

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-10058

RECEIVED

NAME AND ADDRESS: DAVID L SMARTT
16057 MAP ROCK RD
CALDWELL, ID 83605

MAR 17 2000

Department of Water Resources

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1930

POINT OF DIVERSION: T01N R03W S08 LOT 04 (NWNWN) (Instream Ending Point) Within Canyon County
LOT 07 (SESESE) (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Canyon County
	T01N R03W S08 LOT 04 (NWNW)	LOT 05 (SWNW)
	LOT 05 (SENW)	LOT 06 (NESW)
	LOT 06 (NWSE)	LOT 07 (SWSE)
	LOT 07 (SESE)	

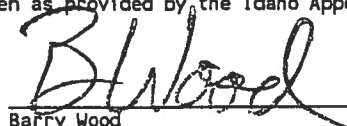
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A02-10058
Date Received: 7/16/1992
Receipt No: W015079
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID L SMARTT 208-896-4585
Address: 16057 MAP ROCK ROAD
CALDWELL ID 83605

2. Date of Priority: MAY 1, 1930

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
----------	-------	---------	--------	--------	-----	-----	--------

Beginning Point of Instream Flow							
01N	03W	8	NW	NW	NW		CANYON

Ending Point of Instream Flow							
01N	03W	8	SE	SE	SE		CANYON

5. Description of diverting works:
INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 CATTLE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	03W	8	NW		NW		STOCK	
			SW		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	

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)
) SS.
County of _____)

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

A03-10058

Date Received

7/16/92

Receipt Number

W015079

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David L. Smartt Phone () 896-4585Mailing Address 16057 Map Rock Road. Caldwell Zip 836052. Date of Priority (Only one (1) per claim) 5/1/19303. Source of water supply (a) Snake River
which is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 1N Range 3W Section 8,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

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

Township 1N Range 3W Section 8, NW 1/4 of NW 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Orange Canyonending point is: Township 1N Range 3W Section 8, SE 1/4 of SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____ B.M., County of Canyon.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.Instream structure

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For stockwater purposes from 1/1 to 12/31 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 hd. Stock Cattle.

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	
01N	3W	8				<u>Instream</u>				<u>Instream</u>									

Total number of acres irrigated _____

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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Last Name Smarett 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 _____

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

Signature of Claimant (s) [Signature] Date 7-16-92

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16 day of July 19 92

SEAL

Notary Public [Signature]

Residing at Boise, Id

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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AUG 16 1994

Last Name Smarett Ident. Number _____

Copies White-State, Yellow-Claimant

A02-10058

PLACE OF USE ~~OVERLAP REVIEW~~

per map attached to claim

[illegible]

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11/4/92

27° 30"

T. 1 N.

4811

ESCALDUELL 22 MI.
0.8 MI. TO IDAHO 55

4809

4808

4807

25'

4806

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AUG 16 1994

Smarrett, David L.
Instream Stockwater
7/16/92

FOOR ORIC

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 02/12/99
PAGE: 1

Water Source:	SNAKE RIVER	Tributary to:	COLUMBIA RIVER	Stage:	BENEFICIAL USE
Point(s) of Beginning Stream Reach:	T01N R03W S08	Lot07(SESESE)		CANYON County	
Point(s) of Ending Stream Reach:	T01N R03W S08	Lot04(NNNNNW)		CANYON County	

[illegible]

POW County: CANYON

Other Rights: NONE

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 500 RANGE CATTLE
PARCEL NOS. 8R01N03W087200, 8R01N03W081800

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
		02/12/1999	

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

Audit: 02/12/99 KWALKER

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID L SMARTT 16057 MAP ROCK RD CALDWELL ID 83605 (208) 896-4585	05/01/1930	STOCKWATER	01-01 12-31	0.02 CFS	
				TOTAL DIVERSION:		
				0.02 CFS		

Water Source:	SNAKE RIVER	Tributary to:	COLUMBIA RIVER	Stage:	BENEFICIAL USE
Point(s) of Beginning Stream Reach:	T01N R03W S08	Lot04(NWNNW)	-End	CANYON County	
Point(s) of Ending Stream Reach:	T01N R03W S08	Lot07(SESESE)	-B	CANYON County	

Place of use Legal Description for:						STOCKWATER																									
						NE				NW				SW				SE													
MENE		NWNH		SWEH		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SSW		SESW		NENE		NWSE		SWSE			
T	R	S	:	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		
01N	03W	8	:							04-S		05-S		05-S				06-S												06-S	07-S

POU County: CANYON

Other Rights: NONE

Conditions of Approval:

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

Remarks: EXP STOCKWATER, 500 RANGE CATTLE
PARCEL NOS. 8R01N03W08T200, 8R01N03W08T1800

Dates: **Exam Made Date:** **Verified Date:** **Objection Filed Date:**

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

Audit: 01/15/99 L HARRIS

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JUN 23 1998

AJ0749NP
No. R02-10058

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/17/98
PAGE: 1

**OWNER
CODE**

NAME & ADDRESS

C DAVID L SMARTT
16057 MAP ROCK ROAD
CALDWELL ID 83605
(208) 896-4585

PRIORITY
DATE

05/01/1930 STOCKWATER

USE PERIOD
FROM TO

01-01 12-31

DIVERSION RATE

~~0.14 CFS~~

DIVERSION VOLUME

0.3

Water Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T01N R03W S08
Point(s) of Ending Stream Reach: T01N R03W S08

NWNWNW
SESESE

CANYON County
CANYON County

Place of use Legal Description for: STOCKWATER

NW
NE

T R S : Lt Ac Lt Ac Lt Ac Lt Ac
01N 03W 8 :

:	:	NENI	NNNN	SNNW	SENW	:
:	:	Lt	AC	Lt	AC	:
:	:	-	-	-	-	:
:	:	<i>both S W</i>				:
:	:					:

NESW NWSN
t AC Lt AC Lt

s lat

:	NESE	NWSE	SWSE	SESE
:	Lt AC	Lt AC	Lt AC	Lt AC
:	-	-	-	-
:	-	-	-	S
:	-	-	-	S

POU County: CANYON

Other Rights: NONE

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 500 CATTLE
PARCEL NO. 8R01N03W087200, 8R01N03W081800

Dates: _____ Exam Made Date: _____

Verified Date: 06/17/1998

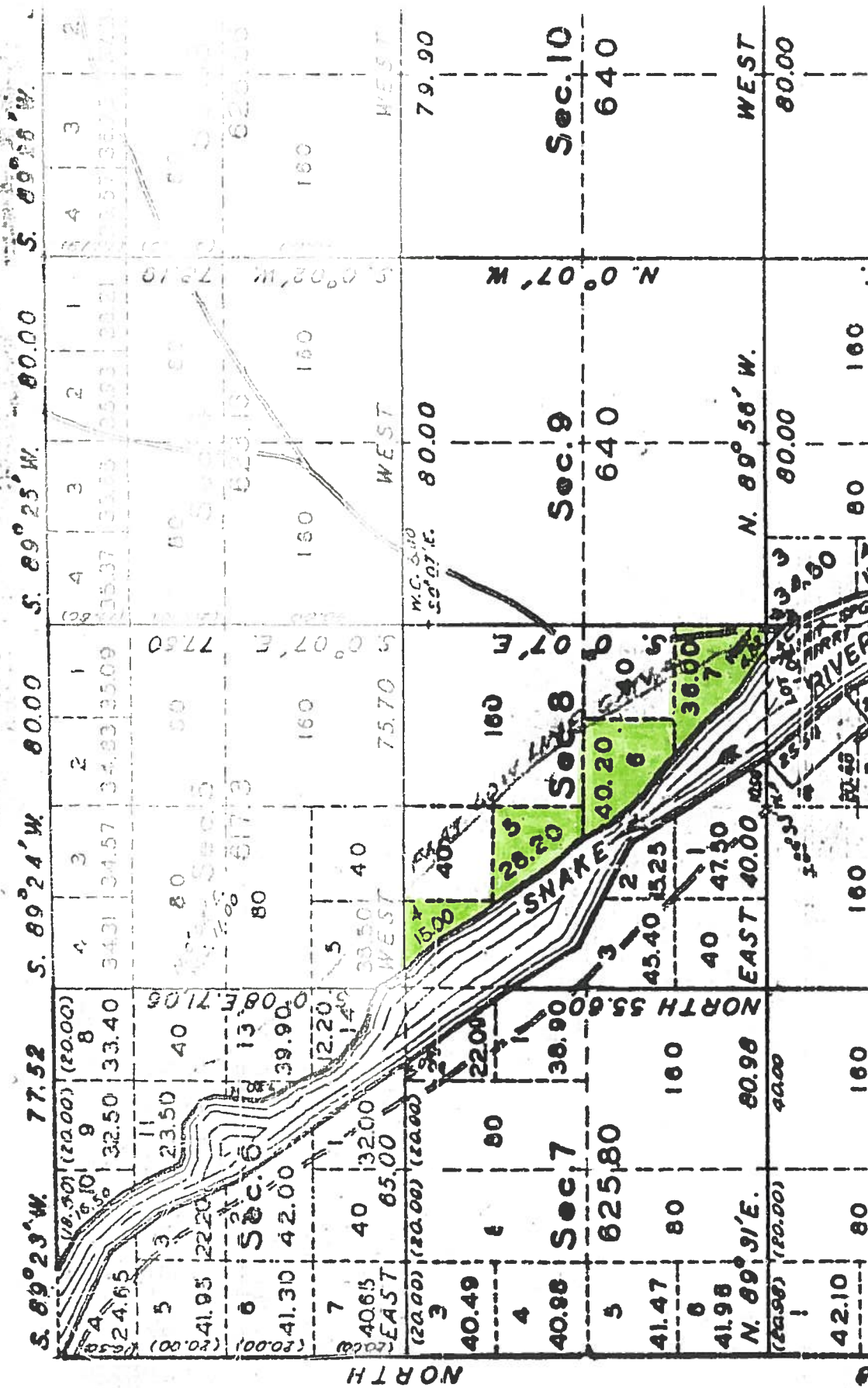
Objection Filed Date:

Misc: _____

Field Inspection Flag:

Audit: 06/17/98 SEGBERT

COMPOSITE PLAT OF SHIP N° 1 NORTH, RANGE N° 3 WEST OF



AJ5856NP

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

DATE: AUG-21-1997
PAGE: A-2

RIGHT NUMBER: 02-10058

NAME & ADDRESS: DAVID L SMARTT
16057 MAP ROCK ROAD
CALDWELL ID 83605

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.14 CFS

PRIORITY DATE: 05/01/1930

POINT OF DIVERSION: T01N R03W S08 NWNWNW (INSTREAM BEGINNING POINT) Within CANYON County
SESESE (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STOCKWATER, 500 CATTLE	01-01 12-31	0.14 CFS

PLACE OF USE:	STOCKWATER	Within CANYON County			
	T01N R03W S08	NWNW	SWNW	SENW	NESW
		NWSE	SWSE	SESE	

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

T01N R03W NE 40 acres
See 08

Units
Noted Name

Parcel # 8R01N03W081800

08-01N-03W SE LOT 7 + NESE

Parcel # 8R01N03W089200

8/28/97
County Plat Room
Computer Search
Danni Smith

No Late fee pd
None Required

Date Received 7/16/92

RECEIVED

NOV 05 1992

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED
NOV 10 1992

Department of Water Resources

Department of Water Resources
Water Resources Office

The Idaho Department of Water Resources will consider this form as a request by the claimant for an extension of the period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

David L. Smartt. () 896-4585
Name of Claimant Phone Number

16057 Map Rock Rd. Caldwell ID 83605
Mailing Address City State Zip

Campa
County(s) where place of use is located Date claim originally due

W015079 A02-10058
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

New Owner of Property

Claimant requests an extension to 7/17/, 1992

David L. Smartt 7-16-92, 1992
Signature Date of request

Owner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to July 17, 1992

Signed this 11 day of November, 1992

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

AUG 16 1994