

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: **A63-28917**
Date Received: 3/ 1/1990
Receipt No: W010298
Received By: _____

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

1. Name: RALPH SMEED 208-459-2001
Address: 1201 S KIMBALL
CALDWELL ID 83605

2. Date of Priority: MAR 15, 1915

3. Source: INDIAN CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	03W	36	NE	SW	NW		CANYON

5. Description of diverting works:
HEADGATE, TURNOUT, OPEN DITCHES TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.540		135.00

7. Total Quantity Appropriated is:
0.540 C.F.S. (and/or) 135.00 A.F.A.

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	03W	26	NE	NW		IRR	8.0
			NW	NW		IRR	12.0
			SW	NW		IRR	2.0
			SE	NW		IRR	5.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	27.0
					Total Acres	27.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 ALB-28917

Date Received 3-1-90

Receipt Number W010298

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ralph Smeed Phone (208) 459-2001

Mailing Address 1201 S. Kimball, Caldwell, Idaho Zip 83605

2. Date of Priority (Only one (1) per claim) March 15, 1915

3. Source of water supply (a) Indian Creek
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4N Range 3W Section 36,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: None

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

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. Headgate, turnout, open ditches to P/U.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .54 or 135

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .54 (cfs) and/or (b) 135 (acre feet)

8. Total consumptive use claimed is 95 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
4S	3W	26					8	12	2	5									27

Total number of acres irrigated 27

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

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.
_____ or None (X)

14. Remarks:

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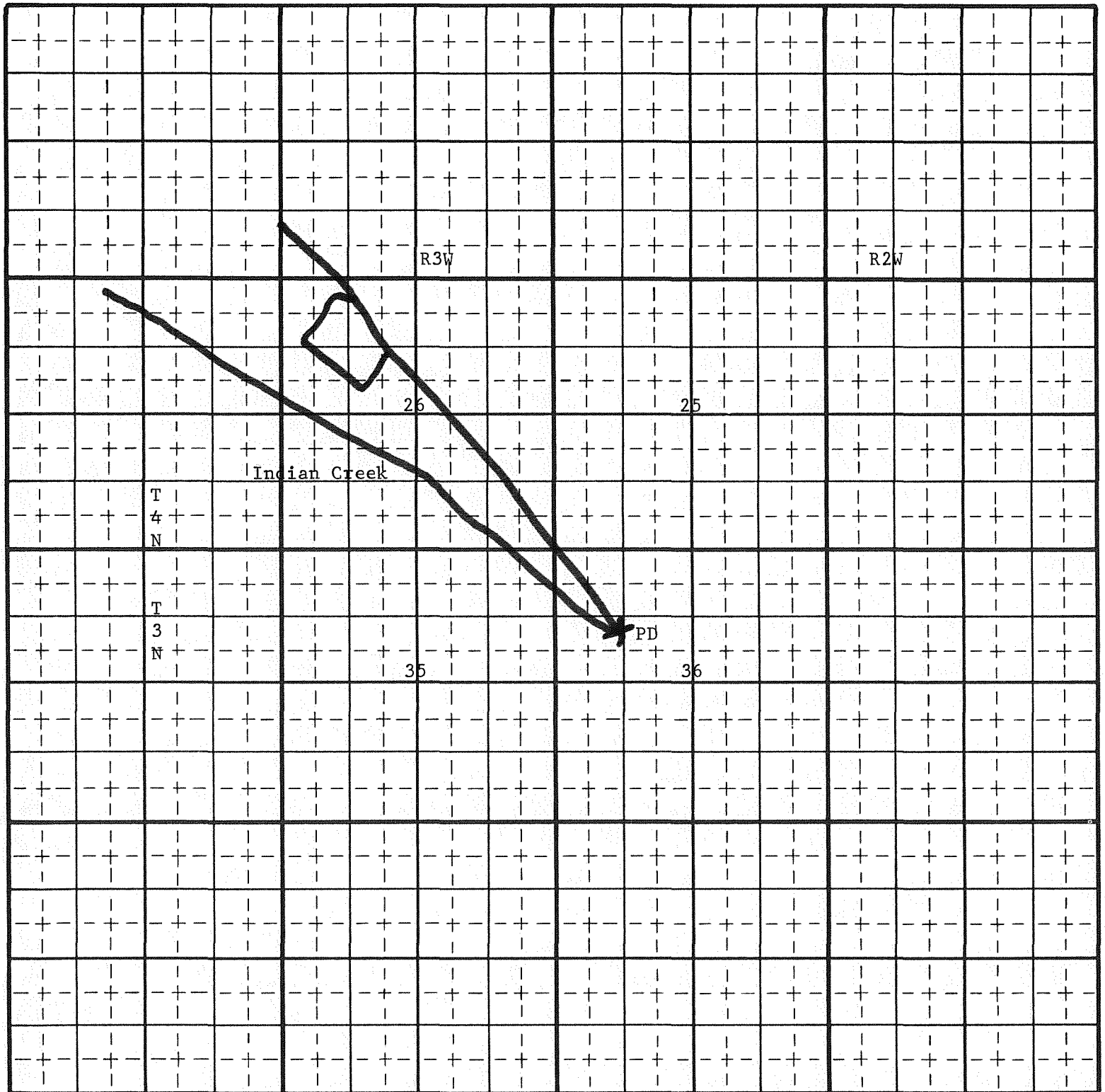
AUG 03 1994

Last Name Smeed 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



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Last Name Smeed 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 0

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

Signature of Claimant (s)

Ralph Smeed

Date

Feb 23/90

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 _____

Title

of _____

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

28

day of

February

19

90

Notary Public

Sheri L. Chapman

Residing at

2889 Cattle Way Meridian Id

My Commission Expires

6/14/94

Please Print Name

Sheri L. Chapman

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

Ralph Smeed

Address _____

Date _____

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Last Name Smeed Ident. Number _____

Copies White-State, Yellow-Claimant

ADJUDICATION CLAIM REVIEW CHECKLIST

2-1-92

CLAIMANT'S NAME

Smeed

CLAIM IDENT. NO.

A63-DATE RECEIVED 3-1-90 RECEIPT # W01078 FEE PAID \$ 22 FEE REQ'D \$ 22

	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 D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
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 showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☐	☐	*
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 basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☐	☒	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date). If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

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YES NO

3. Is this claim being rejected and returned to claimant? ✓
4. Can this claim be data entered? ✓
5. Was claim modified? ✓
- If yes, do modifications require notification to claimant?
- Note: Modifications made must be explained in comments stating where the information for any changes was found.

claim reviewed by: RMF Date 1-29-93

claim data entered by: JAD Date 6-2-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

09/12/2006

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

RIGHT NUMBER: 63-28917

NAME AND ADDRESS: RALPH SMEED
1201 S KIMBALL
CALDWELL ID 83605

SOURCE: INDIAN CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 03/01/1932

POINT OF DIVERSION:

T04N R03W S36 NESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.360 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R03W S26 NENW 8.60

T04N R03W S26 NWNW 2.70

T04N R03W S26 SWNW 0.30

T04N R03W S26 SENW 6.40

18 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Pioneer Irrigation District.

Idaho Department of Water Resources

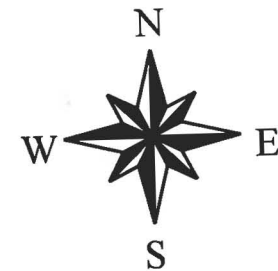
**T04N, R03W,
SEC 26 & 36**

Claim No: 63-28917
Prepared By: Kimberly Brown
Date: September 12, 2006

-  Place of Use
-  Section Lines
-  1/4 1/4

 Point of Diversion

Irrigated Acres = 18



1987 NAPP

0 0.1 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28917

WATER RIGHT NUMBER: 63-28917 ✓

Owner Type ✓ Name and Address ✓
 Current Owner ✓ RALPH SMEED ✓
 1201 S KIMBALL
 CALDWELL, ID 83605
 (208)459-2001

Priority Date: 03/15/1915 ✓ ⁰¹1932

Basis: Beneficial Use ✓

Status: Active

Source ✓
 INDIAN CREEK ✓

Tributary ✓
 BOISE RIVER ✓

Property Address:
 415 W. 21st St. Ave.

Caldwell

Beneficial Use ✓ From To ✓ Diversion Rate ✓
 IRRIGATION ✓ ^{change to 3/01} 3/15 to 11/15 0.36 ~~0.540 CFS~~ ✓
Total Diversion: ~~0.540 CFS~~ ✓
 0.36

Annual Volume~~135.00 AF~~~~135.00 AF~~

REMOVE:
 (surface water)

Location of Point(s) of Diversion

INDIAN CREEK
 CANYON County ✓

~~NE 1/4 SW 1/4 NW 1/4~~ ✓
 NE 8W

Sec. 36, Twp 04N, Rge 03W, B.M. ✓

Place of Use ✓
 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	
04	03W	26					8.0	42.0	2.0	5.0									27.0
							8.6	2.7	0.3	6.4									18.0

Total Acres: 27 ✓
 18.0

Conditions of Approval:Remarks:

ADD W54- Use is combined with water from
 Pioneer Irr. District.

Comments:

Parcel No: R3537300000. (21.9 AC)

Field Exam Date 0-12-06

(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 \$ 77.⁰⁰
- ☐ Well logs (if needed) N/A
- ☒ 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) A63-28917

Owner: Ralph Smeed Phone No. _____

Current Address: 1201 S. Kimball, Caldwell 83605

party Address:

5 N. 21st St.

Caldwell

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

Accompanied by: in-office verification

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: 03/15/1915

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

Ralph Smeed submitted, through his attorney David L. Whitney, an affidavit which we received on 4/18/06. However, this affidavit did not provide any specific evidence of the water use for irrigation purposes from Indian Creek. Therefore, requested a more specific affidavit. After receiving the second affidavit signed by

Source: _____ Tributary to _____

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

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: NESW, S.36
- ☐ If different, when did POD change? _____

I spoke with his attorney, Mr. Whitney, and we both agreed that the statement "When I was junior high age" translated to the year 1932. As a result, 3/01/1932 is being recommended as the priority

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
			NE	SW	36	4N	3W		Based on field exam's findings

Description of diverting works

See Field Report.**OVERLAP REVIEW**Other water rights with the same point of diversion: # 63-5374

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

share same POD**WATER USES**☐ No change☐ Different Uses

Season of use is 3/01 to 11/15.

Use Irrigation From 3/01 To Amount 0.36 CFS AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

18.0 AC
0.02 cfs/AC
0.36 cfs

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount CFS AFA☒ Changes found, the new total is, Amount 0.36 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 # Types Additional comments: **PLACE OF USE:**☐ No Change☒ Changes shown below:

Parcel No: a portion of R3537300000.

change T04S (claimen)
to T04N

* 18 acres of irrigation is the
average from the 1987, 1994,
2000, & 2004

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	
04 <u>N</u>							8.6	2.7	0.3	6.4									18.0 *

HAPP
images

Overlap with other water rights: (+) Pioneer Irr. Dist. water

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
- claim supplemental to water from Pioneer Irr. District.

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

FLOW MEASUREMENTS: See Field Report.

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

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

> Field Exam - 8/30/06

DATE EXAM CONDUCTED:

9.12.06

(in-office review)

FIELD EXAMINER:

Kimberly Brown

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right Nos. A63-28917

November 24, 2006

Dave Whitney called regarding the field inspection conducted on October 31st, 2006 and the review of this water right (see attached message).

November 27, 2006

I returned Mr. Whitney's call by leaving a message on his office answering machine (#459-3659, Ext. 19).

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-28917

03/27/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~28917~~	~~Claim~~	~~04S~~	~~03W~~	~~26~~	~~NE~~	~~NW~~		~~IRRIGATION~~	~~8/27~~	~~RALPH SMEED~~
~~28917~~	~~Claim~~	~~04S~~	~~03W~~	~~26~~	~~NW~~	~~NW~~		~~IRRIGATION~~	~~12/27~~	~~RALPH SMEED~~
~~28917~~	~~Claim~~	~~04S~~	~~03W~~	~~26~~	~~SW~~	~~NW~~		~~IRRIGATION~~	~~2/27~~	~~RALPH SMEED~~
~~28917~~	~~Claim~~	~~04S~~	~~03W~~	~~26~~	~~SE~~	~~NW~~		~~IRRIGATION~~	~~5/27~~	~~RALPH SMEED~~

- supplemental to water from
Pioneer Irr. District.

REAL PROPERTY INQUIRY

```

+++++
01 6R35373-010- -0 001-12 SCH132+ 21 345,175 10.75
+++++
SMED, RALPH +
+
+
+
+
1201 S KIMBALL AVE +
CALDWELL ID 83605 +
+++++
26-4N-3W NW + TOTAL 518,125 10.75
TX 52 NW OF 21ST AVE IN N 1/2 NW ++++++
+ SURVEY INST
+ DRAIN DR VALUE APPR TLH
+ CLASS CM REAP 00 MAN 99 UNIT 0
415 N 21ST AVE, CA + PARCEL 6RC00000266005 H/O N C/B N
+ PRIOR ACCOUNT 5R35373-010- -0
+ 02 MH on Property YES
MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101
System User- IDWRR Date 03/27/2006 Time 7:57
REAL PROPERTY INQUIRY
+++++
01 6R35368-014- -0 001-00 SCH132+ 21 98,800 .92
+++++
SMED, RALPH +
+
+
+
+
1201 S KIMBALL AVE +
CALDWELL ID 83605 +
+++++
26-4N-3W NW + TOTAL 98,800 .92
TX 5A LS TX 74 IN SWNW SEC 26-4N3W ++++++
& LT 9 LS ST & LS TX 74 BLK 2 IN + SURVEY INST
SEC 27-4N3W SENE + DRAIN DR VALUE APPR TLH
+ CLASS REAP 00 MAN UNIT 0
N 21ST AVE, CA + PARCEL 6RC00000263750 H/O N C/B N
+ PRIOR ACCOUNT 5R35368-014- -0
+ 02 MH on Property NO

```

+ MANUFACTURED HOUSING INQUIRY +	
+ 01 6T71012-000- -0 001-12 FIRE- FLOOD- APPR TAM CLASS R1 REAP 00 DECL N +	
+ NAMES AND MAILING ADDRESS + DESCRIPTION +	
+ SMEED, RALPH	+ R35373-000- -0 SECTION 26-4N-3W NW +
+ SPACE LOT BLOCK	+ SECURITY (12 X 56) (X) +
+ S3043	+ SECUR-70-12-M10 TITLE B 89097731 +
+ 1201 S KIMBALL AVE	+ CALDWELL ID 83605 +
+ VALUES +	
+ SITE 415 N 21ST AVE CA	+ 46 3,800 +
+ STATUS- COMB N TRAN N DEL N PPD N	+ +
+ PRIOR ACCOUNT 5T71012-000- -0	+ +
+ PARCEL 6T4N3W26R71012	+ +
+ H/O N C/B N SCH 132	+ +
+ 02 TRAITS INQUIRY	+ TOTAL 3,800 +

#63-28917
1987 NAPP

NWNW

NENW

NWNE

SWNW

SENW

SWNE

26



#63-28917
2004 NAPP

NWNW

NENW

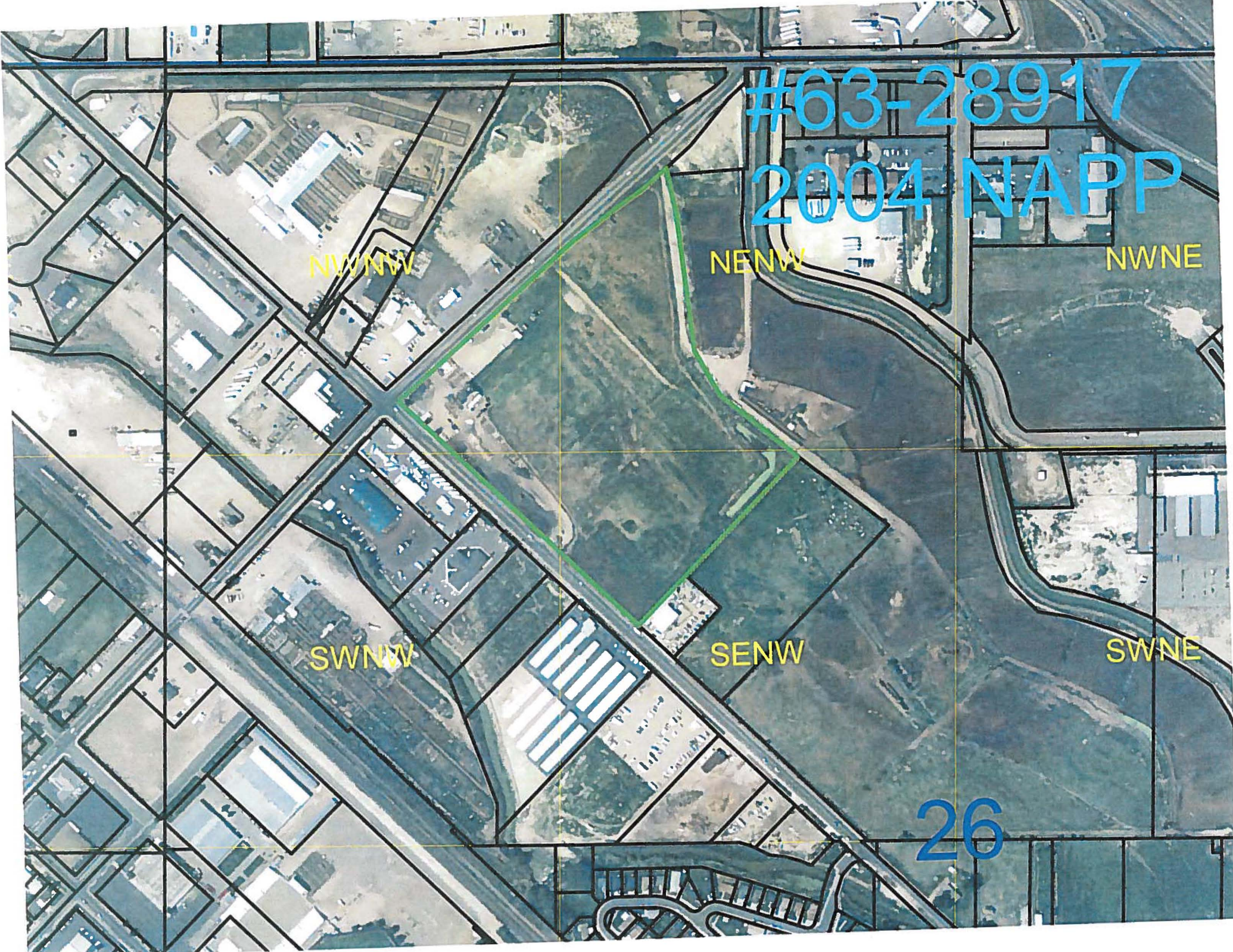
NWNE

SWNW

SENW

SWNE

26



Receipt Details for ID W010298

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/2/1990 11:55:33 AM	3/2/1990	Western	\$77.00	Check
Payer		SMEED, RALPH		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
679			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$77.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	28917		\$77.00	Claim

Print Report

MEMORANDUM

TO: ADJUDICATION FILES 63-5374 & 63-28917

FROM: DANIEL A. NELSON

DATE: 9/9/06

SUBJECT: FIELD EXAMINATION

I performed a field exam on 63-28917 on 8/23/2006 and on 8/30/2006 for water right 63-5374. Both of these rights use the same point of diversion. There are also several other users that use this diversion, but it appears as though these are the only two with beneficial use claims on the north side of Indian Creek. The water for both of these rights are diverted from a common headgate located in the NESW S36 T4N R5W. The water then travels through ditches and pipelines for over a mile to the two places of use. I measured the ditch after it crossed Indian Creek and before it went onto these properties. The ditch has the capacity of carrying 1.64 cfs, which is more than enough capacity to cover both rights and then some. I will discuss each right from this point on separately below:

63-28917 (Ralph Smeed)

The water from the main ditch enters Mr. Smeed's property in the eastern corner and goes directly into a settling pond. Mr. Smeed then uses a small pump and diverts the water to two wheel lines with 5/32 nozzles. This type of system generally operates around 45 to 50 psi, and using these numbers in a theoretical calculation, Mr. Smeed diverts approximately 0.49 to 0.52 cfs. Mr. Smeed irrigates 18 acres, so using the standard 0.02 cfs per acre the most we can allow him for his 18 acres is 0.36 cfs. Therefore, I would suggest that this claim be recommended for 0.36 cfs and 81 afa for 18 acres of irrigation from 3/1 to 11/15.

63-5374 (Ralph and Avona Russi)

The water from the main ditch enters Mr. and Ms. Russi's property at the southern border. The Russi's flood irrigate directly out of the ditch. Therefore, they could use the full amount of the ditch if needed. The Russi's have 9.7 acres, so using the standard 0.02 cfs per acre the most we can allow them for their 9.7 acres is 0.19 cfs. Therefore, I suggest that this claim be recommended for 0.19 cfs and 43.7 afa for 9.7 acres of irrigation from 3/1 to 11/15.

The Russi's also run about 40 to 50 head of cow/calf pairs on the property. At the time of the exam they had 30 head, which I felt was about the maximum that they could run on this small pasture. Therefore, I would recommend a diversion rate of 0.02 cfs for the stockwater portion not to exceed 13,000 gallons per day. The field examiner's handbook allows 0.02 cfs for up to 50 head, and instream stockwater rights are also limited to 0.02 cfs, so this should be more than adequate for their needs.



WELL #1

HOUSE

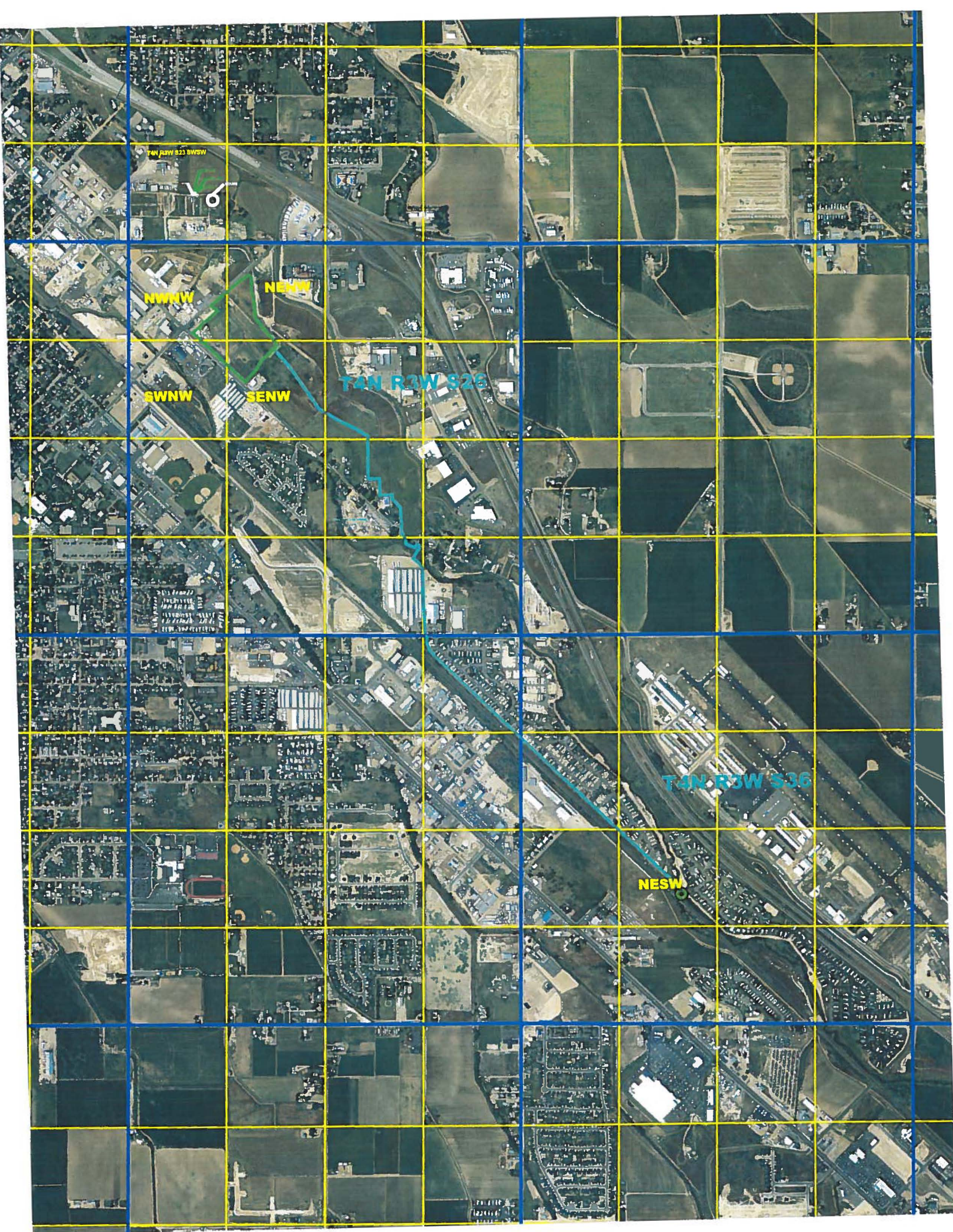
T4N R3W S26

NWNW
3.7 ACRES

NENW
7.5 ACRES

SWNW
1.3 ACRES

SENW
5.5 ACRES



MANNING EQUATION CHANNEL CAPACITY RESULTS

09-09-2006

File Number: 63-28917 and 63-5374

Claimant: Ralph Smeed and Ralph and Avona Russi

Channel measured: Delivery Ditch

Date of measurement: 8/23/2006

Measurement location:

After the pipeline crossing Indian Creek and before ditch crossed road.

Calculation prepared by: Dan Nelson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 85 feet.

The upstream and downstream rod readings are 7.00 and 7.15 feet.

The channel cross section is 2.56 ft-sq.

The wetted perimeter is 5.31 feet.

The hydraulic radius is 0.48 feet.

The slope is 0.0018

The roughness coefficient is 0.0600

The flow velocity is 0.640 ft/sec.

The rate of flow is 1.64 cfs.

CROSS SECTION NUMBER 1

For File Number 63-28917 and 63-5374 for the Delivery Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.57	0.57	1.00
3	0.84	0.84	2.00
4	0.82	0.82	3.00
5	0.56	0.56	4.00
6	0.00	0.00	5.00

The area for this cross section is 2.79 square feet
and the wetted perimeter is 5.37 feet.

CROSS SECTION NUMBER 2

For File Number 63-28917 and 63-5374 for the Delivery Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.55	0.55	1.00
3	0.67	0.67	2.00
4	0.56	0.56	3.00
5	0.34	0.34	4.00
6	0.00	0.00	5.00

The area for this cross section is 2.12 square feet
and the wetted perimeter is 5.23 feet.

CROSS SECTION NUMBER 3

For File Number 63-28917 and 63-5374 for the Delivery Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.79	0.79	1.00
3	0.84	0.84	2.00
4	0.72	0.72	3.00
5	0.43	0.43	4.00
6	0.00	0.00	4.90

The area for this cross section is 2.76 square feet
and the wetted perimeter is 5.32 feet.

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015	✓	(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005	✓	(2)		.010		(2)
moderate	.010		(3)	medium	.015	✓	(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00	✓	(1)
occasional	.005	✓	(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-28917

DATE: 8-23-2006

BY: Don Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times \text{HP}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70 % or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$(8.8) \times (10 \text{ Hp}) \times (0.70) = 61.6$
 $Q = \underline{\hspace{2cm}} = \underline{0.52 \text{ cfs}}$

$[(3) + (50 \times 2.31)] = 118.15$

LIFT FROM:

Measurement ☒ ()

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ☒ ()

Owner Gage ()

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: I measured the lift, but
had to estimate the pressure.
I used the standard 50 psi for
a wheel line sprinkler.

There were 42 sprinklers
that had 5/32 nozzles. at 50 psi
these nozzles divert 5.19 gpm

$5.19 \times 42 = 448.8 = 0.49 \text{ cfs}$

These are very close numbers, so it
seems reasonable.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/24/2006

FILE NUMBER 63-28917 & 63-5374



The top photo shows the dam in Indian Creek and the headgate to the right of the photo.

The second photo is a close-up of the headgate.

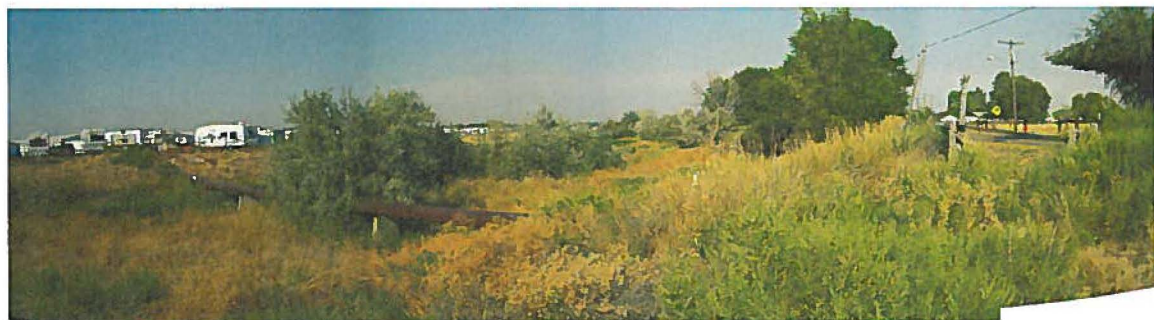


The third photo shows the ditch above the splitter box that sends the water to Smeed and Russi.

The fourth photo is a close-up of the splitter box that sends the water to Smeed and Russi. The white PVC pipe is the pipeline going to Smeed and Russi's ditch.



The fifth and bottom photo shows the pipeline going across Indian Creek. The metal pipe is rusted through, but they have installed a PVC pipe inside of the metal pipe.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/24/2006

FILE NUMBER 63-28917



The photo above shows the pump used to irrigate Mr. Smeeds property. He pumps out of a pond.



The photo above shows the pond Mr. Smeed pumps from. It can fill within 24 hours, so it doesn't require a storage component.



The photo above shows the place of use for Mr. Smeed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RALPH SMEED
1201 S KIMBALL
CALDWELL ID 83605

COPY

**RE: FIELD EXAM REQUEST FOR SNAKE RIVER BASIN ADJUDICATION
CLAIM NUMBER 63-28917**

Dear Mr. Smeed:

I have tried several times to contact you and your attorney, David Whitney, to set a time to perform a field inspection of your adjudication claim 63-28917. I have spoken to Mr. Whitney's assistant and/or partner, but have not been able to get a time that I can come out to verify your water right. Without a verification of your water right the agent working on your Snake River Basin Adjudication (SRBA) claim will be required to recommend that this water right be disallowed due to no beneficial use found.

Our agency is under a very strict deadline that requires that I perform the field exam for this claim or return it to agent recommending this right with designation of no beneficial use found. I want to give you every opportunity to pursue this water right through to fruition, but unfortunately, I cannot wait any longer. **If I cannot perform the field exam by 8/23/2006, I will be forced to return the claim to be disallowed. Please contact me or have your attorney contact me at the above address as soon as possible to set up an appointment to examine this water right.** My schedule is very limited, so the sooner you call the better chance you will have to comply with the 8/23/2006 deadline.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

CC David Whitney

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, ID 83705-5082
TELEPHONE NUMBER – (208) 334-2190
FAX NUMBER – (208) 334-2348

**IDAHO DEPT OF
WATER RESOURCES**

Fax

To: RALPH SMEED

From: DANIEL A. NELSON

Fax: (208) 459-2001

Pages: COVER PAGE

Phone:

Date: 7/10/2006

Re: SNAKE RIVER BASIN
ADJUDICATION CLAIM
63-28917

CC:

● **Comments:**

Telephone number 459-2001 was listed on your water right as your business telephone number. However, it appears as though this is your designated fax line. Kimberly Brown has been working with your attorney Dave Whitney to prepare this adjudication claim to be recommended to the Snake River Basin Adjudication court to be decreed. One of the requirements to get this right decreed is to verify the different components of the water right. This requires that I come to your property and determine the location of the point where you divert water, how it is diverted; the actual amount of water diverted, and the actual number of acres diverted. I must then map and write a report to give to Ms. Brown, so she can make the recommendation to the Snake River Basin Adjudication court for your water right.

We have been given a very tight schedule to complete these recommendations, so if you could please contact me at your earliest convenience to set up this exam I would greatly appreciate it. I am in the same office as Ms. Brown, so please call 334-2190 and ask for Dan Nelson. Our goal is to complete this project by the end of July, so scheduling this exam is extremely important.

Thank you

Daniel A. Nelson – Senior Agent

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
POND Pump	PRIEST ELECT	10HP	40551	BERKLEY	6290891

2.) Lift (distance from pump to water) 3 FT

3.) How was lift determined (well log, measurement, owner)? meas

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) 50 ps.

5.) Was a measurement made? NO If no can a measurement be made at a latter time? NO

6.) What type of measurement device was used? Theoretical

7.) Is there a pump curve available for pump?

8.) Please fill out the following:

Number of sprinklers ~~45~~ 42

Sprinkler nozzle size 5/32

Number of Pivots (include gpm rating for each pivot)

$$\frac{61.6}{118.5} = 520 \text{ gpm}$$

$$5 \times 520 = 2600$$

$$2600 \div 5.7 = 456$$

Black Canyon
Water used.

UNKNOWN

old

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

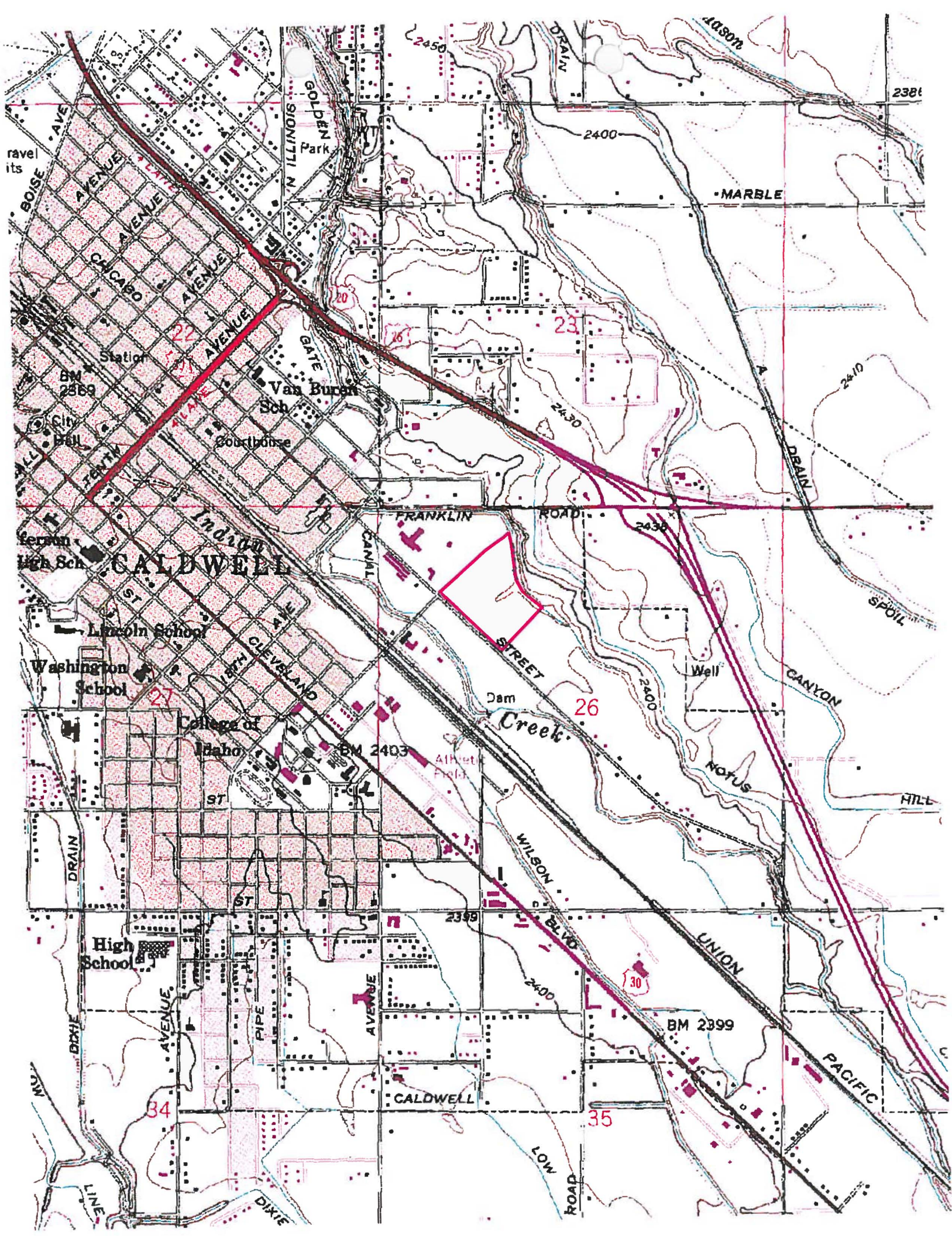
DITCH 7 Feet even UPSTREAM
7.15 DOWNSTREAM
@ 5.2 FT LENGTH

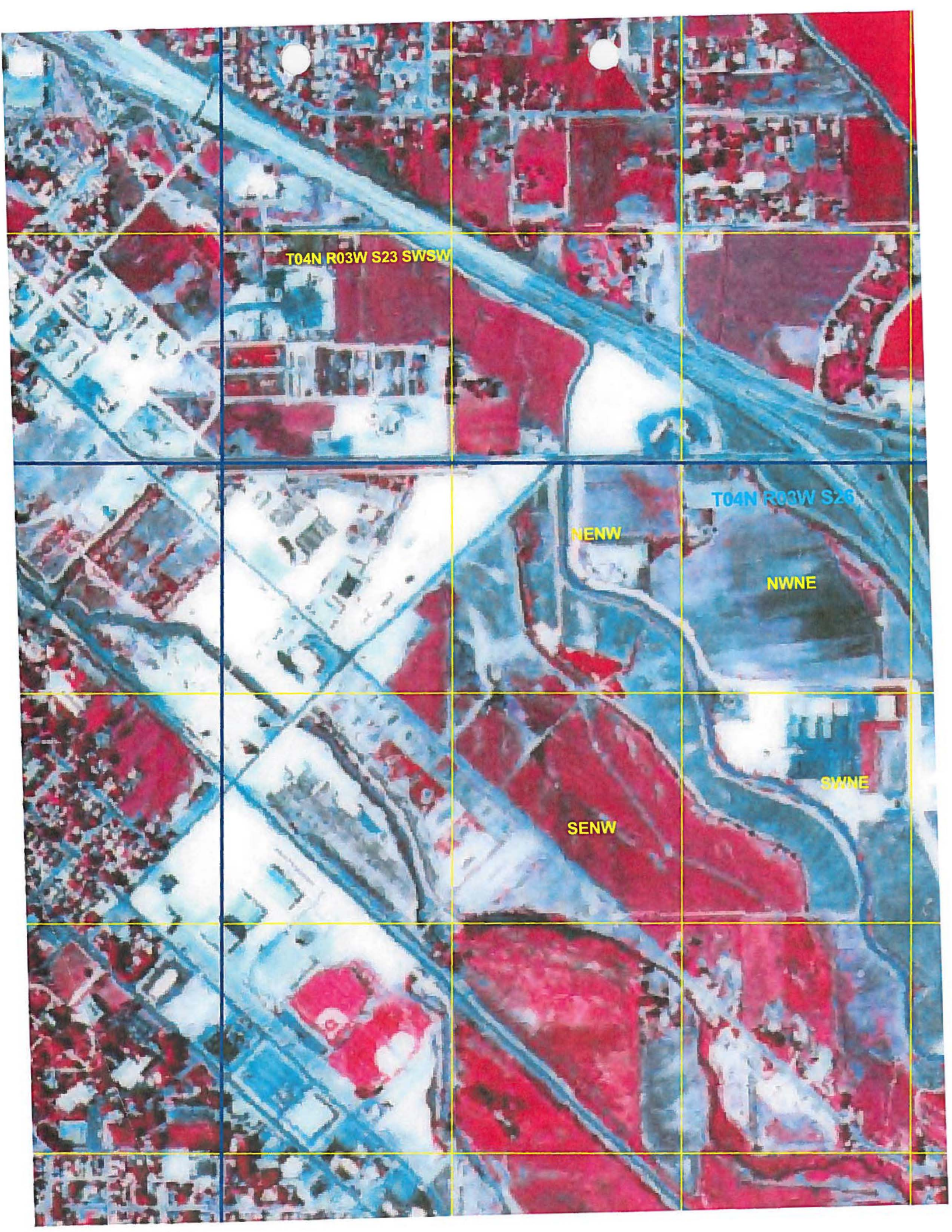
Segment #1	0 FT. 0 Depth	Segment 2	0
1 FT	.57	1	.55
2 FT	.84	2	.67
3	.87	3	.56
4	.66	4	.34
5	0	5	0

Segment 3	0
1	7.9
2	8.4
3	7.8
4	4.7

DATE EXAM CONDUCTED _____

4.9 0
FIELD EXAMINER _____





T04N R03W S23 SWSW

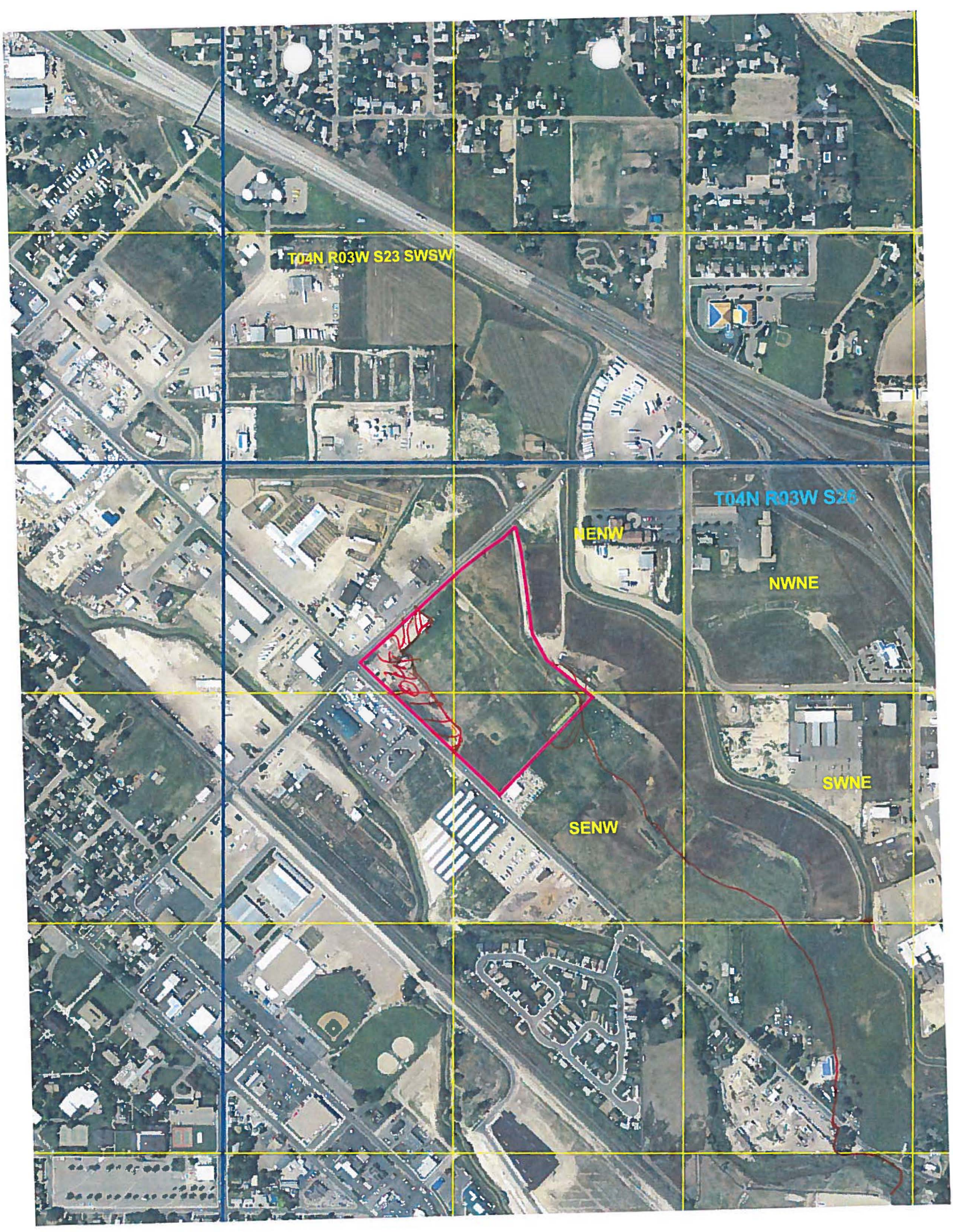
T04N R03W S26

NENW

NWNE

SWNE

SENW



T04N R03W S23 SWSW

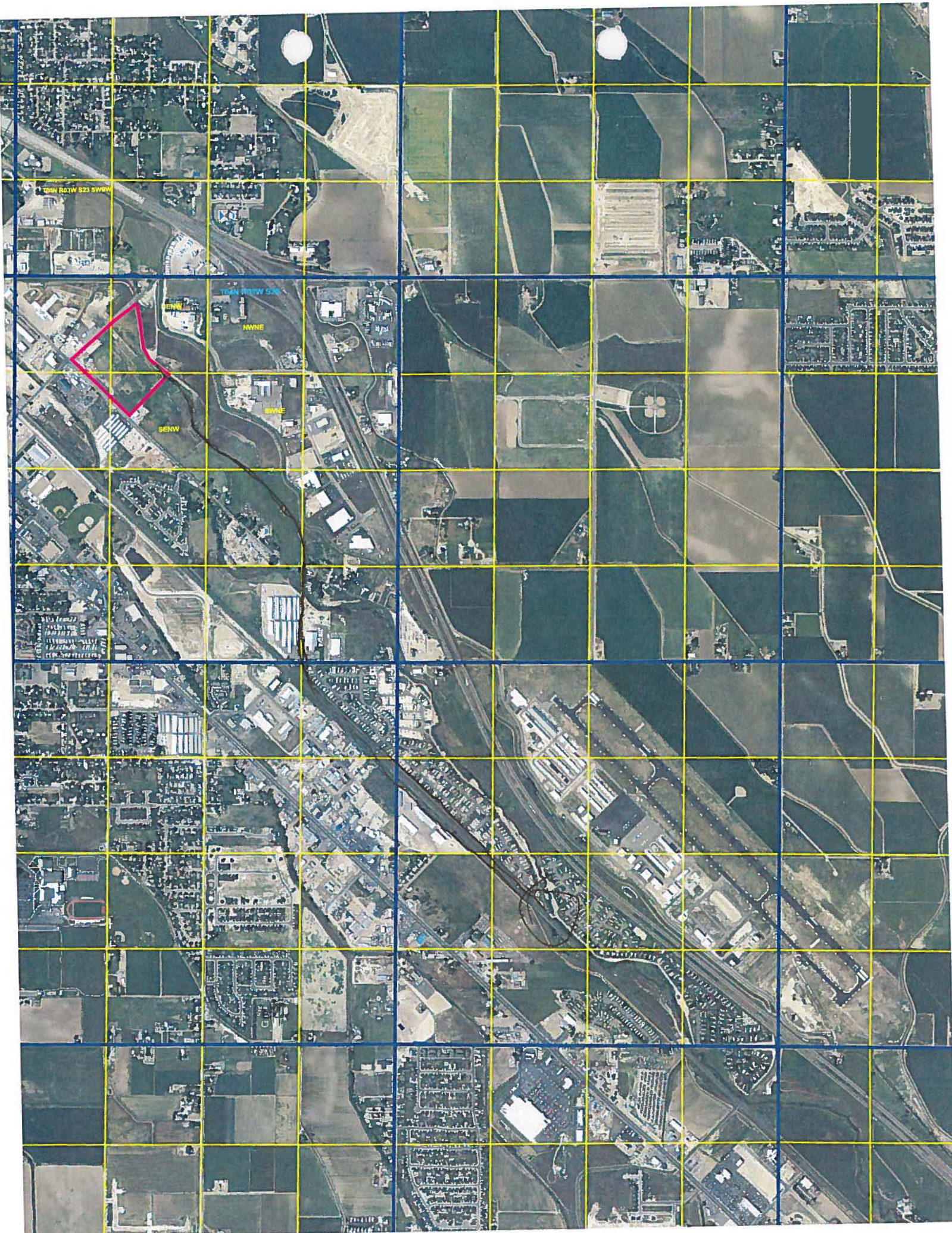
T04N R03W S26

NENW

NWNE

SWNE

SENE



* * * Memory TX Result Report (Jul. 10. 2006 1:54PM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Jul. 10. 2006 1:54PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
5201 Memory TX		94592001	P. 1	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection

WESTERN REGIONAL OFFICE
 2735 AIRPORT WAY
 BOISE, ID 83706-6082
 TELEPHONE NUMBER - (208) 334-2199
 FAX NUMBER - (208) 334-2348



Fax

To: RALPH SMEED **From:** DANIEL A. NELSON

Fax: (208) 459-2001 **Pages:** COVER PAGE

Phone: **Date:** 7/10/2006

Re: SNAKE RIVER BASIN
 ADJUDICATION CLAIM
 63-28917

● Comments:

Telephone number 459-2001 was listed on your water right as your business telephone number. However, it appears as though this is your designated fax line. Kimberly Brown has been working with your attorney Dave Whitney to prepare this adjudication claim to be recommended to the Snake River Basin Adjudication court to be decreed. One of the requirements to get this right decreed is to verify the different components of the water right. This requires that I come to your property and determine the location of the point where you divert water, how it is diverted; the actual amount of water diverted, and the actual number of acres diverted. I must then map and write a report to give to Ms. Brown, so she can make the recommendation to the Snake River Basin Adjudication court for your water right.

We have been given a very tight schedule to complete these recommendations, so if you could please contact me at your earliest convenience to set up this exam I would greatly appreciate it. I am in the same office as Ms. Brown, so please call 334-2190 and ask for Dan Nelson. Our goal is to complete this project by the end of July, so scheduling this exam is extremely important.

Thank you

Daniel A. Nelson - Senior Agent

Dan N.

A63-28917 Field Exam Request:
Smeed

Contact:

06/23/2006

Contact **Ralph Smeed** at #459-2001 to set up a field exam.

Property Address:

415 N. 21st Ave.
Caldwell

Requests:

*Please verify **all of the elements** of this right.

In addition, please verify:

- **GPS** the location of the **POD** on **Indian Creek**.
- Is **Pioneer Irrigation District** water used to supplement this right?
- **1987 Aerial Photo:** Please draw the **27.0 acres**** that were irrigated from Indian Creek in 1987 on the enclosed **1987 aerial photograph**. Draw the **diversion works** on the 1987 aerial photo also; along with the **point of diversion**.

According to Canyon Co. tax lot information, Mr. Smeed only owns a maximum of **21.9 acres; not the 27.0 acres that he claimed. Calculating acres in ArcView, I came up with approximately 9.0 acres in the NENW, 4.9 acres in the NWNW, 1.5 acres in the SWNW, and 6.5 acres in the SENW (these numbers are not accurate and do not take out any the large gray area in the NENW, the large white rectangle area in the NWNW, or any of the roads, for example; but it gives you an idea that there are **not 27.0** acres of irrigation involved.

- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.54 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RALPH SMEED
1201 S KIMBALL
CALDWELL ID 83605

COPY

**RE: FIELD EXAM REQUEST FOR SNAKE RIVER BASIN ADJUDICATION
CLAIM NUMBER 63-28917**

Dear Mr. Smeed:

I have tried several times to contact you and your attorney, David Whitney, to set a time to perform a field inspection of your adjudication claim 63-28917. I have spoken to Mr. Whitney's assistant and/or partner, but have not been able to get a time that I can come out to verify your water right. Without a verification of your water right the agent working on your Snake River Basin Adjudication (SRBA) claim will be required to recommend that this water right be disallowed due to no beneficial use found.

Our agency is under a very strict deadline that requires that I perform the field exam for this claim or return it to agent recommending this right with designation of no beneficial use found. I want to give you every opportunity to pursue this water right through to fruition, but unfortunately, I cannot wait any longer. **If I cannot perform the field exam by 8/23/2006, I will be forced to return the claim to be disallowed. Please contact me or have your attorney contact me at the above address as soon as possible to set up an appointment to examine this water right.** My schedule is very limited, so the sooner you call the better chance you will have to comply with the 8/23/2006 deadline.

Respectfully,

Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

CC David Whitney

Dan H.

A63-28917 Field Exam Request:
Smeed

Contact:

06/23/2006

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415 N. 21st Ave.
Caldwell

Requests:

*Please verify **all of the elements** of this right.

In addition, please verify:

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- **Capacity of System:** Calculate the capacity of the system. Verify that the claimed **0.54 cfs** is possible/applicable.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

(*) I suggested that Dan do this FX w/ #63-5351/5353 since they are right next to each other.

CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-28917
Evidence of Priority**

April 13, 2006

Dave Whitney, the attorney for Ralph Smeed, called in response to the request for evidence of priority. After speaking about evidence of priority with Mr. Whitney, I mentioned that since Mr. Smeed filled-out the Notice of Claim, that he would probably be able to explain how he came up with the date of 1915 and explain that knowledge in an affidavit. Mr. Whitney asked that I fax him a copy of the Notice of Claim signed by Ralph Smeed, which I did.

April 19, 2006

I received evidence of priority in the form of an affidavit signed by Ralph Smeed. However, the evidence is insufficient, in that it does not specifically refer to use of water from Indian Creek for irrigation purposes and when that use began. Therefore, I called #459-3659, ext. 19 and left a message on Mr. Whitney's answering machine explaining that the evidence is insufficient.

April 25, 2006

Mr. Whitney returned my call and I explained that the evidence needs to be more specific about the use of the water, the source it came from, the date the use began, etc. Mr. Whitney replied that he is leaving the country in the morning for two weeks and, therefore, wanted 4 extra weeks to turn in evidence. I responded that I would give him until May 24, 2006 to supply evidence of the priority date.

June 15, 2006

Dave Whitney called and asked for more time to provide evidence. "We're trying to get a hold of Sherl Chapman and are unable to do so," he said. I told Mr. Whitney that I didn't believe that Mr. Chapman could help them in this matter. I reiterated that Mr. Smeed

merely needs to more explicit in his affidavit about his water use from Indian Creek for irrigation purposes; and not focus on how old he is or when he bought the property. I told Mr. Whitney that I would give him one more week (June 22, 2006) to provide sufficient evidence because this claim requires that a field investigation be scheduled and conducted; and that process usually takes quite a while to complete.

June 19, 2006

David Whitney called and said, "Let me read you something ..." and proceeded to read Mr. Smeed's second affidavit to me. In the second affidavit, Mr. Smeed bases his knowledge of the use of the water on when he was of "junior high age," so I figured that if Mr. Smeed was born in 1921 and assumed that "junior high age" could translate to 6th grade, I added 11 years to 1921 and came up with 1932. Mr. Whitney agreed with this calculation and, therefore, the priority date that will be recommended will be: 1932.

I asked Mr. Whitney if he needed to be contacted to schedule a field investigation and he stated that we only needed to contact Mr. Smeed. I asked if the address on S. Kimball and the telephone number #459-2001 were correct and Mr. Whitney assured me that they were.

Kimberly Brown
Senior Water Resource Agent
Western Region

**ALEXANDERSON, DAVIS, RAINEY & WHITNEY
ATTORNEYS AT LAW**

Robert L. Alexanderson
Wayne E. Davis (1919-1986)
Ronald P. Rainey
David L. Whitney

110 North Ninth Ave.
Post Office Box 26
Caldwell, Idaho 83606-0026

Area Code (208)
Telephone 459-3659
Fax No. 208-459-9067
Fax No. 208-459-6147

June 21, 2006

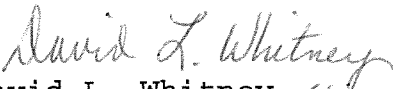
Kimberly Brown
Water Resource Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Ralph Smeed
Evidence of Priority
Snake River Basin Claim No(s): A63-28917

Dear Ms. Brown:

Enclosed is Mr. Smeed's affidavit which you and I spoke about
by telephone the other day.

Yours very truly,


David L. Whitney *DLW*

DLW/as
Enclosure
cc: Ralph Smeed
Sheila Stone

RECEIVED

JUN 22 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF NOTICE OF CLAIM TO A WATER RIGHT NO.(S) SNAKE
RIVER BASIN CLAIM NO(S): A63-28917 STATE OF IDAHO, COUNTY OF CANYON

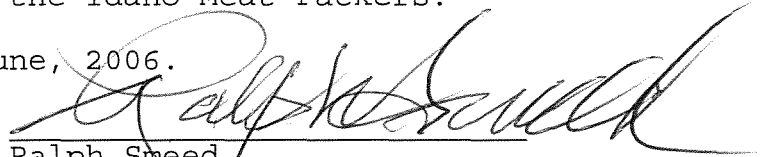
AFFIDAVIT OF RALPH SMEED

RALPH SMEED, on oath, deposes and says:

The location description needs to be corrected to reflect the following: Township 4N, Range 3W, Section 26.

I was born in 1921 and am 84. My father, John Smeed, either owned the property when I was born or acquired such shortly thereafter. My father died in 1949 and still owned the property. When I was junior high age I started working with my father. I assisted him with the irrigation of this property. I observed that water was diverted from Indian Creek and used on the described property. Following my father's death the property passed to the John Smeed family trust and from there to the Idaho Meat Packers. I purchased the property from the Idaho Meat Packers.

Dated this 19th day of June, 2006.


Ralph Smeed

RECEIVED

JUN 22 2006

WATER RESOURCES
WESTERN REGION

**ALEXANDERSON, DAVIS, RAINEY & WHITNEY
ATTORNEYS AT LAW**

Robert L. Alexanderson
Wayne E. Davis (1919-1986)
Ronald P. Rainey
David L. Whitney

110 North Ninth Ave.
Post Office Box 26
Caldwell, Idaho 83606-0026

Area Code (208)
Telephone 459-3659
Fax No. 208-459-9067-19
Fax No. 208-459-6147

April 17, 2006

RECEIVED
APR 18 2006
WATER RESOURCES
WESTERN REGION

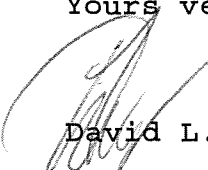
Kimberly Brown
Water Resource Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Ralph Smeed
Evidence of Priority
Snake River Basin Claim No(s): A63-28917

Dear Ms. Brown:

Enclosed is Mr. Smeed's affidavit which you and I spoke about by telephone the other day. His knowledge of this property relates back to the time that his father owned the property when he was just a boy. If you need further information, or if we need to pull up a lot book report from Pioneer Title, such will be provided. You indicated that really all you needed was a very brief statement from Mr. Smeed. However, I wish to advise that he is prepared to proceed through Pioneer Title Company to obtain a lot book report if necessary. The lot book report would indicate the chain of title and the specific dates when owned by his father, by his father's trust, by Idaho Meat Packers and when acquired by Ralph personally. If it is of interest, Ralph is nearly 85 years of age.

Yours very truly,


David L. Whitney

DLW/as
Enclosure
cc: Ralph Smeed

RECEIVED
APR 18 2006
WATER RESOURCES
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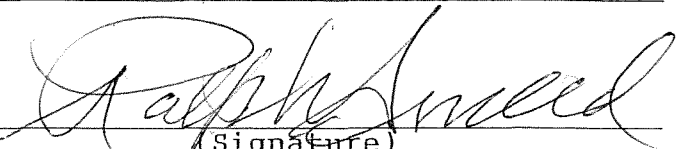
IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
SNAKE RIVER BASIN)
CLAIM NO(s):)
A63-28917)
State of Idaho)
County of Canyon)

AFFIDAVIT

RALPH SMEED

deposes and says:

1922 I have been acquainted with this property for most of my adult
life. I am 84 years of age. This property was owned by my
father John Smeed. On his death it was conveyed into the
John Smeed Trust. The property for a short time was then later
conveyed to Idaho Meat Packers. I then personally purchased
the property. If you need any additional information please
advise and it will be provided.


(Signature)

* * * Memory TX Result Report (Apr. 13. 2006 1:52PM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Apr. 13. 2006 1:50PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
4266 Memory TX	94596147	P. 4	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

Form No. 42-1409 (2) a 1/88

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 AL-2-28917
Date Received 03-1-98
Receipt Number W010298

Should questions arise during
the processing of this applica-
tion please contact:

SHERI L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

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

Please type or print clearly

- Name of Claimant (s) Ralph Sneed Phone (208) 459-2001
Mailing Address 1201 S. Kimball, Caldwell, Idaho Zip 83605
- Date of Priority (Only one (1) per claim) March 15, 1915
- Source of water supply (a) Indian Creek
which is tributary to (b) Boise River
- a. Location of existing point of diversion is: Township 4N Range 3W Section 36,
NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Canyon
Additional points of diversion if any: None
b. If instream flow, beginning point of claimed instream flow is: N/A
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 of
 1/4, Govt. Lot B.M., County of
- 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. Headgate, turnout, open ditches to P/U.

MICROFILMED

AUG 03 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RALPH SMEED
1201 S KIMBALL
CALDWELL ID 83605

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-28917

Dear Claimants,

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. 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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

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.

The required evidence supporting the priority date(s) requested needs to be submitted by April 19, 2006. 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.

In addition, since it is our goal to decree the historical water right 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. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-28917

Memorandum

To: Lori Harris

From: Danni Smith

Date: July 23, 1997

RECEIVED

JUL 25 1997

WATER RESOURCES
WESTERN REGION

RE: attached Indian Ck Water Rts list

Per Dave Tuthill please file these in the claim files at your office. May want to run them by Jan so she is aware they are there. Keith Anderson, who is doing some work for City of Nampa, brought these into the office on Monday, thought we would like to have the discrepancy information.

So, I copied you can "file". Have a nice day.

Indian Ck. Water Rts

Indian Creek Water Rights

(Downstream from Nampa Waste Water Treatment Plant)

Number	Name	CFS	Priority	Point of Diversion	Use	Remarks	See Footnote
63-02114	Pioneer Irrig. Dist.	8.64	10/15/1909	NE SW 36-04N 03W	Irrigation	License	
63-02279	Riverside Irrig. Dist.	89.90	11/04/1915	NW NE 21-04N 03W	Irrigation	Beneficial Use	
63-02374	Riverside Irrig. Dist.	88.50	08/02/1922	NW NE 21-04N 03W	Irrigation	License	
63-02386	Simplot Livestock Co.	1.56	01/17/1924	NW NE 21-04N 03W	Irrigation	License	
63-04009	Riverside Irrig. Dist.	180.00	11/04/1915	NW NE 21-04N 03W	Irrigation	Statutory Claim	
63-05219	Pioneer Irrig. Dist.	18.00	05/01/1961	SW NE 22-03N 02W	Irrigation	Beneficial Use	(1)
63-05237	Pioneer Irrig. Dist.	16.00	04/01/1910	NE SW 26-04N 03W	Irrigation	Beneficial Use	(2)
63-05255	Pioneer Irrig. Dist.	2.17	05/01/1915	SE SW 22-04N 03W	Irrigation	Beneficial Use	(3)
63-05374	Ralph/Avona Russi	0.21	01/01/1937	SE NW SE 26-04N 03W	Irrig/Stock	Statutory Claim	(4)
63-21481	Ernest/Maryetta Wilson	0.06	04/10/1944	SW NW 36-04N 03W	Irrigation	Beneficial Use	
63-26434	John W. Goodyear	0.15	04/01/1885	NE SW 36-04N 03W	Irrig/Stock	Beneficial Use	(5)
63-26435	John W. Goodyear	0.43	04/01/1885	NE SW 36-04N 03W	Irrig/Stock	Beneficial Use	(6)
63-28917	Ralph Smeed	0.54	03/15/1915	NE SW NW 36-04N 03W	Irrigation	Beneficial Use	
63-28938	Woodgrain Millwork Inc.	5.01	12/31/1958	SE SE 08-03N 02W	Fire Protection	Beneficial Use	

Information from both IDWR Files: "Listing of Water Rights" and "Adjudication Listing of Water Rights"

Footnotes:

- (1) From Adjudication List--also shown as 04/1/61 priority; as 16.00 cfs; Pt.Diversion in NW SE sec. 22; and Statutory Claim
- (2) From Adjudication List--also shown as Statutory Claim
- (3) From Adjudication List--also shown as 2.50 cfs; 04/01/1910 priority; Pt.Diversion in NW SW sec. 22; and Statutory Claim
- (4) From Adjudication List--includes 0.03 cfs stockwater; also shown as 0.19 cfs total including 0.01 cfs stockwater
- (5) Includes 0.03 cfs stockwater
- (6) Includes 0.03 cfs stockwater