

AJ5856NP

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

DATE: SEP-9-1997

PAGE: A-1250

RIGHT NUMBER:

45-11752

NAME & ADDRESS:

EDWARD A SMITH
RAE D SMITH
42ND & OVERLAND
BURLEY ID 83318

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

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

PRIORITY DATE:

05/15/1973

POINT OF DIVERSION:

T11S R23E S05

NENE

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC

Within CASSIA County

T11S R23E S05

NENE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 000020020010

Claim proofread by: an

Date: 9-29



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 9, 1996

LaMont Williamson
386 East 500 South
Burley, ID 83318

Dear Mr. Williamson:

In response to your request, I searched the allocation and adjudication records for all diversions within the NENE $\frac{1}{4}$ of Section 5, Township 11 South, Range 23 East. This will cover the portion of the Birch Acres Subdivision that you inquired about, lots 12 and 13, and the 21 acres owned by Allan and Carmen Adams.

A search of the allocation records revealed that only the following statutory claims were diverted out of the NENE $\frac{1}{4}$ of Section 5...

45-04169 45-04170 (filed by George Welch)

A search of the adjudication claim records revealed that only the following claims were claimed to be diverted out of the NENE $\frac{1}{4}$ of Section 5...

A45-10324 A45-10534 A45-10856 A45-10892
A45-11671 A45-11673 A45-11752

I have enclosed copies of profile reports of the two allocation records and the seven adjudication claims as you requested. It should be noted, that none of the adjudication claims listed above correspond to the two statutory claims originally filed by George Welch. If the statutory claims, 45-04169 and 45-04170, are still being used, they are required to be claimed in the Snake River Basin Adjudication.

If there are any questions, feel free to contact our office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

DEC 03 1996

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: A45-11752
Date Received: 6/27/1989
Receipt No: S008365
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDWARD A. SMITH 208-678-8692
Address: 42ND & OVERLAND
BURLEY, ID 83318

AND/OR

Name: RAE D. SMITH 208-678-8692
Address: 42ND & OVERLAND
BURLEY, ID 83318

2. Date of Priority: MAY 15, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	23E	5	NE	NE			CASSIA

5. Description of diverting works:
6"X 67' WELL, 2 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

A45-11752

Page 1

Date: 06/27/89

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	23E	5	NE NE		DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U AKA LOT 1, BLK. 2, BIRCH ACRES SUBD.

DWR NOTE

INSUFFICIENT $\frac{1}{4}$ - $\frac{1}{4}$ DESCRIPTIONS GIVEN BY CLAIMANT.

ESTIMATED NE $\frac{1}{4}$ NE $\frac{1}{4}$ BASED ON THE ORTHOPHOTOQUAD MAPS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A45-11752

Date Received

Receipt Number 5008365 sec

RECEIVED

JUN 8 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) EDWARD A "AND/OR" RAE D SMITH Phone (208) 678-8692Mailing Address 42nd & OVERLAND, BURLEY Zip 833182. Date of Priority (Only one per claim) MAY 15, 1973 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 11 SOUTH Range 23, E.B.M.Section 5, N 1/2 of NE 1/4 of _____ 1/4, Govt. Lot _____, BM.,County of CASSIA

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 6" CASING, 67' DEEP, 2 H.P. PUMP, PIPE TO HOUSE

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) ONE DOMESTIC UNIT

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10. Place of use is: Township: 11 South Range 23 EBM
Section 5, N 1/2 of N.E. 1/4, Govt. Lot _____, B.M.,
County of CASSIA for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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.
NONE

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) Edward Smith Date 6-6-89

Date _____

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

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 _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of Minidoka } SS.

Subscribed and sworn (or affirmed) before me this 6th day of June 19 89

SEAL

Notary Public Karyl Lee Yelverton

Residing at Burley, Idaho

My Commission Expires 12-7-93

Last Name YELVERTON Ident No. _____

Copies: White-State, Yellow-Claimant

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MAR 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS

R. KEITH HIGGINSON

herein called BENEFICIARY.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Cassia State of Idaho, described as follows and containing not more than twenty acres:

Lot 1 in Block 2 of Birch Acres Subdivision, located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Twp. 11 South, Range 23, E. B. M. as the same is platted in the official plat thereof, now of record in the office of the County Recorder, County of Cassia, State of Idaho

SUBJECT TO: Deed of Trust to Title & Trust Company, for the benefit of First Federal Savings and Loan Association.

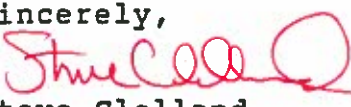
ITEM #4 & #10

- () Item #2 Priority date (day/month/year)
- (☒) Item #4 Point of Diversion Legal Description
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- (☒) Item #10 Place of Use Legal Description
- (☒) Item #16 Signature & Notarization — DONE
- () Improper fee (THE CORRECT FEE IS \$ _____)
- () Other or Remarks

NEEDS 1/4-1/4
Descriptions } CHECK
ATTACH

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

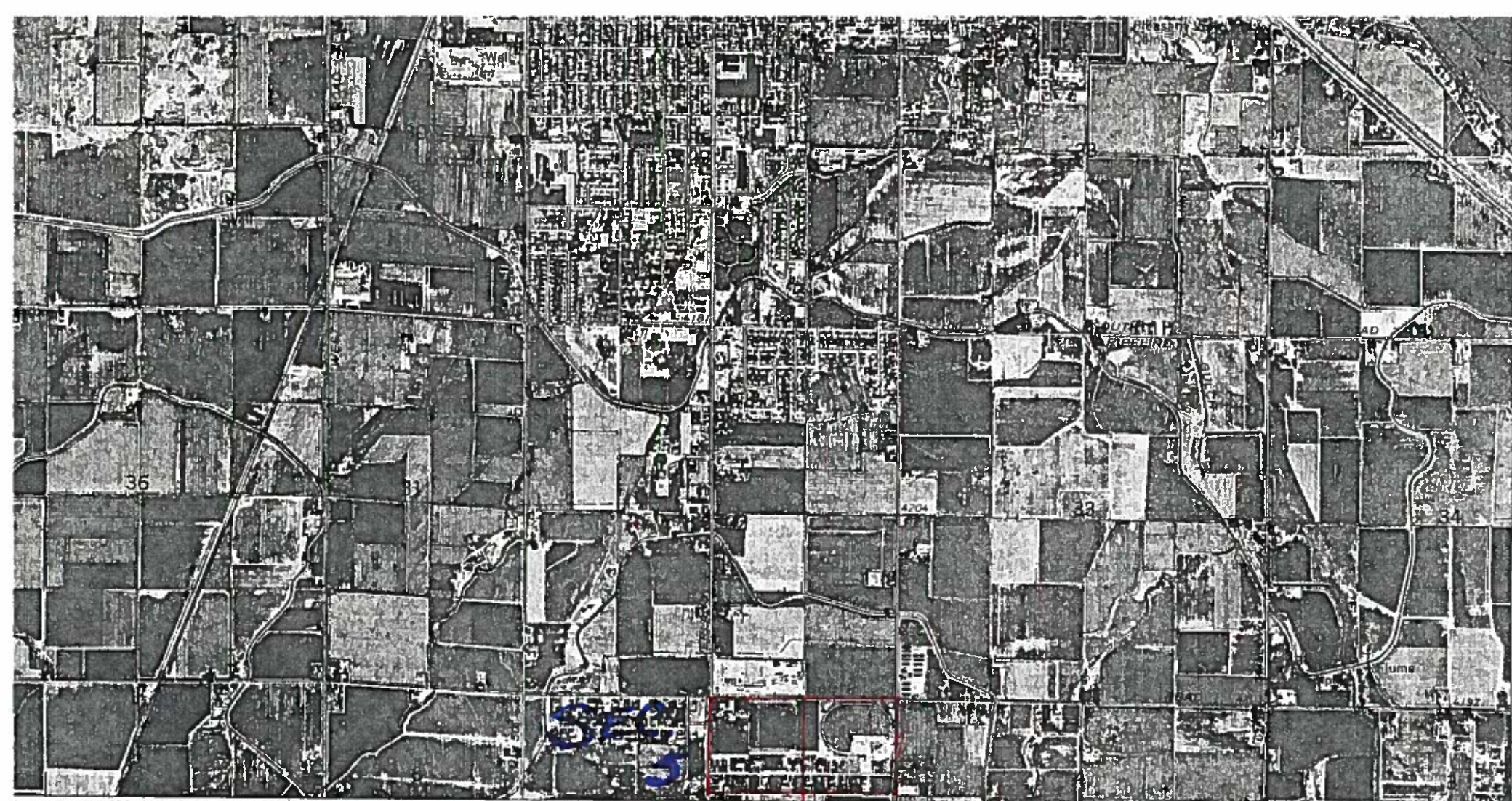
Sincerely,


Steve Clelland
Water Right's Agent

enc:

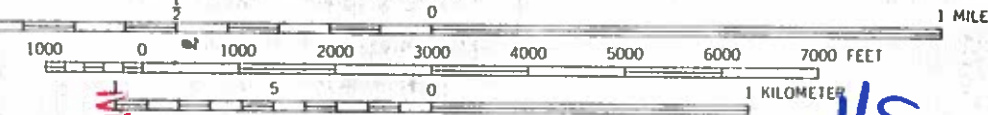
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268 269 270 47' 30" 271 272 273000 E 113°

SCALE 1:24 000



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11S.
23E.
Sec. 5



QUADRANGLE LOCATION

A45-11752

BURLEY SE, IDAHO
N4230-W11345/7.5

1976
ADVANCE PRINT



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. Aug. 14, 1989

Re: A45-11752

EDWARD A SMITH
42ND & OVERRLAND
BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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APR 02 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 11, 1998

RECEIVED

APR 20 1998

EDWARD A SMITH
RAE D SMITH
217 S HWY 27
BURLEY ID 83318

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 45-11752
Change of Address

Department of Water Resources

*received changed 3-25-98. AEAR
prepared. /sp*

Dear Water Right Holders:

pld 7/24/98

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water right claims you have, and return the letter by March 31, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

S. Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures

The address is correct as shown above or as otherwise changed.

Rae D. Smith
Claimant Signature

I have lived in Burley for 60 years and didn't know for the past 25 years I lived on Highway 27. I have a wedding reception business and receive the bulk of my mail at 10 Oakland # 42 rd St. 830 people have

CERTIFIED
DEC 23 1991
WATER EXAMINER