

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication **Recommendation** Report 67-348D V1

WATER RIGHT NUMBER: 67-348D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM F WINKLER
	COUNCIL, ID 83612
Original Owner	WILLIAM H SPAHR
	COUNCIL, ID 83612
Directors Report Owner	ED E ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Original Owner	DIANE SMITH 11877 GOLDENROD AVE BOISE, ID 83713
Directors Report Owner	SHIRLEY A ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Current Owner	KURT SMITH 2483 ORCHARD COUNCIL, ID 83612 (208) 368-2980

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	36																	26.0
																			26.0

Total Acres: 26

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-348D V1

Conditions of Approval:

1. K06 This right is limited to the irrigation of 10.4 acres within the place of use described above in a single irrigation season.
2. E52 The rights listed below are limited to a total combined diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
3. E56 The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. csaxton 11/25/2005 TR 783
Comment: Recommend per TR 783

Water Supply Bank:

11/25/2005

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

RIGHT NUMBER: 67-348D

NAME AND ADDRESS: DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

KURT SMITH
11877 GOLDENROD AVE
BOISE ID 83713

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.130 CFS

The rights listed below are limited to a total combined diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION:

T17N R01W S36 NESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.130 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S36 NWSW 26.0

26 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

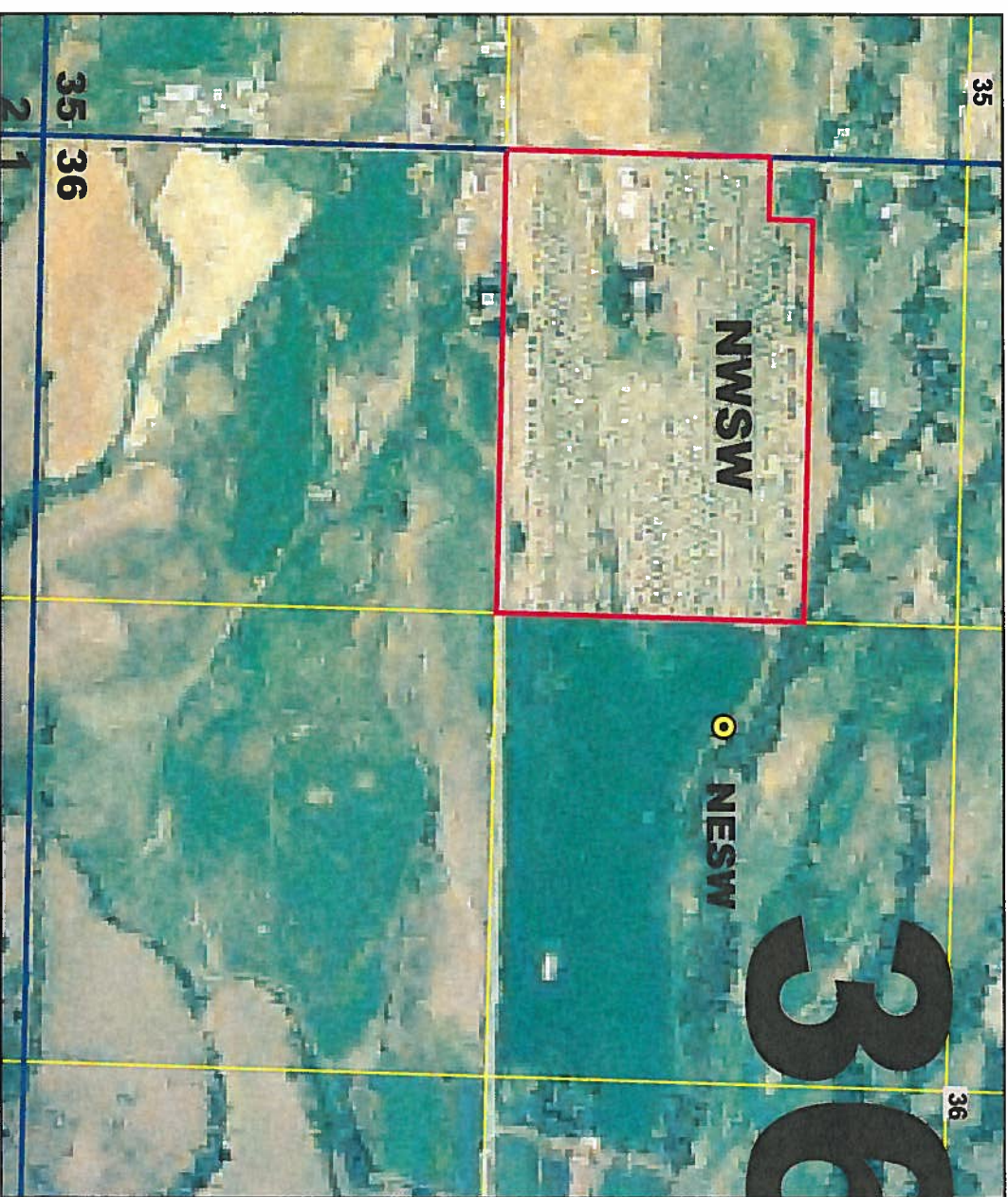
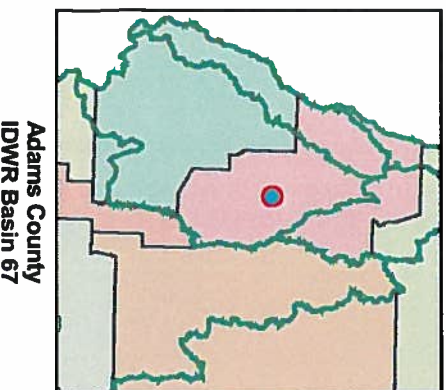
Adjudication Claim Number:

67-348D, 67-355D, 67-363F, 67-4158

**T16N R01W
T17N R01W**

Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp
- T17n01w.shp



IDAHO DEPARTMENT OF WATER RESOURCES

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Current Owner	KURT SMITH 11877 GOLDENROD AVE BOISE, ID 83713

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	36																	26.0
																			26.0

Total Acres: 26

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-348D V1

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 0.52 cfs. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
2. E56 The rights listed below are limited to the irrigation of a combined total of 26.0 acres in a single irrigation season. Combined Right Nos.: 67-348D, 67-355D, 67-363F, and 67-4158.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 11/25/2005 TR 783
Comment: Recommend per TR 783

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: OR
 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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/29/2004 10:36:39 AM	segbert			Active
POD	7/29/2004 10:39:41 AM	segbert			Active
Source	7/29/2004 10:40:20 AM	segbert			Active
POU	7/29/2004 10:40:32 AM	segbert			Active
Use	7/29/2004 10:43:35 AM	segbert			Active
Season	7/29/2004 10:43:55 AM	segbert			Active
Quantity	7/29/2004 10:44:22 AM	segbert			Active
Contacts	11/25/2005 3:58:20 PM	csaxton			Active
Priority Date	11/25/2005 3:58:45 PM	csaxton			Active
POD	11/25/2005 3:59:04 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348D V1

Source	11/25/2005 4:00:16 PM	csaxton	Active
POU	11/25/2005 4:00:28 PM	csaxton	Active
Use	11/25/2005 4:00:40 PM	csaxton	Active
Season	11/25/2005 4:01:03 PM	csaxton	Active
Quantity	11/25/2005 4:01:28 PM	csaxton	Active
Summary	11/25/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	7/29/2004 1:54:41 PM	segbert	Edited shape boundary
POD	11/25/2005 3:59:41 PM	csaxton	Updated shape
POD	11/25/2005 4:00:00 PM	csaxton	Updated PLS
POD	7/29/2004 10:39:42 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Source	7/29/2004 10:40:20 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/29/2004 10:40:33 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	7/29/2004 10:43:35 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	7/29/2004 10:43:55 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348D V1

Quantity	7/29/2004 10:44:22 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Priority Date	7/29/2004 10:36:38 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Contacts	11/25/2005 3:58:42 PM	csaxton	(No) 1. Do you want to schedule an appointment?
General	11/25/2005 3:59:06 PM	csaxton	Comment for 1: Desktop Review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/25/2005 3:59:26 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	11/25/2005 4:00:38 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/25/2005 4:00:50 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348D V1

Use	11/25/2005 4:01:01 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/25/2005 4:01:25 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/25/2005 4:01:50 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	11/25/2005 4:04:02 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

Priority Date Data Entry Form

Claim Number 67-348D

Claimed Priority Date: 5/1/1878

Claimed Basis: Decreed

X Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 5/1/1878

Water Right Basis: Decreed

Recommended Priority Date _ _ _

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Point of Diversion and Source Data Entry Form

Claim Number **67-348D**

Claimed Point of Diversion and Source

T17N R01W S36 NWNESE Within ADAMS County Source: MILL CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R01W S36 NESW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Mill Creek

Weiser River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17N	1W	36		NESW	Adams	Mill Creek

Other rights from this POD? **67-348D, 67-355D, 67-363F, and 67-4158**

Document how the POD and Source were verified:

GPS point taken by Bosco Bosler on 8/2/04: A0014038Reviewer: **Craig L. Saxton**Date: **11/25/05**

Place Of Use Data Entry Form

Claim Number 67-348D

Claimed Place Of Use

T17N R01W S36 NWSW 27.0

Total Acres 27

☐ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T17N R01W S36 NWSW 27.0

Total Acres 27

Recommended Place of Use

_____ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17N	1W	36	NWSW		Adams		26.0	Irrigation

Total Acres 26.0

Document how the POU was verified:

1987 NAPP photography, Adams Co Tax Lot Data, and claimant map_____

TR 783 does not define that the diversion rate under this right is limited to the duty of 5/8 inches per acre. It defines the POU as 27 acres. 26 acres were found as the POU and based on the transfer, no acre limit is being added to this.

Purpose of Use Data Entry Form

Claim Number 67-348D

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
DOMESTIC			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Period of Use and Quantity Data Entry Form

Claim Number 67-348D

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.13	

Overall Diversion Rate 0.13 Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.13	
DOMESTIC	/	/		

Overall Diversion Rate 0.13 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	3/15	11/15	0.13	N/A

Overall Diversion Rate 0.13 Overall Diversion Volume N/A

Document how the Period of Use and/or Diversion Rate were verified:

Diversion rate recommended per TR 783

Reviewer: **Craig L. Saxton**

Date: **11/25/05**

Contacts Data Entry Form

Claim Number: 67-348D

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	WILLIAM F WINKLER		COUNCIL	ID	83612	
Original Owner	WILLIAM H SPAHR		COUNCIL	ID	83612	
Original Owner	ED E ENGEL	2483 ORCHARD RD	COUNCIL	ID	83612-521	(208)253-4830
Current Owner	DIANE SMITH	11877 GOLDENROD AVE	BOISE	ID	83713	
Original Owner	SHIRLEY A ENGEL	2483 ORCHARD RD	COUNCIL	ID	83612-521	(208)253-4830
Current Owner	KURT SMITH	11877 GOLDENROD AVE	BOISE	ID	83713	

Date of Field Exam: Desktop Review Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Ownership information looks accurate __________

_____Reviewer: **Craig L. Saxton**Date: **11/25/05**

Claim

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	348	D	Decreed	1878-05-01	0.13	27	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	355	D	Decreed	1884-05-01	0.13	27	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	363	F	Decreed	1889-05-01	0.1	27	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	4158		Statutory	1878-06-01	0.2		MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	11430		Decreed	1889-05-01	0.095	27	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim

67 359 Decreed 1889-05-01 0.43 MILL CREEK IRRIGATION POYNER, J D (Cur) wrWaterRight

Not claimed but applicable to the claimant's property. However, looking at water master delivery records, it appears that 67-359 is delivered to Balderson in full and "in the field" is not applicable to Smiths property

Water master records										Inches	Priority
22	P17N01W3612	BALDERSON, G	\$	17.20	\$15.06	21.5	359	POYNER	5/1/89		

Recommendation

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	348	D	Decreed	1878-05-01	0.13	26	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	355	D	Decreed	1884-05-01	0.11	8.8	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	363	F	Decreed	1889-05-01	0.085	7.6	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
67	11430		Decreed	1889-05-01	0	0	MILL CREEK	IRRIGATION	SMITH, DIANE	(Cur) wrAdjudicationClaim
				Sum CFS:	0.335					
				Inches =	16.75					
				@ 5/8" =	26.8	Acres				

Recommend Stat water to bring flood water in combination with decreed water up to 1" per acre for the full irrigation season - no EOP needed.

67 4158 Statutory 1878-06-01 0.39 26 MILL CREEK IRRIGATION SMITH, DIANE (Cur) wrAdjudicationClaim

Disallow: Re-claims 67-363 which is covered and claims portion of 67-359 which is not applicable to this ground

Water master records					Inches		Priority		
21	P17N01W3654	SMITH, KURT	\$	5.20	\$4.56	6.5	348-448	TRANS	5/1/78
21	P17N01W3654	SMITH, KURT	\$	4.40	\$3.86	5.5	449	WH SPAHR	5/1/84

This should be 67-355

This is only 67-348

*Water master doesn't show delivery of 67-355 per TR 884

Split history for Decreed Right 67-00348

WR History

Claimed

Claimed

67-00348 Council Valley TR 504, 517, 539, 783
0.5 cfs
40 ac
0 af
Acres calculated at 5/8 in per acre

67-00348A	Moore	0.125	TR 504	67-00348C	Abide	0.5	
	Lot 6, Blk 1	0			76		TR 539
67-00348B	Hoover	0.12	TR 517	67-00348D	Smith	0.13	TR 517
	Lot 8, Blk 3	0			26		
					0		
67-00348C	Winkler	0.13	TR 539	67-00348E	Lawrence/Fort	0.92	
	Lot 8, Blk 3				65		
	Lot 10, Blk 4				0		
67-00348D	Spahr	0.130	TR 783	67-00348F	Spahr/Phillips	0.02	
		27			1		
		0			0		

Total CFS Transferred = 0.505
Total AC Transferred = 40.4

Sum CFS =	1.57
Sum Acre =	168
Sum AF =	n/a

Extra CFS =	-1.07
Extra Acre =	-128
Extra AFA =	n/a

Sum CFS =	0.505
Sum Acre =	40.4
Sum AF =	n/a

Extra CFS =	0.000
Extra Acre =	0
Extra AFA =	n/a

67-00348C	Abide	0.25	TR 539
		20.0	TR 517
67-00348D	Smith	0.13	TR 783
		10.4	
67-00348E	Lawrence/Fort	0.125	TR 504
		10.0	
67-00348F	Spahr/Phillips	0	Not in Wm deliver Records
		0	Not in Decreed POU

*Last updated 6-6-05 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Water Master Records						
Page #	Parcel Number	Name	Water in Inches	File #	Original Owner	Priority Date
21	0006000100	LAWRENC	6	348-446	TRANS & WINKLER	5/1/78
21	0006000300	ABIDE, WN	6	348-446	TRANS & J HOOVER	5/1/78
21	0006000300	ABIDE, WN	6.5	348-447	TRANS & WINKLER	5/1/78
21	17N01W365	SMITH, KU	6.5	348-448	TRANS	5/1/78
			25			



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 31, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KURT SMITH
DIANE SMITH
11877 GOLDENROD AVE
BOISE ID 83713

Re: Notice of Claim to a Water Right No. 67-348D, 67-363F, 67-355D, 67-4158 & 67-11430

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

SCANNED
APR 02 2004

67-348C
67-348D
67-348E
67-348F

MEMORANDUM

To: Adjudication claims file nos. 67-00348 (All parts); Water District 67 File
From: Gary Spackman *Gary*
Date: July 18, 2003

Re: Quantities for various splits of water right no. 67-00348

The watermaster asked about the quantities of water he should deliver to water users owning a portion of water right no. 67-00348. One of the water users produced a 1994 letter from Dave Tuthill about this issue. Dave Tuthill determined that a typographical error in Water District 67 record keeping lead users of water right no. 67-00348 to believe they were entitled to more water than recognized by the Muir v. Allison decree. He discusses the error in the letter, and determines deliveries of water to several individual owners.

After reading the letter, I told Bosco Bosler, watermaster for the Weiser River, to follow the findings and conclusions of the letter.

A copy of the letter is attached to this memo. The letter and this memo should be placed in the water district files and in each of the adjudication claims related to water right no. 67-00348.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

Page 2
Water Right No. 67-00348
August 3, 1994

Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

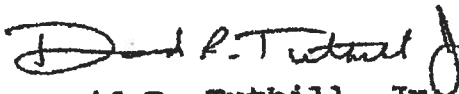
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

Larry Derie
2205 Jackson Cr. Rd.
Council, Idaho 83612
Sept. 2, 1992

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing concerning a water right on Mill Creek in Adams County Idaho.

The Muir Allison Decree, decreed a total of 25 inches of water for an 1878 water right on Mill Creek. The Watermaster's sheet shows he is delivering 65 inches on this 25 inch decreed right. After Rob Whitney and Jan researched the water right in October of 1991, they found the following: The 25 inch 1878 water right 67-0348 was split four ways.

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

The Watermaster's sheet shows Odell Vaile receiving 46 inches on right 67-0348A. The transfer sheet shows .125 CFS on 67-0348a. The research done by Rob and Jan could not find any justification for the extra 40 inches delivered to Odell Vaile on an 1878 water right on Mill Creek.

I believe the error should be corrected so that the other water rights on Mill Creek can be more fairly honored.

Sincerely,

Larry Derie



State of Idaho
DEPARTMENT OF WATER RESOURCES

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FAX (208) 334-2348

CECIL D. ANDRUS
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August 3, 1994

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MICROFILMED
OCT 22 1996

Page 2
Water Right No. 67-00348
August 3, 1994

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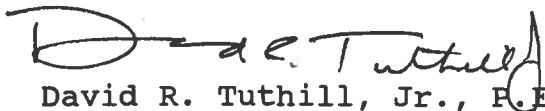
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If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

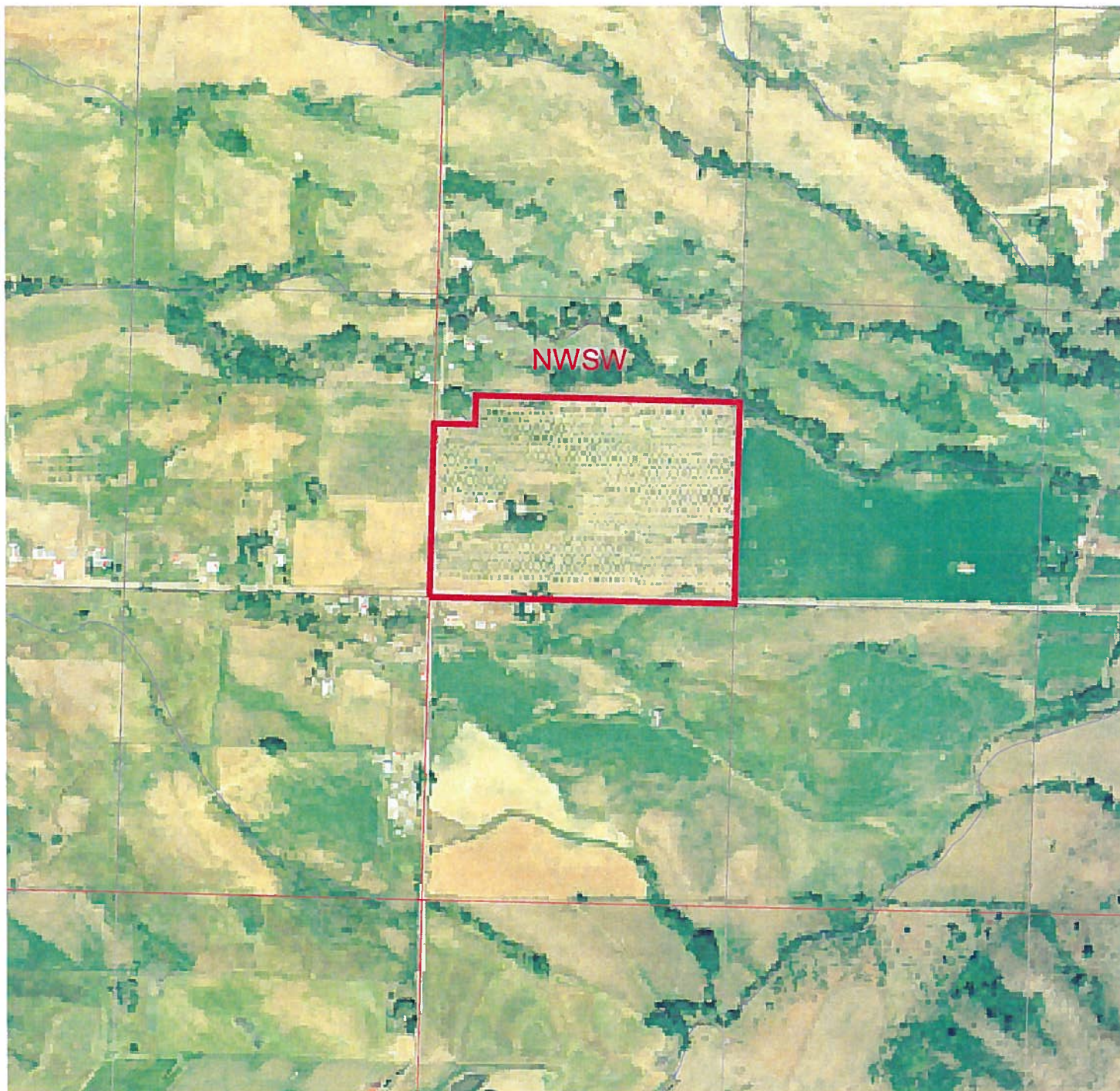
Enclosures

cc: Jerry Myers, Watermaster

MICROFILMED
OCT 22 1996

Idaho Department of Water Resources

67-348D



T17N R01W S36

500 0 500 1000 Feet



Prepared by Sandy Egbert
7-29-04
1987 NAPP Photography

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 783.

THIS IS TO CERTIFY That W. H. SPAHR, of Council, Idaho, is the owner of and using a certain water right for thirteen hundredths (0.13) cubic foot per second of the waters of Mill Creek with priority of May 1, 1878, said water being decreed to W. F. Winkler by decree of Judge Ed L. Bryan of the 7th Judicial District of the State of Idaho, in and for the County of Washington in the case of

MEIR BROS., ET AL.,
Plaintiffs,
vs.

ALLISON, ET AL.,
Defendant.

said decree bearing date of June 20, 1921, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10,
Township 16 North, Range 1 West, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 354.

That said W. H. Spahr has become the owner of said water right through purchase.

And that now, upon the application of W. H. Spahr, of Council, Idaho, for the transfer of 0.13 cubic foot per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 0.13 cubic foot per second of the waters of Mill Creek on the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

Commencing at the SW corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, Township 17 North, Range 1 West, B.M., and running thence East 80 rods; thence North 54 rods; thence West 80 rods; thence South 54 rods to the place of beginning, containing 27 acres.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.13 cubic foot per second of
the water of Mill Creek with
priority of May 1, 1878.

Kirt
Smith's
place
MICROFILMED

That the water right hereby transferred has heretofore been conducted to the first above described lands from Mill Creek with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 54, Township 17 North, Range 1 West, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described lands with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of December, A. D. 1951.

MARK H. KULP
State Reclamation Engineer

C O P Y

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

W. H. Spahr of
Council, Idaho)

ORDER GRANTING TRANSFER

For a Transfer of Water Right, in Water)
District No. 41, Adams County, Idaho.)

No. 783

WHEREAS, On the 30th day of November, 1951, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of W. H. Spahr of Council, Idaho, for a transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 17th day of December, A. D. 1951.

MARK R. KULP
State Reclamation Engineer

J F Lowe

L J Rhinehart

Loren Rhinehart

Anna Morrow

38 ✓

31 ✓

40 ✓

5 ✓

June 5, 1902 67 0344

June 5, 1902 67 0345

June 5, 1902 67 0346

June 5, 1902 67 0347

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,

John Kessler, Jim Kessler, Lewis Kessler, Bettie

Dickerson, Janie Hart, Ida Blanchard, William

Kessler, Elva Young and Rebecca Kessler, suc-

cessors of Alexander Kessler, deceased

25 ✓

Frederick N Watrous, Grantee of Geo M Winkler-----16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

P H Schaff and F S Galey, Grantees of Samuel Harp 37 1/2 ✓

29 ✓

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

41 2/3 ✓

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F
Middleton ~

37 1/2 ✓

Charles Lappin and A K Felmsley, Grantees of C S
Gibbs

54 ✓

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

16 ✓ Trans 284

18 ✓

15 ✓

8 1/2 ✓

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

100 ✓

Unnamed Stream.

Council Valley Orchards

100 ✓

Frank S Galey

20 ✓

C W Holmes

10 ✓

C B McDonald High water 56

34 ✓

Fort Hall Creek

C T Hamill

4 ✓

4 ✓

6 ✓

21 ✓

Louis Harp

A L Frechafer and Margaret T. Rife

67 0348

May 1, 1878 - Trans 504-517-531-711

May 1, 1881 67 0349

May 1, 1884 - 67 0350

May 1, 1893 - 67 0351

May 1, 1911 - 67 0352

May 1, 1882 - 67 0353

May 1, 1891 - 67 0354

May 1, 1884 - Trans 504-517-531-711 67 0355

May 1, 1885 - 67 0356

May 1, 1894 - 67 0357

May 1, 1889 - 67 0358

May 1, 1886 - 67 0359

May 1, 1893 - 67 0360

May 1, 1894 - 67 0361

May 1, 1896 - 67 0362

May 1, 1899 - 67 0363

May 1, 1903 - 67 0364

July 1, 1909 - 67 0365

May 1, 1909 - 67 0366

June 1, 1906 - 67 0367

July 3, 1911 - 67 0368

March 17, 1913 - 67 0369

May 16, 1912 - 67 0370

July 2, 1892 - 67 0371

May 1, 1882 - 67 0372

May 1, 1889 - 67 0373

May 1, 1882 - 67 0374

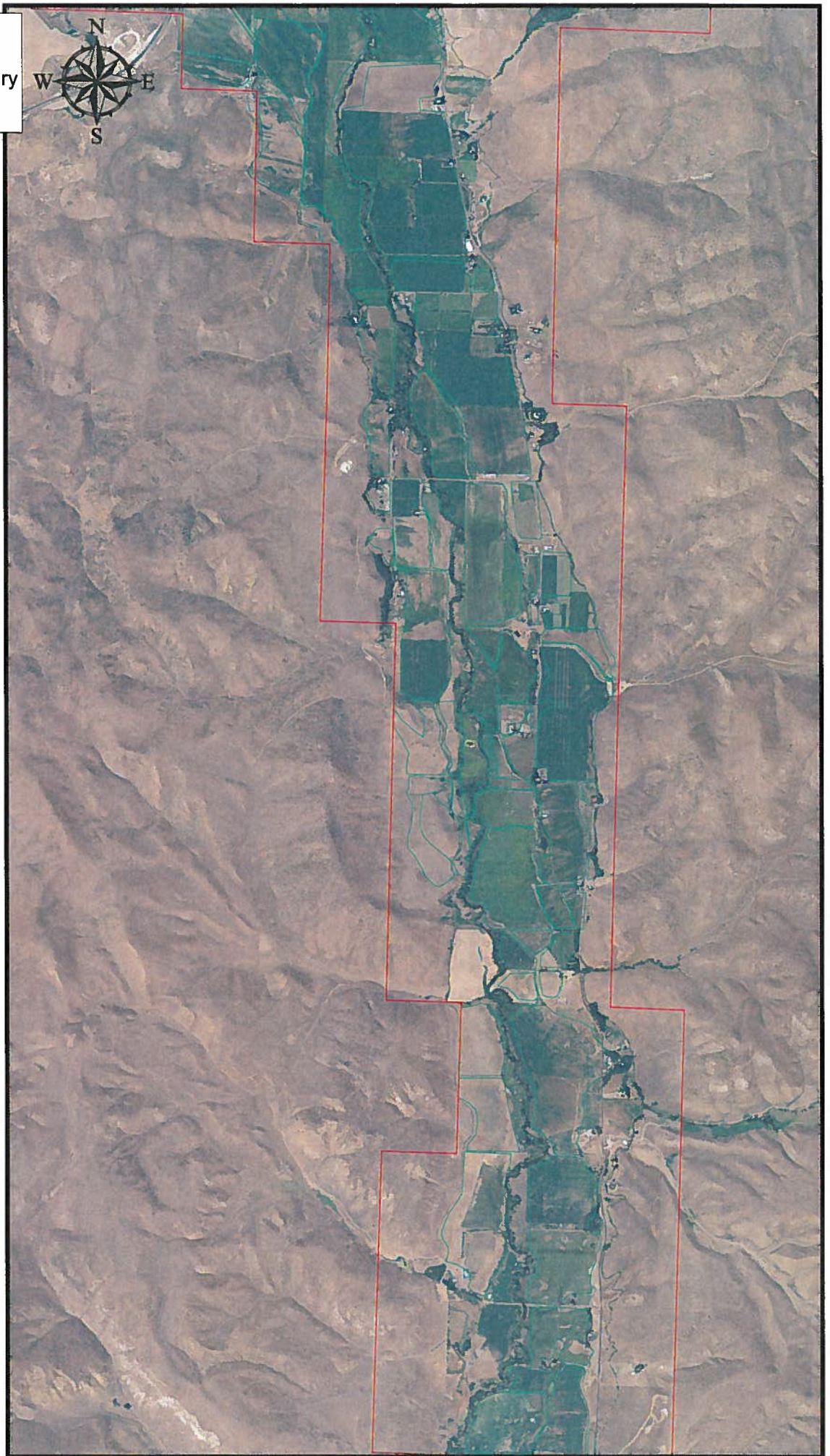
June 1, 1911 - 67 0375

JUL 24 1996

Northern Portion

Legend

-  Service Area Boundary
-  Mann Creek ID POU



WILLIAM WINKLER, LEWIS WINKLER, MISS F H HAYNER, JOHN KESSLER, JIM KESSLER, LEWIS KESSLER, BETTIE DICKERSON, JANIE HART, IDA BLANCHARD, WILLIAM KESSLER, ELVA YOUNG AND REBECCA KESSLER, successors of Alexander Kessler, deceased: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FREDERICK N WATKINS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFY AND F B GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESERT SINK COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNOR AND JOHN POYNOR: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WILLIS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFY AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

see checked
CHARLES LAPPIN AND A E FELMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNIPSEED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

MILL CREEK RIGHTS.

Deseret Sheep Company, substituted for C. A. Martin,
Grantee of Margaret Krigbaum,

41 2/3 May 1, 1884

William Winkler, Lewis Winkler,
Mrs. F. H. Hayner, John Kessler,
Jim Kessler, Lewis Kessler,
Bettie Dickerson, Janie Hart
Ida Blanchard, William Kessler,
Elva Young and Rebecca Kessler,
successors of Alexander
Kessler, deceased,

25

" " 1878

Charles Lappin and A. E.
Felmley, Grantee of C. S. Gibbs,

54

" " 1896

J. D. Poynor and John Poynor,

21 1/2

" " 1886

B. W. Turnipseed,

18

" " 1903

Frederick M. Watriss,
Grantee of Geo. M.
Winkler,

16 2/3
12 1/2
33 1/3
20 3/4

" " 1881
" " 1884
" " 1893
" "

P. H. Schaff and
F. S. Galey, Grantees
Samuel Hark

37 1/2
29

" " 1882
" " 1891

Council Valley Orchards
Grantee J. Marion Young

10 3/4
29
37 1/2

" " 1885
" " 1894
" " 1889

James A. Huston and William
Spahr, Grantees of John and
J. D. Poynor,

16

" " 1899

P. H. Schaff and Thomas L.
Watt, Grantees of B. F.
Middleton,

37 1/2

" " 1894

George T. Ellis

27 1/2

" " 1893

J. V. Morrison,

16

July 1 1909

C. W. Holmes

8 1/2

May 1 1909

Middleton
JUL 24 1899

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-348D

WATER RIGHT NUMBER: 67-348D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM F WINKLER
	COUNCIL, ID 83612
Original Owner	WILLIAM H SPAHR
	COUNCIL, ID 83612
Directors Report Owner	ED E ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Original Owner	DIANE SMITH 11877 GOLDENROD AVE BOISE, ID 83713
Directors Report Owner	SHIRLEY A ENGEL 2483 ORCHARD RD COUNCIL, ID 83612-5219 (208)253-4830
Current Owner	KURT SMITH 2483 ORCHARD COUNCIL, ID 83612 (208) 368-2980

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

MILL CREEK	NW1/4NE1/4SW1/4	Sec. 36, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	36																	27.0

Total Acres: 27

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 67-348D

Conditions of Approval:

1. Ownership changed by DH 7/31/2003

Remarks:

Comments:

1. segbert 8/4/2004 POD
Comment: Correlated PODID 191095 from SpatialDataID 343004.0000000 to SpatialDataID 62061
2. segbert 8/4/2004 POD
Comment: Correlated PODID 191095 from SpatialDataID 343004.0000000 to SpatialDataID 62061

Water Supply Bank:

RECEIVED

NO ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 04 2006

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

NOV 30 2006

DEPARTMENT OF
WATER RESOURCESPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.WATER RESOURCES
WESTERN REGION

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
✓	67-4158	—			
✓	67-363F	—			
✓	67-355D	—			
✓	67-348D	—			
✓	67-11430	Adjudicated By C. Saxon 2-1-07			

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

A. ~~The appropriate FILING FEE.~~ See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former
Owner/Claimant(s)

DIANE SMITH

KURT SMITH

4. New Owner/Claimant(s)

KURT B. SMITH

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2483 ORCHARD

City, State and ZIP Code

COUNCIL ID 83612

New Telephone Number

(208) 368-2980

5. Date you acquired the property

~ 2003

SCANNED

DEC - 4 2006

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

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

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

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

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

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

Kurt B. Smith

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

For Office Use Only

Received by <u><i>AK</i></u>	Date <u><i>11-30-06</i></u>	Fee <u><i>N/A</i></u>
Received by _____	Date _____	Receipt No. _____
Processed by <u><i>de by SFAJ</i></u>	Date <u><i>2-5-07</i></u>	WR _____ Date _____

OK to Change. C. Smith
2-1-07

SCANNED

DEC - 4 2006

QUITCLAIM DEED

THIS INDENTURE, Made this 28th day of AUGUST 2006 betweenDIANE E. SMITH as Grantor andKURT B. SMITH as Granteewhose current address is 12036 W. PATRINA DRIVE, BOISE, ID, 93713

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in, County of ADAMS, State of Idaho, bounded and particularly described as follows, to-wit:

PT. NW4 SW4 SEC. 36, T17N, R1W, ADAM COUNTY
2493 ORCHARD ROAD, COUNCIL, ID, 93613

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

Diane E. Smith

Instrument # 112550

COUNCIL, ADAMS, IDAHO
 2006-09-01 04:11:14 No. of Pages: 1
 Recorded for : KURT SMITH
 MICHAEL FISK Fee: 3.00
 Ex-Officio Recorder Deputy Deputy P. Pindel
 Index to: DEED

State of IDAHOCounty of ADA

SS.

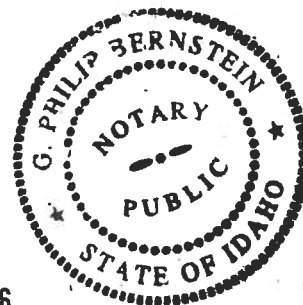
On this 28th day of August, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared DIANE E. Smith

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public IDAHOResiding at: BOISECommission Expires: 12-6-07

(SEAL)



SCANNED

DEC - 1 2006

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 67-4158, 67-363F, 67-355D, 67-348D, 67-11430

Previous Mailing Address: 11877 GOLDENROD AVE
BOISE ID 83713

New Mailing Address: 1 2483 ORCHARD
COUNCIL, ID 93612

Telephone Number: (208) 369-2980

Signature of all Claimant(s): Kurt B. Smith
Please print your name below your signature.
KURT B. SMITH

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

SCANNED
SCANNED
MAY 8 1 2012
NOV 27 2006

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 67-348D
Date Received: 1/4/1990
Receipt No: C013818
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KURT SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

DIANE SMITH
11877 GOLDENROD AVE
BOISE ID USA 83713

Phone: (208) 377-9319

2. Date of Priority: 05/01/1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	36	NW NE SW	ADAMS	

5. Description of diverting works:

PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

SCANNED
APR 02 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW	SW	IRRIGATION	27
					Section Acres	27
					Total Acres	27

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 7/31/2003

15. Basis of Claim: Decreed

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

RECEIVED**JUL 25 2003****WATER RESOURCES
WESTERN REGION**

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-363 F	67-363 F	___	_____	_____	___
67-00348 D	_____	___	_____	_____	___
A67-04158	_____	___	_____	_____	___
A67-00355 D	_____	___	_____	_____	___
A67-11430	_____	___	_____	_____	___

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) ED & SHIRLEY ENGEL
4. New Owner/Claimant(s) HE 62 BOX 1310, COUNCIL, ID, 83612
~~COUNCIL ID 83612~~ KURT & DIANE SMITH
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 11877 GOLDENROD AVENUE
- City, State and ZIP Code BOISE ID 83713
- New Telephone Number (208) 377-9319
5. Date you acquired the property 5/19/03

INSTRUMENT NO. **103767**
PAGE 1 OF 2

Instrument # 103767

COUNCIL, ADAMS, IDAHO

2003-05-19 03:09:18 No. of Pages: 2

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Ex-Officio Recorder Deputy

Index to DEED

Fee: \$00

Sarah Juilken



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W365400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

State of California
County of Tulare ss.

On this 15TH day of May, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared

Shirley Engel

, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

Residing at:

Commission Expires:

Vista La Ca
10/10/05



Cathy Springer

From: Angie Bumgarner [abumgarner@timberlinetitle.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;

Thence East on and along the South line of said NW1/4SW1/4 80^{1320'} rods to
the Southeast corner of said NW1/4SW1/4;

Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods; 891'

Thence West parallel to the South line of said NW1/4SW1/4 80^{1320'} rods to
a point on the West line of said NW1/4SW1/4;

891' Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;

EXCEPTING THEREFROM two tracts of land more particularly described as
follows:

Parcel 1: A strip of land 15 fee wide off of and along the entire
West end of the tract hereinbefore first described.

Parcel 2: Commencing at a point that is 54^{891'} rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4; said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.

SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

1 rod =
16.5 ft.

4/16/2003

INSTRUMENT NO. 103766
PAGE 1 OF 2

Instrument # 103766

COUNCIL, ADAMS, IDAHO

2003-05-19

03:09:18 No. of Pages: 2

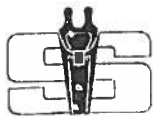
Recorded for: TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: \$ 00

Ex-Officio Recorder Deputy

Index to: DEED



WARRANTY DEED

For Value Received ED ENGEL, AN UNMARRIED MAN AND SHIRLEY ENGEL, AN UNMARRIED WOMAN, WHO ACQUIRED TITLE AS ED ENGEL AND SHIRLEY ENGEL, HUSBAND AND WIFE

Grantor hereby grants, bargains, sells, conveys and warrants unto KURT B. SMITH & DIANE E. SMITH, husband and wife

the Grantee whose current address is: 11877 Goldenrod Ave., Boise, ID 83713

the following described premises, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO

Parcel Number: RP17N01W3E5400A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 2003

ED ENGEL

SHIRLEY ENGEL

State of

Idaho

County of

Adams

On this

16th

day of

May

2003

, before me, the undersigned, a Notary Public, in and for said State, personally appeared

Ed Engel

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same.

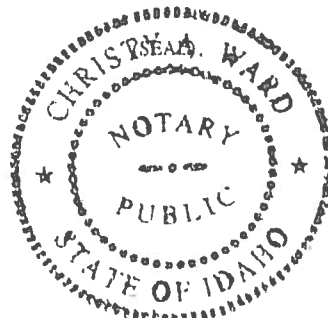
WITNESS MY HAND AND OFFICIAL SEAL.

Christy A. Ward

Notary Public

Residing at: Indian Valley, IN

Commission Expires: 3-17-04



Cathy Springer

From: Angle Bumgarner [abumgarner@timberltnetllc.com]
Sent: Wednesday, April 16, 2003 9:11 AM
To: Cathy Springer
Subject: 03-282

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 36: A parcel of land situated in the NW1/4SW1/4 of said
section, Township and Range, more particularly described as follows:
Commencing at the Southwest corner of said NW1/4SW1/4 of said
Section, Township and Range;

Thence East on and along the South line of said NW1/4SW1/4 80 rods to
the Southeast corner of said NW1/4SW1/4;

Thence North on and along the East line of said NW1/4SW1/4 a distance
of 54 rods;

Thence West parallel to the South line of said NW1/4SW1/4 80 rods to
a point on the West line of said NW1/4SW1/4;

Thence South on and along the West line of said NW1/4SW1/4 a distance
of 54 rods to the Real Point of Beginning;

EXCEPTING THEREFROM two tracts of land more particularly described as
follows:

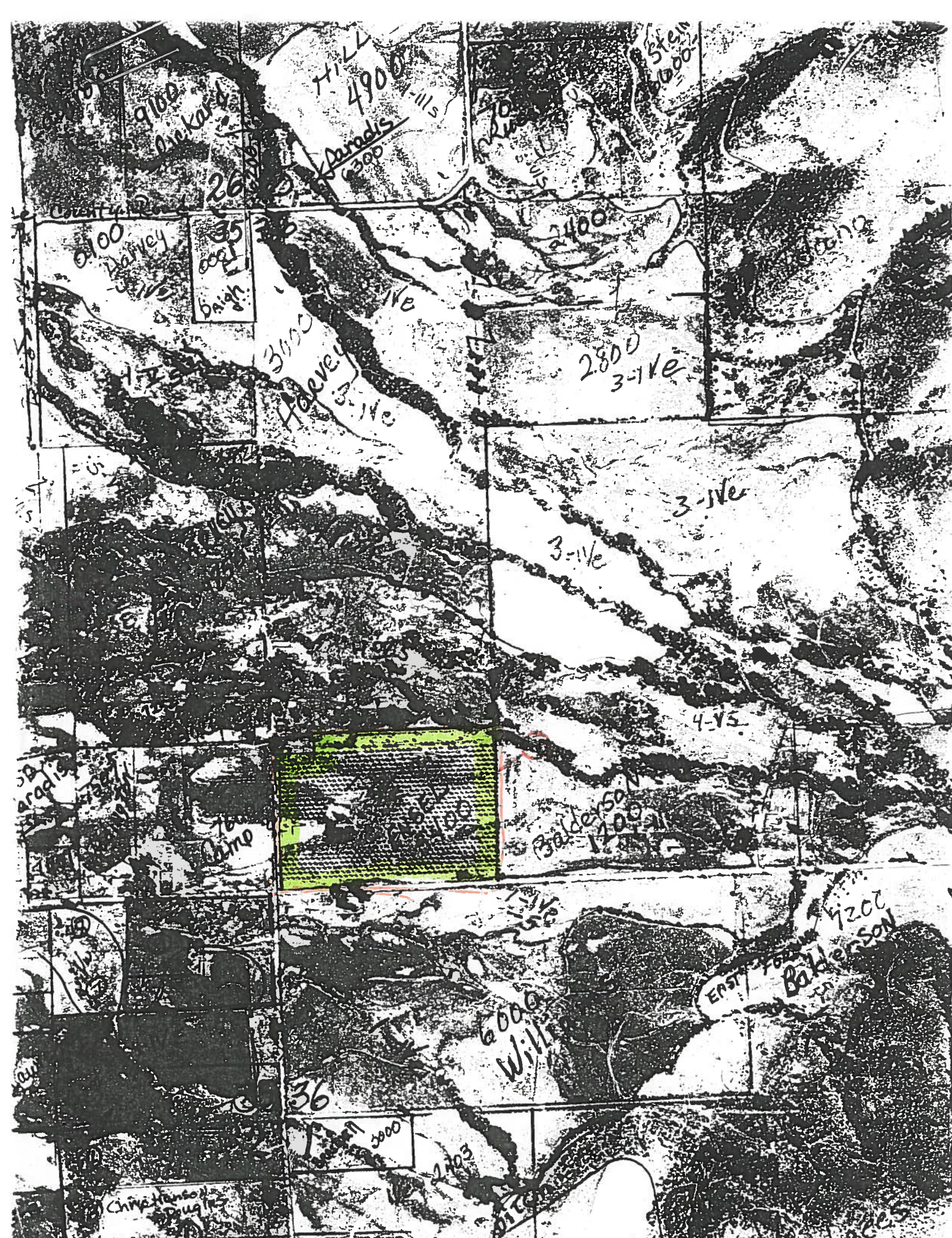
Parcel 1: A strip of land 15 feet wide off of and along the entire
West end of the tract hereinbefore first described.

Parcel 2: Commencing at a point that is 54 rods North and 15 feet
East of the Southwest corner of said NW1/4SW1/4, said Section,
Township and Range; Thence East 177.44 feet; Thence South 125 feet;
Thence West 177.44 feet; Thence North 125 feet to the point of
beginning of this excepted tract.

SUBJECT TO the MILL CREEK COUNTY ROAD right of way as now
established.

INITIAL

4/16/2003



[40chains]

Exception to T#1504 (und)

88478 Martiney

Total .82 ac in Tax # 1907

8 = 16.5'

Rosebelle Martiney # 88478 8-15-95

Exception to T#1504

W

55217.32 ac.

54 rods (891')

5507

N 125' 125' 51 ac 54 rods

Harvey, Donald E

87310

1/23/95

8-13 149/100

27

1 = 15.14

54 rods

54 rods

927 31 191 912.2

E 30 rods 1320

55217.32 ac.

892

1 rod = 5 1/2 yards

43560

Harvey

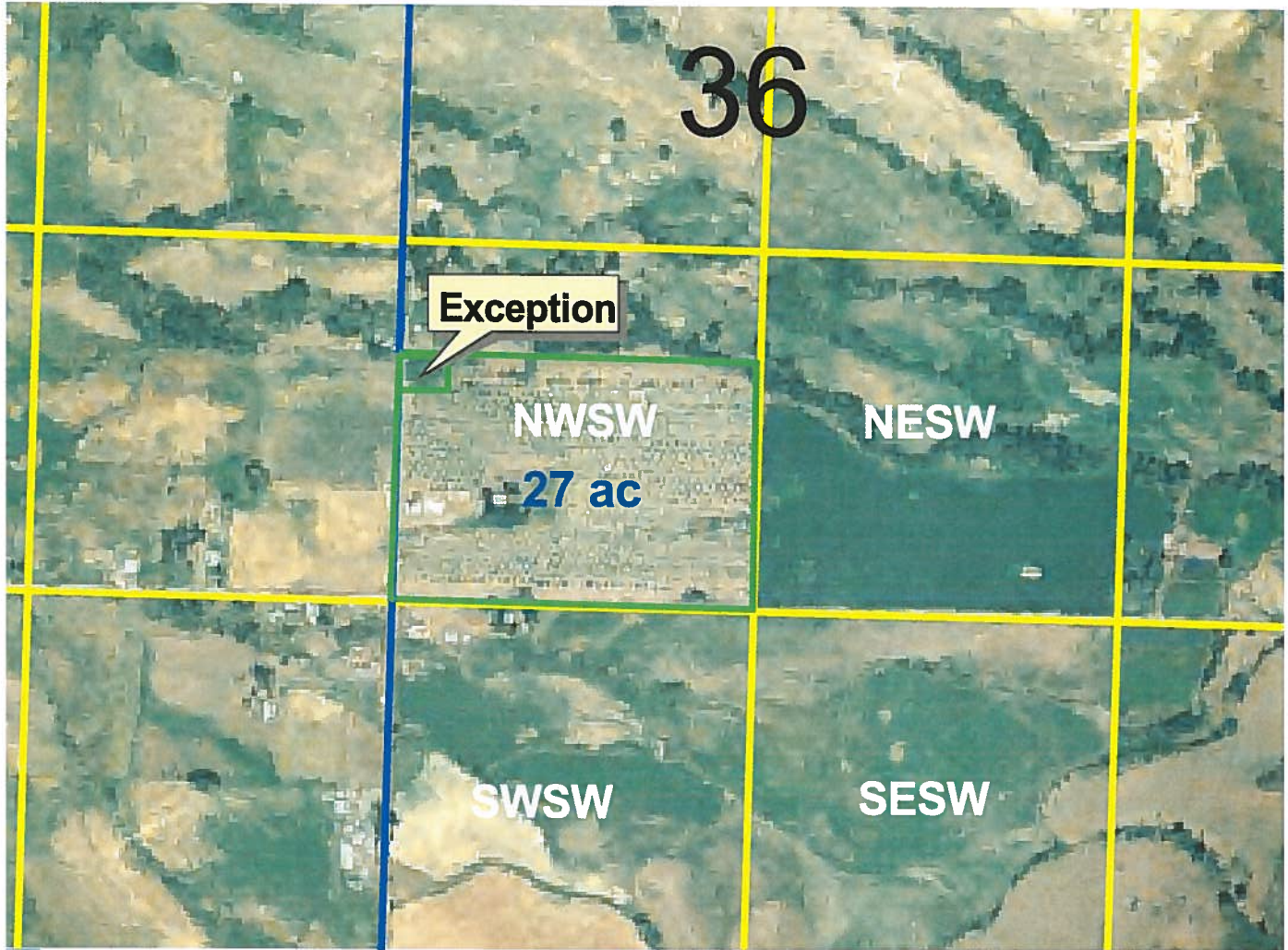
1

2

Smith

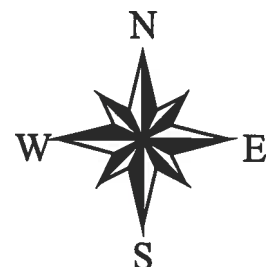
17N 1W

**67-348D, 67-355D,
67-363F, 67-4158
and 67-11430**



0.2 0 0.2 0.4 Miles

-  **Property Lines w/ Exception**
-  **Section Line**
-  **QQ Lines**



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00348D

Date Received: 1/04/1990

Receipt No: C013818

Received By: J. H. H.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ED E. ENGEL
Address: HC 62, BOX 1310 208-253-4830
COUNCIL, ID 83612

OR

Name: SHIRLEY A. ENGEL
Address: HC 62, BOX 1310 208-253-4830
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1878

3. Source: MILL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	NW	NE	SW		ADAMS

5. Description of diverting works:
PIPE, UNDERGROUND STANDPIPE SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

A.F.A.

8. Total consumptive use is 81.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	36	NW SW		IRR	27.0
Section Acres						27.0
Total Acres						27.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

A67-00355D, COMBINED 67-00359 & 67-00363A.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree 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: 1

For Individuals:

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

Signature of Claimant(s): [Signature] Date: X 1-4-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of January 19 90

[Signature]
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Expires at Boise, Idaho
My Commission Expires December 1, 1994

