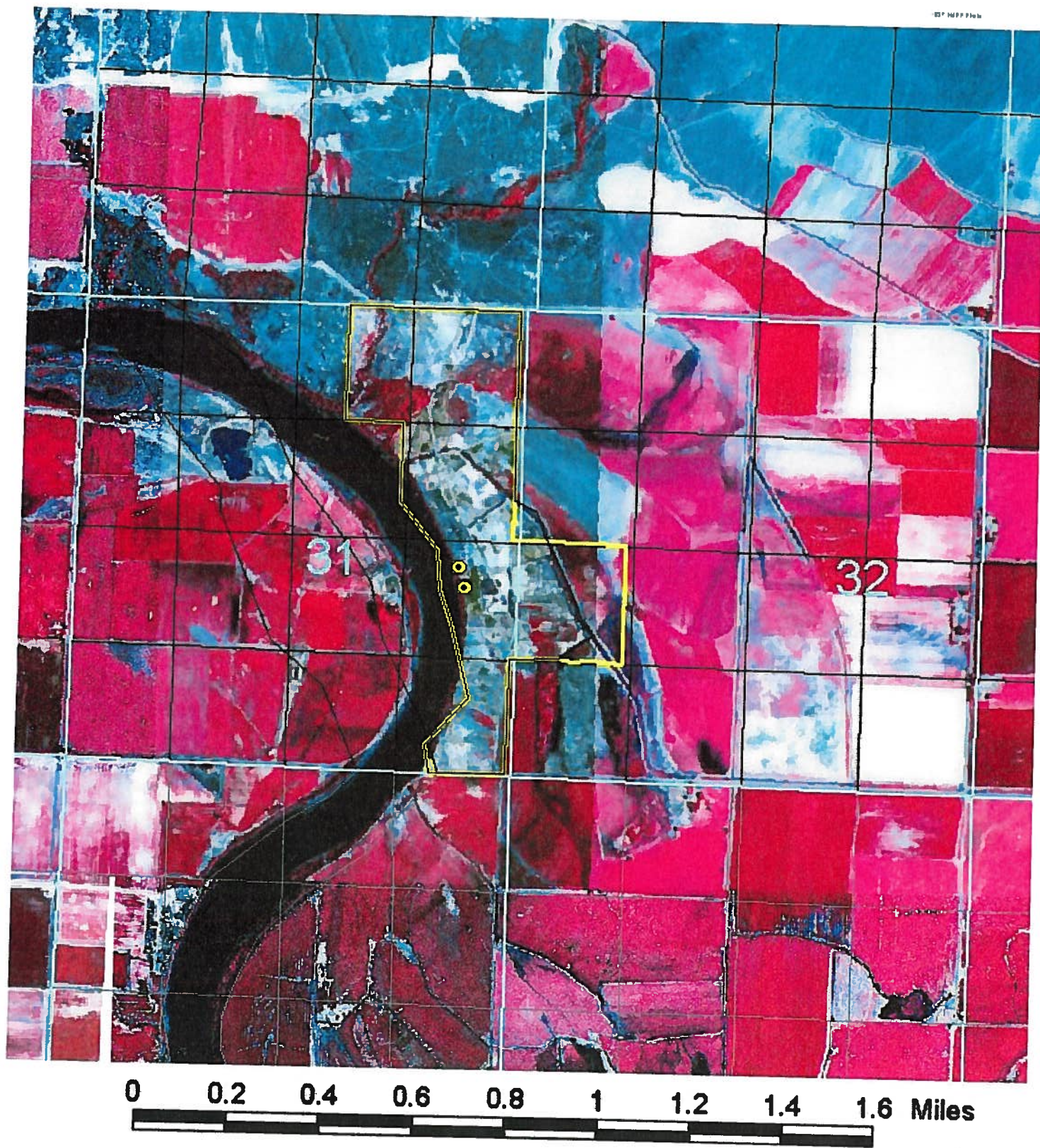


Idaho Department of Water Resources



Claim Number: 02-10150
Legal: T04S R03E, S31, 32
Reviewed By: MRM 10/18/05

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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10150 V1

WATER RIGHT NUMBER: 2-10150 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEAN M SMITH 905 WARM SPRINGS AVE BOISE, ID 83702 (208)342-5757

Priority Date: 12/01/1948
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	10/01 to 04/30	0.700 CFS	1.00 AF
STOCKWATER	05/01 to 09/30	0.040 CFS	1.00 AF
	<u>Total Diversion:</u>	0.700 CFS	2.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L2 NE1/4SE1/4	Sec. 31, Twp 04S, Rge 03E, B.M.
ELMORE County		
SNAKE RIVER	L2 NE1/4SE1/4	Sec. 31, Twp 04S, Rge 03E, B.M.
ELMORE County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	03E	31	X	X	X	X									X			X	
					L 3										L 2			L 1	
04S	03E	32								X									

Total Acres: 0

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10150 V1

4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Rights 2-10150 and 61-11924 shall not exceed 0.70 cfs, nor total combined annual volume of 2.0 af.

Comments:

1. PSKAGGS 10/24/2001 11:12:01 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69042

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

WATER RIGHT NO. 2-10150
As Modified by Transfer No. 69042

In accordance with the approval of Transfer No. 69042, Water Right No. 2-10150 is now described as follows.

Right Holder: JEAN M SMITH
 905 WARM SPRINGS AVE
 BOISE ID 83702

Priority Date: 12/01/1948

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	10/01	to 04/30	0.70 CFS	1.0 AF
STOCKWATER	05/01	to 09/30	0.04 CFS	1.0 AF
			0.70 CFS	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	Lot 2 NESE	Sec. 31 Twp 04S	Rge 03E	ELMORE County
SNAKE RIVER	Lot 2 NESE	Sec. 31 Twp 04S	Rge 03E	ELMORE County

PLACE OF USE: STOCKWATER

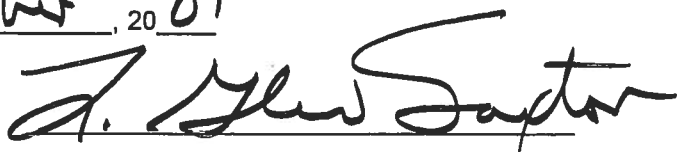
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04S	03E	31	X	X	X	X											X		X	
					L3												L2		L1	
04S	03E	32									X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The total instantaneous diversion of water from all points of diversion under Rights 2-10150 and 61-11924 shall not exceed 0.70 cfs, nor total combined annual volume of 2.0 af.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of October, 2001


 Chief, Water Allocation Bureau

Page 1 of 3
RECEIVED

OCT 29 2001

WATER RESOURCES
WESTERN REGION

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69042

This is to certify that: JEAN M SMITH
905 WARM SPRINGS AVE
BOISE ID 83702
(208)342-5757

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
61-11924	AJC/Beneficial Use	12/01/1948	0.78 cfs	2.0 af		N/A	WASTE WATER
2-10150	AJC/Beneficial Use	12/01/1948	0.78 cfs			N/A	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

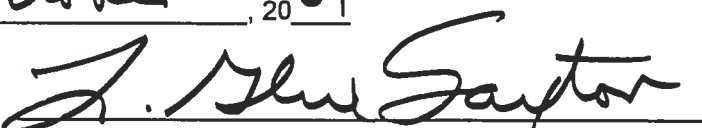
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-11924	NO	YES	YES	NO	NO	NO
2-10150	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-11924	61-11924	0.7 cfs	2 af	N/A	N/A		N/A	N/A		N/A
2-10150	2-10150	0.7 cfs	2 af	N/A	N/A		N/A	N/A		N/A
TOTALS		0.7 cfs	2 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of October, 2001


Chief, Water Allocation Bureau

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1

Name of applicant Jean M. Smith

Phone 208-342-5757

RECEIVED

Post Office address 905 Warm Springs Ave., Boise, Idaho, 83712

JAN 02 2001

WATER RESOURCES
WESTERN REGION

A. Purpose of Transfer

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe the reason for the proposed changes The water distribution system is being changed to an infiltration gallery with pumps and pressurized distribution system.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A02-10150</u>	<u>12-1-1948</u>	<u>.70</u>	<u>Stockwater</u>	<u>10-1 to 4-30</u>
<u>A02-10150</u>	<u>12-1-1948</u>	<u>.04</u>	<u>Stockwater</u>	<u>5-1 to 9-30</u>
<u>A61-11924</u>	<u>12-1-1948</u>	<u>.70</u>	<u>Stockwater</u>	<u>10-1 to 4-30</u>
<u>A61-11924</u>	<u>12-1-1948</u>	<u>.04</u>	<u>Stockwater</u>	<u>5-1 to 9-30</u>

2. Total amount of water being transferred .70 cubic feet per second and/or 2.0 acre-feet per annum.
3. Source of water Snake River tributary to Columbia River and wastewater tributary to Snake River.
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NE	SE	31	4S	3E	Elmore	Gallery - 2 points
		NE	NE	31	4S	3E	Elmore	Pens 27-29
		SE	NE	31	4S	3E	Elmore	Sump (wastewater)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S	S Lot 3	S									S Lot 2			S Lot 1	
4S	3E	32									S								

Total acres 0

PART 1

Transfer No. _____

6. General Information:

- a. Description of diversion system Excavated infiltration gallery at the edge of the Snake River. Pump and pipelines to automatic stockwaterers. Sump with trough and direct watering from the Snake River and wastewater from the Lowline Canal.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XXX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A
- d. Remarks: See Attachment A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A61-11924 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ Other BLM Patent3. Source of water Lowline Canal tributary to Snake River (wastewater)4. Date of priority 12-1-1948

5. Water is used for the following purpose:

Amount .70 for Stockwater purposes from 10-1 to 4-30
(cfs/ac-ft)Amount .04 for Stockwater purposes from 5-1 to 9-30
(cfs/ac-ft)Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)6. Total amount of water under right .78 cubic feet per second and/or 2.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NE	SE	31	4S	3E	Elmore	
		SE	NE	31	4S	3E	Elmore	
		SE	SE	31	4S	3E	Elmore	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
															Lot 2			Lot 1	
4S	3E	32									S								

Total acres 09. Describe any other water rights used for the same purpose as described above A 61-10150 & A61-11919

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. A02-10150 on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other BLM Patent

3. Source of water Snake River tributary to Columbia River

4. Date of priority 12-1-1948

5. Water is used for the following purpose:

Amount .70 for Stockwater purposes from 10-1 to 4-30
(cfs/ac-ft)

Amount .04 for Stockwater purposes from 5-1 to 9-30
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .78 cubic feet per second and/or 2.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	31	4S	3E	Elmore	
		SE	NE	31	4S	3E	Elmore	
2		NE	SE	31	4S	3E	Elmore	
1		SE	SE	31	4S	3E	Elmore	

8. Land irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
															Lot 2			Lot 1	
4S	3E	32										S							

Total acres 0

9. Describe any other water rights used for the same purpose as described above A61-11919

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 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	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

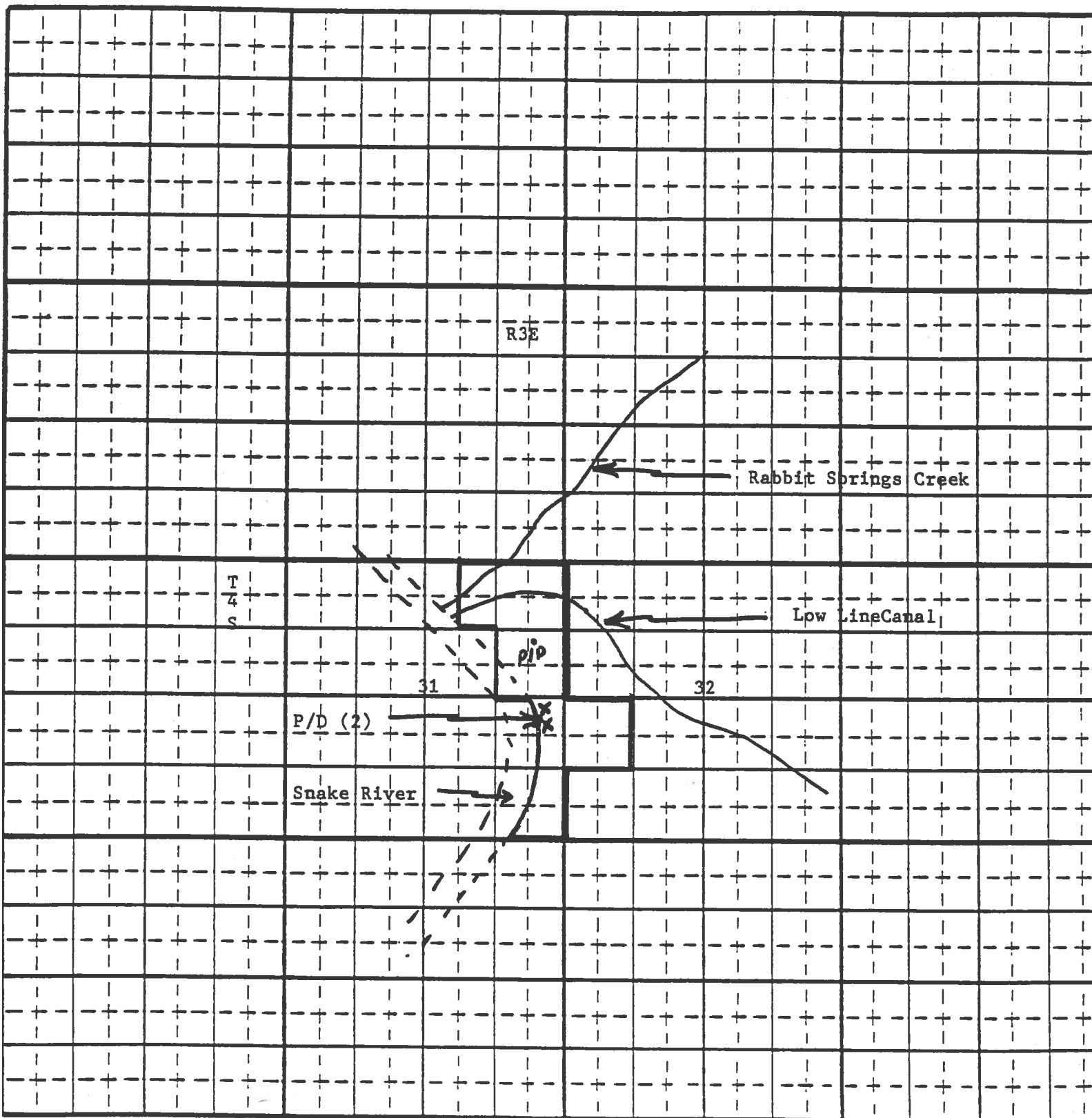
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 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	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

---, page of doc. section number, township, and range number.

100



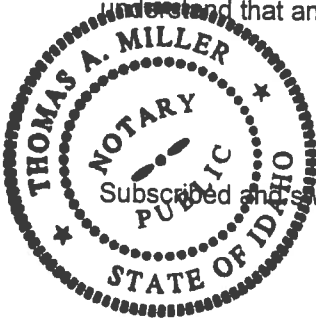
Smith

Copies: White-State, Yellow-Claimant

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use N/A Amount (cfs/ac-ft) _____ Hours/days/year _____ Period of Use _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: N/A
3. Describe effects on other water uses resulting from the proposed change: None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn before me this

Jean M. Smith

(Signature of Applicant)

27th

day of

December, 20 00Thomas A. Miller

(Notary Public)

Thomas A. MillerMy commission expires 7-1-2003**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 14 attachmentsReceived by AK Date 11/21/01 Protest filed by _____Prelim. check by DAN Fee \$100.00Received by _____ Date 2-11-2000 6026133

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT A

Historically, up to 3,000 cattle, or 12,000 sheep, and 50 horses have been watered directly from the main stem of the Snake River and the Snake River Irrigation District Lowline Canal immediately before they discharged to the Snake River main stem. Due to agreements with the Environmental Protection Agency and a desire to move stock watering away from free flowing streams that discharge to the Snake River the applicant is presently in the process of fencing a majority of the stock away from the Lowline Canal and the Snake River. This, of course, requires modifying the existing stockwater system to provide a mechanical means of moving water from the historic points of diversion through pipelines to automated cattle watering devices. All of the water historically was either directly from the main stem Snake River or the Lowline Canal immediately upstream of their discharge into the main stem Snake River. Through this transfer, the applicant proposes to excavate pits in the gravels immediately adjacent to the Snake River. The pits will be equipped with a slotted PVC pipe manifold and connected to centrifugal pumps for distribution of the water through a pipeline system. The sites chosen for excavation are at locations where historically pits had been excavated before. Water was observed flowing through the gravels from the higher ground to the east into the Snake River. It is clear that the water at this location is directly connected to the Snake River, and water to be provided to the cattle will be from the same sources as in the past but through an infiltration gallery, rather than direct diversion by cattle drinking from the stream.

A part of the overall stock containment area has been viewed by the Environmental Protection Agency and declared not part of the feedlot and animal containment facility. These are pens #27, #28, and #29, which are designated on Exhibit A of the EPA compliance order on consent, attached to this transfer application. These pens contain significant vegetation and, therefore, are exempt from the agreement with the Environmental Protection Agency. Stock watering in these pens will continue to be from Rabbit Springs Creek (Corder Creek) (A61-11919) and the Snake River. Stock access has been limited to specific locations within the facility but the stem for providing stock water to the rest of the facility does not serve these pens. Only a small part (8%) of the stock will have access to surface water from these pens and, therefore, the overall goal of restriction of stock water from the Snake River and other surface streams will still be met. The applicant believes that the installation of the infiltration galleries and pump systems as well as the method of operation for pens #27-#29 will provide a more reliable supply of water for stock and at the same time improve water quality by minimizing access to the Lowline Canal and the Snake River. The project is in the public interest and enhances conservation of water resources in Idaho.

Attachment A

Calculations for Transfer of Water Right #A02-10150 and #A61-11924

Cattle

12 gals/day/head

3000 cattle

diversion based on a two (2) hour period

$$\frac{12 \times 3,000}{120} = \frac{300}{448.8} = .69 \text{ cfs}$$

Horses

12 gal/day/head

50 horses

diversion based on a two (2) hour period

$$\frac{12 \times 50}{120} = \frac{5}{448.8} = .01 \text{ cfs}$$

Sheep

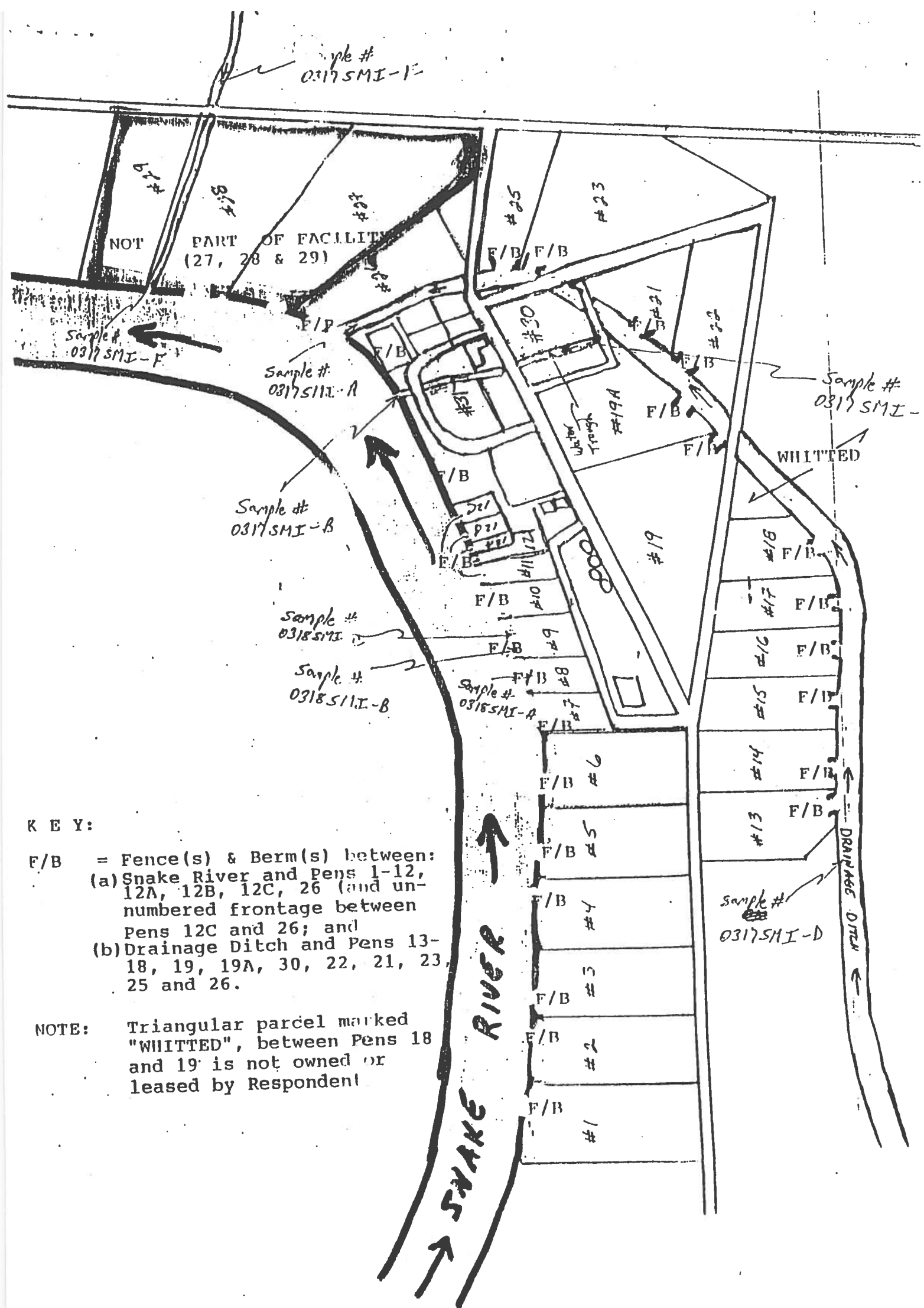
2 gals/day/head

12,000 sheep

diversion based on a two (2) hour period

$$\frac{2 \times 12,000}{120} = \frac{200}{448.8} = .45 \text{ cfs}$$

Attach: B



KEY:

- F/B = Fence(s) & Berm(s) between:
- (a) Snake River and pens 1-12, 12A, 12B, 12C, 26 (and unnumbered frontage between Pens 12C and 26; and
 - (b) Drainage Ditch and Pens 13-18, 19, 19A, 30, 22, 21, 23, 25 and 26.

NOTE: Triangular parcel marked "WHITTED", between Pens 18 and 19 is not owned or leased by Respondent.

Jean M. Smith (dba Wood Creek Livestock Company) Feed Lot and Facility referred to in Docket No. CWA-10-99-0245 - REQUEST FOR INFORMATION A COMPLIANCE ORDER ON CONSENT

EXHIBIT "A"

AFFIDAVIT OF JEAN M. SMITH
(Water Rights Nos. A61-11919 & A61-11924)

JEAN M. SMITH, being first duly sworn on oath deposes and says that:

My name is Jean M. Smith. I reside at 905 Warm Springs Avenue, Boise, Idaho 83712. I was married to Bill Smith for many years prior to and during the period of time referred to herein until his death on August 4, 1980.

Bill Smith and I acquired assets of Wood Creek Sheep Co., a partnership consisting of Joe Urquidi and others, in the fall of 1948. The assets acquired included the name, approximately 8,000 ewe sheep and miscellaneous other sheep and horses, and use rights on the Lambing Shed Property mentioned below. The purchase of those assets was closed about October 1948. Bill brought with him from his sheep operation headquartered at Shoshone, Idaho some 4,000 additional ewes and miscellaneous sheep and horses.

Starting on or about December 1, 1948 those approximately 12,000 ewes and miscellaneous other sheep and horses were wintered and lambs were dropped and cared for at the so-called "Lambing Shed Property" located at Chattin Flat in Elmore County, Idaho, along the east bank of Snake River a few miles below Grandview, Idaho, which property is depicted on attached EXHIBIT "A". EXHIBIT "A" is a copy of a portion of the USGS Jackass Butte Quadrangle map.

The above mentioned sheep and horses wintered and were fed and the ewes were lambled at the Lambing Shed Property (those that had not lambled on the way from the summer range to the Lambing Shed Property) throughout the winter of 1948 and until early spring of 1949, and those animals or an approximate like number of replacements spent similar periods of late fall, winter and early spring at the Lambing Shed Property annually thereafter, drinking water out of Snake River and out of the drain ditch commonly referred to as the "Low Line Canal."

Bill Smith began acquiring cattle in the 1950s and began to phase out his sheep operation until about 1976 when the operation become exclusively a cattle operation named Wood Creek Livestock Co. involving approximately 3,000 cows, calves, yearlings and bulls, plus a few horses. During the transition period and since it has become solely a cattle operation, the sheep and cattle and later the cattle only spent similar annual periods from late fall, winter and early spring at the Lambing Shed Property.

During the period from about 1958 to 1960, Bill erected a tank and installed a pump to utilize water from a small "spring" at which waste water surfaced to water some ewes and lambs kept in small pens, all in a small area some distance north of the new

gallery sump and pump house. Later, prior to 1976 when the last sheep were disposed of, the tank was dismantled and the water was delivered by a pump and pipes to ewes and lambs and later to cows and calves kept in small pens in the same area.

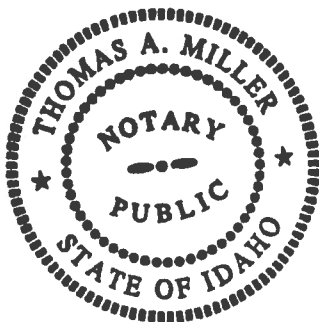
However, the new gallery sump and pump house supplies most of the water for the horses and for the cattle which do not drink out of Snake River in Government Lot 3 and out of Rabbit Creek running through the 20 acres acquired from Idaho Concrete Pipe Co., Inc. mentioned in the next paragraph.

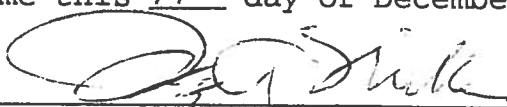
Commencing in the fall of 1971 and through the winter and until early spring of 1972, and annually thereafter, approximately 230 cows plus calves were kept on an additional 20 acres adjacent to the northerly portion of the Lambing Shed Property which Bill Smith and I had acquired in August 1971 from Idaho Concrete Pipe Co., Inc., and which is also depicted on attached EXHIBIT "A". The 230 cows plus calves kept on said 20 acres drank out of Rabbit Creek, also known as Rabbit Springs Creek or as Corder Creek, which runs through that 20 acre parcel. These 230 cows plus calves are included in the total overall figure of 3,000 head referred to above. These 230 cows plus calves, which continue to drink from Snake River and Rabbit Creek, are included in my amended Claim No. A61-11919. However, approximately the same number or proportion of animals probably drank out of Snake River in Government Lot 3 beginning in 1948 as drink out of Lot 3 and the 20 acres acquired in 1971, so the priority date of December 1, 1948 should still apply to Claim No. A61-11919.

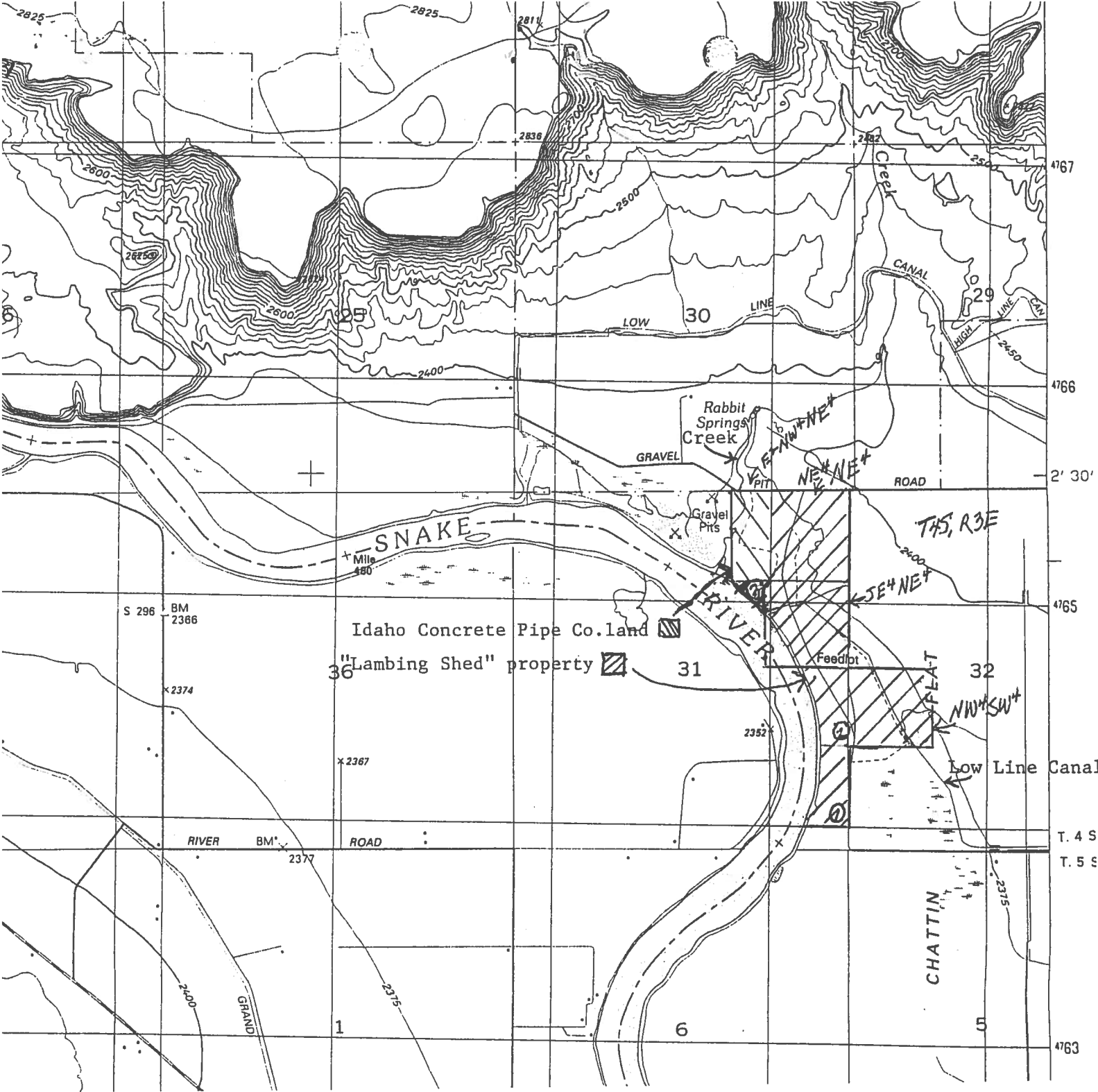
The rest of this affidavit refers to my Claim No. A61-11924 covering sheep and later cattle drinking out of Snake River and the Low Line Canal until 1999 when instream drinking was replaced by the sump, pipelines, heated tanks and standing faucets and tanks to satisfy the EPA. A few cows and calves continue to use the self-contained watering system from the waste water "spring" mentioned above, which dates back to the period 1958-1960.


Jean M. Smith

SUBSCRIBED AND SWORN to before me this 11th day of December, 2000.




Thomas A. Miller
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 8-1-2003



AFFIDAVIT OF JOHN P. LASUEN

(Jean M. Smith - Water Right No. A61-11924)

JOHN P. LASUEN, being first duly sworn on oath deposes and says that:

My name is John P. Lasuen. I reside at 315 North 8th East, Mountain Home, Idaho 83647. I am now retired. The reason for my giving this affidavit is that I worked for Wood Creek Sheep Co., a partnership consisting of Joe Urquidi and others from March 15, 1948 until September 15, 1948.

Bill Smith, the late husband of Jean M. Smith, purchased the assets of Wood Creek Sheep Co. on or about September 15, 1948. I worked for Bill Smith for about three years from that date.

The assets of Wood Creek Sheep Co. which Bill Smith acquired included approximately 8,000 ewe sheep plus some horses and mules and perhaps some miscellaneous head of sheep. Bill Smith brought with him from his previous sheep raising operation headquartered at Shoshone, Idaho, approximately 4,000 additional ewes, some horses and perhaps other miscellaneous sheep. They also included land described below used by Wood Creek Sheep Co. located in Elmore County, Idaho, along the Snake River below Grandview

Bill Smith continued the sheep raising operation under the name "Wood Creek Sheep Co." The operation included lambing and wintering the sheep and lambs at the Wood Creek Sheep Co. "lambing sheds" along Snake River and along a drain ditch which I am advised is called the "Low Line Canal" shown on attached Exhibit "A" which is a copy of a portion of the USGS Jackass Butte Quadrangle map on which is outlined the "lambing shed" property referred to herein.

Bill Smith did not own or use the land along Rabbit Creek, also known as Rabbit Springs Creek or Corder Creek, during the time I worked for him. The sheep and horses predominantly drank out of the drain ditch and out of Snake River during the late fall, winter and early spring period when the livestock was at the "lambing shed" property.

I have visited the "lambing shed" property occasionally from time to time over the years and know that Bill Smith gradually transitioned from a sheep operation into a combined sheep and cattle operation and finally into an exclusively cattle operation, continuing to use the "lambing shed" property for calving and wintering his cows, calves, bulls and horses. At some time during or after this period, the name of the operation was changed from Wood Creek Sheep Co. to Wood Creek Livestock Co.

Bill Smith died in the spring of 1980 and his widow, Jean M. Smith, continued the cattle operation which she operates to the present day, using the same "lambing shed" property plus

ATTACH E 1

some additional land along Rabbit Creek and adjacent thereto. I visited the Wood Creek Livestock Co. property or the "lambing shed" property recently to refresh my memory as to the lay of the land, the river and the drain ditch. I am surprised at how little the layout has changed although the river and the drain ditch have been fenced to prevent the cattle from drinking out of the river or the ditch.

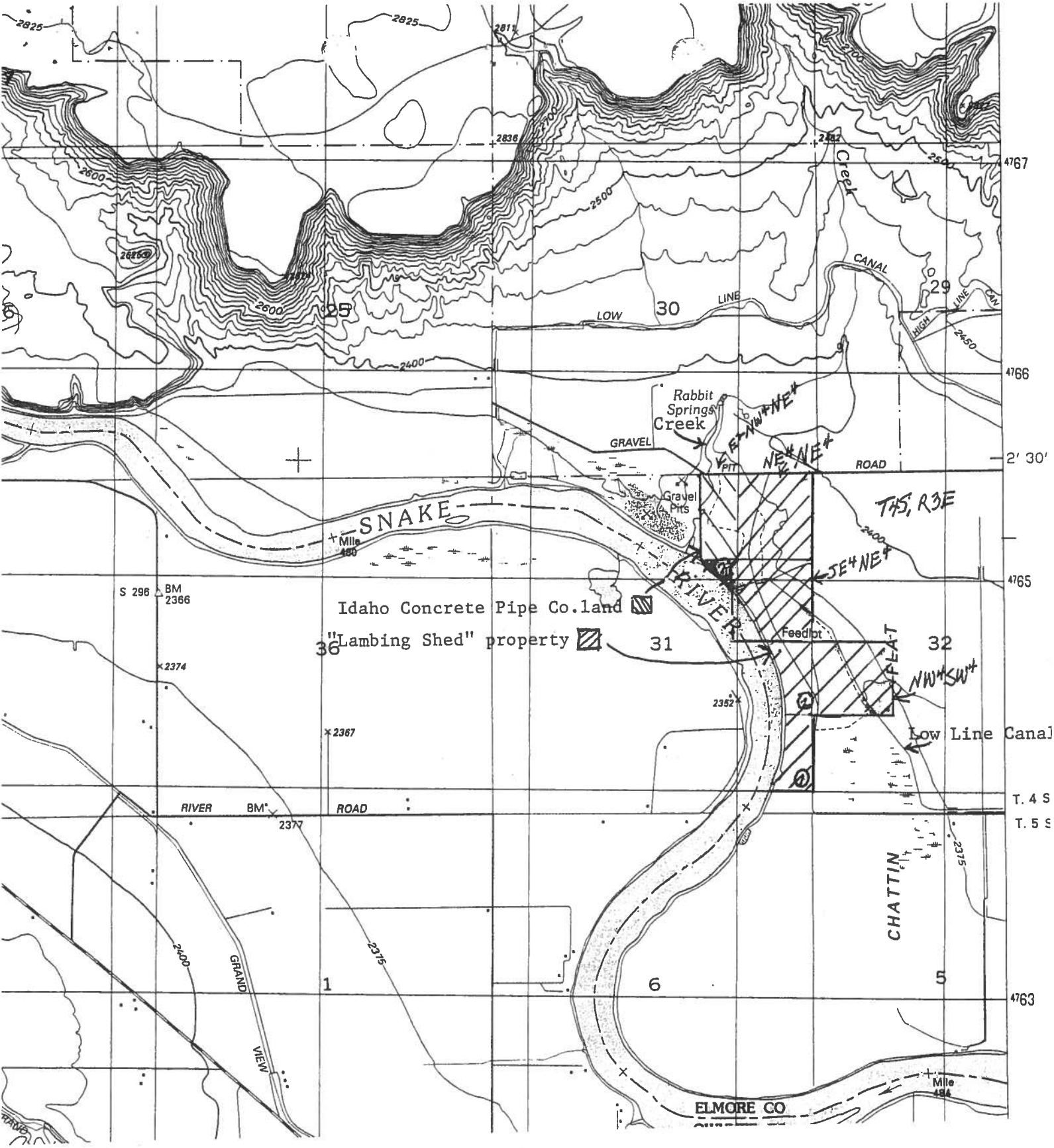
STATE OF IDAHO)
) ss.
County of Elmore)

John P. Lasuen
John P. Lasuen

SUBSCRIBED AND SWORN TO Before me, this 1st day of December,
2000.

Michael J. Miller
Notary name: MICHAEL J. MILLER
Notary Public for the State of Idaho
Residing at Mountain Home, Idaho
My Commission Expires: 5-30-04

Attach E2



AFFIDAVIT OF LAURI URIONA

(Jean M. Smith - Water Right No. A61-11924)

LAURI URIONA, being first duly sworn on oath deposes and says that:

My name is Lauri Uriona, also known as "Larry" Uriona. I reside at 535 North 5th East, Mountain Home, Idaho 83647. I am now retired and have been retired for several years.

I worked for Wood Creek Sheep Co., an operation owned by Joe Urquidi and others from 1942 until September or October of 1948 when Bill Smith acquired the assets of Wood Creek Sheep Co. I continued to work for Bill Smith until 1953.

At the time Bill Smith acquired the Wood Creek Sheep Co. operation, it included approximately 7,000 or 8,000 ewes plus some horses and mules and miscellaneous sheep. Bill Smith brought with him from his previous sheep raising operation at Shoshone, Idaho, approximately 4,000 additional ewes, some horses and perhaps other miscellaneous sheep. During the period that I worked for Bill Smith, there were approximately 11,000 to 13,000 head of sheep which wintered and lambled at the Wood Creek operation land (generally called the "lambing shed" property), which had been used also by the old Wood Creek Sheep Co. partnership, shown on attached **Exhibit "A"** which is copied from the USGS Jackass Butte Quadrangle map. The sheep and other livestock drank out of Snake River and the drain ditch (which I understand is called the Low Line Canal) in the area depicted on Exhibit "A." The sheep and later the cattle spent mostly late fall, winter and early spring at the "lambing shed" property shown on Exhibit "A."

Subsequent to the time that I worked for Bill, he acquired some 20 acres of land contiguous to the "lambing shed" property from Idaho Concrete Pipe Co. lying on both sides of Rabbit Creek, also known as Rabbit Springs Creek or as Corder Creek. However, to my knowledge Bill did not use that property until after I ceased to be employed by him.

After I left Bill Smith's employ, he gradually acquired cattle and phased out the sheep operation until it became entirely a cattle operation, sometime prior to his death in the spring of 1980. I believe he changed the name of the operation to Wood Creek Livestock Co. after he disposed of the sheep.

Jean M. Smith, his widow, continued the operation of Wood Creek Livestock Co., including the wintering and calving operation in the property depicted on Exhibit "A" and continues to operate it to the present time. I had an occasion to visit the property recently and while there have been some changes in the buildings, improvements, corrals, etc., the river still flows where it flowed then and the drain ditch continues to flow where it flowed then. However, fences have been constructed to prevent the livestock from drinking in the river or in the drain ditch.

Attach F1

STATE OF IDAHO)
) ss.
County of Elmore)

Lauri Uriona
Lauri Uriona

SUBSCRIBED AND SWORN TO Before me, this 1st day of DECEMBER,
2000.



Darla Rhodes
Notary name: DARLA RHODES
Notary Public for the State of Idaho
Residing at Mountain Home, Idaho
My Commission Expires: 09-18-02

ATTACH F2

The United States of America

To all to whom these presents shall come, Greeting:

IDI-28361

WHEREAS

276813

Jean M. Smith

is entitled to a land patent pursuant to the Act of October 21, 1976 (Section 206, 90 Stat. 2756; 43 U.S.C. 1716), for the following described land:

Boise Meridian, Idaho

T. 4 S., R. 3 E.,
sec. 31, lots 1 to 3, inclusive;
sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 156.00 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, her successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

SUBJECT TO:

1. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by Right-of-Way No. IDBL-054697, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961).
2. Those rights for irrigation canal purposes granted to Snake River Irrigation District, its successors or assigns, by Right-of-Way No. IDI-03816, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949).
3. Those rights for buried telephone cable purposes granted to Gem State Utilities Corporation, its successors or assigns, by Right-of-Way No. IDI-16430, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho
the TWENTY-SEVENTH day of SEPTEMBER
in the year of our Lord one thousand nine hundred and
NINETY-THREE and of the Independence of the
United States the two hundred and EIGHTEENTH

By

Jerry L. Kidd

Deputy State Director for Operations

ELMORE COUNTY, IDAHO, SS
Request of Dawley, Dorell, Emery & Co.
Time 11:12 A.M.
Date October 7, 1993
Clock _____ of _____
DOLORES ROBISON
Recorder
By Chad M. Dye
Deputy
Fee \$3.00

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976), Bill Smith, in exchange for certain other land situated in the State of Idaho, has selected the following described tract of land:

Boise Meridian, Idaho.

T. 4 S., R. 3 E.,

Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described contains 80 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Bill Smith and to his heirs in fee simple, the tract of land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said Bill Smith and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the land hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the TWELFTH day of SEPTEMBER in the year of our Lord one thousand nine hundred and FIFTY-FIVE and of the Independence of the United States the one hundred and EIGHTIETH.

For the Director, Bureau of Land Management:

Patent No. 1154231

By Rose M. Beall
Acting Chief, Patents ~~and~~ Section

1-91488

Patent

W. S. A.
to

Bill Smith

Garth Park

10 9

12 1st

November 23

Book

20 1st

95

James A. P. Hall

By

E. B. Stein

Deputy

Fees \$1.00

THIS INDENTURE, Made this 18th day of August, in the year of our Lord
one thousand nine hundred and seventy-one between

IDAHO CONCRETE PIPE CO., INC.,

a corporation duly organized and existing under the laws of the State of Idaho;

and having its principal office in Idaho at P. O. Box 156, Nampa, in the County of
Canyon, party of the first part, and

BILL SMITH, 905 Warm Springs Avenue,

of Boise, County of Ada, State of
Idaho, party of the second part,

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of
Directors, for and in consideration of the sum of FOUR THOUSAND THIRTY-SIX and no/100 - -
- - - (\$4,036.00) - - - DOLLARS,

lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey
and confirm unto the said party of the second part, and to his heirs and assigns forever, all
the following described real estate situated in the County of Elmore,
State of Idaho, to wit:

A portion of the East Half of the Northwest Quarter Northeast Quarter of Section 31, Township 4 South, Range 3 East, Boise Meridian, Elmore County, Idaho, being more particularly described as follows:

Beginning at the North Quarter corner of said Section 31 as marked by a G.L.O. Brass Cap; thence North 89°29'00" East long the North boundary of said Section 31, 659.99 feet to the Northwest corner of said East Half of the Northwest Quarter Northeast Quarter of Section 31, marked by a 5/8" rebar and being the real point of beginning; thence South 0°39'50" East along the West boundary of the East Half of the Northwest Quarter Northeast Quarter, 1,332.44 feet to the Southwest corner of the East Half of the Northwest Quarter Northeast Quarter, marked by a 5/8" rebar; thence North 89°40'00" East along the South boundary of the East Half of the Northwest Quarter Northeast Quarter, 658.71 feet to the Southeast corner of the Northwest Quarter Northeast Quarter, marked by a 5/8" rebar; thence North 0°36'30" West, along the East boundary of the Northwest Quarter Northeast Quarter, 1,334.54 feet to the Northeast corner of the Northwest Quarter Northeast Quarter, marked by a 5/8" rebar, said corner bears South 89°29'00" West, 1,519.98 feet from the Northeast corner of said Section 31 as marked by a 5/8" rebar; thence South 89°29'00" West, along the North boundary of the Northwest Quarter Northeast Quarter, 659.99 feet to the Northwest corner of the East Half of the Northwest Quarter Northeast Quarter, Section 31 and the real point of beginning, said East Half of the Northwest Quarter Northeast Quarter, Section 31 contains 20.18 acres more or less;

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining;
TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and its successors, and against all and

Attach I

every person and persons whom he, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its

President and its corporate seal to be affixed by its

Secretary in pursuance

to said resolution the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

IDAHO CONCRETE PIPE CO., INC.

By Robert Todeschi

Its _____ President.

Attest Wayne E. Davis

Its _____ Secretary.

STATE OF IDAHO,

ss.

COUNTY OF Canyon

On this 20 day of August

in the year 1971, before me

THE UNDERSIGNED

, a Notary Public in and for the said State,

personally appeared ROBERT TODESCHI and WAYNE E. DAVIS, respectively, known to me to be the President and Secretary, /

of the corporation that executed this instrument

or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

(SEAL)

Gordon B. Baines
Notary Public for the State of Idaho,
Residing at Colville, Idaho.

No. 146724

Corporation Warranty Deed

for

— TO —

Dated

, 19

STATE OF IDAHO,

COUNTY OF Elmore

ss.

I hereby certify that this instrument was filed for record at request of Robert Todeschi

at 2 minutes past 3:00

o'clock PM, this 8 day

of September, A.D. 19 71

in my office, and duly recorded in Book

of _____ at page _____

By L. H. Tranel Ex-Officio Recorder.

Deputy R. J. Baines

Mail to

STUB TOTAL CH. \$ 14

ATTACH 12

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

April 10, 2001

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

RE: Wood Creek Livestock (Jean Smith Transfer)

Dear Dan:

Enclosed you will find our response to your inquiries of a few weeks ago regarding the Application for Transfer for water right nos. A61-11924 and A02-10150. You had requested a number of items, which are as follows:

- 1) Added fees for the adjudication claims of \$79.
- 2) You indicated a need for our concurrence to change the date of priority to January 1, 1950.
- 3) For water right 61-11924, documentation of the capability of producing the quantity of water claimed either through pump curves, calculations, or other data.
- 4) An explanation of the actual type of use developed by Wood Creek Livestock for the Snake River water right 02-10150.
- 5) Documentation from the Snake River Irrigation District that the water rights diverted by Wood Creek Livestock from their system is below the last point of control and documentation of the existence of wastewater at that point.

This letter is an attempt to respond to those questions. With regard to the above, our response is as follows:

- 1) The adjudication fees have been paid by check to the Idaho Department of Water Resources.
- 2) I have contacted Mr. Tom Miller, attorney who represents the owner of Wood Creek Livestock, Mrs. Jean Smith, and he has indicated to me that Mrs. Smith concurs with the change in priority to January 1, 1950.
- 3) Water right 61-11924 was not developed through instream watering but was in fact developed using a pump for diversion of water. The pump still exists but is quite old and no pump curve was available through the original supplier. However, I have tabulated the pump data on the attached sheet and have calculated the flow that could be produced by the pump under the conditions that exist now and have existed during the period of use under this water right. The calculated flow, even using a 60% efficiency level, is well in excess of the amount claimed which should provide sufficient

Attach J1

Consultants in
Natural Resources
and the Environment

documentation that Wood Creek Livestock could in fact, and has, pumped the water claimed under the water right.

4) Water right 02-10150 is for instream stock watering which has occurred in the past. When Wood Creek Livestock developed the property and the water right, the cattle, sheep, and horses all were able to water directly from the Snake River. The primary purpose of this transfer is to move the stock off the river to assist the state of Idaho and the federal government in achieving water quality improvement goals.

5) I have enclosed a letter from Snake River Irrigation District relating to the canal or wasteway from which Wood Creek Livestock diverts water. As you can see from the letter, the waterway is a wasteway from which no irrigation occurs. Additionally, since it is a wasteway spilling excess canal water, clearly it contains wastewater by definition.

If you have any questions or need additional information on the transfer please do not hesitate to call me. I hope that this information is sufficient to allow continuation of the processing of the application.

Sincerely yours,

Sherl L. Chapman

SLC:sw

Encl.

cc: Tom Miller

ATTACH J2

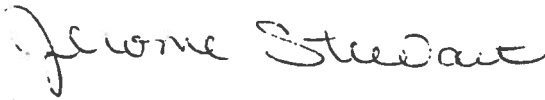
Snake River Irrigation District
PO Box 9
Grand View, Idaho 83624

Sheri Chapman
1106 North Cole
Boise, Idaho 83704-8661

March 27, 2001

To Whom it May Concern:

The waterway that goes through Woodcreek Ranches that belongs to Jean Smith, is where the excess water from the canal flows to the river. There is no irrigation on that spillway to the river.



Jerome Stewart
Manager
Snake River Irrigation District

ATTACH K

Pump Flow Rate for Wood Creek Livestock Co.

Pump Data

Motor - 3 HP electric
Serial # - FDL 3610TM
366236W655
Voltage - 230
RPM - 1725
Make - Parma Water Lifter Model 5
Discharge - 5" diameter - atmospheric
Lift - 10'
Total Dynamic Head - 10'

Flow Calculations

$$Q = \frac{e \cdot HP}{TDH}$$

Where:

$e = 60\%$ (.60 x 3960)
TDH = 10 feet
HP = 3.0

$$Q = \frac{2376 \cdot 3.0}{10} = 712.8 \text{ gpm } 1.58 \text{ cfs}$$

Attach ~~B~~ L

Idaho Department of Water Resources Receipt

Receipt ID W027468

Payment Amount **\$79.00** Date Received **3/19/01 4:44:02 PM** Region **Western** Status ☐
Payment Type **Check** Check Number **11708**

Payer **WOOKCREEK LIVESTOCK CO, JEAN SMITH**Comment **ADDITIONAL FEES FOR UNDER PAYMENT**

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$79.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

WOODCREEK LIVESTOCK CO.
JEAN M. SMITH
905 WARM SPRINGS AVE. PH. 342-5757
BOISE, ID 83712

11708

92-372/1231 3842

DATE **3-14-001**PAY
TO THE
ORDER OF**Idaho Depart Water Resources** \$ **79.00****seventy-nine and 00/100**

DOLLARS

☐ Security features
included.
Details on back.**usbank.**Anytime, Anywhere Access
1-800-673-3555
www.usbank.com

FOR

Jean M Smith

⑈011708⑈ ⑆123103729⑆153301284276⑈

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 4/18/2001

RE: JEAN SMITH TRANSFER, RIGHTS 61-11924 & 02-10150

The transfer proposes to change the points of diversion on both of these rights from instream stockwater to an excavated infiltration gallery in the NESE S31 and a wastewater collection sump in the SENE S31 to supply stockwater troughs. Minimal instream stockwater in the NENE S31 will remain in pens 27 through 29. This will move most the livestock in this feedlot away from the river to preserve the riparian area and improve water quality to satisfy an Environmental Protection Agency (EPA) compliance order.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 8 pages and 14 attachments. Note the location of the following application items:

- Attach. A – Overview of transfer application by consultant
- Attach. B – Flow rate calculations per animal numbers.
- Attach. C – Detailed map of Feedlot.
- Attach. D – Affidavit from Jean Smith proving priority date and animal numbers (D1-D3).
- Attach. E – Affidavit from former employee, John P. Lasuen, proving priority date and animal numbers (E1-E3)
- Attach. F – Affidavit from former employee, Lauri Uriona, proving priority date and animal numbers (B1-F3)
- Attach. G – United States Land Patent showing ownership of property.
- Attach. H – United States Land Patent showing ownership of property (H1-H2).
- Attach. I – Warranty Deed showing ownership of property (I1-I2)
- Attach. J – Letter from applicant's consultant, ERO Resources, answering additional information (J1-J2).

Attach. K – Letter from Snake River Irrigation District approving wastewater claim.

Attach. L – Flow rate calculation of original pump from canal.

Attach. M – Reciept for adjudication claims for total fees needed.

Sherl Chapman of ERO Resources Corp. prepared the application.

Other information used in this review includes Place of Use Comparison Sheet, Point of Diversion overlap, Profile report of 61-4044, copy of Adjudication claims for water rights 02-10150, 61-11924, and 61-11919, and a 1987 NAPP aerial photo of place of use all attached to this memo.

NARRATIVE

In order to review this application, I first needed to verify that the adjudication claims were valid. These were late claims submitted by the applicant for instream stockwater that was not subject to 0.02-cfs diversion rate limitation instituted by the Snake River Basin Adjudication (SRBA). I have worked with Dave Tuthill, Jan Shurte, Roxanne Brown, and Ron Howerton, from our adjudication staff to determine the validity of the claims. The applicant and their consultant, Sherl Chapman of ERO, and their attorney, Thomas Miller of Hawley, Troxell, Ennis, & Hawley, supplied all of the documents that the SRBA staff deemed would be necessary for the recommendation of these rights as claimed. This has enabled the processing of this transfer.

The applicant has been working with the EPA on this feedlot and his transfer is a result of the compliance order by that agency in 1999 (see attachment C for map from compliance order and date). There is also an affidavit signed by the applicant stating that the feedlot is still in operation. The compliance order and the affidavit indicate that the feedlot is not subject to forfeiture and that enlargement is not an issue.

All of the questions asked by the adjudication staff correlate to information needed for this transfer. The Snake River Irrigation District has sent us a letter stating that the water in the canal at the point is used by the applicant and is wastewater. The only problem found was with the 1948 priority date. The full diversion was not developed until the cattle replaced the sheep that were in the feedlot. The affidavits say that this happened in 1950. The applicant agreed that the priority date should be changed to 1950 since this was the year that the water right was fully developed(see attachment J1).

RECOMENDATIONS

This transfer should be approved as filed, with the priority date should be changed to 1/1/1950.

[illegible]

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE Total
Claim	61 10485	HAYLAND RANCHES,	GROUND WATER	04S03E32													0			0
Right	61 10485	HAYLAND RANCHES,	GROUND WATER	04S03E32													0			0
Claim	61 2249	J R SIMPLOT CO,	GROUND WATER	04S03E32	40	40	40	40									40			200
Claim	2 10150	JEAN M SMITH,	SNAKE RIVER	04S03E32																0
Claim	61 11824	JEAN M SMITH,	WASTEWATER	04S03E32																0
Claim	61 4044	JEAN M SMITH,	GROUND WATER	04S03E32																0
Right	61 4044	JEAN M SMITH, EST OF BILL SMITH,	GROUND WATER	04S03E32																0
Claim	61 10855	JOHN PAUL WHITTED,	UNNAMED DRAIN	04S03E32					40	40	40	40	40	40	40	40				240
Claim	61 10855	JOHN PAUL WHITTED,	UNNAMED DRAIN	04S03E32					0	0	0	0	0	0	0	0				0
Claim	61 10855	JOHN PAUL WHITTED,	WASTEWATER	04S03E32					0	0	0	0	0	0	0	0				0
Claim	61 10856	JOHN PAUL WHITTED,	UNNAMED DRAIN	04S03E32					40	40	40	40	40	40	40	40				200
Claim	2 78	SNAKE RIVER IRRIGATION DIST,	SNAKE RIVER	04S03E32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
Claim	2 79	SNAKE RIVER IRRIGATION DIST,	SNAKE RIVER	04S03E32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
Right	61 2249	THOMAS COLLETT,	GROUND WATER	04S03E32	40	40	40	40									40			200

[illegible]

	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
61	11924		Beneficial Use	Active	12/1/48	0.78	WASTEWATER	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationCiaim

	Sequence	Spill			Priority		Source				
BASIN	Number	Suffix	Basis	Status	Date	RATE	List	Water Use List	Owner List	Source Table	
2	10100		Beneficia I Use	Active	1876-01-01	1.2	SNAKE RIVER	STOCKWATER, WILDLIFE	BLM (Also Known As), HAUGRUD JACK OR G GARVER OR D ZANE (Attorney), UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)	wrAdjudicationClai m	
2	10150		Beneficia I Use	Active	12/1/48	0.78	SNAKE RIVER	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationClai m	
61	11919		Beneficia I Use	Active	12/1/48	0.78	RABBIT SPRINGS CREEK	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationClai m	

	Sequence	Spilt	Basis	Status	Priority	RATE	Source	Water Use List	Owner List	Source Table	
	Number	Suffix			Date		List				
			Beneficia	Active	1876-01-01	1.2	SNAKE RIVER	STOCKWATER, WILDLIFE	BLM (Also Known As), HAUGRUD JACK OR G GARVER OR D ZANE (Attorney), UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)	wrAdjudicationClai m	
2	10100		Beneficia	Active	12/1/48	0.78	SNAKE RIVER	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationClai m	
2	10150		Beneficia	Active	12/1/48	0.78	WASTEWATER	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationClai m	
61	11924		Beneficia	Active	12/1/48	0.78	ATER	STOCKWATER	EST OF BILL SMITH (Original Owner), JEAN M SMITH (Current Owner), JEAN M SMITH (Original Owner)	wrAdjudicationRecommendation	
61	4044		Beneficia	Active	7/15/50	1	GROUND WATER	IRRIGATION, STOCKWATER			

	Sequence	Split	Basis	Status	Priority	RATE	Source	Water Use List	Owner List	Source Table	
	Number	Suffix			Date		List				
2	10100		Beneficia I Use	Active	1876-01-01	1.2	SNAKE RIVER	STOCKWATER, WILDLIFE	BLM (Also Known As), HAUGRUD JACK OR G GARVER OR D ZANE (Attorney), UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)	wrAdjudicationClai m	
2	10150		Beneficia I Use	Active	12/1/48	0.78	SNAKE RIVER	STOCKWATER	JEAN M SMITH (Current Owner)	wrAdjudicationClai m	
2	10100		Beneficia I Use	Active	1876-01-01	1.2	SNAKE RIVER	STOCKWATER, WILDLIFE	BLM (Also Known As), HAUGRUD JACK OR G GARVER OR D ZANE (Attorney), UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)	wrAdjudicationReco mmendation	

04/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 61-4044

Owner Type Name and Address
Current Owner JEAN M SMITH
 905 WARM SPRINGS AVENUE
 BOISE, ID 83702
 (208)342-5757

Original Owner EST OF BILL SMITH
Original Owner JEAN M SMITH
 C/O JEAN M SMITH
 905 WARM SPRINGS AVE
 BOISE, ID 83702

Priority Date: 07/15/1950
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/01	11/15	1 CFS	284 AFA	
STOCKWATER	1/01	12/31	0.36 CFS	21.44 AFA	
Total Diversion			1 CFS	284 AFA	

Location of Point(s) of Diversion:

GROUND WATER Rediversion	SENE	Sec. 31	Township 04S	Range 03E	ELMORE County
GROUND WATER Injection	SESESW	Sec. 33	Township 04S	Range 03E	ELMORE County
GROUND WATER	NWSESE	Sec. 33	Township 04S	Range 03E	ELMORE County

IRRIGATION Use:
Acre Limit: 71

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	03E	33		SWSW	34									
				SWSE	37									

Place of Use Legal Description: STOCKWATER ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	03E	31		SENE										
		32		NWSW										
		33		SWSW										

Total Acres: 71

Water Right 61-4044

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 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 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
3. W08 USE OF THIS RIGHT IS COMBINED WITH WATER FROM SNAKE RIVER IRRIGATION DISTRICT.

Remarks:

1. Explanatory STOCKWATER, 1600 RANGE CATTLE

Comments:

Author	Date	Subject	Comment
RHOWERT O	10/27/98	POINTS OF DIVERSION	THE INJECTION AND RE-DIVERSION POINTS ARE ONLY USED FOR STOCK.
AJU10-JS	11/21/98	AJU10 CONDITION UPDATE	CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date:
Claim Received Date: 12/04/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): C013180
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries

04/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 2-10150

Owner Type Name and Address
Current Owner JEAN M SMITH
 905 WARM SPRINGS AVE
 BOISE, ID 83712
 (208)342-5757

Priority Date: 12/01/1948
Basis: Beneficial Use
Status: Active

Source Tributary to
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	10/01	4/30	0.78 CFS	1 AFA	

Total Diversion 0.78 CFS

Location of Point(s) of Diversion:

SNAKE RIVER	NWNE	Sec. 31	Township 04S	Range 03E	ELMORE County
SNAKE RIVER	SENE	Sec. 31	Township 04S	Range 03E	ELMORE County
SNAKE RIVER	NESE Lt 2	Sec. 31	Township 04S	Range 03E	ELMORE County
SNAKE RIVER	SESE Lt 1	Sec. 31	Township 04S	Range 03E	ELMORE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	03E	31		NENE			NWNE			SENE				
				NESE			SESE							
		32		NWSW										

Remarks:

1. General WATER HAS BEEN USED FROM THE SNAKE RIVER FOR INSTREAM STOCKWATER PURPOSES CONTINUOUSLY SINCE 1948. APPLICANT HAS ALSO EXCAVATED SHALLOW PITS INTO THE GRAVELS IMMEDIATELY ADJACENT TO THE RIVER TO TAKE ADVANTAGE OF FILTERED SNAKE RIVER UNDERFLOW. SOME OF THIS WATER WAS PIPED TO TROUGHS FOR STOCKWATER.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Water Right 2-10150

Receipt Number(s): W025616
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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: A02-10150
Date Received: 8/19/1999
Receipt No: W025616
Received By: _____

COPY

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JEAN M SMITH
Address: 905 WARM SPRINGS AVE
BOISE ID

208-342-5757

83712

2. Date of Priority: DEC 1, 1948

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	03E	31		NW	NE		ELMORE
				SE	NE		ELMORE
				NE	SE	2	ELMORE
				SE	SE	1	ELMORE

5. Description of diverting works:

SHALLOW EXCAVATIONS AT RIVERS EDGE, PIPE TO CORRALS WITHIN POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	10/01	04/30	0.780		1.00
STOCKWATER	05/01	09/30	0.040		1.00

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

A.F.A.

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 12,000 SHEEP, 50 HORSES, 3,000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	03E	31	NE		NE		STOCK	
			NW		NE		STOCK	
			SE		NE		STOCK	
			NE		SE		STOCK	
			SE		SE		STOCK	
		32	NW		SW		STOCK	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A61-11919

14. Remarks:

WATER HAS BEEN USED FROM THE SNAKE RIVER FOR INSTREAM STOCKWATER PURPOSES CONTINUOUSLY SINCE 1948. APPLICANT HAS ALSO EXCAVATED SHALLOW PITS INTO THE GRAVELS IMMEDIATELY ADJACENT TO THE RIVER TO TAKE ADVANTAGE OF FILTERED SNAKE RIVER UNDERFLOW. SOME OF THIS WATER WAS PIPED TO TROUGHS FOR STOCKWATER.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A02-10150

Date Received 8-19-99

Receipt Number 0025616

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 19 1999

WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Jean M. Smith Phone (208) 342-5757

Mailing Address 905 Warm Springs Avenue, Boise, Idaho Zip 83712

2. Date of Priority (Only one (1) per claim) 12/1/1948

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River

4. a. Location of existing point of diversion is: Township 4S Range 3E Section 31
1/4 of SE 1/4 of SE 1/4, Govt. Lot, 1 B.M., County of Elmore

Additional points of diversion if any: NESE (lot 2); NWNE; SENE, Sec. 31, T4S, R3E

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

Township Range Section 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pathways and access to the Snake River along
the entire bank. Shallow excavations at rivers edge to capture shallow water in the gravels immediately
adjacent to the river to capture underflow. Some water piped to corrals within the place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 10/1 to 4/30 amount .78 or 1.0

For Stockwater purposes from 5/1 to 9/30 amount .04 or 1.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .78 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is 2.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 12,000 sheep, 50 horses, 3,000 beef 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	
4S	3E	31	S	S		S									S			S	
4S	3E	32										S							

Total number of acres Irrigated -0-

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

12. Do you own the property listed above as place of use? Yes XXX 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.
A61-11919

or None ()

14. Remarks:

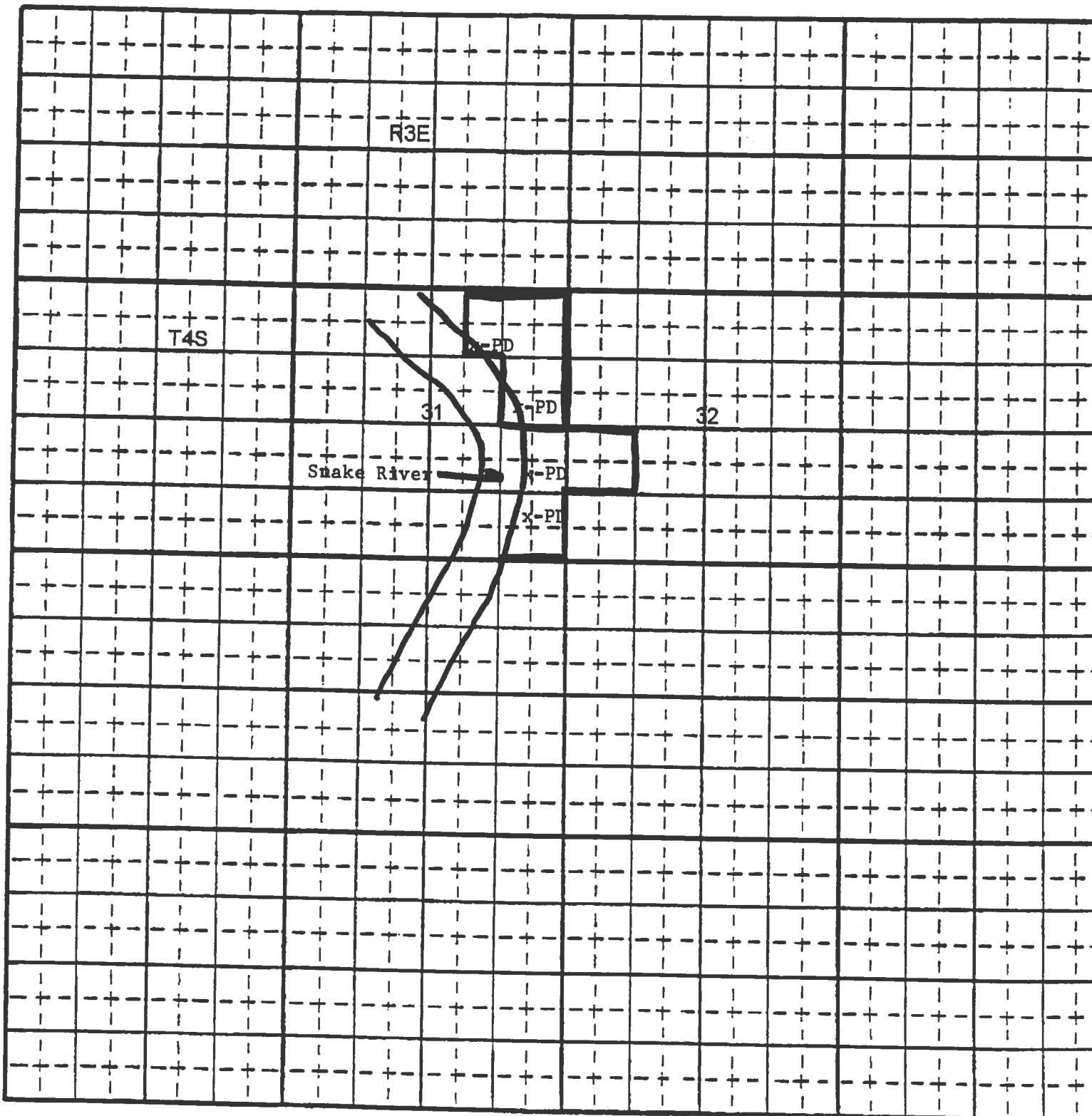
Water has been used from the Snake River for instream stockwatering purposes continuously since 1948. Applicant has also excavated shallow pits into the gravels immediately adjacent to the river to take advantage of filtered Snake River underflow. Some of this water was piped to troughs for stockwater.

Last Name Smith Ident No. A02-10150

Copies: White -State, Yellow-Claimant

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

Scale: 2 Inches equals 1 mile



Last Name Smith Ident No. A10150

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XXX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A02-10150
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 X 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) Jean M. Smith

Date 8-15-99

Date _____

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

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____

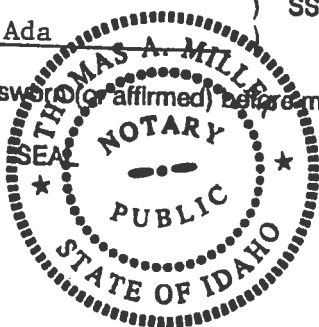
Date _____

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn to (or affirmed) before me this 15th day of August 19 99



Notary Public
for Idaho

Residing at Boise, Idaho

My Commission Expires 8/1/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Thomas A. Miller 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 Thomas A. Miller Thomas A. Miller

Hawley Troxell Ennis & Hawley LLP

Address P. O. Box 1617, Boise, ID 83701 Ph. 208-344-6000; FAX 208-344-6505

Date August 15, 1999

Last Name Smith Ident. Number A02-10150

Copies White-State, Yellow-Claimant

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

In Re SRBA	)	Subcase/Claim A61-11919
Case 39576	)	& Claim A02-10150
		AFFIDAVIT OF JEAN M. SMITH

STATE OF IDAHO)
) ss.
County of Ada)

JEAN M. SMITH, being first duly sworn on oath deposes and says that:

She is the Claimant in Subcase/Claim A61-11919 and Claim A02-10150 who signed the Notices of Claim to a Water Right Acquired Under State Law ("claim(s)") No. A61-11919 and No. A02-10150, and hereby reaffirms and incorporates herein those claims.

She and her late husband, William Gooding Smith, commonly known as Bill Smith, purchased and took possession of the Wood Creek Sheep Company property and livestock (sheep and horses) located in Elmore County, Idaho, and commenced operating the same prior to December 1, 1948. The property included the real property described in the above referenced claims. That property (with one exception) was then owned by the United States of America under the jurisdiction of the Bureau of Land Management ("BLM") and was used by Bill Smith under use permits issued by the BLM.

Bill Smith subsequently acquired title to a portion of that BLM real property by Patent No. 1154234 issued on September 12, 1955 and recorded on November 1, 1955, as Instrument No. 91488,

records of Elmore County, Idaho, namely, E1/2NE1/4, Section 31, T.4 S., R.3 E., B.M.

After Bill Smith's death on April 4, 1980, Jean M. Smith acquired title to the remainder of the BLM real property by Patent No. 11-93-1128 issued on September 27, 1993 and recorded October 7, 1993, as Instrument No. 276813, records of Elmore County, Idaho, namely, Lots 1, 2 and 3, Section 31, and NW1/4SW1/4, Section 32, T.4 S., R.3 E., B.M.

The exception referred to above was private land, namely, the E1/2NW1/4NE1/4, Section 31, T.4 S., R.3 E., B.M. owned by Idaho Concrete Pipe Co., Inc., which was originally used under an informal oral arrangement and subsequently acquired by deed to Bill Smith dated August 18, 1971, and recorded September 8, 1971, as Instrument No. 146724, records of Elmore County, Idaho.

The original sheep operation was gradually supplemented with some cattle until 1977 when the sheep were sold and the operation became solely a cattle operation which it has remained ever since. Of course, horses were and are necessary to, and were and have been used in connection with the operation since 1948.

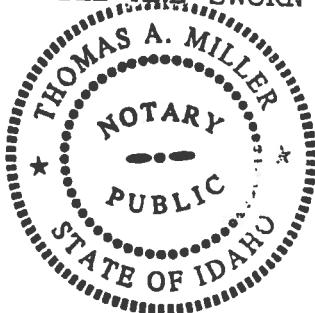
After Bill Smith's death on April 4, 1980, Jean M. Smith acquired all of Bill Smith's estate (except for two cash bequests to their foreman and his wife) which included his undivided community property interest in all of the Wood Creek Livestock Company real property by Personal Representative's Deed dated February 18, 1986 and recorded on February 20, 1986, as Instrument No.233081, records of Elmore County, Idaho.

The Smiths operated their livestock business under the assumed business name of Wood Creek Sheep Company until the sheep were sold; thereafter the assumed business name was changed to Wood Creek Livestock Company. Jean M. Smith has continued to operate Wood Creek Livestock Company as a sole proprietor until the present time.

From on or before December 1, 1948 and until the Smiths' sheep were sold in 1977 the Smiths' sheep and horses used in the sheep operation and what cattle they had drank from Snake River, Rabbit Springs Creek and the Low Line Canal of Snake River Irrigation District (which canal is only a drain ditch from the point it enters the Smiths' property and until it empties into Snake River, there being no diversions of irrigation water therefrom). After the sheep were disposed of, the Smiths' cattle and horses used in the cattle operation drank and still drink from Snake River, Rabbit Springs Creek and that Low Line Canal/drain ditch. The details of that use - the places, periods and amounts of use - are outlined in the claims.

Jean M. Smith
Jean M. Smith

SUBSCRIBED AND SWORN To before me this 15th day of August, 1999.



Thomas A. Miller
Thomas A. Miller
Notary Public for Idaho,
Residing at Boise, Idaho.
Commission expires 8/1/2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

04/18/2001

WATER RIGHT NO. 61-11924

Owner Type Name and Address
Current Owner JEAN M SMITH
 905 WARM SPRINGS AVE
 BOISE, ID 83712
 (208)342-5757

Priority Date: 12/01/1948
Basis: Beneficial Use
Status: Active

Source Tributary to
WASTEWATER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	05/01	09/30	0.04 CFS	1 AFA	
STOCKWATER	10/01	04/30	0.78 CFS	1 AFA	
Total Diversion			0.78 CFS	2 AFA	

Location of Point(s) of Diversion:

WASTEWATER	SENE Lt 2	Sec. 31	Township 04S	Range 03E	ELMORE County
WASTEWATER	NWSW	Sec. 32	Township 04S	Range 03E	ELMORE County

STOCKWATER Use:
Number of other uses: 12,000 sheep, 50 horses, 3,000 cattle

STOCKWATER Use:
Number of other uses: 12,000 sheep, 50 horses, 3,000 cattle

Place(s) of use:

Place of Use Legal Description: STOCKWATER

ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	03E	31		NENE										
			2	NESE		4	SESE							
		32		SENE			NWNE							
				NWSW										

Place of Use Legal Description: STOCKWATER

ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	03E	31		NENE										
			2	NESE		4	SESE							
		32		SENE			NWNE							
				NWSW										

Remarks:

Water Right 61-11924

1.

The source of water for this right is return flow from agricultural lands above the P/D and ground water seepage resulting from irrigated lands above the P/D.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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

A61-11924

Date Received

8-23-00

Receipt Number

C050212

COPY

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 23 2000

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Jean M. Smith

Phone (208) 342-5757

Mailing Address 905 Warm Springs Ave., Boise, Idaho

Zip 83712

2. Date of Priority (Only one (1) per claim) 12-1-1948

3. Source of water supply (a) Wastewater

which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4S Range 3E Section, 31

 $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot, 2 B.M., County of Elmore

Additional points of diversion if any: NW SW Sec 32, T4S, R3E, Elmore County

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

Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$,

Govt. Lot B.M., County of

ending point is: Township Range Section , $\frac{1}{4}$ of $\frac{1}{4}$ of

 $\frac{1}{4}$, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.

Pump and distribution line to stock tanks within the place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 10-1 to 4-30 amount .78 or 1.0

For Stockwater purposes from 5-1 to 9-30 amount .04 or 1.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .78 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is 2.0 acre feet per annum.

9. Non-irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 12,000 sheet; 50 horses; 3,000 beef 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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
4S	3E	32										S							

Total number of acres irrigated 0

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

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.

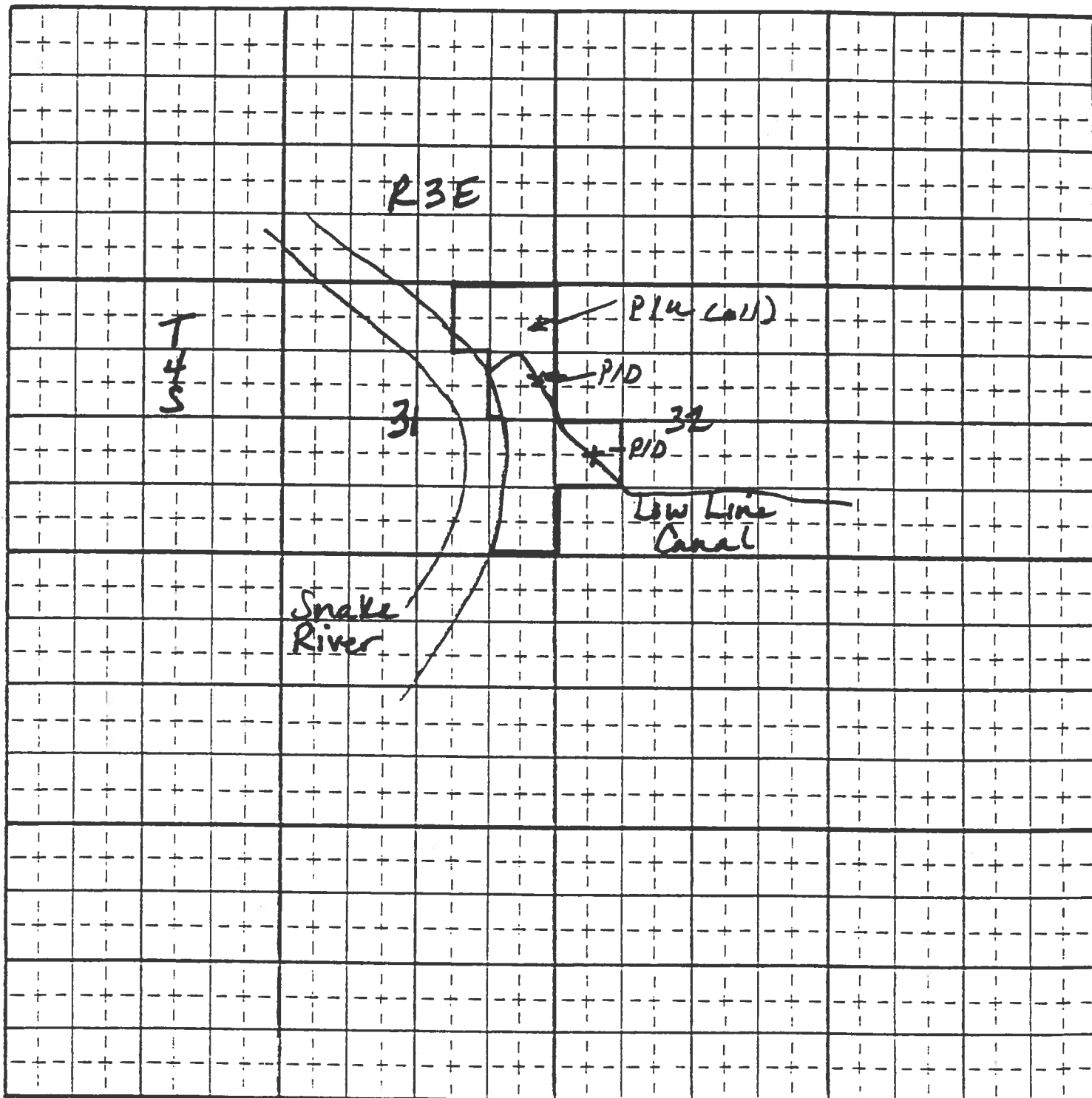
A02-10150, A61-11919 or None ()

14. Remarks: The source of water for this right is return flow from agricultural lands above the P/D and ground water seepage resulting from irrigated lands above the P/D. This right was originally filed under A61-11919 but was amended upon request by IDWR.

Last Name Smith Ident. Number A61-11924

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Bel ☒ Trial 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 1

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

Signature of Claimant (s) Jean M. Smith Date 5-15-00
Date ☐

For Organizations: I do solemnly swear or affirm that I am (Title) ☐

Of (Organization) ☐, that I have signed the foregoing

document in the space below as (Title) ☐ of (Organization) ☐

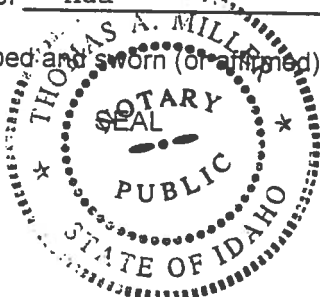
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐

Title and Organization ☐ Date ☐

State of Idaho/or ☐)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August, 2000



Notary Public Thomas A. Miller

Residing at Boise, Idaho

My Commission Expires 8-1-2003

17. Notice of Appearance: (Please Print Name)

Notice is hereby given that I, Thomas A. Miller 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 Thomas A. Miller
of the firm of Hawley Troxell Ennis & Hawley LLP

Address P. O. Box 1617, Boise, Idaho 83701

Date August 18, 2000

Last Name Smith Ident. Number A61-11924

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 A61-11919

Date Received _____

Receipt Number _____

COPY

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant (s) Jean M. Smith

Phone (208) 342-5757

Mailing Address 905 Warm Springs Ave., Boise, Idaho

Zip 83712

2. Date of Priority (Only one (1) per claim) 12-1-1948

3. Source of water supply (a) Rabbit Springs Creek

which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4S Range 3E Section, 31

 $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot, 4 B.M., County of Elmore

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of

_____ $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.
Pathways and constructed access to Rabbit Springs Creek for stockwater.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 10-1 to 4-30 amount .78 or 1.0

For Stockwater purposes from 5-1 to 9-30 amount .04 or 1.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .78 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is 2.0 acre feet per annum.

9. Non-irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 12,000 sheet; 50 horses; 3,000 beef 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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31		S															

Total number of acres irrigated 0

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

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.

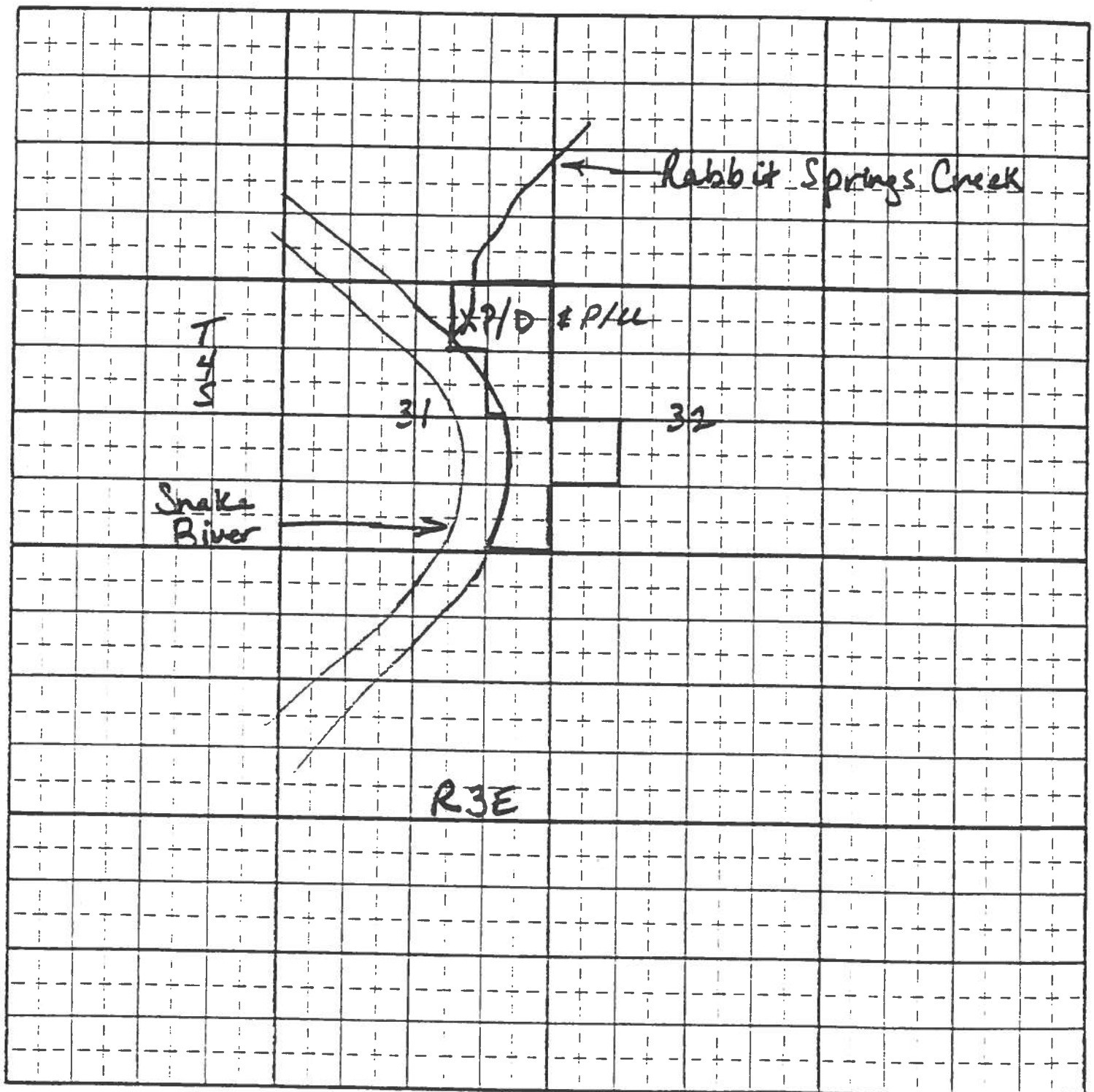
13. Describe any other water rights used at the same place and for the same purposes as described above.
A02-10150 or None ()

14. Remarks: The source of water for the above listed stock is Rabbit Springs Creek. This claim has been amended to delete the wastewater portion from this claim and file it separately as SRBA claim A61-11924.

Last Name Smith Ident. Number A61-11919

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ Sense _____ Permit _____
Decree _____

If applicable, provide IDWR Water Right Number A61-11919

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) Jean M Smith Date 8-18-00

Date _____

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

Of (Organization) _____, that I have signed the foregoing

document in the space below as (Title) _____ of (Organization) _____

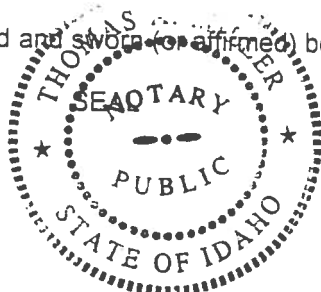
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August, 2000



Notary Public Thomas A. Miller

Residing at Boise, Idaho

My Commission Expires 8-1-2003

17. Notice of Appearance:

(Please Print Name)

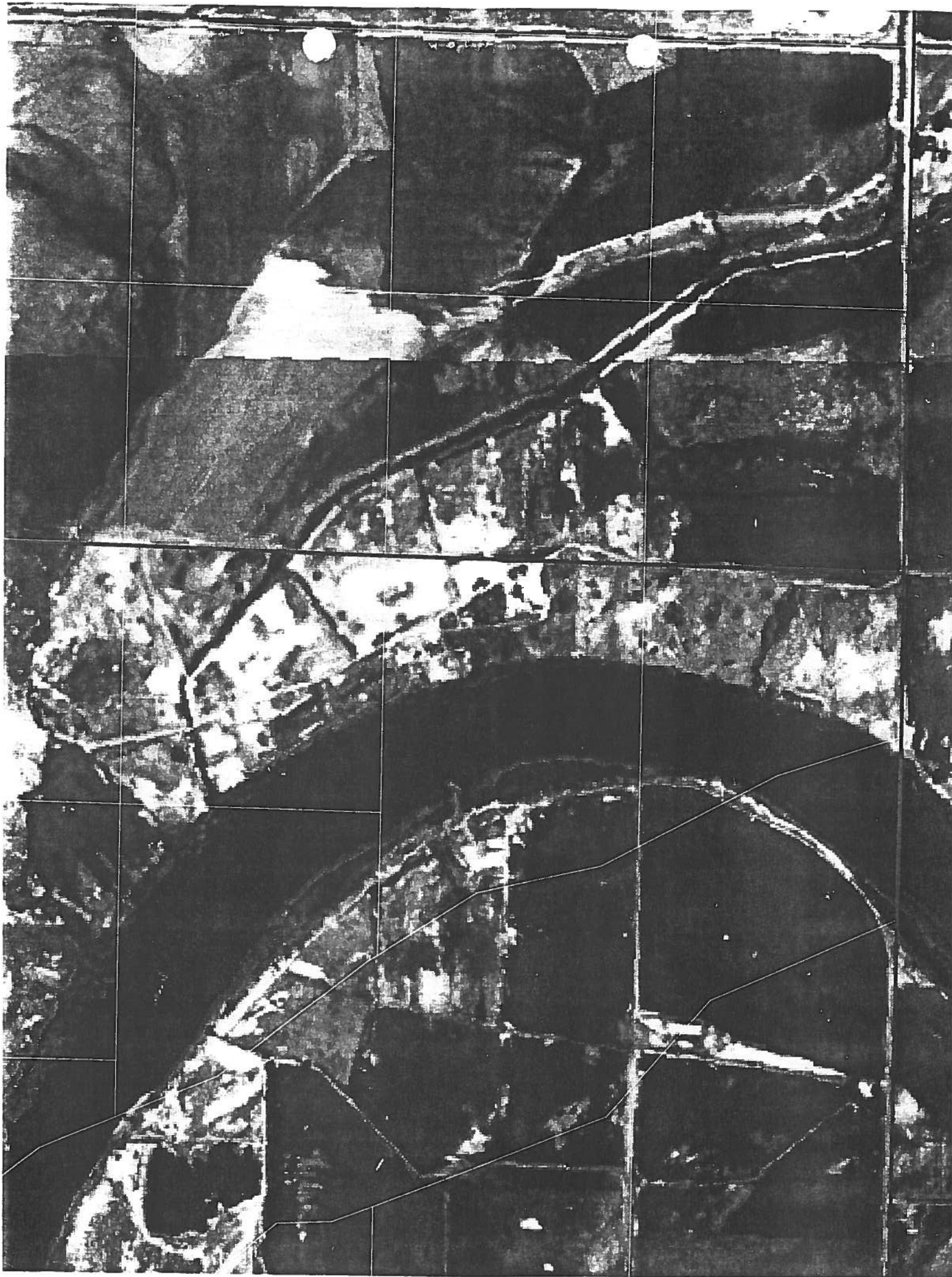
Notice is hereby given that I, Thomas A. Miller, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Thomas A. Miller
of the firm of Hawley Troxell Ennis & Hawley LLP

Address P. O. Box 1617, Boise, Idaho 83701

Date August 18, 2000

Last Name Smith Ident. Number A61-11919



RECEIVED

FEB 11 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

Transfer No.

ORIGINAL

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

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

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Jean M. Smith Phone 208-342-5757
Post Office address 905 Warm Springs Avenue, Boise, ID 83712

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The water distribution system is being changed to an
infiltration gallery with pumps and pressurized distribution system

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE * See Page 2, Part B

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|----------------|-----------------------|-------------------|----------------------------|
| <u>A02-10150</u> | <u>12/1/48</u> | <u>.78</u> | <u>Stockwater</u> | <u>10/1</u> to <u>4/30</u> |
| <u>A02-10150</u> | <u>12/1/48</u> | <u>.04</u> | <u>Stockwater</u> | <u>5/1</u> to <u>9/30</u> |
| <u>A61-11919</u> | <u>12/1/48</u> | <u>.72</u> | <u>Stockwater</u> | <u>10/1</u> to <u>4/30</u> |
| <u>A61-11919</u> | <u>12/1/48</u> | <u>.02</u> | <u>Stockwater</u> | <u>5/1</u> to <u>9/30</u> |
2. Total amount of water being transferred .78 cubic feet per second and/or 2.0 acre-feet per annum.
3. Source of water Snake River tributary to Columbia River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NE	SE	31	4S	3E	Elmore	Gallery - 2 points
		NE	NE	31	4S	3E	Elmore	Pens 27-29
		NW	NE	31	4S	3E	Elmore	Pen 29
		SE	NE	31	4S	3E	Elmore	Sump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
4S	3E	32									S								

Total acres -0-

Page 2 of 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant _____ Phone _____

Post Office address _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes _____

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
A61-11919	12/1/48	.06	Stockwater	10/1 to 4/30
A61-11919	12/1/48	.02	Stockwater	5/1 to 9/30
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Rabbit Springs Cr. & Lowline Canal tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Excavated infiltration gallery at the edge of the Snake River. Pump and pipelines to automatic stockwaterers. Sump with trough and direct watering from the Snake River. Rabbit Springs Creek and the Lowline Canal.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XXX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

See Attachment "A"**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 ir case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A61-11919 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Snake River Irr. Dist. BLM Patent

3. Source of water Rabbit Springs Creek & Lowline Canal, tributary to Snake River

4. Date or priority 12/1/48

5. Water is used for the following purpose:

amount .78 for Stockwater purposes from 10/1 to 4/30
 (cfs/ac-ft)
 amount .04 for Stockwater purposes from 5/1 to 9/30
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .78 cubic feet per second and/or 2.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		NE	SE	31	4S	3E	Elmore	
		SE	NE	31	4S	3E	Elmore	
		NW	NE	31	4S	3E	Elmore	
1		SE	SE	31	4S	3E	Elmore	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
4S	3E	32										S							

Total acres -0-

9. Describe any other water rights used for the same purpose as described above A61-10150

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
 increased _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A02-10150 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☒ Other BLM Patent
3. Source of water Snake River tributary to Columbia River
4. Date or priority 12/1/48
5. Water is used for the following purpose:
- amount .78 for Stockwater purposes from 10/1 to 4/30
 (cfs/ac-ft) .04 for Stockwater purposes from 5/1 to 9/30
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
6. Total amount of water under right .78 cubic feet per second and/or 2.0 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	31	4S	3E	Elmore	
		SE	NE	31	4S	3E	Elmore	
2		NE	SE	31	4S	3E	Elmore	
1		SE	SE	31	4S	3E	Elmore	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	3E	31	S	S		S									S			S	
4S	3E	32										S							

Total acres -0-

9. Describe any other water rights used for the same purpose as described above A61-11919

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	N/A			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

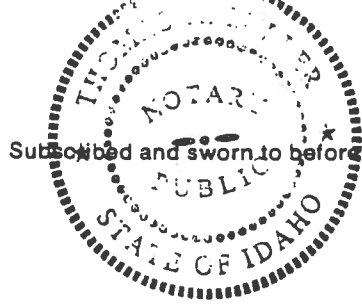
N/A

3. Describe effects on other water uses resulting from the proposed change:

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

20th

day of

January2000

(Signature of Applicant)

Thomas A. Miller(Notary Public) Thomas A. Miller

My commission expires

8-1-03**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by [Signature] Date 2-11-2000

Protest filed by _____

Prelim. check by _____ Fee \$100Receipted by _____ Date 2-11-2000REC'D W026133

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

ATTACHMENT "A"

Historically up to 3,000 cattle, 12,000 sheep and 50 horses have been watered directly from the main stem of the Snake River and from Rabbit Springs Creek and the Snake River Irrigation District low line canal immediately before they discharged to the Snake River main stem. Due to agreements with the Environmental Protection Agency and a desire to move stock watering away from free flowing streams that discharge to navigable waters the applicant is presently in the process of fencing a majority of the stock away from the Low Line Canal, Rabbit Springs Creek and the Snake River. This, of course, requires modifying the existing stockwater system to provide a mechanical means of moving water from the historic sources through pipelines to automated cattle watering devices. All of the water historically used was either directly from the main stem Snake River or from Rabbit Springs Creek and the low line canal immediately upstream of their discharge into the main stem Snake River. Through this transfer the applicant proposes to excavate pits in the gravels immediately adjacent to the Snake River. The pits will be equipped with a slotted PVC pipe manifold and connected to centrifugal pumps for distribution of the water through a pipeline system. The sites chosen for excavation are at locations where historically pits had been excavated before. Water was observed flowing through the gravels from the higher ground to the east into the Snake River. It is clear that the water at this location is directly connected to the Snake River and water to be provided the cattle will be from the same sources as in the past but through an infiltration gallery rather than direct diversion by cattle drinking from the stream.

A part of the overall stock containment area has been viewed by the Environmental Protection Agency and declared not part of the feedlot and animal containment facility. These are pens #27, #28 and #29, which are designated on Exhibit A of the EPA compliance order on consent attached to this transfer application. These pens contain significant vegetation and, therefore, are exempt from the agreement with the Environmental Protection Agency. Stock watering in these pens will continue to be from Rabbit Springs Creek and the Snake River. Stock access has been limited to specific locations within the facility but the system for providing stock water to the rest of the facility does not serve these pens. Only a small part (8%) of the stock will have access to surface water from these pens and, therefore, the overall goal of restriction of stock water from the Snake River and other surface streams will still be met. The applicant believes that the installation of the infiltration galleries and pump systems as well as the method of operation for pens #27-#29 will provide a more reliable supply of water for stock and at the same time improve water quality by minimizing access to the Low Line Canal, Rabbit Springs Creek and the Snake River. The project is in the public interest and enhances conservation of water resources in Idaho.

The United States of America

To all to whom these presents shall come, Greeting:

IDI-28361

WHEREAS

276813

Jean M. Smith

is entitled to a land patent pursuant to the Act of October 21, 1976 (Section 206, 90 Stat. 2756; 43 U.S.C. 1716), for the following described land:

Boise Meridian, Idaho

T. 4 S., R. 3 E.,
sec. 31, lots 1 to 3, inclusive;
sec. 32, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 156.00 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, her successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

SUBJECT TO:

1. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by Right-of-Way No. IDBL-054697, pursuant to the Act of March 4, 1911, as amended (43 U.S.C. 961).
2. Those rights for irrigation canal purposes granted to Snake River Irrigation District, its successors or assigns, by Right-of-Way No. IDI-03816, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949).
3. Those rights for buried telephone cable purposes granted to Gem State Utilities Corporation, its successors or assigns, by Right-of-Way No. IDI-16430, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho
the TWENTY-SEVENTH day of SEPTEMBER
in the year of our Lord one thousand nine hundred and
NINETY-THREE and of the Independence of the
United States the two hundred and EIGHTEENTH

By Jerry L. Kidd
Jerry L. Kidd

Deputy State Director for Operations

ELMORE COUNTY, IDAHO, ss
Request of Dawley, Tridell, & Co.
Time 11:12 A.M.
Date October 7, 1992
Each _____ of _____
DOLORES ROBISON
Recorder
By Chad M. Lyle
Deputy
Fee \$2.00

IDAHO CONCRETE PIPE CO., INC.,

a corporation duly organized and existing under the laws of the State of Idaho,

having its principal office in Idaho at P. O. Box 156, Nampa,

in the County of

Canyon

, party of the first part, and

BILL SMITH, 905 Warm Springs Avenue,

of Boise

, County of Ada

, State of

Idaho,

part y of the second part.

Witness, That the said party of the first part, having been hereto duly authorized by resolution of its Board of

Directors, for and in consideration of the sum of FOUR THOUSAND THIRTY-SIX and no/100 - -

- - - - - (\$4,036.00) - - - - - DOLLARS,

lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt

whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey

and confirm unto the said part y of the second part, and to his

heirs and assigns forever, all

the following described real estate situated in

the County of Elmore,

State of Idaho, to-wit:

A portion of the East Half of the Northwest Quarter Northeast Quarter of Section 31, Township 4 South, Range 3 East, Boise Meridian, Elmore County, Idaho, being more particularly described as follows:

Beginning at the North Quarter corner of said Section 31 as marked by

A portion of the East Half of the Northwest Quarter Northeast Quarter of Section 31, Township 4 South, Range 3 East, Boise Meridian, Elmore County, Idaho, being more particularly described as follows:

Beginning at the North Quarter corner of said Section 31 as marked by a (1. L.O. Brass Cap; thence North $89^{\circ}29'00''$ East long the North boundary of said Section 31, 659.99 feet to the Northwest corner of said East Half of the Northwest Quarter Northeast Quarter of Section 31, marked by a $5/8$ " rebar and being the real point of beginning; thence South $0^{\circ}39'50''$ East along the West boundary of the East Half of the Northwest Quarter Northeast Quarter, 1,332.44 feet to the Southwest corner of the East Half of the Northwest Quarter Northeast Quarter, marked by a $5/8$ " rebar; thence North $89^{\circ}40'00''$ East along the South boundary of the East Half of the Northwest Quarter Northeast Quarter, 658.71 feet to the Southeast corner of the Northwest Quarter Northeast Quarter, marked by a $5/8$ " rebar; thence North $0^{\circ}36'30''$ West, along the East boundary of the Northwest Quarter Northeast Quarter, 1,334.54 feet to the Northeast corner of the Northwest Quarter Northeast Quarter, marked by a $5/8$ " rebar, said corner bears South $89^{\circ}29'00''$ West, 1,319.98 feet from the Northeast corner of said Section 31 as marked by a $5/8$ " rebar; thence South $89^{\circ}29'00''$ West, along the North boundary of the Northwest Quarter Northeast Quarter, 659.99 feet to the Northwest corner of the East Half of the Northwest Quarter Northeast Quarter, Section 31 and the real point of beginning; said East Half of the Northwest Quarter Northeast Quarter, contains 20.18 acres more or less;

together with all water, water rights, ditches and rights of way and all other appurtenances thereto or in anywise appertaining;

And the parties of the first part do hereby certify that the above described premises, together with the appurtenances thereto, are the property of the said parties of the first part, and all other rights and interests in and to the said premises are well in law as in equity, of the said party of the first part.

Witness my hand and the seal of the County of Elmore, Idaho, this 1st day of May, 1918.

Notary Public for the County of Elmore, Idaho.

And the said party of the first part do hereby certify that the above described premises, together with the appurtenances thereto, are the property of the said parties of the first part, and all other rights and interests in and to the said premises are well in law as in equity, of the said party of the first part.

every person and persons whatsoever, lawfully appearing as in places the undersigned and all persons and by their agents
thereof defined.

In Witness Whereof, The party of the first part has caused its corporate name to be printed and subscribed by

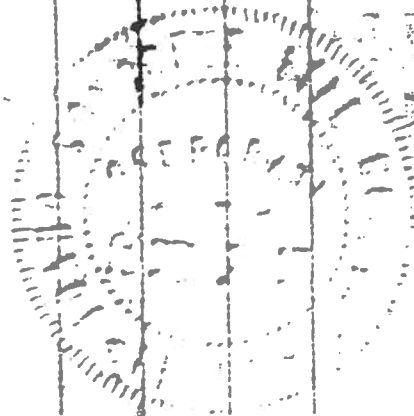
President and its corporate seal to be placed by its

to said resolution this day and year first above written

SIGNED, SEALED AND DELIVERED IN PRESENCE OF
DANIEL J. TOMESCHI, INC.

[Signature]

[Signature]



STATE OF IDAHO

County of Canyon

On this 22 day of August

THE UNDERSIGNED

ROBERT TOMESCHI and WAYNE H. DAVIS,
respectively,

No. 14672

(SEAL)

Not placed within

Corporation Warranty Deed

— TO —

Date

STATE OF IDAHO.

County of

Elmore

I hereby certify that this instrument was
filed for record at request of

Peck Hall

at 3 minutes past 3:00

o'clock P.M., this 8 day

of September, A.D. 1971

in my office, and duly recorded in Book

of _____ at page _____

W. H. Trail

Ex-Officio Recorder

By R. J. Gabel

Deputy

Fees, \$ 2.00

Mailed to Peck Hall

[Large signature]
Notary Public for the State of Idaho
My Comm. Expires _____
W. H. Trail

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: **A02-10150**
Date Received: 8/19/1999
Receipt No: W025616
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JEAN M SMITH 208-342-5757
Address: 905 WARM SPRINGS AVE
BOISE ID 83712

2. Date of Priority: DEC 1, 1948

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	03E	31		NW	NE		ELMORE
				SE	NE		ELMORE
				NE	SE	2	ELMORE
				SE	SE	1	ELMORE

5. Description of diverting works:
SHALLOW EXCAVATIONS AT RIVERS EDGE, PIPE TO CORRALS WITHIN POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	10/01	04/30	0.780		1.00
STOCKWATER	05/01	09/30	0.040		1.00

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

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 12,000 SHEEP, 50 HORSES, 3,000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	03E	31	NE		NE		STOCK	
			NW		NE		STOCK	
			SE		NE		STOCK	
			NE		SE		STOCK	
			SE		SE		STOCK	
		32	NW		SW		STOCK	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
A61-11919

14. Remarks:

WATER HAS BEEN USED FROM THE SNAKE RIVER FOR INSTREAM STOCKWATER PURPOSES CONTINUOUSLY SINCE 1948. APPLICANT HAS ALSO EXCAVATED SHALLOW PITS INTO THE GRAVELS IMMEDIATELY ADJACENT TO THE RIVER TO TAKE ADVANTAGE OF FILTERED SNAKE RIVER UNDERFLOW. SOME OF THIS WATER WAS PIPED TO TROUGHS FOR STOCKWATER.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576
Ident. Number A02-10150
Date Received 8-19-99
Receipt Number 2025616

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 19 1999

WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Jean M. Smith Phone (208) 342-5757
Mailing Address 905 Warm Springs Avenue, Boise, Idaho Zip 83712

2. Date of Priority (Only one (1) per claim) 12/1/1948

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River

4. a. Location of existing point of diversion is: Township 4S Range 3E Section 31,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, 1 B.M., County of Elmore

Additional points of diversion if any: NESE (lot 2); NWNE; SENE, Sec. 31, T4S, R3E

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pathways and access to the Snake River along
the entire bank. Shallow excavations at rivers edge to capture shallow water in the gravels immediately
adjacent to the river to capture underflow. Some water piped to corrals within the place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 10/1 to 4/30 amount .78 or 1.0

For Stockwater purposes from 5/1 to 9/30 amount .04 or 1.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .78 (cfs) and/or (b) 2.0 (acre feet)

8. Total consumptive use claimed is 2.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 12,000 sheep, 50 horses, 3,000 beef 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	
4S	3E	31	S	S		S									S			S	
4S	3E	32										S							

Total number of acres Irrigated -0-

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

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

A61-11919

or None ()

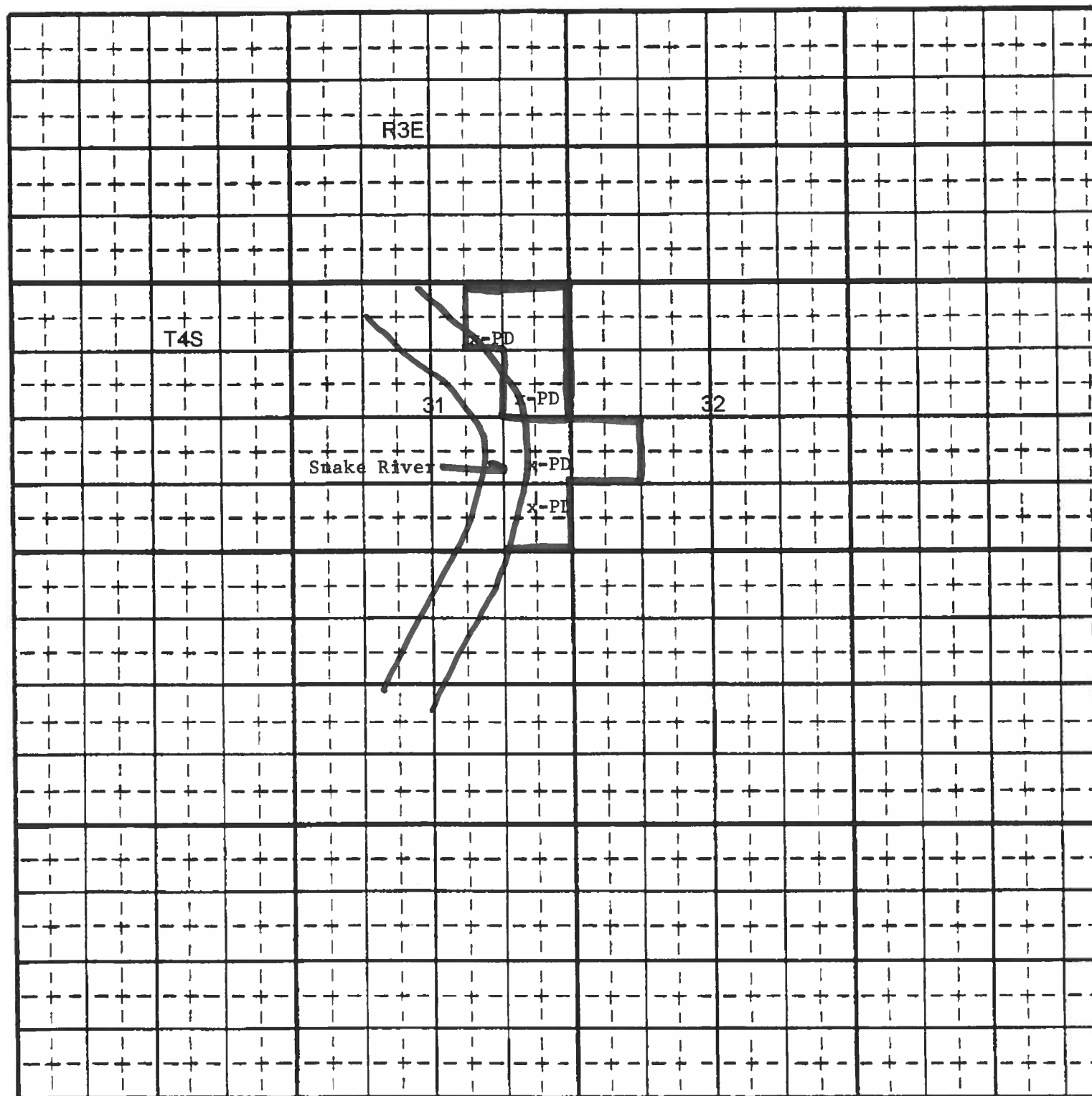
14. Remarks:

Water has been used from the Snake River for instream stockwatering purposes
continuously since 1948. Applicant has also excavated shallow pits into the gravels
immediately adjacent to the river to take advantage of filtered Snake River underflow. Some
of this water was piped to troughs for stockwater.

Last Name Smith Ident No. A02-10150

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XXX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A02-10150
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 X 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) Jean M. Smith Date 8-15-99

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 to (or affirmed) before me this 15th day of August 19 99



Notary Public Thomas A. Miller

for Idaho

Residing at Boise, Idaho

My Commission Expires 8/1/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Thomas A. Miller 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 Thomas A. Miller Thomas A. Miller

Hawley Troxell Ennis & Hawley LLP

Address P. O. Box 1617, Boise, ID 83701 Ph. 208-344-6000; FAX 208-344-6505

Date August 15, 1999

Last Name Smith Ident. Number A02-10150

Copies White-State, Yellow-Claimant

In Re SRBA) Subcase/Claim A61-11919
) & Claim A02-10150
Case 39576)
) AFFIDAVIT OF JEAN M. SMITH

JEAN M. SMITH, being first duly sworn on oath deposes and says that:

She is the Claimant in Subcase/Claim A61-11919 and Claim A02-10150 who signed the Notices of Claim to a Water Right Acquired Under State Law ("claim(s)") No. A61-11919 and No. A02-10150, and hereby reaffirms and incorporates herein those claims.

She and her late husband, William Gooding Smith, commonly known as Bill Smith, purchased and took possession of the Wood Creek Sheep Company property and livestock (sheep and horses) located in Elmore County, Idaho, and commenced operating the same prior to December 1, 1948. The property included the real property described in the above referenced claims. That property (with one exception) was then owned by the United States of America under the jurisdiction of the Bureau of Land Management ("BLM") and was used by Bill Smith under use permits issued by the BLM.

Bill Smith subsequently acquired title to a portion of that BLM real property by Patent No. 1154234 issued on September 12, 1955 and recorded on November 1, 1955, as Instrument No. 91488,

records of Elmore County, Idaho, namely, E1/2NE1/4, Section 31, T.4 S., R.3 E., B.M.

After Bill Smith's death on April 4, 1980, Jean M. Smith acquired title to the remainder of the BLM real property by Patent No. 11-93-1128 issued on September 27, 1993 and recorded October 7, 1993, as Instrument No. 276813, records of Elmore County, Idaho, namely, Lots 1, 2 and 3, Section 31, and NW1/4SW1/4, Section 32, T.4 S., R.3 E., B.M.

The exception referred to above was private land, namely, the E1/2NW1/4NE1/4, Section 31, T.4 S., R.3 E., B.M. owned by Idaho Concrete Pipe Co., Inc., which was originally used under an informal oral arrangement and subsequently acquired by deed to Bill Smith dated August 18, 1971, and recorded September 8, 1971, as Instrument No. 146724, records of Elmore County, Idaho.

The original sheep operation was gradually supplemented with some cattle until 1977 when the sheep were sold and the operation became solely a cattle operation which it has remained ever since. Of course, horses were and are necessary to, and were and have been used in connection with the operation since 1948.

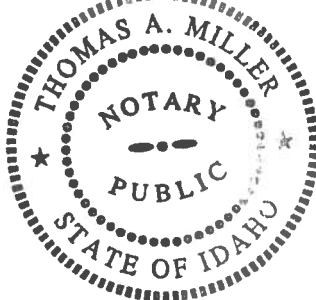
After Bill Smith's death on April 4, 1980, Jean M. Smith acquired all of Bill Smith's estate (except for two cash bequests to their foreman and his wife) which included his undivided community property interest in all of the Wood Creek Livestock Company real property by Personal Representative's Deed dated February 18, 1986 and recorded on February 20, 1986, as Instrument No.233081, records of Elmore County, Idaho.

The Smiths operated their livestock business under the assumed business name of Wood Creek Sheep Company until the sheep were sold; thereafter the assumed business name was changed to Wood Creek Livestock Company. Jean M. Smith has continued to operate Wood Creek Livestock Company as a sole proprietor until the present time.

From on or before December 1, 1948 and until the Smiths' sheep were sold in 1977 the Smiths' sheep and horses used in the sheep operation and what cattle they had drank from Snake River, Rabbit Springs Creek and the Low Line Canal of Snake River Irrigation District (which canal is only a drain ditch from the point it enters the Smiths' property and until it empties into Snake River, there being no diversions of irrigation water therefrom). After the sheep were disposed of, the Smiths' cattle and horses used in the cattle operation drank and still drink from Snake River, Rabbit Springs Creek and that Low Line Canal/drain ditch. The details of that use - the places, periods and amounts of use - are outlined in the claims.

Jean M. Smith
Jean M. Smith

SUBSCRIBED AND SWORN To before me this 15th day of August, 1999.



Thomas A. Miller
Thomas A. Miller
Notary Public for Idaho,
Residing at Boise, Idaho.
Commission expires 8/1/2003

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(203) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
boise@eroresources.com

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN REGION

April 10, 2001

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

RE: Wood Creek Livestock (Jean Smith Transfer)

Dear Dan:

Enclosed you will find our response to your inquiries of a few weeks ago regarding the Application for Transfer for water right nos. A61-11924 and A02-10150. You had requested a number of items, which are as follows:

- 1) Added fees for the adjudication claims of \$79.
- 2) You indicated a need for our concurrence to change the date of priority to January 1, 1950.
- 3) For water right 61-11924, documentation of the capability of producing the quantity of water claimed either through pump curves, calculations, or other data.
- 4) An explanation of the actual type of use developed by Wood Creek Livestock for the Snake River water right 02-10150.
- 5) Documentation from the Snake River Irrigation District that the water rights diverted by Wood Creek Livestock from their system is below the last point of control and documentation of the existence of wastewater at that point.

This letter is an attempt to respond to those questions. With regard to the above, our response is as follows:

- 1) The adjudication fees have been paid by check to the Idaho Department of Water Resources.
- 2) I have contacted Mr. Tom Miller, attorney who represents the owner of Wood Creek Livestock, Mrs. Jean Smith, and he has indicated to me that Mrs. Smith concurs with the change in priority to January 1, 1950.
- 3) Water right 61-11924 was not developed through instream watering but was in fact developed using a pump for diversion of water. The pump still exists but is quite old and no pump curve was available through the original supplier. However, I have tabulated the pump data on the attached sheet and have calculated the flow that could be produced by the pump under the conditions that exist now and have existed during the period of use under this water right. The calculated flow, even using a 60% efficiency level, is well in excess of the amount claimed which should provide sufficient

Consultants in
Natural Resources
and the Environment

documentation that Wood Creek Livestock could in fact, and has, pumped the water claimed under the water right.

4) Water right 02-10150 is for instream stock watering which has occurred in the past. When Wood Creek Livestock developed the property and the water right, the cattle, sheep, and horses all were able to water directly from the Snake River. The primary purpose of this transfer is to move the stock off the river to assist the state of Idaho and the federal government in achieving water quality improvement goals.

5) I have enclosed a letter from Snake River Irrigation District relating to the canal or wasteway from which Wood Creek Livestock diverts water. As you can see from the letter, the waterway is a wasteway from which no irrigation occurs. Additionally, since it is a wasteway spilling excess canal water, clearly it contains wastewater by definition.

If you have any questions or need additional information on the transfer please do not hesitate to call me. I hope that this information is sufficient to allow continuation of the processing of the application.

Sincerely yours,

Sheri L. Chapman

SLC:sw

Encl.

cc: Tom Miller

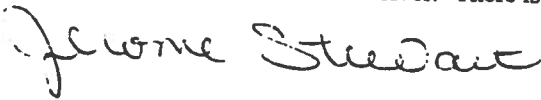
Snake River Irrigation District
PO Box 9
Grand View, Idaho 83624

Sherl Chapman
1106 North Cole
Boise, Idaho 83704-8661

March 27, 2001

To Whom it May Concern:

The waterway that goes through Woodcreek Ranches that belongs to Jean Smith, is where the excess water from the canal flows to the river. There is no irrigation on that spillway to the river.

A handwritten signature in cursive script that reads "Jerome Stewart".

Jerome Stewart
Manager
Snake River Irrigation District

Pump Flow Rate for Wood Creek Livestock Co.

Pump Data

Motor - 3 HP electric

Serial # - FDL 3610TM

366236W655

Voltage - 230

RPM - 1725

Make - Parma Water Lifter Model 5

Discharge - 5" diameter - atmospheric

Lift - 10'

Total Dynamic Head - 10'

Flow Calculations

$$Q = \frac{e \cdot HP}{TDH}$$

Where:

e = 60% (.60 x 3960)

TDH = 10 feet

HP = 3.0

$$Q = \frac{2376 \cdot 3.0}{10} = 712.8 \text{ gpm } 1.58 \text{ cfs}$$

Idaho Department of Water Resources Receipt

Receipt ID W027468

Payment Amount \$79.00 Date Received 3/19/01 4:44:02 PM Region Western Status ☒
Payment Type Check Check Number 11708

Payer WOOKCREEK LIVESTOCK CO, JEAN SMITHComment ADDITIONAL FEES FOR UNDER PAYMENT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$79.00	ADJUDICATION FILING FEE	0337	42503	1155	



Signature Line (Dept. Representative)

WOODCREEK LIVESTOCK CO.

JEAN M. SMITH

905 WARM SPRINGS AVE. PH. 342-5757
BOISE, ID 83712

11708

92-372/1231 3842

DATE 3-14-001

PAY TO THE ORDER OF

Idaho Depart Water Resources\$ 79.00seventy-nine and 10/100

DOLLARS

☒ Security features included. Details on back.Anytime. Anywhere Access
1-800-873-3866
www.usbank.comFOR Jean M Smith

⑈011708⑈ ⑆123103729⑆153301284276⑈

MEMO TO FILE

February 22, 2001

By Senior Agent: Ron Howerton

Snake River Basin Adjudication Analysis for RECOMMENDATIONS OF:
Beneficial Use Claim(s) A02-10150 & A61-11924

FEES:

The fee collected for A02-10150 was incorrect and before it can be recommended the additional fee needs to be collected. Receipt W025616 shows \$50. Claims over 13,000 GPD are not de minimus, flat fees are \$50 plus \$100 per CFS variable fee, the claimed amount here is $0.78 \text{ CFS} = \$50 + \$78 \text{ variable fee} = \128 , thus \$78 is due this claim.

The fee for A61-11924 was receipted by C050212 for \$127. The fee should have been the same as A02-10150 for \$128. The total amounts are short for both claims in the amount of \$79.

CLAIMED USES:

Both claims are not de minimus use. Neither claim is just instream stock use; both claims have developed uses found in description of diverting works:

A02-10150 says; Pipe to corrals within place of use.

A61-11924 says; Pump(s) with distribution lines to stock tanks within the place of use.

Thus, the recommendation of these claims must be based upon developed sources, not instream stock as a description of diverting works.

The claimed uses don't require a permit because the use began (*per the affidavits*) prior to the mandatory permit statute for surface water dated May 20, 1970. The uses are not an exception and required to be filed in the Snake River Basin Adjudication.

The date of priority should be advanced to 1/1/1950 for both, because the rate of flow changed to a larger amount in 1950 when cattle were added and changed from sheep to cattle. The recommended non-irrigation uses should reflect only the 3000 range cattle and 50 horses noted by the change in 1950.

Separate seasons of use for stockwater are acceptable and can be recommended as claimed. Since both claims are not de minimus, over 13000 GPD, the CFS amounts need to be justified by a theoretical or live flow measurement. *If the measurement equals those claimed, those CFS amounts can be recommended.* Volume amounts claimed will not be recommended for this type of use. The source, tributary, points of diversion and place of use can be recommended as claimed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

5/3/2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHERL L CHAPMAN
410 S ORCHARD SUITE 144
BOISE ID 83705

COPY

***RE: APPLICATION FOR TRANSFER FOR JEAN SMITH WATER RIGHTS
A02-110150 AND A61-11919***

Dear Mr. Chapman:

On 3/27/2000 we spoke on the telephone concerning the Jean Smith transfer. I apologize for not sending you a letter confirming this conversation at that time. In this conversation we discussed the need to separate adjudication claim A61-11919 into 2 claims, one for the wastewater and one for Rabbit Creek, since they are two separate water sources.

We also discussed the need to show whether the canal water was actually waste water or Snake River water. If the water in the canal is not return flow from fields then it would be classified as Snake River water and the point of diversion would be at the beginning point of the canal. If the water is return flows from the irrigation of the fields then the point of diversion would be at the feed lot.

The final thing that we requested was evidence of priority that there were 12,000 sheep and 3,000 cattle in the feedlot in 1948.

You stated in our telephone conversation that gathering this information would take some extra time to compile and file the adjudication claims. I agree that in order to gather all of this information would take more than the normal 30 days required by our office. However, we would appreciate a letter that gives the approximate time that it will take your office to put this information together. This letter will prevent us from contacting you every 30 days requesting the information.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

Sherl L. Chapman Consulting, Inc.

410 S. Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED

AUG 19 1999

WATER RESOURCES
WESTERN REGION

August 18, 1999

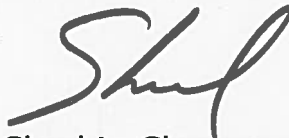
Ms. Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Jan:

Enclosed is a claim for stockwatering on the Snake River in behalf of Jean M. Smith. I visited with Dan Shaff about this claim and he suggested that I send it directly to you. I've also filed a motion to file late claim for the companion claim #A61-11919 and have paid the variable fee with that particular claim.

If you have any questions, please don't hesitate to give me a call.

Sincerely yours,



Sherl L. Chapman
President

SLC:kje
Enclosures
cc:Ms. Jean Smith
Mr. Tom Miller