

COPY

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SEP 10 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 28 PM 2 28

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

In Re SRBA

Case No. 39576

SUBCASE NO. 02-7064, 02-7237A,
02-10181, 02-10189

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

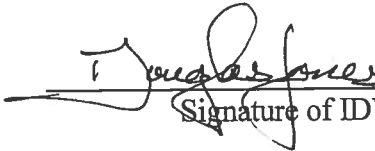
IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

8/28/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/28, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

Copies to:

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

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Robert Smith
Connie Smith
94 Walkley Rd
Burbank WA 99323



Signature of person or attorney mailing the form

07/16/2007

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

RIGHT NUMBER: 2-7064

NAME AND ADDRESS: CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

ROBERT SMITH
94 WALKLEY RD
BURBANK WA 99323

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 6.360 CFS
1,590.00 AFY

PRIORITY DATE: 04/23/1970

POINT OF
DIVERSION: T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	6.360 CFS 1,590.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R02E S12	NESW	40.00	T06S R02E S12	SESW	40.00
T06S R02E S12	NWSE	40.00	T06S R02E S12	SWSE	40.00
T06S R02E S13	NENE	39.00	T06S R02E S13	NWNE	40.00
T06S R02E S13	NENW	40.00	T06S R03E S18 Lot 1 NWNW		39.00

318 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 - License

The following rights are diverted through point of diversion described above:
02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B,
02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.

07/16/2007

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

RIGHT NUMBER: 2-7237A

NAME AND ADDRESS: ROBERT SMITH
94 WALKLEY RD
BURBANK WA 99323

CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.900 CFS
1,475.00 AFY

PRIORITY DATE: 12/23/1976

POINT OF
DIVERSION: T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.900 CFS 1,475.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R03E S06 Lot 7 SWSW	40.00	T06S R03E S06	SESW	40.00
T06S R03E S07	NENW 40.00	T06S R03E S07 Lot 1	NWNW	19.00
T06S R03E S07 Lot 2	SWNW 38.00	T06S R03E S07	SENW	40.00
T06S R03E S07	NESW 40.00	T06S R03E S07 Lot 3	NWSW	38.00

295 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 - License

This right is a split from former right 02-7237.

The following rights are diverted through point of diversion described above:
02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B,
02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.

07/16/2007

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

RIGHT NUMBER: 2-10181

NAME AND ADDRESS: ROBERT SMITH
94 WALKLEY RD
BURBANK WA 99323

CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS
640.00 AFY

PRIORITY DATE: 04/09/1970

POINT OF
DIVERSION: T05S R04E S34 SWSESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.200 CFS 640.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in OWYHEE County

T06S R02E S12	NENE	40.00	T06S R02E S12	NWNE	40.00
T06S R02E S12	SENE	40.00	T06S R02E S12	NESE	40.00

160 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 - License

The following rights are diverted through point of diversion described above:
02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B,
02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.

This right is a split from former right 02-7060A.

07/16/2007

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

RIGHT NUMBER: 2-10189

NAME AND ADDRESS: ROBERT SMITH
94 WALKLEY RD
BURBANK WA 99323

CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.830 CFS
473.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 90.24 CFS. COMBINED RIGHT NOS.: 2-103, 2-4021,
AND ALL PARTS OF BASE RIGHT 2-2209 INCLUDING 2-2209B, 2-2209C,
2-2209E, 2-10187, 2-10189, 2-10191, 2-10196, 2-10208, & 2-10209.

PRIORITY DATE: 02/25/1963

POINT OF
DIVERSION: T06S R11E S9 NWSW Lot 6 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.830 CFS 473.60 AFY

The period of use for the irrigation described in this approval may be
extended to a beginning date of 3/15 and an ending date of 11/15 provided
that beneficial use of the water can be shown and other elements of the
right are not exceeded. The use of water before 4/1 and after 10/31 is
subordinate to all water rights having no subordinated early or late

irrigation

use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in ELMORE County

T06S R10E S12	NENE	40.00	T06S R10E S12	NWNE	40.00
T06S R10E S12	SWNE	40.00	T06S R10E S12	SENE	21.50

141.5 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 - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 2-10186.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ROBERT SMITH
CONNIE SMITH
94 WALKLEY RD
BURBANK WA 99323

RE: SRBA Claim(s) 02-7064, 02-7237A, 02-10181, 02-10189

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 12 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

*Letter sent
7/12/07
Carter*

[] Water Right Number(s): AS License 7237A AS
02-10181, 02-7327A, 02-10189 and
02-7064
AS

[] Name(s): Robert and Connie Smith

[] Old Mailing Address: 64 Merry Lane
Burbank, Washington 99323

[] New Mailing Address: 94 Walkley Road
Burbank, Washington 99323

Telephone Number: (509) 545 - 8364

[] Signature(s) of Owner(s) Robert L. Smith
Connie Smith
(Include your title if on behalf of company or organization)

Date: 7-2-07

Send to:

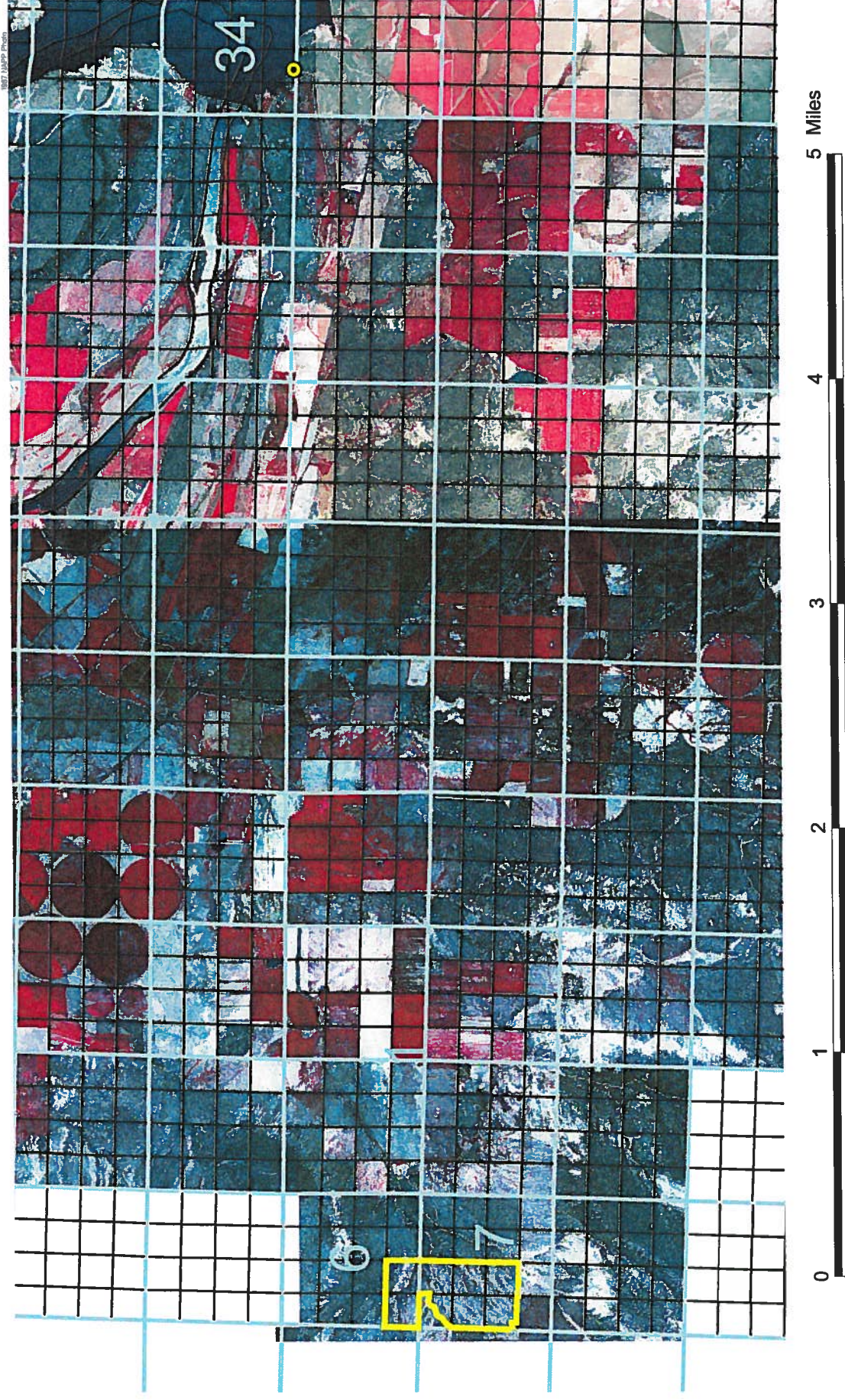
IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

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

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

Idaho Department of Water Resources



Claim Number: 02-07237A
Legal: T05S, R04E, S34 &
T06S, R03E, S6 & S7
Reviewed By: JLD 5/23/05

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



06/01/2005

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

RIGHT NUMBER: 2-7237A
NAME AND ADDRESS: ROBERT SMITH
64 MERRY LN
BURBANK WA 99323
CONNIE SMITH
64 MERRY LN
BURBANK WA 99323

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 5.900 CFS
1,475.000 AFY
PRIORITY DATE: 12/23/1976
POINT OF DIVERSION:

T05S R04E S34 SESW Lot 9 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	5.900 CFS 1,475.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R03E S06 Lot 7 SWSW	40.0	T06S R03E S06	SESW	40.0
T06S R03E S07	NENW 40.0	T06S R03E S07 Lot 1	NWNW	19.0
T06S R03E S07 Lot 2	SWNW 38.0	T06S R03E S07	SESW	40.0
T06S R03E S07	NESW 40.0	T06S R03E S07 Lot 3	NWSW	38.0

295 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: License

This right is a split from former right 02-7237.

The following rights are diverted through point of diversion described above:
02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B,
02-7168C, 02-7237A, 02-7275, 02-7279A, 02-10180, & 02-10181.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 02-7237A Priority December 23, 1976 Amount 5.9 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.
of Grand View, Idaho, has complied with the terms and conditions of Permit
No. 02-7237A issued pursuant to Application for Permit dated December 23, 1976,
and has submitted proof to the Department of Water Resources on January 11, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 48.44 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>5.9</u> cfs and	<u>1475.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 5.9 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1475.0 acre feet per year, said waters to be diverted within the Gov. Lot (SE 1/4 SW 1/4)
Section 34, Twp 5S, Rge 4E in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	3E	6							40	40	80
		7				40	19	38	40	38	215

Total number of acres irrigated 295

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

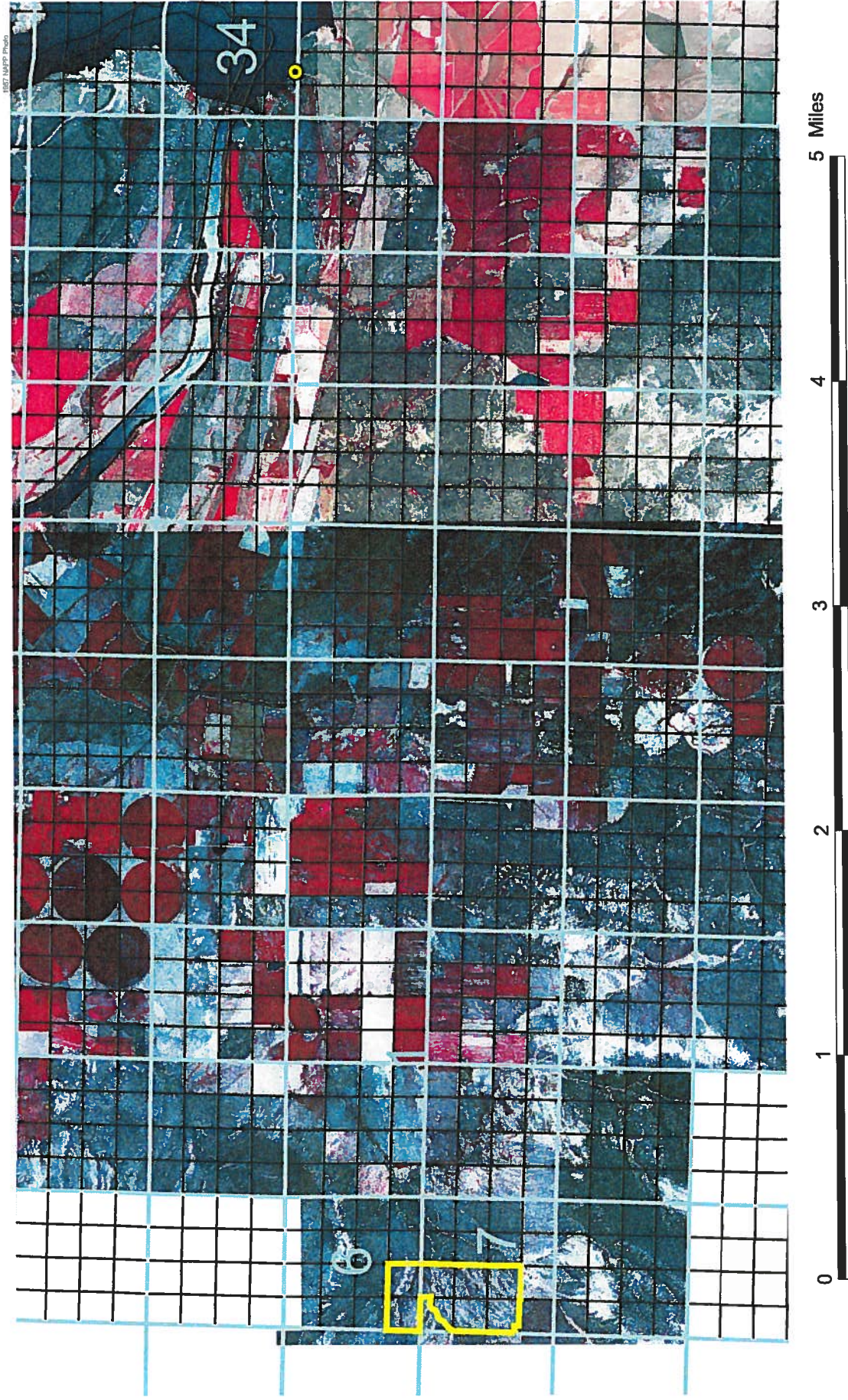
- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of OCTOBER, 19 85.

Acting for the Director

Lorman C Young

Idaho Department of Water Resources



Claim Number: 02-07237A
Legal: T05S, R04E, S34 &
T06S, R03E, S6 & S7
Reviewed By: JLD 5/23/05

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: _____ Date: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	65	3E	6											7	40					
GIS														40	40					
														40	40					
Claim			7					40	-1	-2		40	-3							
GIS								40	19	38	40	40	38							
								40	18	41	40	40	39							
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 29

Overlapping FOU Claim #'s:

Total GIS Acres: 1

COMMENTS:

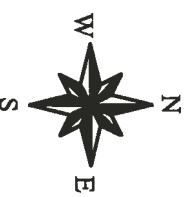
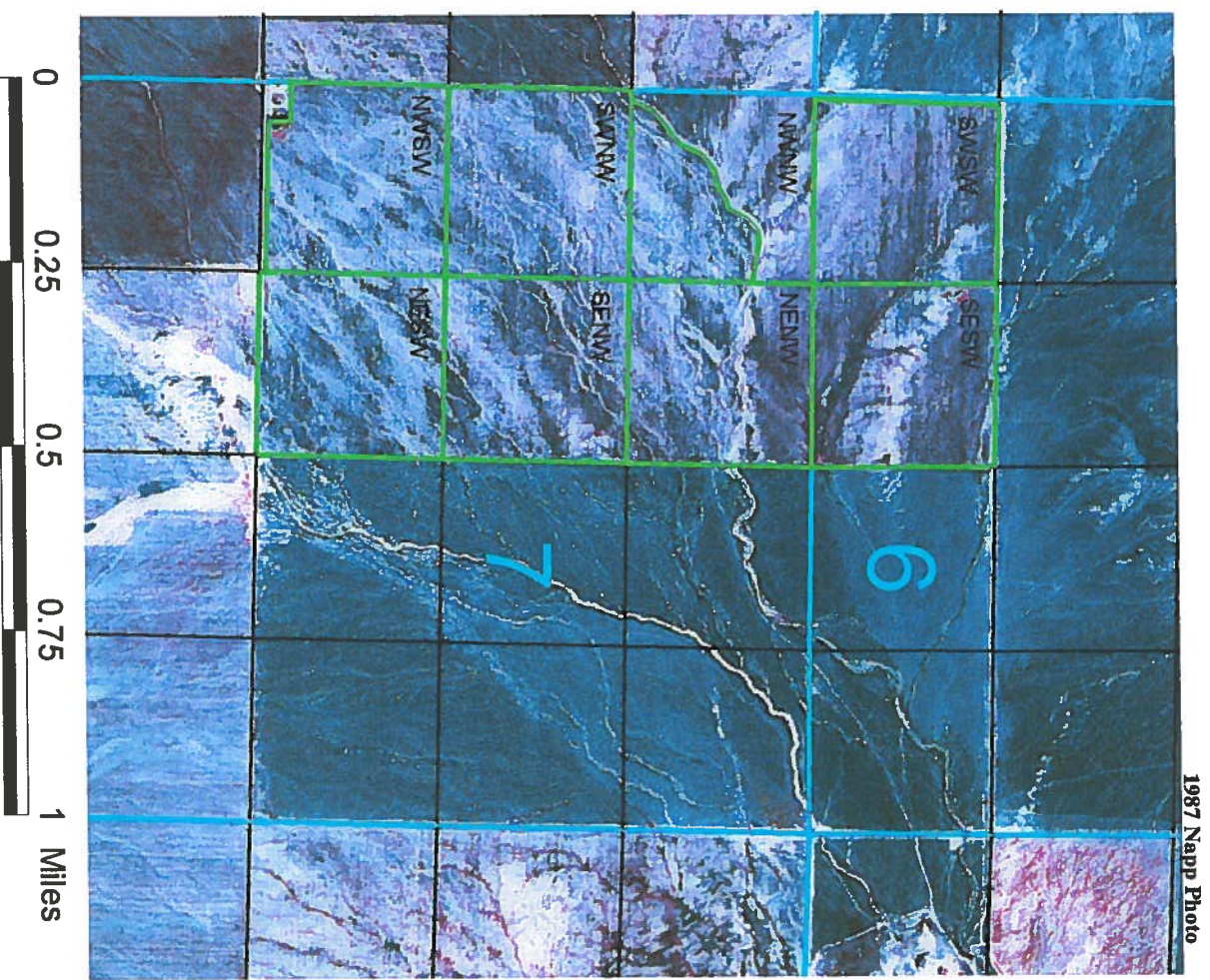
County indicates Jeff Good owns property. Per claim maps.

POD per claim legal.

Idaho Department of Water Resources

Claim Number: 02-07237A
Legal: T06S, R03E, S06, 07
Reviewed By:

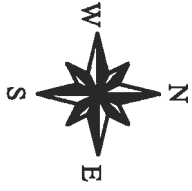
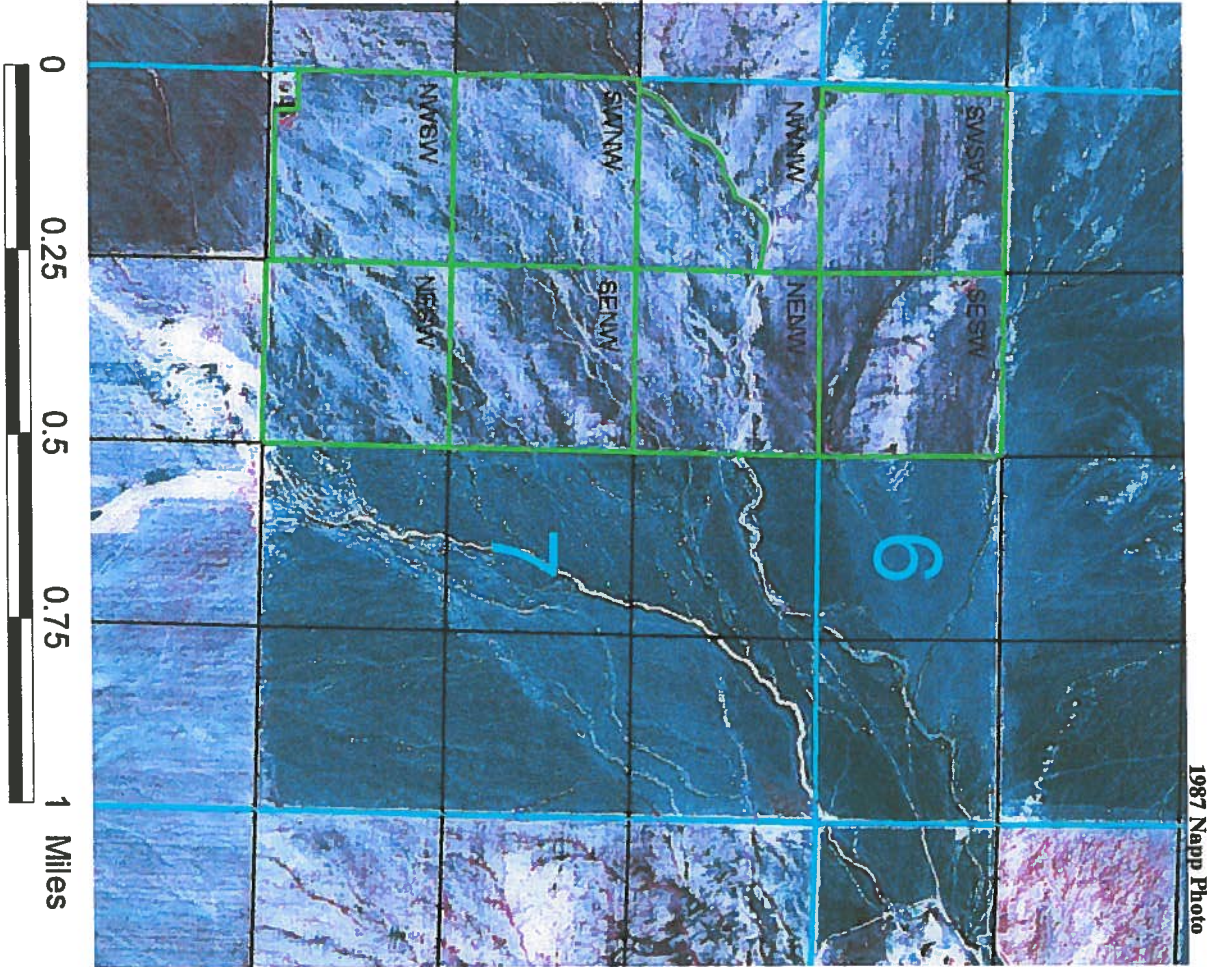
-  Point of Diversion
(located outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Idaho Department of Water Resources

Claim Number: 02-07237A
Legal: T06S, R03E, S06, 07
Reviewed By:

-  Point of Diversion
(located outside view)
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



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 2-7237A
Date Received: 12/15/88
Receipt No: W001635
Received By:

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

1. Name of Claimant(s): ROBERT SMITH
64 MERRY LN
BURBANK WA USA 99323

Phone: (509) 545-8364

CONNIE SMITH
64 MERRY LN
BURBANK WA USA 99323

Phone: (509) 545-8364

2. Date of Priority: 12/23/1976

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	04E	34	SE SW 9	OWYHEE	

5. Description of diverting works:

PUMPING PLANT, PENSTOCK CANAL & RE-LIFT PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	5.9	1475

7. Total Quantity Appropriated is:
5.9 C.F.S. and/or 1475 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	03E	6	SW SW	7	IRRIGATION	40
			SE SW		IRRIGATION	40
					Section Acres	80
06S	03E	7	NE NW		IRRIGATION	40
			NW NW	1	IRRIGATION	19
			SW NW	2	IRRIGATION	38
			SE NW		IRRIGATION	40
			NE SW		IRRIGATION	40
			NW SW	3	IRRIGATION	38
					Section Acres	215
					Total Acres	295

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

THIS ACREAGE IS PRESENTLY UNDER THE CRP PROGRAM UNTIL 1996. THE GOODS ARE FILING AN ADDITIONAL CLAIM BASED ON THE PRESUMPTION CLAUSE FOR AN ADDITIONAL 30 ACRES WHICH WILL BE FARMED ONCE THE LAND IS NOT UNDER CRP
Ownership changed by DB 6/25/2001

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**MAR 12 2001****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
02-07237A	A02-07237A	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Jeff & Vivian Good and Nate & LaVonne Good
4. New Owner/Claimant(s) HC 85, Box 341E, Grandview, ID 83624
Robert and Connie Smith
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 64 Merry Lane
- City, State and ZIP Code Burbank, WA 99323
- New Telephone Number 509) 545-8364
5. Date you acquired the property January 16, 2001

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Robert L. Smith
Connie J. Smith

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

**CORRECTED
DEED TO A WATER RIGHT**

This Corrected Deed to a Water Right is made with reference to the following facts:

On January 16, 2001, Jeff Good and Vivian Good, and Nate and LaVonne Good executed a Deed to a Water Right granting and conveying unto Robert Smith and Connie Smith a water right for 5.9 c.f.s. of the water of the Snake River. The Deed was recorded on January 18, 2001 as Instrument # 234853 in the records of Owyhee County, Idaho. The land upon which the water right was originally appurtenant to was erroneously described in said Deed as lying in Township 6 South, ~~Range 2 East~~, B.M., Owyhee County, Idaho, when the land upon which the water right was originally appurtenant to is actually located in Sections 6 and 7, Township 6 South, Range 3 East, B.M., Owyhee County, Idaho. Execution of this Corrected Deed to a Water Right is intended to correct and change such description.

U.S. 2-8-01
T.6, 2-8-01
A.G. 01-30-01
Range 3 East
J. A 2-8-01

FOR VALUABLE CONSIDERATION, the receipt and sufficiency whereof are hereby acknowledged, Jeff Good and Vivian Good, husband and wife, and Nate Good and LaVonne Good, husband and wife, do hereby grant and convey unto Robert Smith and Connie Smith, husband and wife, a water right for 5.9 cfs of the waters of the Snake River, with priority date of December 23, 1976, being that part of the water right evidenced by Water License No. 02-07237A that originally was appurtenant to 295 acres of land in the Sections 6 and 7, Township 6 South, Range 3 East, B.M., Owyhee County, Idaho described in the place of use of said license. The described water right shall, however, remain appurtenant to the above described lands until such time as Robert Smith and Connie Smith, or their successors or assigns shall elect to sell, transfer, or otherwise, remove, modify, amend, change, or dispose of the water right.

TO HAVE AND TO HOLD, all and singular the above mentioned and described property together with the appurtenances unto Robert Smith and Connie Smith, and to their successors and assigns forever.

IN WITNESS WHEREOF, Jeff Good and Vivian Good, husband and wife, and Nate Good and LaVonne Good, husband and wife, have executed this document this 30th day of January, 2001.

JEFF GOOD and VIVIAN GOOD,
husband and wife

Jeff Good 2-8-01
Jeff Good Date

Vivian Good 2-8-01
Vivian Good Date

NATE GOOD and LAVONNE GOOD,
husband and wife

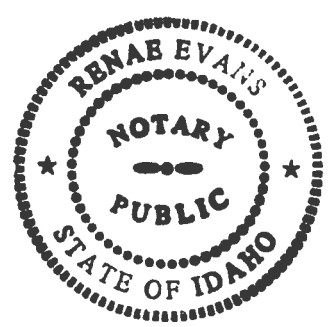
Nate Good 2-8-01
LaVonne Good 1-30-01
Nate Good Date

LaVonne Good 2-8-01
LaVonne Good Date

STATE OF IDAHO)
) ss.
County of Canyon)

On this 8 day of February, 2001, before me, RENAE EVANS, the undersigned, a notary public in and for said state, personally appeared Jeff Good and Vivian Good, known or identified to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

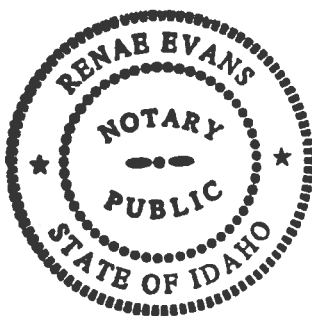


Renae Evans
Notary Public for Idaho
Residing at Stampa, Idaho
My Commission Expires 11-24-2004

STATE OF IDAHO)
) ss.
County of CANYON)

On this 8 day of FEBRUARY, 2001, before me, RENAE EVANS, the undersigned, a notary public in and for said state, personally appeared Nate Good and LaVonne Good, known or identified to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Renae Evans
Notary Public for Idaho
Residing at Yampa, Idaho
My Commission Expires 11-24-2004

235056

Ringert Clark
8 9 00

FILED - RECORDED

01 FEB 15 PM 1:09

OWYHEE COUNTY RECORDER
BY B. Kerpa
DEPUTY

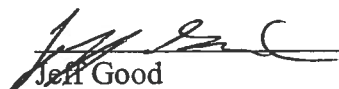
DEED TO A WATER RIGHT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency whereof are hereby acknowledged, Jeff Good and Vivian Good, husband and wife, and Nate Good and LaVonne Good, husband and wife, do hereby grant and convey unto Robert Smith and Connie Smith, husband and wife, a water right for 5.9 cfs of the waters of the Snake River, with priority date of December 23, 1976, being that part of the water right evidenced by Water License No. 02-07237A that originally was appurtenant to 295 acres of land in the Sections 6 and 7, Township 6 South, Range 2 East, B.M., Owyhee County, Idaho described in the place of use of said license. The described water right shall, however, remain appurtenant to the above described lands until such time as Robert Smith and Connie Smith, or their successors or assigns shall elect to sell, transfer, or otherwise, remove, modify, amend, change, or dispose of the water right.

TO HAVE AND TO HOLD, all and singular the above mentioned and described property together with the appurtenances unto Robert Smith and Connie Smith, and to their successors and assigns forever.

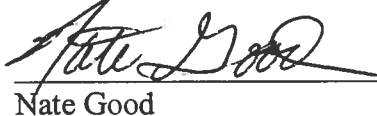
IN WITNESS WHEREOF, Jeff Good and Vivian Good, husband and wife, and Nate Good and LaVonne Good, husband and wife, have executed this document this 16th day of January, 2001.

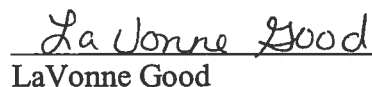
JEFF GOOD and VIVIAN GOOD,
husband and wife

 1-12-01
Jeff Good Date

 1-12-01
Vivian Good Date

NATE GOOD and LAVONNE GOOD,
husband and wife

 1-16-01
Nate Good Date

 1-16-01
LaVonne Good Date

(Notaries on pages 2 and 3)

DEED TO A WATER RIGHT

1 of 3

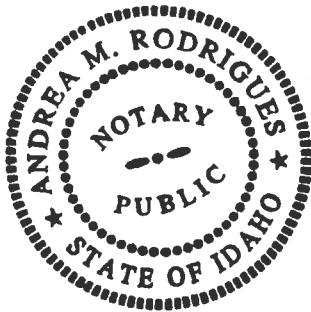
W:\R\3666R004.DOC

3666.011

STATE OF IDAHO)
) ss.
County of Ada)

On this 12th day of January, 2001, before me, Andrea Rodriguez, the undersigned, a notary public in and for said state, personally appeared Jeff Good and Vivian Good, known or identified to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

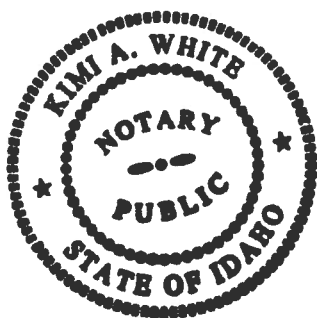


Andrea M. Rodriguez
Notary Public for Idaho
Residing at Mountain Home, Idaho
My Commission Expires
06-15-05

STATE OF IDAHO)
) ss.
County of Ada)

On this 16th day of January, 2001, before me, Kimi A. White, the undersigned, a notary public in and for said state, personally appeared Nate Good and LaVonne Good, known or identified to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kimi A. White
Notary Public for Idaho
Residing at Buse, Idaho
My Commission Expires 04/01/04

234853

FILED - RECORDED

01 JAN 18 PM 2:12

OWYHEE COUNTY RECORDER

BY B. Kerpa
DEPUTY

Ringest Clark Chart
\$9.00

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: A02-07237A
Date Received: 12/15/1988
Receipt No: W1635
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NATE GOOD 208-834-2257
Address: HC 85, BOX 326
OR GRANDVIEW, ID 83624

Name: JEFF GOOD 208-834-2257
Address: HC 85, BOX 326
GRANDVIEW, ID 83624

2. Date of Priority: DEC 23, 1976

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	04E	34	SE	SW		9	OWYHEE

5. Description of diverting works:
PUMPING PLANT, PENSTOCK CANAL & RE-LIFT PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.900		1475.00

7. Total Quantity Appropriated is:
5.900 C.F.S. (and/or) 1475.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	03E	6	SW	SW	7	IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				80.0
		7	NE	NW		IRR	40.0
			NW	NW	1	IRR	19.0
			SW	NW	2	IRR	38.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.0
			Section Acres				215.0
			Total Acres				295.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A02-10012

14. Remarks:

THIS ACREAGE IS PRESENTLY UNDER THE CRP PROGRAM UNTIL 1996. THE GOODS ARE FILING AN ADDITIONAL CLAIM BASED ON THE PRESUMPTION CLAUSE FOR AN ADDITIONAL 30 ACRES WHICH WILL BE FARMED ONCE THE LAND IS NOT UNDER CRP.

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 ✓ 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): Paul Good Date: 12-15-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of Dec 19 88 Linda Warner
Notary Public

Seal

Residing at Boise ID
My Commission Expires Dec 8, 1994

A02-7237A
TGS R3F
Sec. 647

MICROFILMED
AUG 10 1992



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

June 25, 2001

ROBERT SMITH
CONNIE SMITH
64 MERRY LN
BURBANK WA 99323

Re: Notice of Claim to a Water Right No. 02-7064 & 02-7237A

Dear Claimants:

Enclosed are copies of the above referenced claims, which reflect the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

In addition, you had also indicated claim number 02-2209 included in this change of ownership. At this time, that particular claim is still in review. You will receive a copy when it has been transferred into your names.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

cc: S Bryce Farris @ Ringert Clark, Chartered Lawyers
Dale Van Schoiack @ SCM Consultants Inc

March 9, 2001

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

MAR 12 2001

**WATER RESOURCES
WESTERN REGION**

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney

Samuel Kaufman (1921-1986)

Re: Notice of Change of Ownership for Water Right Nos. 02-02209, 02-07060A, 02-07064 and 02-07237A.

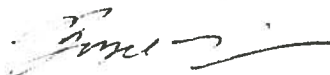
Dear Sir or Madam:

This law firm represents Robert and Connie Smith who recently purchased the above-mentioned water rights. Enclosed please find a Notice of Change in Water Right Ownership for the above-referenced water rights, along with copies of the recorded Deeds to the water rights.

All of these water rights are currently in the Water Supply Bank. Thus, please update your ownership records accordingly, and notify the Water Supply Bank to update their records. Also, all of these water rights have been claimed in the SRBA, thus, no filing fee is necessary. However, I would request that any documents pertaining to these water rights filed in the SRBA, including recommendations, be sent to the new owners of record, their engineer Mr. Dale Van Schoiack, SCM Consultants, Inc., 7601 W. Clearwater Ave. Ste. 301, Kennewick, WA 99336, and myself as their attorney of record.

If you have any questions please feel free to call me. Thank you for your cooperation.

Yours very truly,



S. Bryce Farris

Enclosures

cc: Glen Saxton
Robert Smith w/o enclosures
Dale Van Schoiack w/o enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 30, 1999

Nate Good
HC 85, Box 341E
Grand View, ID 83624

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
MAY 03 1999
WATER RESOURCES
WESTERN REGION

RE: APPLICATION TO WATER SUPPLY BANK

Dear Mr. Good:

I have received the two applications to lease a water right to the Water Supply Bank (bank) together with supporting information.

Returned is the application you submitted in connection with Snake River Basin Adjudication (SRBA) Claim No. A02-10012. This claim is not eligible for lease to the bank, since at this point the claim is based upon beneficial use and has not yet been confirmed by the SRBA court. After a right has been established by action of the SRBA court, you may wish to again consider putting it into the bank.

In connection with License No. 02-07237, I need some additional information before the right can be accepted into the bank. The Warranty Deed you submitted shows that the licensed place of use under 02-07237 was conveyed to you by Grange Mutual Life Company on October 1, 1986. The copy of the Conservation Reserve Program Contract shows that 257.3 acres were included in the contract. The missing link is evidence to show that the 257.3 acres are the same acres included on License No. 02-07237.

Since I have encountered this discrepancy in the past, I suggest you contact the ASCS seeking copies of an aerial photo map showing tract or field numbers or similar documents to show the connection between the contract and the lands on the license.

Please submit the requested information within thirty (30) days. If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Encl: 1

✓ W. Region

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON _____ DRAINAGE BASIN.
BORDER.

NOTICE OF CLAIM TO A WATER RIGHT

02-7237A	
I.D. No.	Map No.
\$ 10	# 18891
Fee Paid	Receipt No.

Notice is hereby given that Mud Flat Canal Co.

(Name of Claimant)

Star Rt. B, Box 340A, Grand View, ID 83624

Telephone No.

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

~~12/23/76~~

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 6.5 Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

- (4) $\frac{6.5 \text{ cfs}}{(\text{CFS, GPD, AF})}$ TOTAL QUANTITY CLAIMED.

- (5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 9 xxx xx
Sec. 34, Twp. 5S, Rge. 4E, B.M., Owyhee County

Additional Points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. _____

Pumping plant, penstock canal, relift pumps.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total no. of acres 324.98

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks This right shall be decreed as the license appears. Original ownerx of this right was Boyd Campbell.

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

FEL

- ☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

POOR ORIGINAL

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7237A.

Name(s) of Permit Holder: Mud Flat Canal Company
Post Office Address: St Rita Box 341 Idaho 83694 Tel. No. 834-8711

Source of Water: Snake River (number of households)
Extent of Use: 324.98 (number and type of stock)
☐ Domestic
☐ Stockwater
☒ Irrigation
☐ Other

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No
The above information is a true statement of the extent to which the above numbered permit has been developed.

Jan 11 1980 Date
Ray Anderson Signature of Permit Holder

it included

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 85-7476

Name(s) of Permit Holder: R.B. Anderson Tel. No. 834-4155
Post Office Address: St Rita Box 341 Idaho 83694
Source of Water: Snake River (number of households)
☐ Domestic
☐ Stockwater
☐ Irrigation
☐ Other

Extent of Use: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No
The above information is a true statement of the extent to which the above numbered permit has been developed.

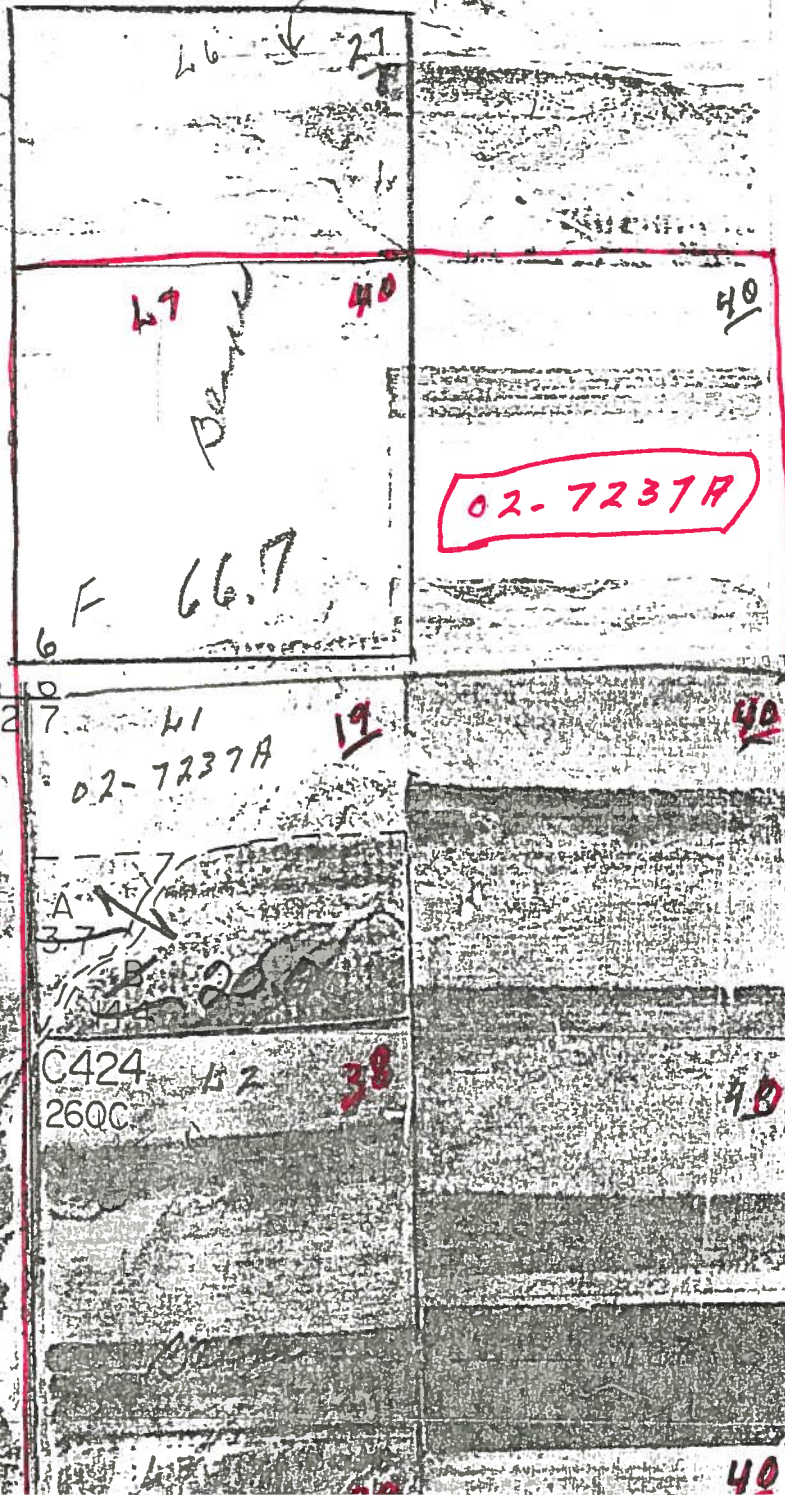
Signature of Permit Holder

POOR ORIGINAL

R3E

OK for permit

T
6
5



Memo To:

POOR ORIGINAL

MUD FLAT IRRIG. Co. FILES; 02-7059, -7060, -7061, -7062, -7064, -7168, -7237A, -7275, AND -7279.

From:

DATE:

FORREST LUTHY

10/26/83

SUBJECT:

DOCUMENTATION OF ATTEMPTS TO FIELD EXAMINE AND LICENSE ABOVE PERMITS, TO ENABLE INCORPORATION OF THE LICENSED RIGHTS INTO THE PROPOSED FINDING OF WATER RIGHTS FROM THE SNAKE RIVER IN THE STRETCH FROM MILNER DAM TO THE OREGON BORDER. ALSO DISCUSSED IS INFORMATION PERTINENT TO THE IRRIGATED ACREAGE TOTAL IN 1981, WHEN SOME OF THE PROOFS WERE SUBMITTED. THIS INFORMATION NEEDS TO BE CONSIDERED WHEN LICENSING DOES OCCUR IN THE FUTURE. (SEE PG. 2, THIS MEMO.)

FIRST ATTEMPTS AT ARRANGING APPOINTMENTS FOR LICENSING EXAMS ON THESE PERMITS WERE MADE THROUGH NATE GOOD, IRR. Co. SECRETARY, DURING THE 1981 SEASON. BEGINNING SHORTLY AFTER THE FILING OF PROOF ON FOUR OF THE PERMITS, IN THE LATTER PART OF APRIL AND CONTINUING FOR THE DURATION OF THE SEASON, VARIOUS PERSONNEL AVAILABILITY PROBLEMS AS WELL AS MECHANICAL PROBLEMS MORE OR LESS PRECLUDED EXAMINATION.

THE WRITER HAS NO KNOWLEDGE OF ANY RECORD OF CONTACTS REGARDING EXAMS IN 1982. HOWEVER, 1983, AUG. 10, CONTACT WITH NATE GOOD TO AGAIN ARRANGE FOR A MEASUREMENT WAS MADE. MR. GOOD CALLED ROY HAULEY, WHO ASKED FOR A CALL-BACK LATE IN SEPTEMBER. MR. HAULEY, THE DITCH RIDER, SAID THE BEST TIME FOR MEASUREMENT IS MID-OCTOBER WHEN THERE ARE FEWER PUMPS SUPPLYING THE CANAL. THE SYSTEM TAKES ABOUT FIVE HOURS TO DRAIN DOWN IF THERE IS TOO MUCH WATER IN THE CANAL.

ON SEPTEMBER 8, ARRANGEMENTS WERE MADE WITH HAULEY FOR AN EXAM AT 10:00 AM WEDNESDAY, OCT. 12. ON OCT. 7, A CALL TO MR. HAULEY REVEALED HE WOULD BE IN ALASKA THE WEEK OF THE 12TH, SO PROPOSED DATE WAS POSTPONED UNTIL P.M., WEDNESDAY, OCT 19. ON OCT 18, COMMUNICATION WAS THAT THERE WAS STILL TOO MUCH WATER IN CANAL, DATE POSTPONED UNTIL 26TH OCTOBER. ON OCTOBER 25, CALL TO HAULEY REVEALED PENSTOCK HAD SPLIT WHEN THEY HAD SHUT PUMP DOWN. HAULEY FELT IT WOULD NOT GIVE BEST RESULT TO MEASURE AT THIS TIME.

(21)

MEMO TO: MUD FLAT IRRIG Co. FILES; 02-7059 ETC. (CON'D.)
FROM: FORREST LUTHY DATE: 10/26/83
SUBJECT: DOCUMENTATION ON FAILURE TO EXAMINE & ACREAGE INFORMATION.

TO MR. HADLEY THAT EVEN THOUGH THE ADJUDICATION SECTION MIGHT NOT BE THE PERSONNEL MAKING THE LICENSING EXAM IN THE FUTURE, THE MUD FLAT GROUP SHOULD BE URGED TO EXPEDITE REPAIRS TO THE SYSTEM AND NOT ALLOW THINGS TO STAGNATE. MR. HADLEY REQUESTED THAT THE INFORMATION CONCERNING THE WATERMASTER BE RELATED TO THE PRESIDENT OF MUD FLAT.

ON OCT. 26, PRESIDENT, LAYNE ESTELL, OF THE MUD FLAT GROUP, WAS CONTACTED AND THE SITUATION AND DECISION TO ABANDON ATTEMPTS FOR MEASUREMENT IN 1983 DISCUSSED. THE FACT THAT A WATERMASTER FOR BASIN 02, IF AND WHEN CALLED ON, COULD DELIVER WATER TO LICENSES AND PERMITS EVEN THOUGH NOT DECREED WAS RELATED TO MR. ESTELL. MR. ESTELL WAS URGED TO PROCEED FORTH WITH TO HAVE MUD FLAT MAINTENANCE CREWS REPAIR THE SYSTEM DAMAGE AND REQUEST MEASUREMENT FOR THE PERMITS AS SOON AS POSSIBLE.

FOR THE PEOPLE CONCERNED WITH THE LICENSING OF THESE PERMITS, FILED WITH ADJUDICATION CLAIM FILE 02-7059 AND THE CORRESPONDING FIELD EXAM FILE FOR 02-7059 ARE COPIES OF OVERLAYS MADE FROM 1981 ASC FARM PLAN MAPS (AERIAL PHOTOS.), SHOWING THE IRRIGATED ACRES AS OF THAT TIME. THE YEAR 1981 WAS THE TIME THAT SUBMISSION OF THE LAST PROOF CARDS FOR THIS SERIES OF PERMITS OCCURRED. TO PRECLUDE ANY CHANCE FOR EXPANSION OF THESE RIGHTS THAT MIGHT HAVE TAKEN PLACE SUBSEQUENT TO 1981, CAREFUL CONSIDERATION SHOULD BE GIVEN TO THE OVERLAYS AT THE TIME OF LICENSING.

F.E.L.

MICROFILMED
AUG 16 1994

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by _____

Date _____

Right No. _____

Claimant _____

Recommendation differs from claim: ☐ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☐ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☐ A.S.C.S. Records. Year & Photograph No. _____

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☐ Yes ☐ No Date _____

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
SNAKE RIVER FROM BASE OF MILNER
DAM TO OREGON DRYHOLE BASIN
BORDER.

NOTICE OF CLAIM TO A WATER RIGHT

02-7237A

I.D. No.

Map No.

\$ 10

Fee Paid

#18891
Receipt No.

Notice is hereby given that Mud Flat Canal Co.

(Name of Claimant)

Star Rt. B, Box 340A, Grand View, ID 83624

(Mailing Address)

(Zip Code)

Telephone No. _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 12/23/76
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River tributary to Columbia River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|---|
| Quantity <u>6.5</u>
(CFS, GPD, AF) | Use <u>Irrigation</u> ✓
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u>5.90</u>
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) 6.5 cfs 5.9 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 9 SE SW SW SW
Sec. 34, Twp. 5S, Rge. 4E, B.M., Owyhee County
Additional Points: SEC: 272.0 (1) 492.5
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Pumping plant, penstock canal, relift pumps.
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	3E	6																	80.78
		7					40	L1 41.34	L2 1.40	40	40	L3 41.46	40.78	40					244.20
		<u>6</u>											<u>47</u>						<u>80</u>
		<u>7</u>						<u>41</u>	<u>42</u>			<u>43</u>							<u>215</u>
							<u>40</u>	<u>44</u>			<u>40</u>	<u>45</u>							<u>40 19 38 40</u>

Total no. of acres 324.98 295

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks This right shall be decreed as the license appears. Original owner of this right was Boyd Campbell.
- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho

KEYPUNCH
FEL

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by 2/11/81

Date 10/3/84

Right No. 62-7237A

Claimant Mud Flat Canal Co.

Recommendation differs from claim:
(Document any differences)

☒ Yes

☐ No

☐ Disallow

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License ~~draft~~

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 1977 attached

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date 10/3/84

☐ Adj. Report in file ☐ Beneficial Use Report in License (S.O.) File

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 02-7237A Priority December 23, 1976 Amount 5.9 cfs

THIS IS TO CERTIFY, that Mud Flat Canal Co.
of Grand View, Idaho, has complied with the terms and conditions of Permit
No. 02-7237A issued pursuant to Application for Permit dated December 23, 1976,
and has submitted proof to the Department of Water Resources on January 11, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 48.44 cfs of water from SNAKE RIVER,
tributary to COLUMBIA RIVER, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>5.9</u> cfs and	<u>1475.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 5.9 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1475.0 acre feet per year, said waters to be diverted within the Gov. Lot 9 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 34, Twp 5S, Rge 4E in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	3E	6											40	40					80
		7					40	19	38	40	40	38							215

Total number of acres irrigated 295

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CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29TH day of OCTOBER, 19 85.

Acting for the Director

Thomas C. Young

MICROFILMED

AUG 16 1994

Identification No.

Application No. 02-7237A
Partial Assignment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PARTIAL ASSIGNMENT

APPLICATION FOR PERMIT

TO:
Mud Flat Canal Company
Rt. B, Box 341
Grandview, ID 83624

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

Campbell

1. Name of applicant Eugene Boyd Campbell &/or Frankie J. Campbell Phone: 845-2231
post office address Route B - Box 341 C, Grand View, ID 83624

2. Source of water supply Snake River which is a tributary of

3. a. Location of point of diversion is 1/4 of Lot 9 1/4 of Section 34 Township 5 S
Range 4 E B.M. Owyhee County; additional points of diversion if any:

b. If water is not consumed, it will be discharged into _____ at a point in _____
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Allow 6.50 cfs Amount 12.98 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
or partial assign. Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

Allow 6.50 cfs 12.98 cfs cubic feet per second and or
b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pumping plant, penstock canal,
re-lift pumps

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam _____

Period of year during which storage will occur _____ to _____ inclusive.
Mo. Day Mo. Day

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ _____

8. Description of proposed uses

a. If water is not for irrigation

(1) Give the place of use of water 1/4 of 1/4 of Section Township _____

State of Idaho
Department of Water Resources

RECEIVED

APR 28 1977

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Boyd Campbell, hereby assign to Mud Flat Canal Company
of Rt. B, Box 341, Grand View, ID 83624
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 02-7237 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, 80.78 acres; Sec. 6, Twp. 6S, Rge. 3E; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1,

Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 3, Sec. 7, Twp. 6S, Rge. 3E for 244.20 acres

totaling 324.98 acres. P. D. is Lot 9, Sec. 34, Twp. 5S, Rge. 4E,

Amount of water is 6.50 cfs.

Made this 28th day of April, 19 77.

Boyd Campbell
Permit Holder

Frankie J. Campbell
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 28th day of April, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

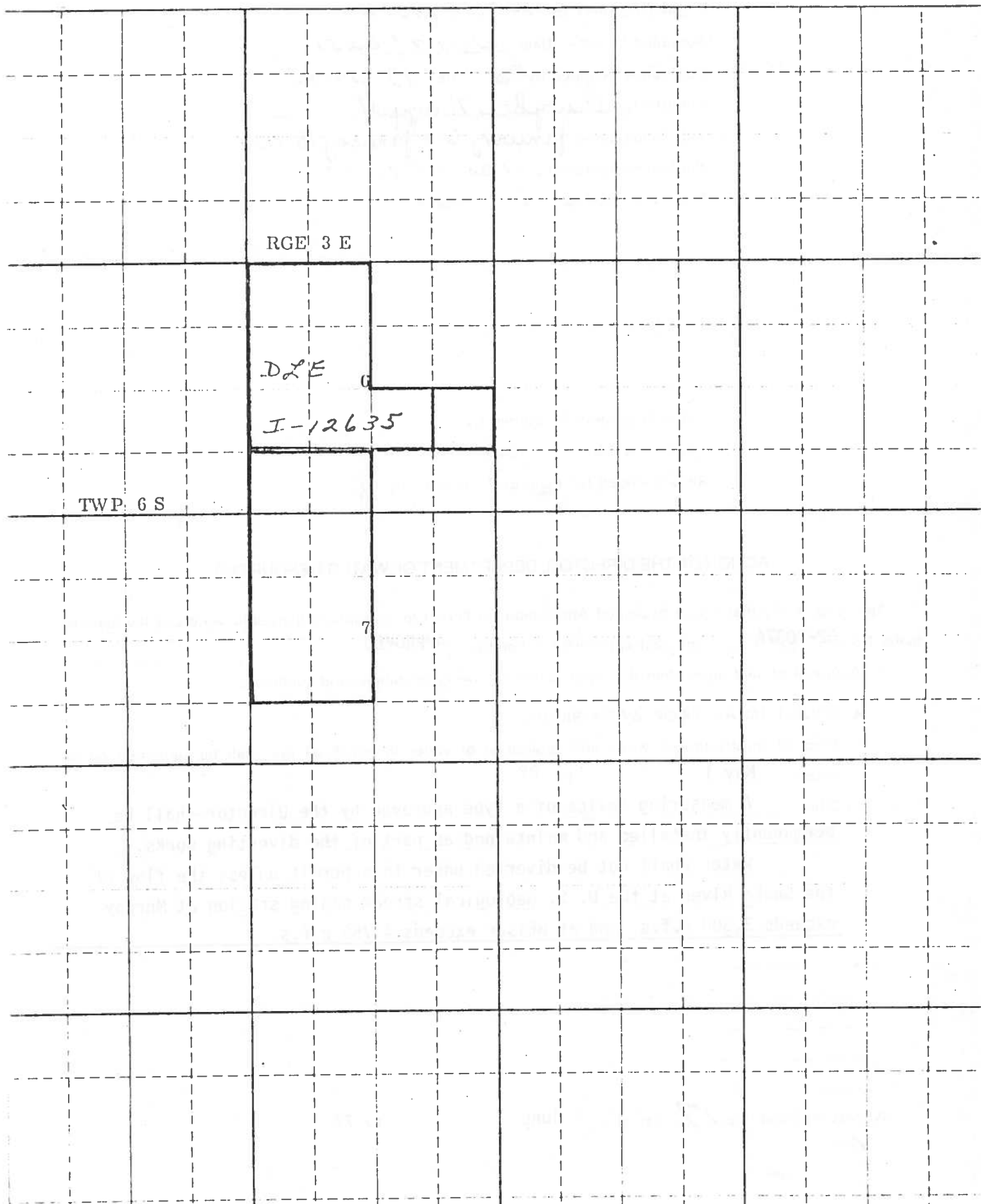
John J. Spender
Notary Public residing at

877 E. 4th Ave

My commission expires:

8-12-78

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



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

[illegible]

Total number of acres to be irrigated	648.82
---------------------------------------	--------

- c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion _____
 b. Who owns the land to be irrigated or place of use _____ Applicant (decided land) / DLE I-12635
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks

MICROFILMED
 AUG 16 1994

Received by he Date 12-23-76 Time 2:15 pmPreliminary check by he Fee \$ 145.00Receipted by he Date 12-23-76 # 6258Publication prepared by CS Date 12-29-76Published in Owyhee NuggettPublication dates January 6, + January 13, 1977Publication approved ✓ Date 1-24-77Priority reduced to ✓ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by jc

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7037A and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 82.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

Water shall not be diverted under this permit unless the flow of the Snake River at the U. S. Geological stream gaging station at Murphy exceeds 3,300 c.f.s. and at WEiser exceeds 4,750 c.f.s.

Witness my hand this 17 day of June, 19 77.


Deputy Director

AUG 16 1994

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

June 6, 1985

Darrel Agenbroad, Secretary
Mud Flat Canal Company
Route B Box 340A
Grand View, Idaho 83624

Re: 02-7059 et al

Dear Mr. Agenbroad,

Your letter received by the Department on June 4, 1985, has been forwarded to me for reply. In that letter you indicated your Company is continuing to increase the diversion capacity of its pump after Proof of Beneficial Use has been submitted and the field examination has been made for nine (9) water right permits.

The advantage of the permit system for developing water rights is to establish a priority date for the water right and to begin after the filing date to construct the diversion works and to put the water to beneficial use. The permit, however, has a defined time period within which to develop the water right. The date when Proof of Beneficial Use is due establishes that time period. Only that development whether in terms of diversion or applying the water to beneficial use within the permitted time period can have its priority relate back to the permit.

More specifically, your Company apparently submitted Proof of Beneficial Use within the statutory time period to secure the priority dates for water right permits 02-7059, 02-7060, 02-7061, 02-7062, 02-7064, 02-7168, 02-7237A, 02-7275 and 02-7279. When those proofs were filed the Company declared the water rights had been developed for those permits in terms of the amount of water diverted and the land irrigated at that time. Any further development beyond that time is not covered by the above numbered permits. On April 24, 1985, John Noyes measured from the system existing at that time 48.5 cfs. If the review of the field examination shows this amount of water has been put to beneficial use under the permits numbered above, the licenses that define the water rights will be issued with 48.5 cfs as the maximum amount of water that was diverted under the permits.

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AUG 16 1994

The critical point here is the permits numbered above defined the maximum amount of water that could be developed for diversion within the time period specified by the permits. The difference between the amount of water covered by the permits and the amount of water perfected into water rights existed on paper and is relinquished when the permitted development period ends. Any further development will require the Company to gain a new permit.

If you have any questions about this matter or water right matters in general please contact me or Jim Johnson. Pending communication from the Company the final action on the permits numbered above will be held until July 1, 1985.

Regards,



Donald V. Shaff
Adjudication Unit Leader

cc: J. Johnson

MICROFILMED
AUG 16 1994

MUD FLAT CREEK CO.

Route B Box 340 A
Grandview, Idaho 83324

RECEIVED

JUN 4 1985

Department of Water Resources

Sirs

We are still in the process of
Establishing our pump capacity. I have
Been in contact with John Noyce, That
is why I didn't send in the permits.
We are currently Installing an additional
Pump To achieve our allowed CFS

Sincerely

Daniel Applewood
Secy

MICROFILMED
AUG 16 1994

Mud Flat Canal Co. Examined Rights

Max Div. = 48.5

<u>No.</u>	<u>Pri. Date</u>	<u>Acres</u>	<u>Amt.</u>	<u>Cum.</u>
02-7059	4/09/1970	320	6.4	
02-7060	4/09/1970	320	6.4	
				12.8
02-7061	4/09/1970	316	6.32	
				19.12
02-7062	4/09/1970	205	4.1	
				23.22
02-7064	4/23/1970	318	6.36	
				29.58
02-7168	8/30/1974	480	9.6	
				39.18
02-7237A	12/23/1976	295	5.9	
	Min. Stream Flow Requirement			45.08
02-7275	12/13/1978	113	2.26	
				47.34
02-7279	2/08/1979	345	6.9	
	Limit Condition Required			54.24

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AUG 16 1994