

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: A35-07737
Date Received: 5/11/1989
Receipt No: E007345
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERMAN N. SMITH 208-397-4612
Address: 2321 W. 1400 S.
STERLING, ID 83279
OR
Name: VESTA SMITH 208-397-4612
Address: 2321 W. 1400 S.
STERLING, ID 83279

2. Date of Priority: AUG 02, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	32E	7	SE	SW	SE		BINGHAM

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.050		651.00

7. Total Quantity Appropriated is:
3.050 C.F.S. (and/or) 651.00 A.F.A.

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A35-07737

Page 1

Date: 05/11/89

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A3507737

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	32E	7	SW	NE		IRR	33.0
			SE	NE		IRR	38.0
			NE	SE		IRR	34.0
			NW	SE		IRR	37.0
			SE	SE		IRR	38.0
						Section Acres	180.0
						Total Acres	180.0

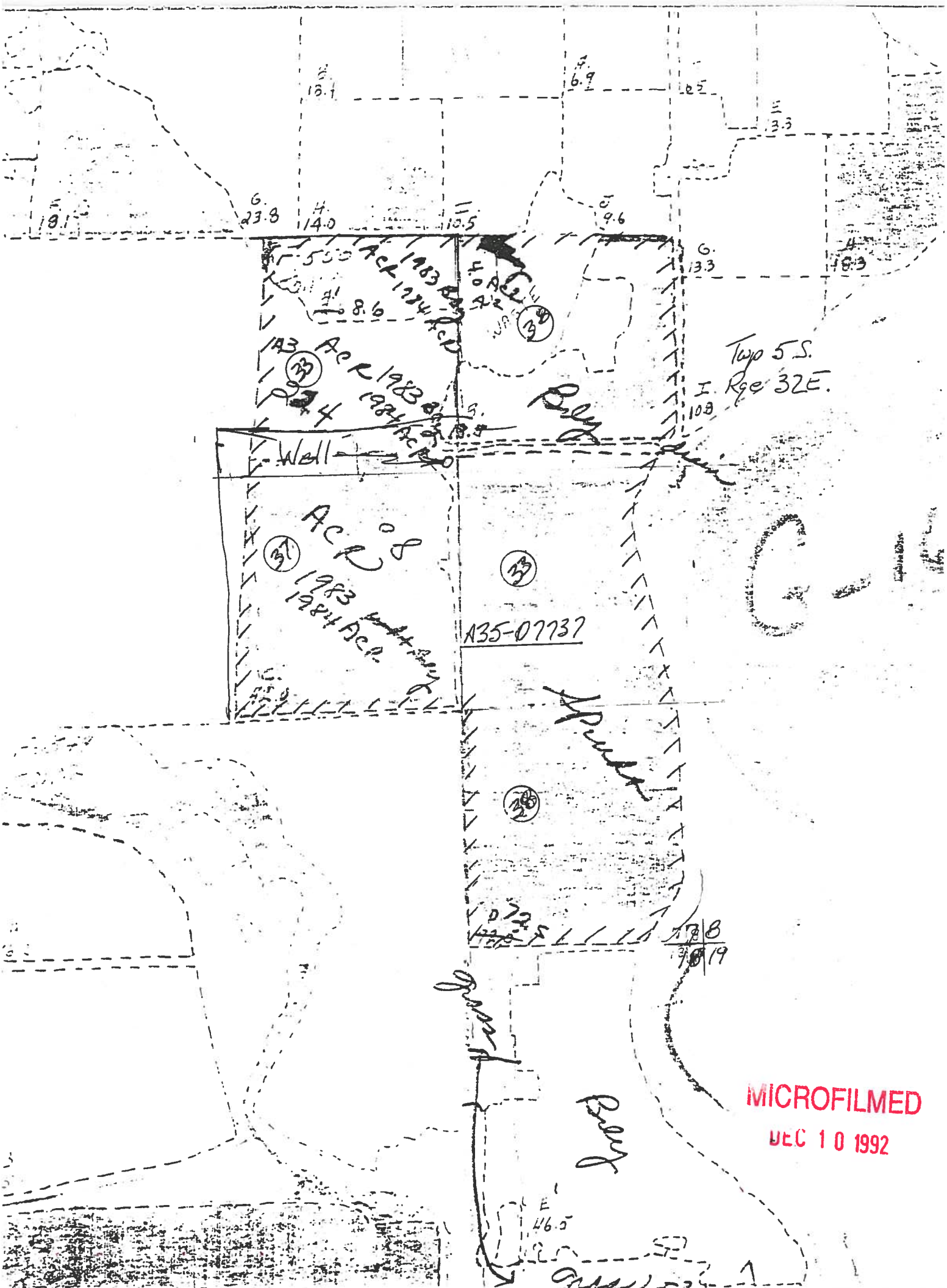
11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
ABERDEEN-SPRINGFIELD CANAL CO.

14. Remarks:

15. Basis of Claim: LICENSE



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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): *Sherman D Smith* Date: 5/11/89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of May 19 89 *Ernest Carls*
Notary Public

Seal

Residing at *Idaho Falls, ID.*
My Commission Expires 14 June 1994

REFUND REQUEST

TO: S. Frazee to Log In
FOR: J. Carlson/D. Shaff/D. Allen
FROM: Ernie Carlsen

SUBMITTED TO AUDITOR

ON 7-6-92

RECEIVED

RECEIVED

JUL 08 1992

MAR 18 1992

Department of Water Resources

Eastern District Office

Claimant if NOT Payor SAME ^{for} WEST SMITH

Department of Water Resources

Refund Amount \$ 128⁰⁰

Claim Location E

Extension Filed? Y/N NA

Copy Attached? Y/N NA

Late Fees Paid? Y/N NA

On Receipt #

S.O. Verified Ext. by on

Refund Generated By () Agent (X) Claimant telecon

Refund Category Double payment of variable fee.

Date of Last Correspondence (copy attached) March 9, 1992.

Claim No.	Use	Fees Paid	Correct Fee	Rec't #
A35-07737	01	\$ 230 ⁰⁰	102 ⁰⁰	E007345
		\$		
		\$		
		\$		
		\$		

Detailed Reason(s) for Refund Attached Y/N

Region Adj. Supervisor Approval EMC

John Carlson Approval

Don Shaff Approval 6-30-92

Hold To Fiscal

Not Refunded as of 6-26-92

Logged 3-13-92

Data Base Modified? Y/N NA By

Date 3-13-92

Claimant paid assessment to Aberdeen Springfield Canal Company for land served by canal and then also paid the variable fee for the

P.O.U. on A35-07737

Subsequently the Canal Company paid the variable fee for the P.O.U. on A01-00023Z0 and A01-00023Z1 under receipt E014259. Comparison of the

P.O.U. on these claims reveals an overlap of 128 acers.

The claimant is therefore requesting a refund of \$128⁰⁰ paid under receipt E007345.

Ref - EMC sent Ltr.

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05/01/91

(WATER RIGHT NUMBERS THAT BEGIN WITH AN ** ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A3507507	T05S R32E S17 GROUNDWATER	:				15	:			11	27	:						53
A3504240	UNNAMED DR :	:				15	:			01	:							16
A3507507	T05S R32E S18 GROUNDWATER	:				25	:							37		40	127	
A0100023Z0	SNAKE RIVE :									38	38	40	26		40	24	246	
A0100297Z0	SNAKE RIVE :									38	38	40	26		40	24	246	
A0102064G0	SNAKE RIVE :									38	38	40	26		40	24	246	
A0102068G0	SNAKE RIVE :									38	38	40	26		40	24	246	
A0102068H0	SNAKE RIVE :									38	38	40	26		40	24	246	
A3502543Z0	GROUNDWATE :									38	38	40	26		40	24	246	
A3504240	UNNAMED DR :	25								38	38	40	26		40	24	246	
A3504246Z0	GROUNDWATE :									38	38	40	26		40	24	246	
A3507803	CORNFORTH :					30				40	18						88	

Overlap

-0

-0

-0

-0

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WIR-NUMBER	SOURCE	NE				NW				SE				SW				NE				NW				SE				SW				SUM																			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																								
A3507737	T05S R32E S 7	GROUNDWATER																												33	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	180
A010002370	SNAKE RIVE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A010029770	SNAKE RIVE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A010206460	SNAKE RIVE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A010206860	SNAKE RIVE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A0102068H0	SNAKE RIVE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A350254320	GROUNDWATE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					
A350424620	GROUNDWATE	34	38	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	39	:	204																					

over-lap 128

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DEC 10 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: *March 9, 1992*

SHERMAN N SMITH
2321 W 1400 S
STERLING ID 83210

RE: REFUND

Dear *Sherman*:

This office has initiated a Refund Request for the double payment of fees in the Snake River Basin Adjudication (SRBA).

Comparison of the land list on your Notice(s) with the lands listed on claims submitted by Aberdeen-Springfield Canal Company revealed an overlap of the following:

128 acres on A35-07737

Therefore, the Refund Request is for \$*128⁰⁰*, paid under receipt *8007345*. A check for this amount should be mailed from Boise in the near future.

Naturally, if you have any questions, feel free to contact this office (525-7161).

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

EC:jt

cc: Aberdeen-Springfield Canal Company

File: To Claim

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHERMAN N SMITH	08/02/1977	IRRIGATION	04-01 10-31	3.05 CFS	720.00 AFA
C	VESTA SMITH					
	2321 W 1400 S					
	STERLING ID 83279					
	(208) 397-4612					
					3.05 CFS	720.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05S R32E S07

NEWSE

BINGHAM County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
05S 32E 7	: 33	: 38	:	: 34	: 37
					38
					180.0
					180.0

POU County: BINGHAM

Other Rights: ABERDEEN-SPRINGFIELD CANAL CO.

Conditions of Approval:

- E02 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates: Exam Made Date: 11/02/1992 Verified Date: Objection Filed Date:

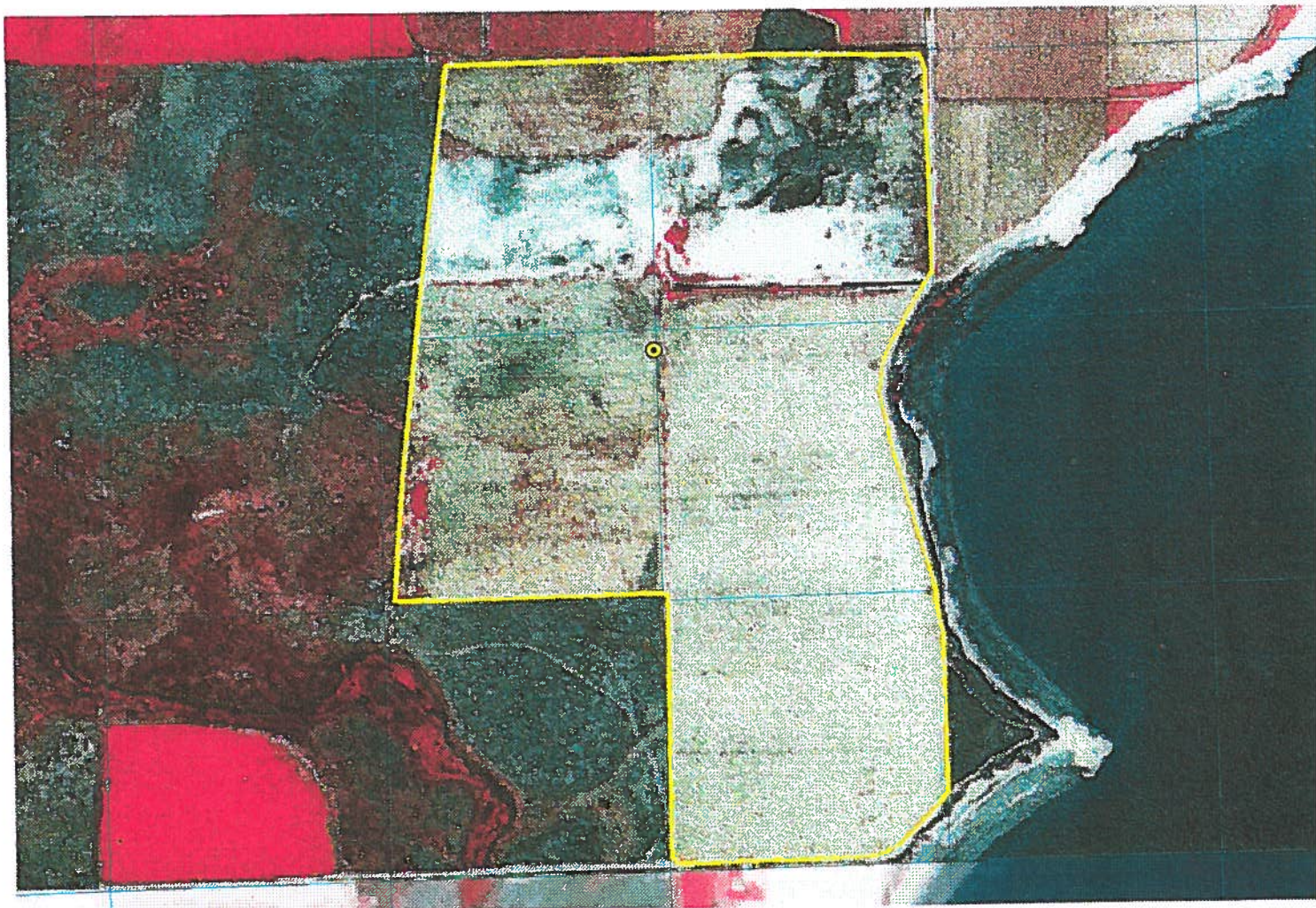
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

SHERMAN & VESTA SMITH

Water Right No(s).

35-07737



0 1320 2640 Feet



Point of Diversion
Location



Place of Use
Boundary

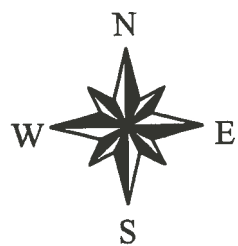


Section Lines



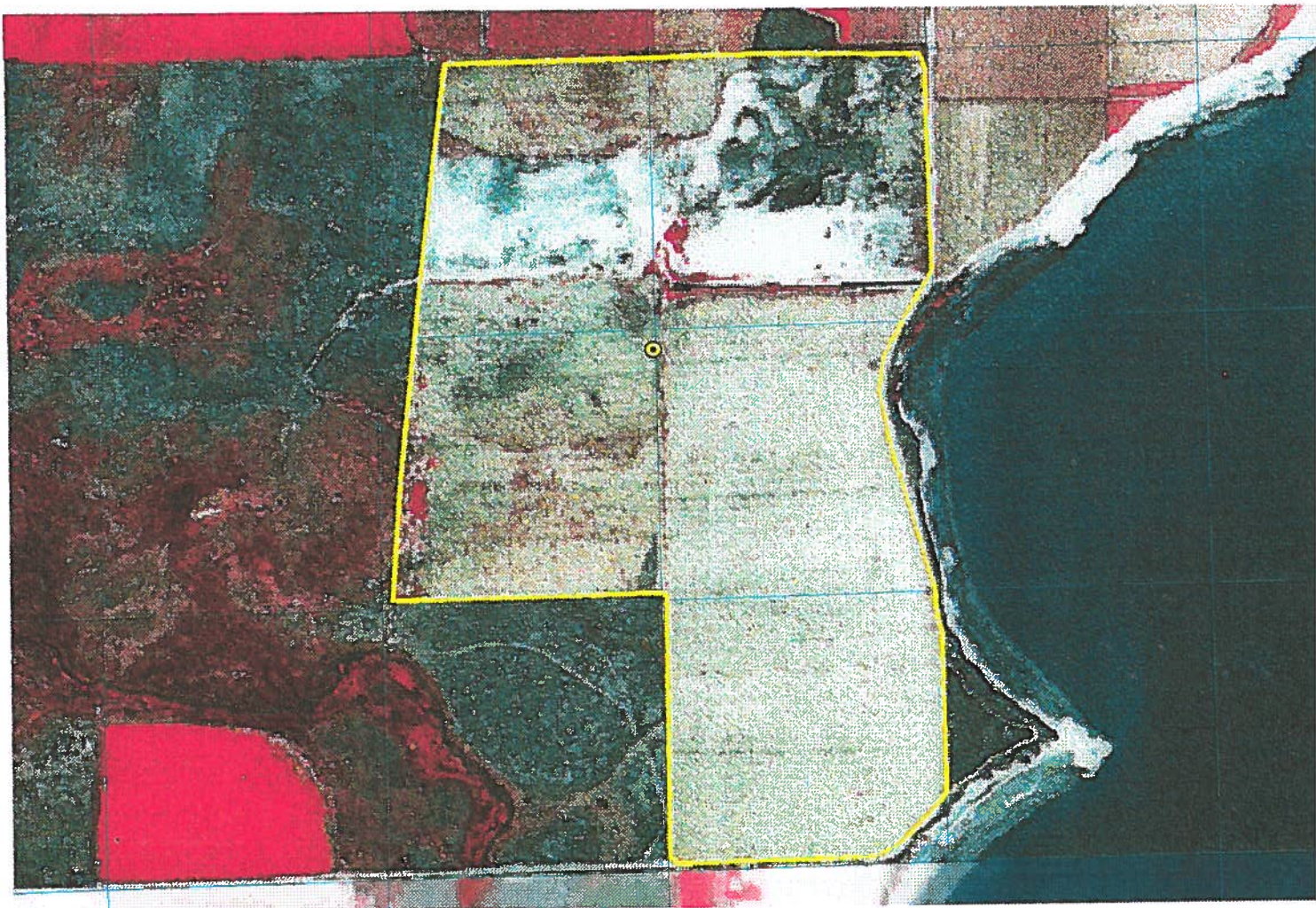
Quarter/Quarter Lines

Township(s) 05S, Range(s) 32E
Section(s) 07



GIS Place of Use Illustration
1987/1988 NAPP Photograph
Prepared by: Greg Taylor
Date: Jan. 15, 1999

IDAHO DEPARTMENT OF WATER RESOURCES
SHERMAN & VESTA SMITH
Water Right No(s).
35-07737



0 1320 2640 Feet



Point of Diversion
Location



Place of Use
Boundary

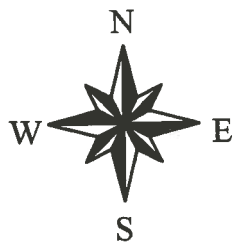


Section Lines



Quarter/Quarter Lines

Township(s) 05S, Range(s) 32E
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