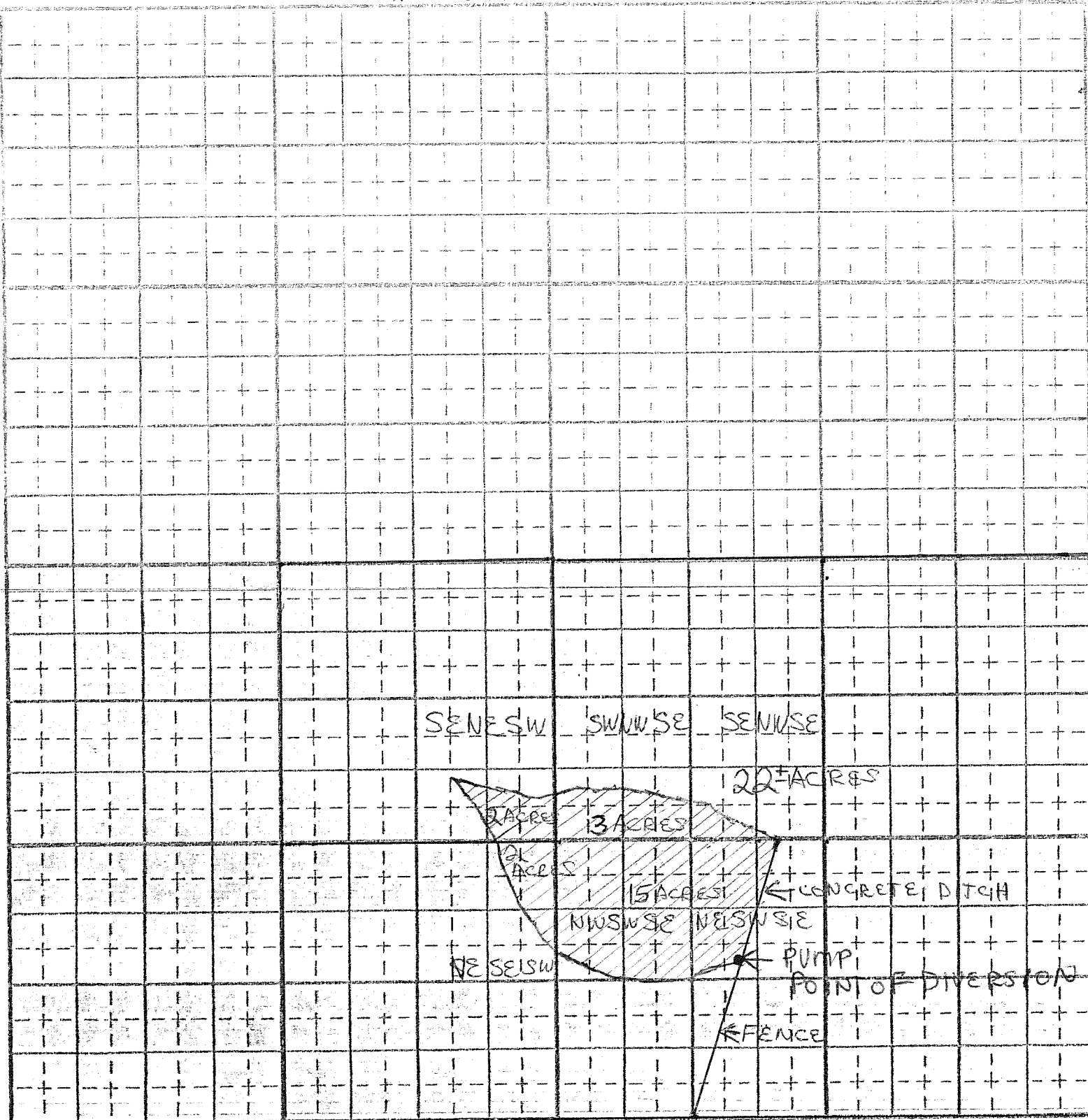
Last Name SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project show clearly the point of diversion, name of land section number, township and range number.

Scale: 2 inches equals 1 mile

T 4 N R 1 E SEC 23



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SEP 14 1992

Last Name

SMITH

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ 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 ☒ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments One-aerial photograph

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 ADB) SS.

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

SEAL

Notary Public [Signature]

Residing at Bonne, 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 _____

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SEP 14 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



MICROFILMED

SEP 14 1992

4 1989

SRBA CLAIMS RECEIVING CHECKLIST #2

#72.00

CLAIMANT'S NAME Smith #9 CLAIM IDENT. NO. A63-25744

- DATE RECEIVED 8-18-92 CK # 0009892 AMOUNT \$ _____
- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | N/A |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | N/A |
| Is the consumptive use correct? | ☒ | ☐ | 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. | ☒ | ☐ | N/A |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | N/A |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | N/A |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | Exempt |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | N/A |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: [Signature]Date: 2-07-90

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: 5-15-91

Date:

Date: 08-14-91Checked by: [Signature]Date: 10/23/91

MICROFILMED

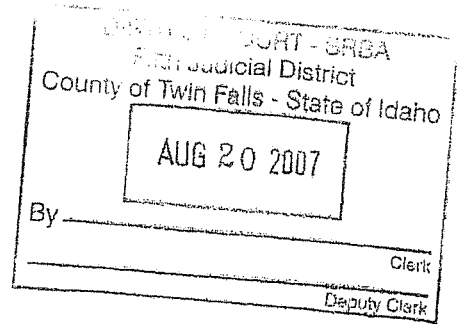
SEP 14 1992

Comments: Per D. Staff 12-6-91, added V. Smith as Rowner.

RECEIVED

AUG 21 2007

Department of Water Resources
Adjudication Bureau



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 63-25744

I. FINDINGS OF FACT

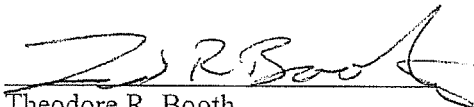
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* recommended that this water right be disallowed.

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.

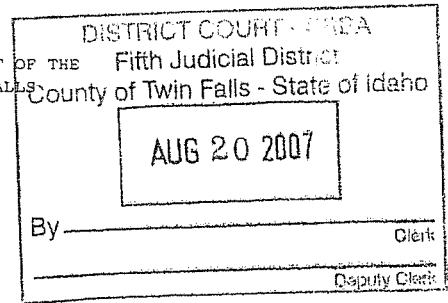
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-25744 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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 63-25744

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

VICTORIA H SMITH
5933 N BRANSTETTER
RT 4
BOISE, ID 83714

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 0.53 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 S23 NESWSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.10 CFS
	Irrigation	03-01 TO 11-15	0.43 CFS

PLACE OF USE: Irrigation Within Ada County
T04N R01E S23 LOT 10 (SESW) 2.5 LOT 7 (NWSE) 1.8
SWSE 17.0
21.3 Acres Total

Stockwater Within Ada County
T04N R01E S23 LOT 10 (SESW) LOT 7 (NWSE)
SWSE

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

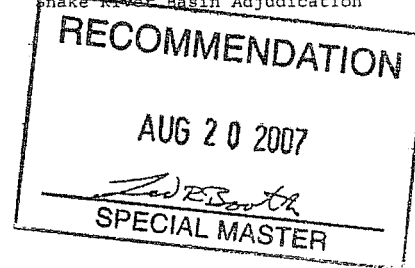
The quantity of water decreed for this water right for stockwater
use is not a determination of historical beneficial use.
The source of this water right is waste water. The wasting of
water may be discontinued at any time.

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. I.C. SECTION 42-1412(6).

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



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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

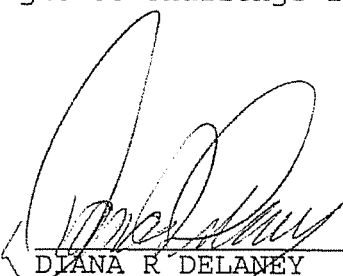
Water Right(s): 63-25743

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 (AO1), 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

DISTRICT COURT - 5th JUDICIAL DISTRICT	
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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 63-25743

CERTIFICATE OF MAILING

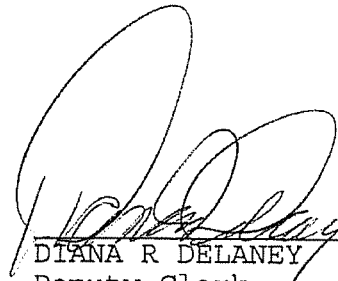
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2007, with sufficient first-class postage prepaid to the following:

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

COPY

RECEIVED

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

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

Subcase No. 63-25744

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

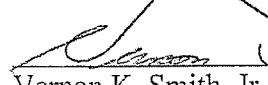
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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):

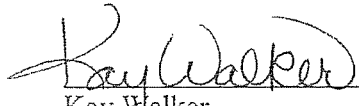
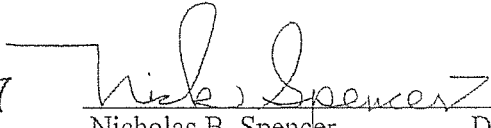
Estate of Vernon K. Smith
Victoria H. Smith


Vernon K. Smith, Jr.

7/10/07
Date

Attorney for Claimants/Objectors

IDWR Concurrence:

 6-26-07	 6-25-07
Kay Walker Senior Water Resource Agent	Nicholas B. Spencer Deputy Attorney General Attorney for IDWR

SF5 Right No. 63-25744

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

RIGHT NUMBER: 63-25744

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 DRAINTRIBUTARY: BOISE RIVERQUANTITY: 0.530 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 S23 NWSWSE 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>0.100 CFS</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>0.430 CFS</u>

PLACE OF USE:

IRRIGATION in ADA CountyT04N R01E S23 Lot 10 SESW 2.50 T04N R01E S23 Lot 7 NWSE 1.80T04N R01E S23 SWSE 17.00STOCKWATER in ADA CountyT04N R01E S23 Lot 10 SESW T04N R01E S23 Lot 7 NWSET04N R01E S23 SWSE21.3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right 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.

SF5 Right No. 63-25744

SF5 Right No. 63-25744

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

[Handwritten signature]
NBS
pw

SF5 Right No. 63-25744

CERTIFICATE OF MAILING

I certify that on August 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:

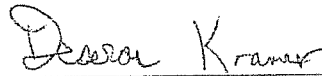
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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



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 that reads "Ray Williams".

Ray Williams
Paralegal

Enclosures

cc; Kay Walker

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

RIGHT NUMBER: 63-25744

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: 0.530 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 S23 NESWSE 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>0.100 CFS</u>
<u>IRRIGATION</u>	<u>03/01 11/15</u>	<u>0.430 CFS</u>

PLACE OF USE: IRRIGATION in ADA CountyT04N R01E S23 Lot 10 SESW 2.50 T04N R01E S23 Lot 7 NWSE 1.80T04N R01E S23 SWSE 17.00STOCKWATER in ADA CountyT04N R01E S23 Lot 10 SESW T04N R01E S23 Lot 7 NWSET04N R01E S23 SWSE21.3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.The quantity of water decreed for this water right 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.

SF5 Right No. 63-25744

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

SF5 Right No. 63-25744



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

May 17, 2007

VERNON K SMITH JR
1900 W MAIN ST
BOISE, ID 83702

RE: Notice of Claims to Water Right Nos. 63-25741 and 63-25744

Dear Mr. Smith:

Following the status conference on May 8, 2007, regarding claims filed in the SRBA, it was determined that you may still be interested in excessive flow for the claims identified above. When we spoke on the telephone before your status conference, it was not my intention to indicate that excessive flow was not needed for your property. What I did say is that an inch per acre is normally enough water for crops to grow in Idaho and is the statutory amount recognized by Idaho law to provide enough water for crops. As explained in Idaho Code, Sec. 42-220, the need for excessive flow is up to the claimant, and you, as the representative of the claimant, must decide if you want to pursue excessive flow or not.

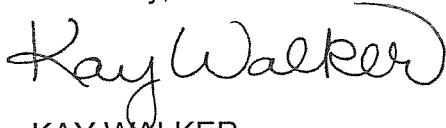
Claim 63-25741 was filed claiming 0.75 cfs of water for 14 acres, which is approximately 2.5 inches of water per acre. Claim 63-25744 was filed claiming 2.5 cfs for 22 acres, which is approximately 5.7 inches of water per acre. You mentioned a need to keep your pumps running for long periods of time to keep the land under your water rights productive. My response was that you would be able to pump the recommended amount of water from March 1st through November 15th if you wished to do so. In the case of claim 63-25741, at 1" per acre, you would be able to pump 0.24 cubic feet per second (which is equivalent to 108 gallons per minute) of water throughout the irrigation season until you reach the annual volume limit of 54.0 acre feet (4.5 acre feet per acre per year).

We will withhold our final recommendations on these claims for one more month in case you wish to complete and submit the enclosed Irrigation Flow Rate Questionnaires. Once the forms are completed and returned, the Department can then determine if more than 1 inch per acre is necessary. **Please complete the questionnaires and return them to this office within 30 days.** If we do not receive the completed forms

within this amount of time, we will recommend 1 inch per acre for the lands to be recommended to the SRBA Court.

If you have any questions please do not hesitate to contact me at 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

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

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).



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 27, 2007

VICTORIA H SMITH
5933 N BRANSTETTER
BOISE ID 83714

RE: Notice of Claim to a Water Right No. 63-25744

Dear Claimant:

We are currently in the process of reviewing and preparing the above referenced claim for court decree in the Snake River Basin Adjudication (SRBA). During this review a question arose concerning the flow rate claimed for irrigation purposes.

This claim was filed claiming 2.50 cfs of water for 22 acres, which is approximately 5.7 inches of water per acre. Idaho water law states that the normal duty of water in Idaho be limited to 1 inch of water per acre, unless it can be shown that more water is needed. In order to determine if more water is necessary, the enclosed Irrigation Flow Rate Questions must be completed. Once this form is completed and returned, the Department can then determine if more than 1 inch per acre is needed. Please complete the questionnaire and return it to this office within 30 days. If we do not receive the completed questionnaire within this amount of time, we will recommend 0.43 cfs, which is 1 inch per acre for 21.3 acres found irrigated by our field examiner.

Enclosed is a layout of the 21.3 acres found irrigated and the location of the diversion point from the drain used under this claim. Please review the layout for accuracy and if you have any changes to the proposed place of use or point of diversion locations please let me know at your earliest convenience. If you have any questions please do not hesitate to contact me at 334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Vernon K. Smith Jr.
1900 W Main St.
Boise, ID 83702

w/enclosures



Idaho Department of Water Resources

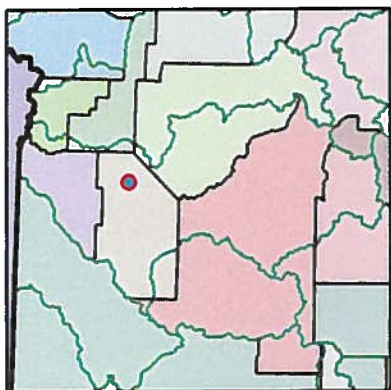
SRBA Recommendation:

63-25744

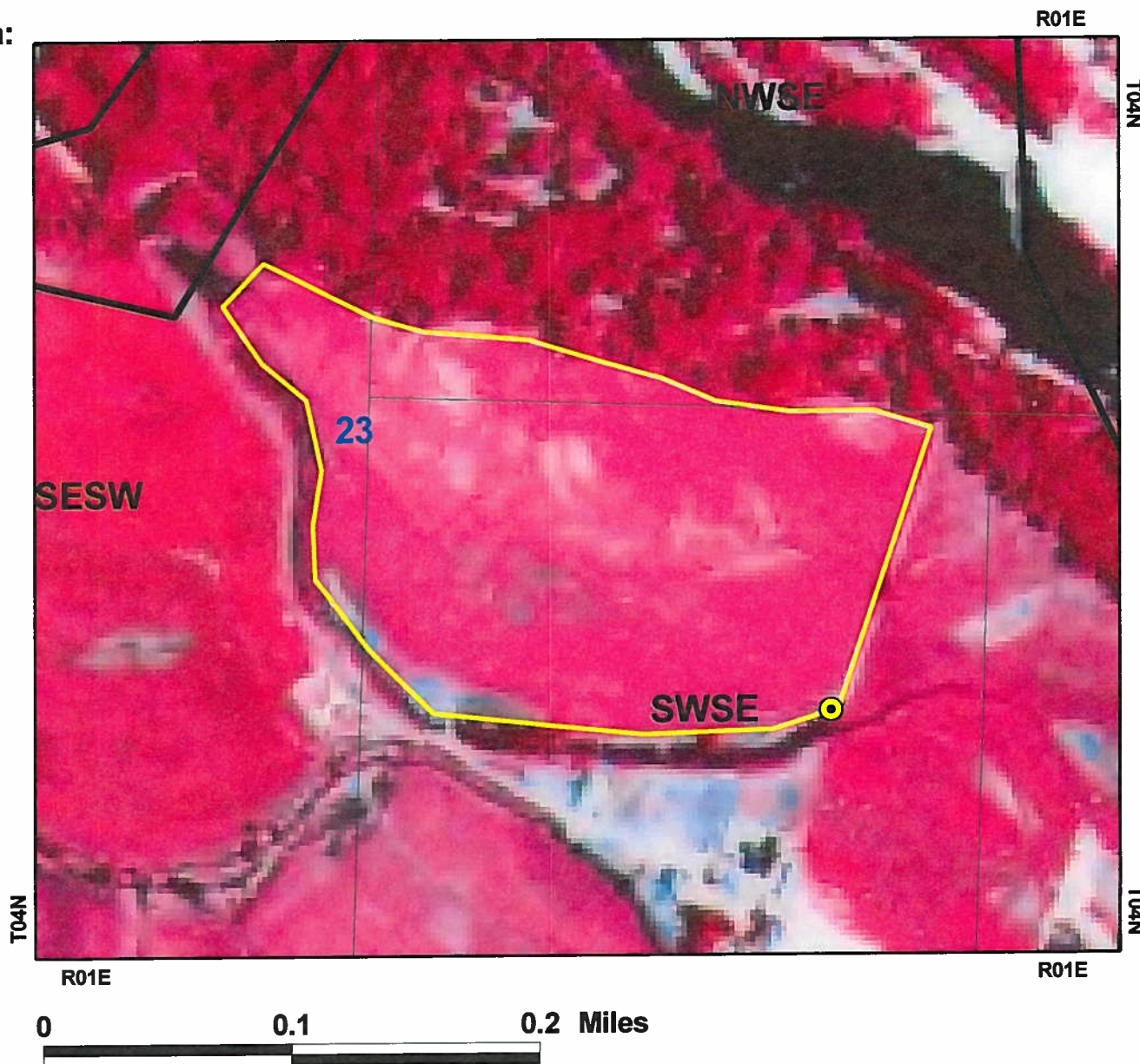
(Irrigation)

Legend

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



Ada County
IDWR Basin 63



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

03/26/2007

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

RIGHT NUMBER: 63-25744

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: 0.530 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 S23 NESWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.100 CFS
IRRIGATION	03/01 11/15	0.430 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R01E S23 Lot 10 SESW	2.50	T04N R01E S23 Lot 7 NWSE	1.80
T04N R01E S23 SWSE	17.00		

STOCKWATER in ADA County

T04N R01E S23 Lot 10 SESW	T04N R01E S23 Lot 7 NWSE
T04N R01E S23 SWSE	

21.3 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

WATER RIGHT NUMBER: 63-25744

Owner Type Name and Address

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: Beneficial Use

Status: Active

Source *unnamed drain*
DRAIN DITCH FACILITY

Tributary~~BOISE RIVER DRAINAGE~~

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	12/31	0.100 CFS	
IRRIGATION	4/01	10/15	2.500 CFS	

Total Diversion:

~~2.600 CFS~~Location of Point(s) of Diversion~~DRAIN DITCH FACILITY~~

ADA County

S1/4SW1/4SE1/4

Sec. 23, Twp 04N, Rge 01E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	01E	23	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
					X	X	

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	

*stock for 500
range cattle per
hearing notes*

*excessive flow
info reg'd.*

un.

*Rec. Standard
season
of
use
3/1-11/15*

*N05, N08
G16*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 23									2.0								22.0
									2.5					1.8	17		21.3
Total Acres: 22																	

Conditions of Approval:

- PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+- FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.
THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
 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:

RECEIVED

MAR 05 2007

WATER RESOURCES
WESTERN REGION

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

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

o0o

In Re SRBA	)	Subcase 63-25744
	)	
Case No. 39576	)	<u>AFFIDAVIT OF VICTORIA H. SMITH</u>
	)	
	)	
	)	
	)	
	)	
_____	)	
	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, 63-25744, is identified in the attached documentation from the Idaho Department of Water

Resources, adjudication claim report in reference thereto, which does therein identify the owner 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.

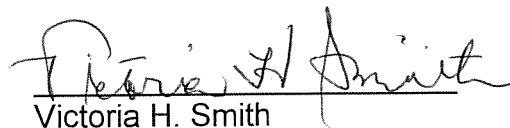
2. The real property involved in this proceeding was purchased by Affiant and her late husband in the 1950's. The real property in question is located north of the Boise River, and on the south side of State Highway 20-26, also referred to at times as Chinden Boulevard. Within that property, flowing westerly across the property, there is a drain ditch that is part of the drainage system as well as part of a tributary from the Boise River for which this real property has been receiving the beneficial use of stockwater and irrigation water. The point of diversion has been within the SE ¼ SW ¼ SE ¼ Sec 23, TWP 4 North, Rgi 1 East BM. The water is pumped from this drain ditch through the use of a pumping station along the ditch, that have been in existence and in use since January 1, 1953. Stockwater is 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 0.100 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 2.500 cfs, for a total diversion rate of 2.600 cfs. The pumping station is a parma type water lifting pump system, that lifts water by

this electric pump station and delivers the water through a ten inch discharge into a concrete lined ditch that has been operated by a 5HP general electric motor pumping 1200 gpm+ that is used to irrigate about 23 acres, more or less. The irrigated property serviced by this water is located along the northerly portion of the deeded property of Affiant, towards the Boise River Basin area, consisting of approximately 20 to 23 acres in that particular field that is irrigated through the use of the parma water lifting pumping system. The soil composition contains sand and gravel in its natural state lying in the Boise River Basin Bottom Lowland, and is composed of sandy loam, granulate materials requiring continuous flow of irrigation water during the irrigation season.

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 stockwater 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 March, 2007.


Victoria H. Smith
Affiant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

WATER RIGHT NUMBER: 63-25744

<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: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 10/15	2.500 CFS	
<u>Total Diversion:</u>		2.600 CFS	

Location of Point(s) of Diversion

DRAIN DITCH FACILITY	SE1/4SW1/4SE1/4	Sec. 23, 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	23									X				X		X	X	

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	
04N	01E	23									2.0				2.0		3.0	15.0	22.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

Total Acres: 22

Conditions of Approval:

Remarks:

1. General PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+- FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.
THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
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 28 1968

2006 SEP -6 PM 12: 52

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA) Subcase 63-25741, 63-25742, 63-25743, and
Case No. 39576) 63-25744
)
) ORDER RE: LATE OBJECTION;
)
) NOTICE OF HEARING

Although no motion has been filed, this Special Master is treating the late objection as a motion to file a late objection. Pursuant to SRBA Administrative Order 1, § 10(j), a hearing on the matter will be held on December 1, 2006, at 10:00 am, at the Idaho Supreme Court, 451 West State Street, Boise, Idaho. This ***Order*** and ***Notice of Hearing*** shall be reported on the Court's monthly Docket Sheet.

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

EDWK

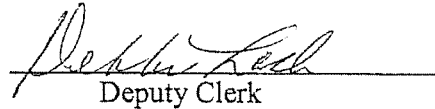
CERTIFICATE OF MAILING

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 63-25744
(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/Lawne
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 and Estate of Vernon K. Smith Sr.
Address: 5933 N Braustetter
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 0.100, irrigation 2.500 cfs
total 2.60 cfs
4. ☒ Priority Date
Should be: January 1, 1953
5. ☒ Point of Diversion
Should be: SE 1/4 SW 1/4 SE 1/4 S23 T4N R1E13M
6. ☒ Instream Flow Beginning and Ending Point
Should be: see attached claim
7. ☒ Purpose(s) of Use
Should be: stock water and irrigation
8. ☒ Period of Year
Should be: January 1 to December 31 stock water
April 1 to October 15 irrigation
9. ☒ Place of Use
Should be: see attached claim and above
part 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)

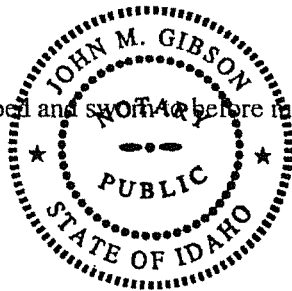
Vernon K. Smith _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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, 2006, 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:

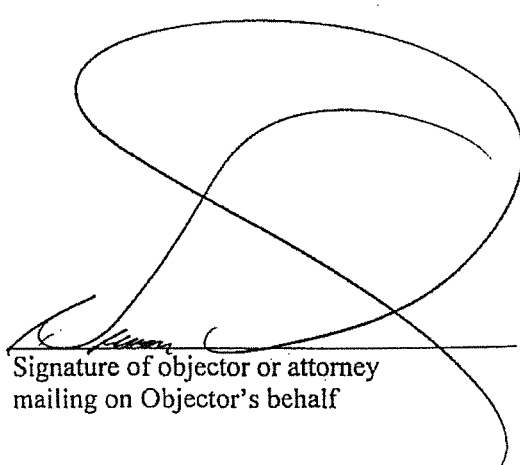
Name: Victoria H. Smith
Address: 5933 N. Braunstetter
Boise, Idaho 83714

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 63-25744

WATER RIGHT NUMBER: 63-25744

<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: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 10/15	2.500 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

Location of Point(s) of Diversion

DRAIN DITCH FACILITY	SE1/4SW1/4SE1/4	Sec. 23, 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	23									X				X		X	X	

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	
04N	01E	23									2.0				2.0		3.0	15.0	22.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-25744

Total Acres: 22

Conditions of Approval:

Remarks:

1. General PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER.
THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
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 63-25744 V1

WATER RIGHT NUMBER: 63-25744 V1

<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:

Status: Disallowed

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 10/15	2.500 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

Location of Point(s) of Diversion

DRAIN DITCH FACILITY	SE1/4SW1/4SE1/4	Sec. 23, 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	23									X				X								

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				
04N	01E	23									2.0				2.0				3.0	15.0		22.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-25744 V1

Total Acres: 22

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, nothing was submitted to substantiate the claimed priority date (see Conversation Memorandum and Priority Date remarks, Adjudication Field Report, p. 1).
2. kbrown 4/15/2005 Property Address
Comment: Property address: 9604 N. Branstetter, Boise 83714.

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:
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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	4/15/2005 2:20:33 PM	kbrown			Disallowed
Summary			04/15/2005	kbrown	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-25744 V1

Summary	4/15/2005 2:22:25 PM	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 2:20:33 PM	kbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: Disallowed.

04/15/2005

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

RIGHT NUMBER: 63-25744

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: DRAIN DITCH FACILITY

TRIBUTARY: BOISE RIVER DRAINAGE

QUANTITY: 2.600 CFS

PRIORITY DATE: 01/01/1953

POINT OF DIVERSION:

T04N R01E S23 SESWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.100 CFS
IRRIGATION	4/01 10/15	2.500 CFS

PLACE OF USE: STOCKWATER Within ADA County

T04N R01E S23	NESW	T04N R01E S23	SESW
T04N R01E S23	NWSE	T04N R01E S23	SWSE

IRRIGATION Within ADA County

T04N R01E S23	NESW	2.0	T04N R01E S23	SESW	2.0
T04N R01E S23	NWSE	3.0	T04N R01E S23	SWSE	15.0

22 ACRES TOTAL

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

EXPLANATORY MATERIAL:

NO BENEFICIAL USE FOUND.

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.

DISALLOWED

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

WATER RIGHT NUMBER: 63-25744 ✓

Owner Type Name and Address

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: Beneficial Use ✓

Status: Active

Property Address:
9604 N. Branstetter

Source

UNNAMED DRAIN-DITCH FACILITY ✓

Tributary

BOISE RIVER DRAINAGE

Beneficial Use

STOCKWATER ✓

IRRIGATION ✓

From To

1/01 to 12/31 ✓

4/01 to 10/15 ✓

Diversion Rate

0-100 CFS ✓

2-500 CFS ✓

Total Diversion: 2-600 CFS ✓

Annual Volume

770 AF (claimed)

* surface water does not require A
amt

Location of Point(s) of Diversion

DRAIN-DITCH FACILITY ✓

SE1/4SW1/4SE1/4 ✓

Sec. 23, Twp 04N, Rge 01E, B.M. ✓

ADA County

Place of Use

STOCKWATER ✓

in-stream
("directly from surface drain ditch")

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X			X		X	X		
											L10			L10		L7	-		

IRRIGATION ✓ (cropland only - no pasture)

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	01E	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											2.0			2.0		3.0	15.0		22.0
											L10			L10		L7	-		20.8
											1.6			1.0		1.8	16.4		

a portion of
Parcel No: S0526120995 (118.7 AC)

ArcView
hardly
drawn
for
active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

Total Acres: 22 ✓

Conditions of Approval:Remarks:

1. General PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+- ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
 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

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

ADD X02 - Stockwater use is for ? claim
 cattle. or range

DISALLOWED

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 \$47.⁰⁰ (C009892) + \$25.⁰⁰ (C020476) = \$72.⁰⁰
- ☐ Well logs (if needed) (could not find in IDWR files - KLB)
- ☒ 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) A63-25744

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

Current Address: 5933 N. Branstetter, 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've 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; specifically requesting an affidavit (see Conversation Memoes [continued, p. 4])

Source: Drain Ditch Facility Tributary to _____

- ☐ No Change – SAME SOURCE
- ☒ Source found is different than claimed: unnamed drain

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
									A0002465

Description of diverting works

See IDWR Field Report.

OVERLAP REVIEW

Other water rights with the same point of diversion:

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

Season of use is 3/1 to 11/15.

☐ No change☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount _____ CFS _____ AFA☒ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # not specifiedTypes _____ Additional comments: Stockwater use is directly from ditch**PLACE OF USE:**☐ No Change☒ Changes shown below:

Govt. lots 7 & 10

(NWSE) (SESW)

(NESW)

JUSTIFICATION FOR DISALLOWAL -

see Priority Date, p. 1

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 4.14.05 (in office review)

FIELD EXAMINER: Kimberly Brown

Priority Date - continued

I then sent a letter to both the home and office addresses, stating that since I have not received any evidence of priority, I have no choice but to recommend this claim as disallowed.

(I checked our Well Miller's Reports file for 4N, 1E, S26 and found nothing.)

-KLB

DISALLOWED

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: _____

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

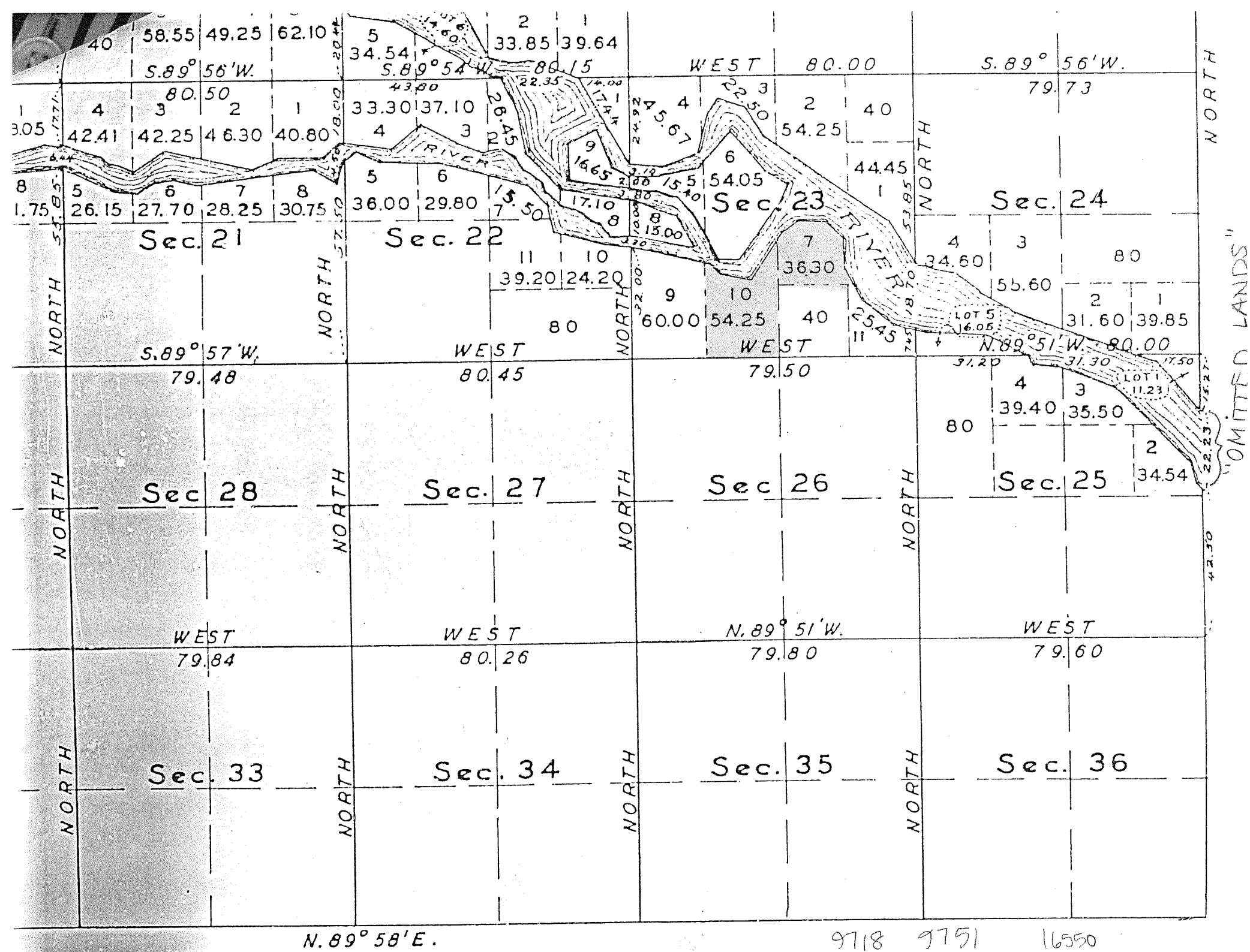
Delivery System Narrative: See IDWR Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
A0002465					
2314470					
1387262					

FLOW MEASUREMENTS: See Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS (OVER)



SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/26/03
Time: 12:39:45

Rec/No - C020476 AR/No -
From: - SMITH, VICTORIA H.

Receipt Type - CK Doc/No - 6531
Remarks -

OLD RECEIPT

Receipt Date: 05/14/1991

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		69.50

Total Due - 69.50

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6324158	37.00	A6325744	25.00		7.50

*there's got
to be more...*

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-25744

1. Owner: VERNON K. SMITH Phone No. _____

Current Address: _____

2. Accompanied by: _____ EXAM DATE: _____

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: DRAINAGE WATER tributary to BOISE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

SITE TAG A0002472

1. Point(s) of Diversion:

GPS 2314535
1387442 #29

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1		SE	SW	SE	23	04N	01E	ADA	FROM NAPP PHOTO + GPS

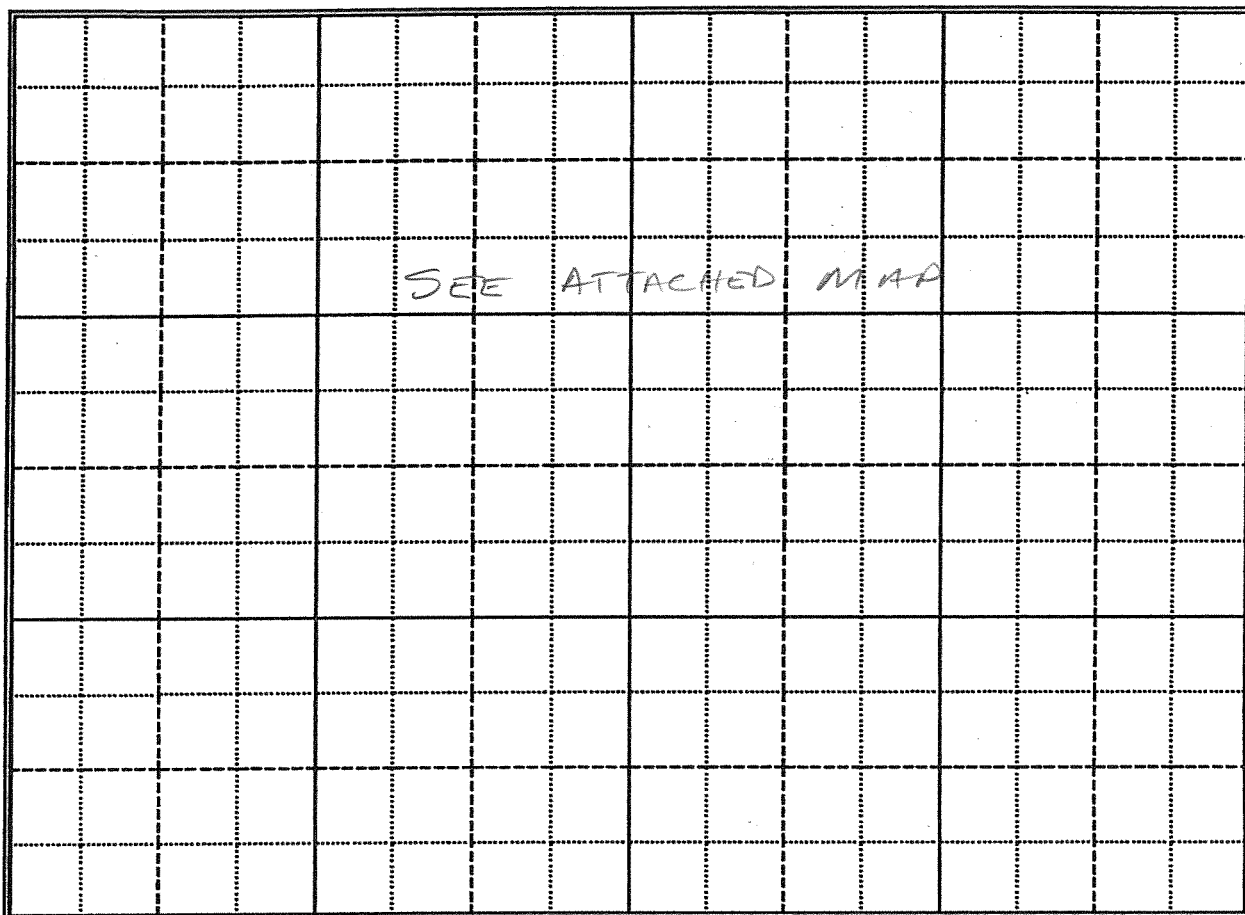
2. Place(s) of Use:

Indicate Method of Determination

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	23									X			X		X	X		YES
"	"	"									2.2			1.2		1.8	16.8		22.0

STOCK WATER IRRIGATION

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	CENTURY ELEC	5	N/A	PARMA WATERLIFTER	10" DISCHARGE
	1745 RPM				4:1 MOTOR TO PUMP PULLEY RATIO
	5F 1.15 EFF 82 PF 91				1745 RPM 5F 1.15 230V 22AMP PF 91.0

*Code to correspond with No. on map and aerial photo

IDAHO POWER MTL2
95 308 655 $K_h=7.2$

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

3/30/04 FIELD EXAM.

4/12/04 WRITE-UP

I COMPLETED THE FIELD EXAM ON 3/30/04. SUBSEQUENTLY TO A VISIT WITH "JERN" WHO SHOWED ME AROUND AND WE DISCUSSED THE POND, POU AND IRRIGATION SYSTEM.

I COMPLETED THIS WRITEUP AND FOUND MOST OF THE ITEMS IN ORDER. THE PLACE OF USE AS OUTLINED ON THE NAPP PHOTO SEEMS VERY CLOSE. THE ACREAGE UNITS AS DESCRIBED MAY OR MAY NOT BE ACCURATE BASED ON THE PHOTO. JERN STATED THAT THE BIG FIELD WAS BETWEEN 19 AND 20 ACRES. SEE PHOTO

THE PUMP HAS THE CAPACITY TO PUMP THE WATER RIGHT FLOW RATE. IF THE WATER LEVEL IN THE POND DROPS BELOW THE 7 FT LEVEL IT WILL NOT HAVE THE FULL CAPACITY

THE PERIOD ON USE IS NOT CONSISTANT WITH THE TIME FRAMES ON THE TABLE.

BKS

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

KNOWN: 5HP

6' LIFT (MAX)

40% EFF. (MAX)

$$Q = \frac{(5)(40)(3960)}{6} = \frac{1320}{448.83} = 2.94 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 22 \times 4.5 = 99 \text{ AF}$$

$$V_{D.R.} = [\text{Diversión Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.5 \times 200 \times 1.9835 = 991$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 99 \text{ AF}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversión Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/01	10/15	2.5	99
STOCK WATER	1/1	12/31	FROM STREAM Q.I	—
Totals:			2.6	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Bruce A. Scholz Date 4/12/04

Reviewer _____ Date _____

SEAL

Burke - all of these belong to the same claimant = 1 field exam.

Page 1

08/01/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-25744

WATER RIGHT NUMBER: 63-25744

Owner Type Name and Address
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: Beneficial Use
Status: Active

Source
DRAIN DITCH FACILITY

Beneficial Use
STOCKWATER
IRRIGATION

From	To	Diversion Rate
1/01 to 12/31		0.100 CFS
4/01 to 10/15		2.500 CFS
3/1 to 11/15		
<u>Total Diversion:</u>		2.600 CFS

Location of Point(s) of Diversion
DRAIN DITCH FACILITY
ADA County

SE1/4SW1/4SE1/4

Sec. 23, Twp 04N, Rge 01E, B.M.

Place of Use
STOCKWATER

Stockwater used directly from surface drain ditch water
NO PASTURE - CROPLAND

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	23									X					X			

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	
04N	01E	23																	
											2.0			2.0	3.0	15.0			22.0
											2.2			1.2	1.8	16.8			= 22.00

PARMA WATER LIFTER

MOTOR = INDUSTRIAL MOTOR
10 HP
1740 RPM
SF 1.15
230V
42.2 AMPS
SN ~~899~~
F99-G626A-F

PUMP: 8" DISCHARGE
PIPELINE TO SOUTH - ABOUT 200'
TO MAIN IRR. DITCH

THIS INFO IS
FOR PARMA WATER
LIFTER ON SOUTH SIDE
OF HOUSE

Tributary
BOISE RIVER DRAINAGE

ID POWER MTR
02 455 612 ABB
Kh 7.2
04N01E 23.02

Annual Volume
A 0002465

GPS 2314470
1387262 H2O

in stream use

(in stream
stock u

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-25744

Total Acres: 22

Conditions of Approval:

Remarks:

1. General

Description of diverting works —

PARMA WATER LIFTER PUMP SYSTEM, 10" DISCHARGE INTO A CONCRETE DITCH OPERATED BY A 5 HP GENERAL ELECTRIC MOTOR PUMPING 1200 GAL/M+ FROM DRAIN DITCH, IRRIGATION APPROXIMATELY 22-23+ ACRES OF NATURAL STATE BOISE RIVER BOTTOM BASIN. THE SOIL IS COMPOSED OF MUCH GRAVEL AND SAND REQUIRING CONTINUOUS FLOW OF IRRIGATION WATER. THE SOIL COMPOSITION CONTAINS SAND AND GRAVEL IN ITS NATURAL STATE LYING 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:
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

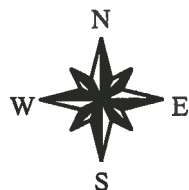
Idaho Department of Water Resources

Claim Number: 63-25744

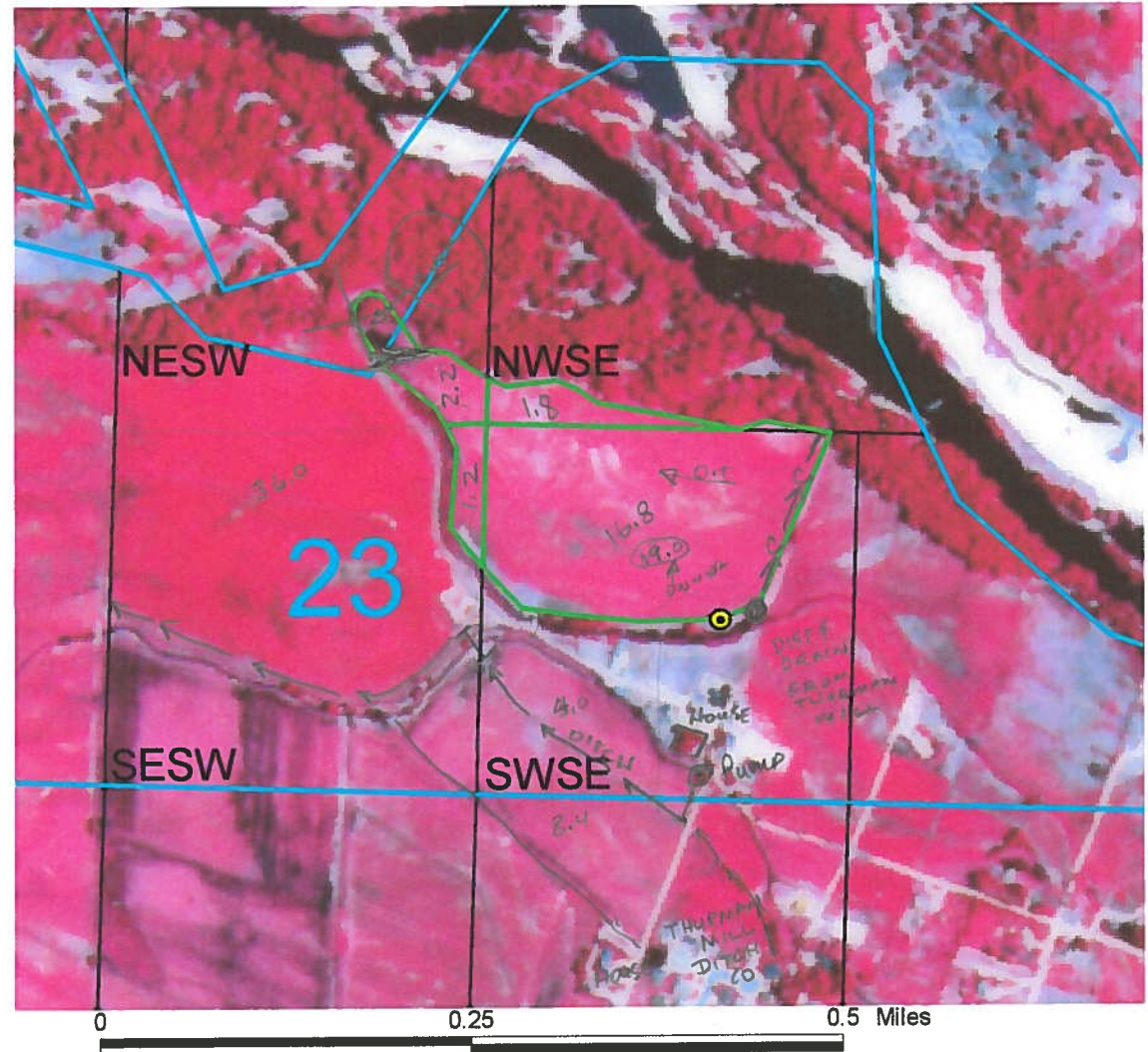
Legal: T04N, R01E, S23

Reviewed By:

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



1987 Napp Photo





63-25744



;

21





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 →





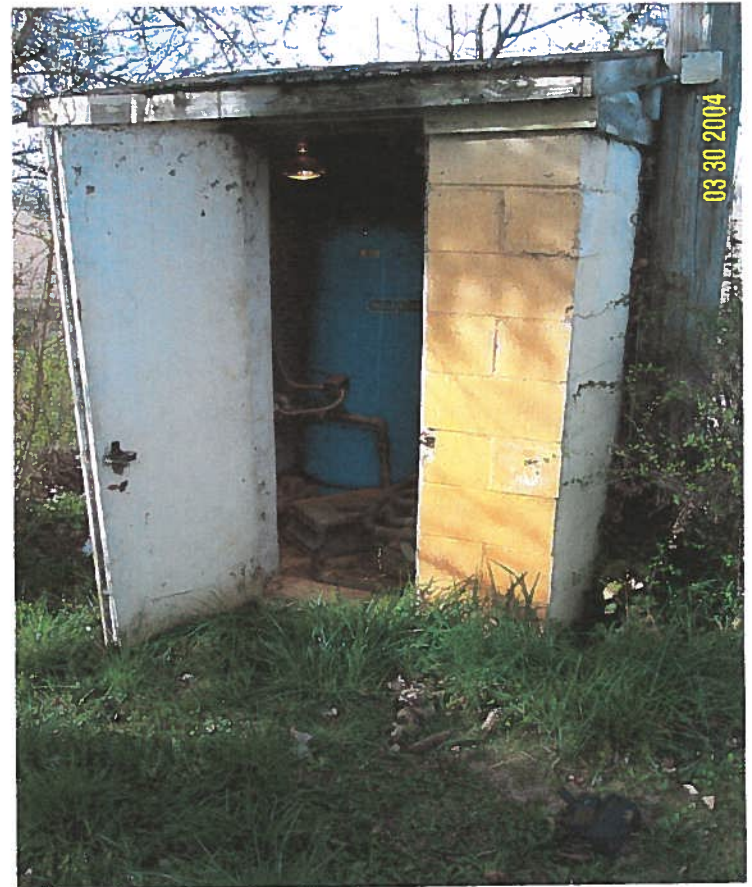
brother, **Joseph H. Smith**
Domestic

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



- domestic use not filed on

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

T04N, R01E, S26, 8WNE

- domestic well sited on





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

September 21, 2004

VERNON K SMITH
1900 W MAIN
BOISE ID 83702

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

*As representative,
this was sent to
office address as
well.*

**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.

KARL 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

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-25744 Date: 5-20-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	1E	23									2			2		3	15		22
GIS												2.2			1.2		1.8	16.8		22
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 22

Overlapping POU Claim #'s:

Total GIS Acres: 22

COMMENTS:

Per claim map.

Idaho Department of Water Resources

Claim Number: 63-25744

Legal: T04N, R01E, S23

Reviewed By:

1987 Napp Photo

*Part of this shape
belongs to DeChambers
not Smith's
(subtract)*



Point of Diversion



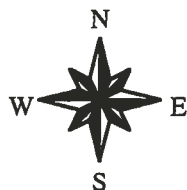
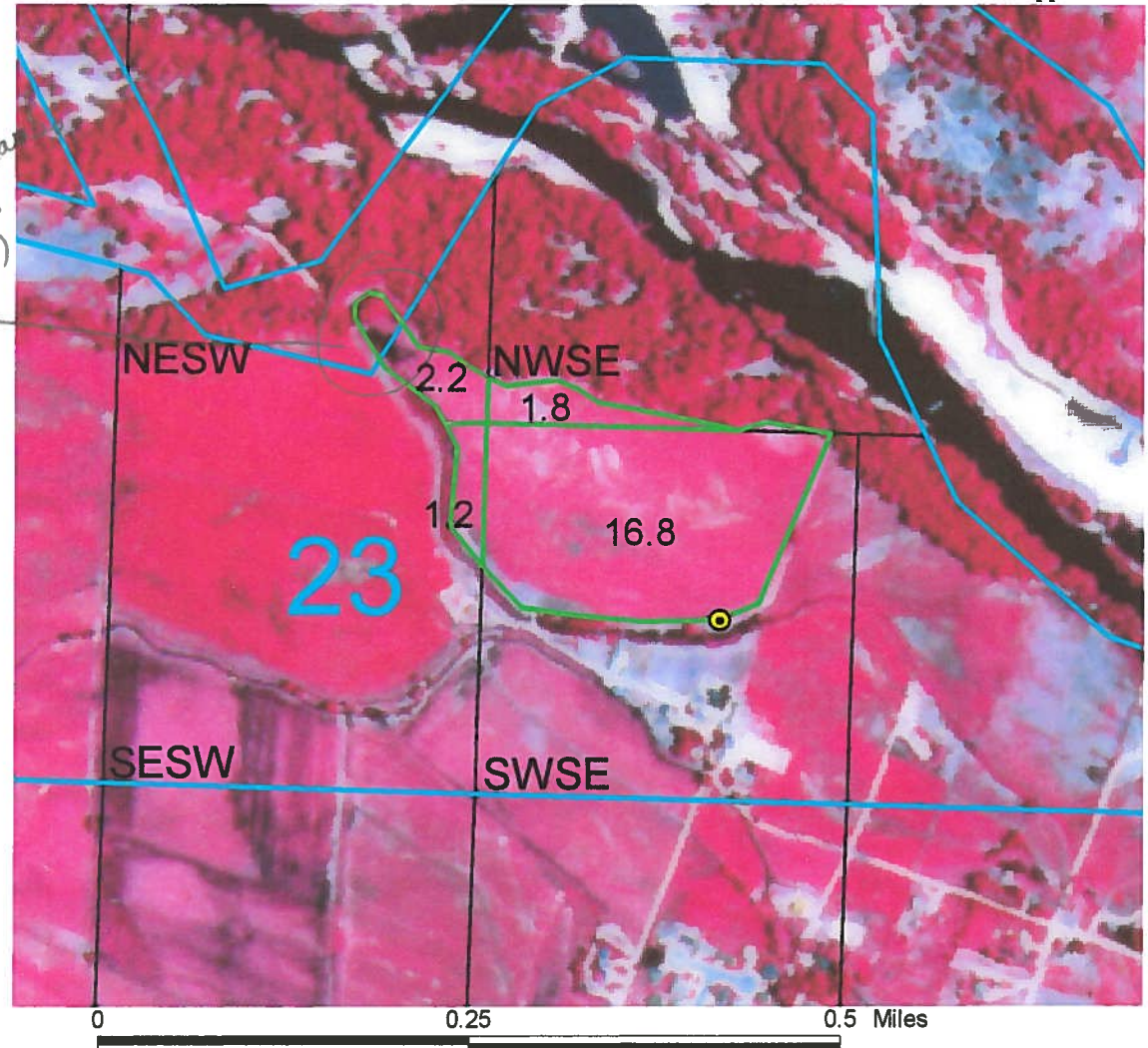
Place of Use



Section Lines



Quarter Quarter Lines





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,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:west

Enclosures:

Claims Referenced Above

cc: Vernon K. Smith w/Enclosures

MICROFILMED

SEP 14 1992