

08/18/2009

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

RIGHT NUMBER: 1-10058

NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Point of injection into and point of redirection from Blackfoot River.

QUANTITY: 10.580 CFS
Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of ~~13.44 cfs~~ 13.9 cfs.

PRIORITY DATE: 02/21/1890

POINT OF
DIVERSION:

T01N R37E S31 SWNE Lot 7 Within BINGHAM County
T02S R36E S24 NESWSE Lot 2 Injection Within BINGHAM County
T03S R34E S23 SWSWSW Rediversion Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	10.580 CFS

PLACE OF USE:

~~672 ACRES TOTAL~~ 695 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Smith-Maxwell Ditch Company.

This right is limited to the irrigation of 263.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of ~~672 acres~~ 695 acres in a single irrigation season. Combined Right Nos.: 27-12108 and 1-10058.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a combination of old Right Nos. 1-28C, 1-28E, 1-87B, 1-87C, 1-87D, 1-169F, and 1-169G.

10/28/2005

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

RIGHT NUMBER: 1-10058

NAME AND ADDRESS: SMITH-MAXWELL DITCH CO
C/O LAYNE HAMILTON
839 W RIVERTON RD
BLACKFOOT ID 83221

CHANGES NEEDED FOR SF5
SHOWN IN RED

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Point of injection into and point of redirection from Blackfoot River.

QUANTITY: 10.580 CFS

Right Nos. 1-10058 and 27-12108 are limited to a total combined diversion rate of ~~13.44~~ cfs.

13.9

PRIORITY DATE: 02/21/1890

POINT OF DIVERSION:

T01N R37E S31 SWNE Lot 7 Within BINGHAM County

T02S R36E S24 NESWE Lot 2 Injection Within BINGHAM County

T03S R34E S23 SWSWSW Rediversion Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	10.580 CFS

PLACE OF USE:

695

~~672~~-ACRES TOTAL

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695

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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.

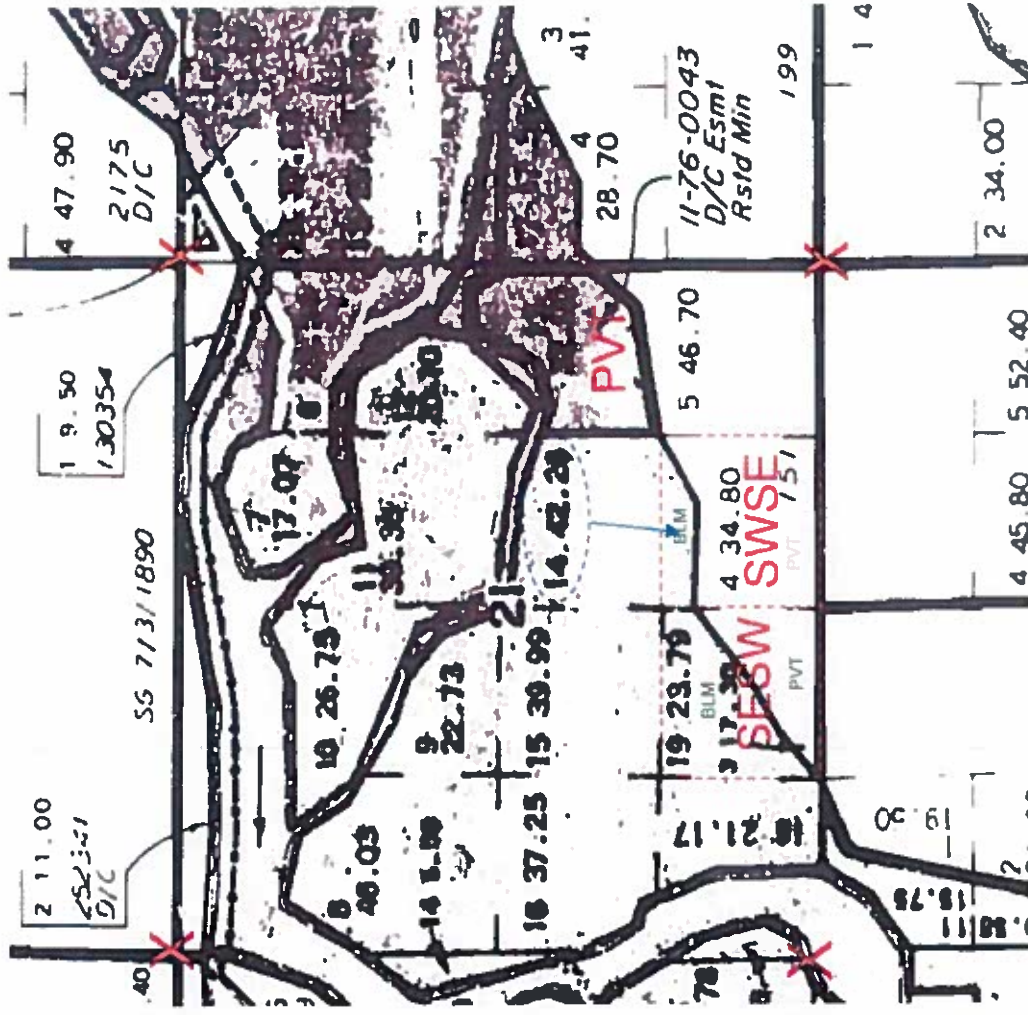
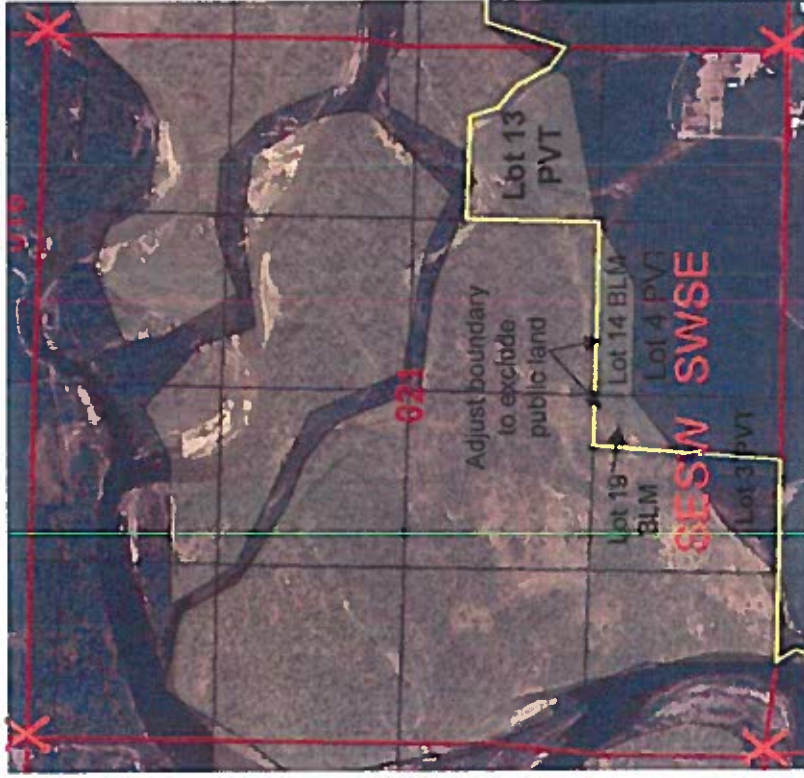
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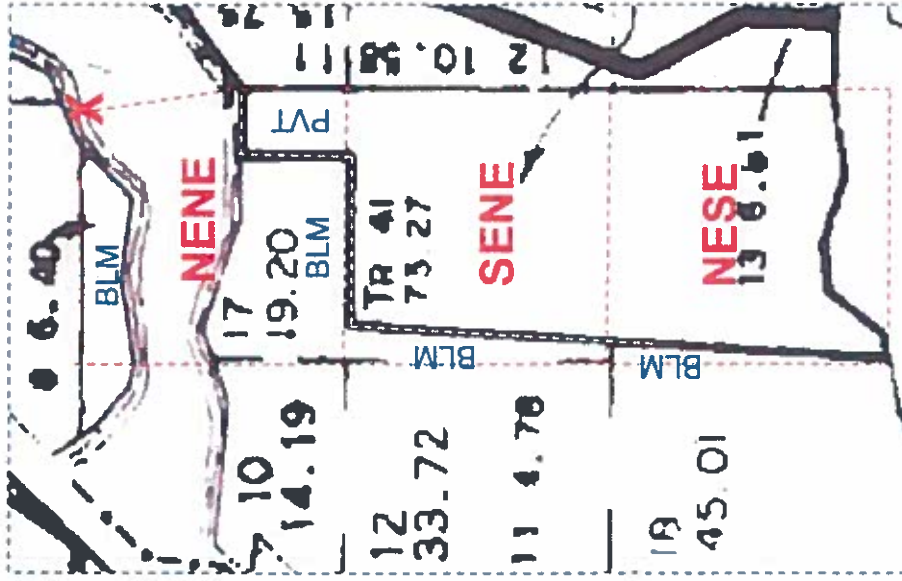
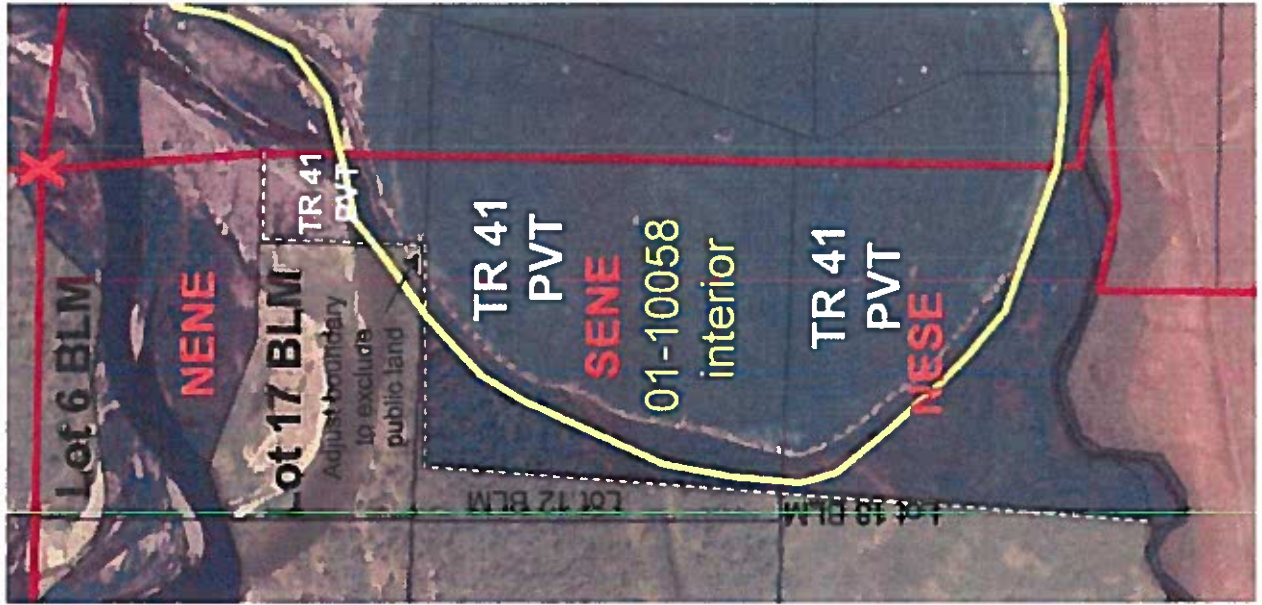
01-10058
T03S R34E S21



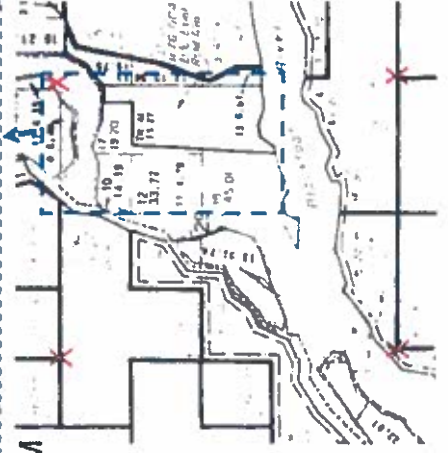
-Remove Lot 19 (SESW) BLM and Lot 14 (SWSE) BLM from Recommendation and adjust digital boundary.

01-10058

T03S R34E S29



-Remove Lot 17 (NENE) BLM from Recommendation and adjust digital boundary.



AJ CLAIMS														
Basin	Seq	Seq/Suffix	Basin	Status	Priority Date	Rate(cfs)	Rate(cfs)	Rec (cfs)	Source	Water Use(s)	Owner(s)	Notes		
1	28D	Decreed	Active		12/16/1910	1.82	1.82	0.6	1.82 SNAKE RIVER	IRRIGATION	WHEATLEY, RALPH O (Current)	T2433; 45.5 acres; competing claim w/ 1-10058		
1	28F	Decreed	Active		1890-02-21	0.6	0.6	0.6	0.6 LITTLE BLACKFOOT	MINING	MONSANTO CO (Current)			
1	10058	Decreed	Active		1890-02-21	5.8	5.8	3.98	3.98 SNAKE RIVER	IRRIGATION	SMITH-MAXWELL DITCH CO	rec combines 1-28C and 1-28E; 99.5 acres left		
						8.22	6.4							
WATER RIGHTS														
Basin	Seq	Seq/Suffix	Basin	Status	Priority Date	Rate(cfs)	Rate(cfs)	Rec (cfs)	Source	Water Use(s)	Owner(s)	Notes		
1	28		See Remarks			6.4			SNAKE RIVER		breman & williams	decreed @ 0.04 cfs/acre; split into A & B		
1	28A		See Remarks									split into C & D; 20% reduction applied		
1	28B		See Remarks									split into E & F; 20% reduction applied		
1	28C		Active		1890-02-21	4.14			SNAKE RIVER	IRRIGATION	FJELDSTED, EDGAR (Current)	pou win service area of smith maxwell		
1	28D	Decreed	Active		1890-02-21	1.82			SNAKE RIVER	IRRIGATION	CHRISTENSEN, GAYLEN (Current)			
1	28E	Decreed	Active		1890-02-21	0.4			SNAKE RIVER	IRRIGATION	CONTINENTAL LIFE INSUR	pou win service area of smith maxwell		
1	28F	Decreed	Active		1890-02-21	0.6			SNAKE RIVER	MINING	MONSANTO CO (Current)	T1641 (15 acres?); T2613		
						6.96								
WATER RIGHTS														
Basin	Seq	Seq/Suffix	Basin	Status	Priority Date	Rate(cfs)	Rate(cfs)	Rec (cfs)	Source	Water Use(s)	Owner(s)	Notes		
1	67		See Remarks			5					J O JARVIS	pou win service area of smith maxwell; 124 acres; split into A & B		
1	87A		See Remarks									split into C & D		
1	87B	Decreed	Active		1890-02-21	1.72			SNAKE RIVER	IRRIGATION	HAMILTON, HARRY (Current)	20% reduction applied		
1	87D	Decreed	Active		1890-02-21	3			SNAKE RIVER	IRRIGATION	HANSEN, B D (Current)	20% reduction applied		
1	87C**	Decreed	Active		1890-02-21	0.28			SNAKE RIVER	IRRIGATION	???	right not found in WR database but has been historically delivered; no evidence found showing		
AJ CLAIMS														
1	10058		Decreed	Active	1890-02-21	5		5	SNAKE RIVER	IRRIGATION	SMITH-MAXWELL DITCH CO	rec combines 1-87B, C, & D; 124 acres		
WATER RIGHTS														
Basin	Seq	Seq/Suffix	Basin	Status	Priority Date	Rate(cfs)	Rate(cfs)	Rec (cfs)	Source	Water Use(s)	Owner(s)	Notes		
1	169		See Remarks			6.4					C F SMITH	originally decreed to 160 acres within smith max service area		
1	169A		See Remarks									split into C & D		
1	169B		See Remarks									T1080 combined B & D to make E		
1	169C		See Remarks									split into F & G		
1	169D		See Remarks									T1080 combined B & D to make E		
1	169E	Decreed	Active		1890-02-21	4.8			CONANT CREEK	IRRIGATION	LOOSLI, E L (Current)	T2882; has been renumbered to 21-12901		
1	169F	Decreed	Active		1890-02-21	1.54			SNAKE RIVER	IRRIGATION	CHRISTENSEN, GAYLEN (Current)			
1	169G	Decreed	Active		1890-02-21	0.06			SNAKE RIVER	IRRIGATION	FJELDSTED, EDGAR (Current)			
						6.4								
AJ CLAIMS														
1	10058		Decreed	Active	1890-02-21	1.6		1.6	SNAKE RIVER	IRRIGATION	SMITH-MAXWELL DITCH CO	rec combines 1-169F and 1-169G; 40 acres left		
1	169E	Decreed	See Remark		1890-02-21	4.8		4.8	CONANT CREEK	IRRIGATION	LOOSLI, S LYNN (Current)	T2882; has been renumbered to 21-12901		
1	169F	Decreed	Active		1890-02-21	1.54		1.54	0 CORRAL CREEK	IRRIGATION	WHEATLEY, RALPH O (Current)	T2882; has been renumbered to 21-12901 disallowed; rec as 1-10058		
						6.4								
TOTAL SMITH MAXWELL CLAIMED					12.4									
TOTAL SMITH MAXWELL RECOMMENDED					10.58									
ACRE LIMIT					263.5									

SCANNED
OCT 20 2006

SCANNED
OCT 20 2006

Smith-Maxwell Ditch Co.

03S34E

21

22

23

29

28

27

Service Area Boundary

Water Right No.:

27-12108

1-10058

Point of diversion.shp

Service Area

Township/Range

Sections

QQ



0 1320 2640 3960 5280 Feet

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: E. Carlsen
Date: October 2005

SCANNED

AUG 24 1989

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: A01-10058
Date Received: 5/09/1989
Receipt No: E007254
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-785-0666

1. Name: SMITH-MAXWELL DITCH CO.
Address: C/O LAYNE HAMILTON
839 WEST RIVER ROAD
BLACKFOOT, ID 83221

A0110058



2. Date of Priority: FEB 21, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	37E	31	SE	SW	NE	7	BINGHAM
02S	36E	24	NE	SW	SE	2 I	BINGHAM
03S	34E	22	SE	SE	SE	7 R	BINGHAM

5. Description of diverting works:
RESERVATION CANAL-BLACKFOOT R.-HEADGATE SMITH-MAXWELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	12.400		

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

8. Total consumptive use is 2442.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A01-10058

Page 1

Date: 05/09/89

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OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
03S	34E	21	SE		SW	3	IRR	10.0	
			SE		SW	19	IRR		
			NE		SE	5	IRR	20.0	
			NE		SE	13	IRR		
			SW		SE		IRR	40.0	
			SE		SE	5	IRR	40.0	
			SE		SE	13	IRR		
					Section Acres			110.0	
		22	SE		NE	1	IRR	15.0	
			NE		SW	3	IRR	20.0	
			NW		SW	4	IRR	30.0	
			SW		SW		IRR	40.0	
			SE		SW		IRR	40.0	
NE			SE		IRR	35.0			
NW			SE		IRR	5.0			
SW			SE	6	IRR	38.0			
SE			SE	7	IRR	38.0			
SE			SE	8	IRR				
			Section Acres			261.0			
27	NW		NE	1	IRR	30.0			
	NE		NW	1	IRR	40.0			
	NW		NW		IRR	40.0			
	SW		NW	2	IRR	40.0			
	SE		NW	1	IRR	15.0			
	NW		SW	2	IRR	7.0			
				Section Acres			172.0		
28	NW		NE		IRR	40.0			
	SE		NE	5	IRR	39.0			
	NE		NW		IRR	40.0			
	NW		NW	1	IRR	30.0			
	NW		NW	11	IRR				
	SW		NW	2	IRR	40.0			
	SW		NW	12	IRR				
	SE		NW		IRR	5.0			
	NW		SW	3	IRR	30.0			
	NW		SW	13	IRR				
			Section Acres			224.0			
29	NE		NE	9	IRR	2.0			

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	29	SE	NE		IRR	28.0
			NE	SE	13	IRR	17.0
Section Acres							47.0
Total Acres							814.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THIS RIGHT IS A COMBINATION OF 01-00028C/00028D/00028E/00087B/
01-00087C/00087D/00169F/00169G

15. Basis of Claim: DECREED
Water Right Number: 010028
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of _____ Title

Smith Maxwell Ditch Company, that I have signed the foregoing Organization

document in the space below as Secretary of _____ Title

Smith Maxwell Ditch Co. and that the statements contained in the Organization

foregoing document are true and correct.

Layne Hamilton
Signature of Authorized Agent

Sec. Smith-Maxwell Ditch Co
Title and Organization

May 9 1989
Date

State of Idaho)
County of BOUNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 9 day

of May 19 89

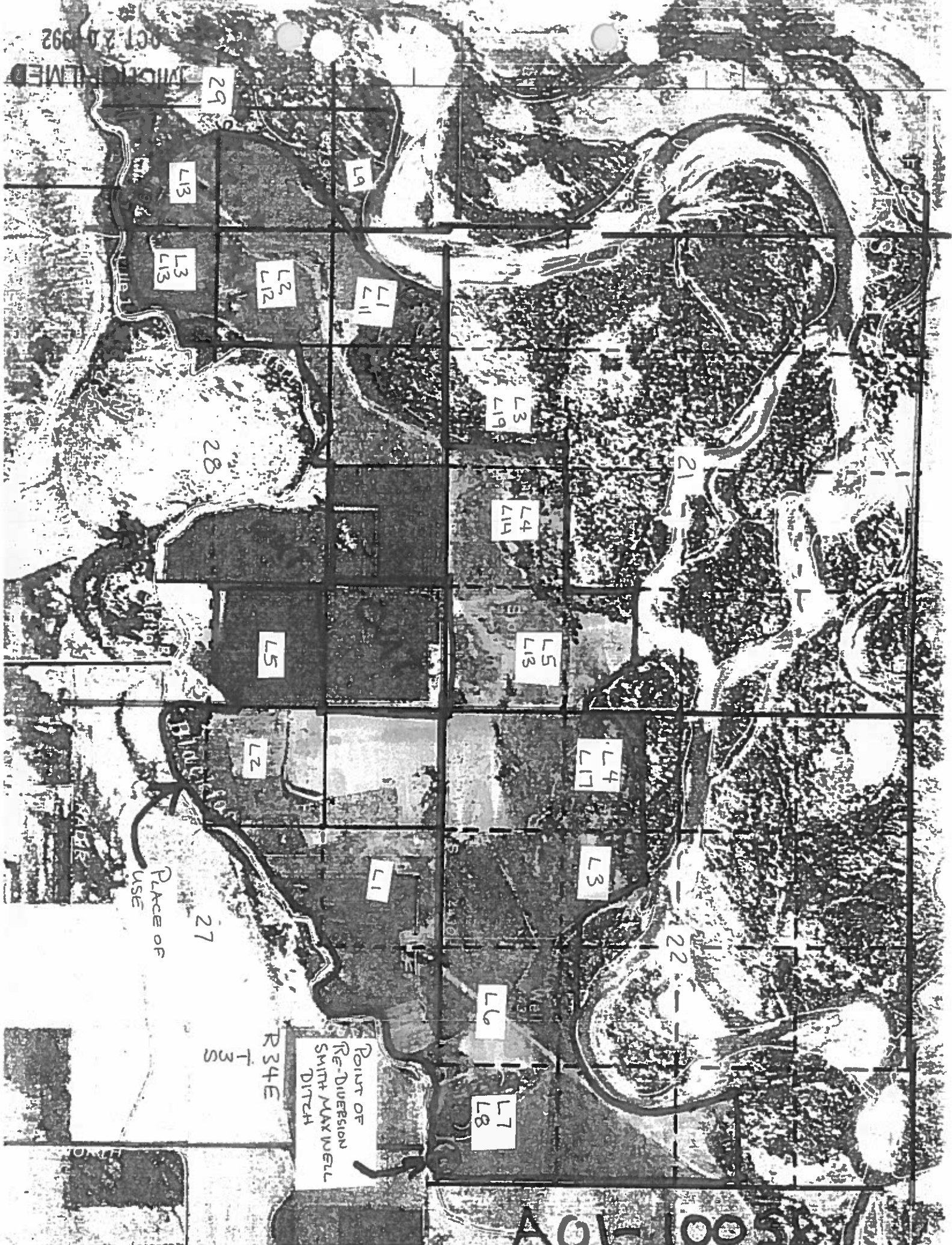
[Signature]
Notary Public

Residing at Idaho Falls

My Commission Expires 9-2-91



UNCLASSIFIED

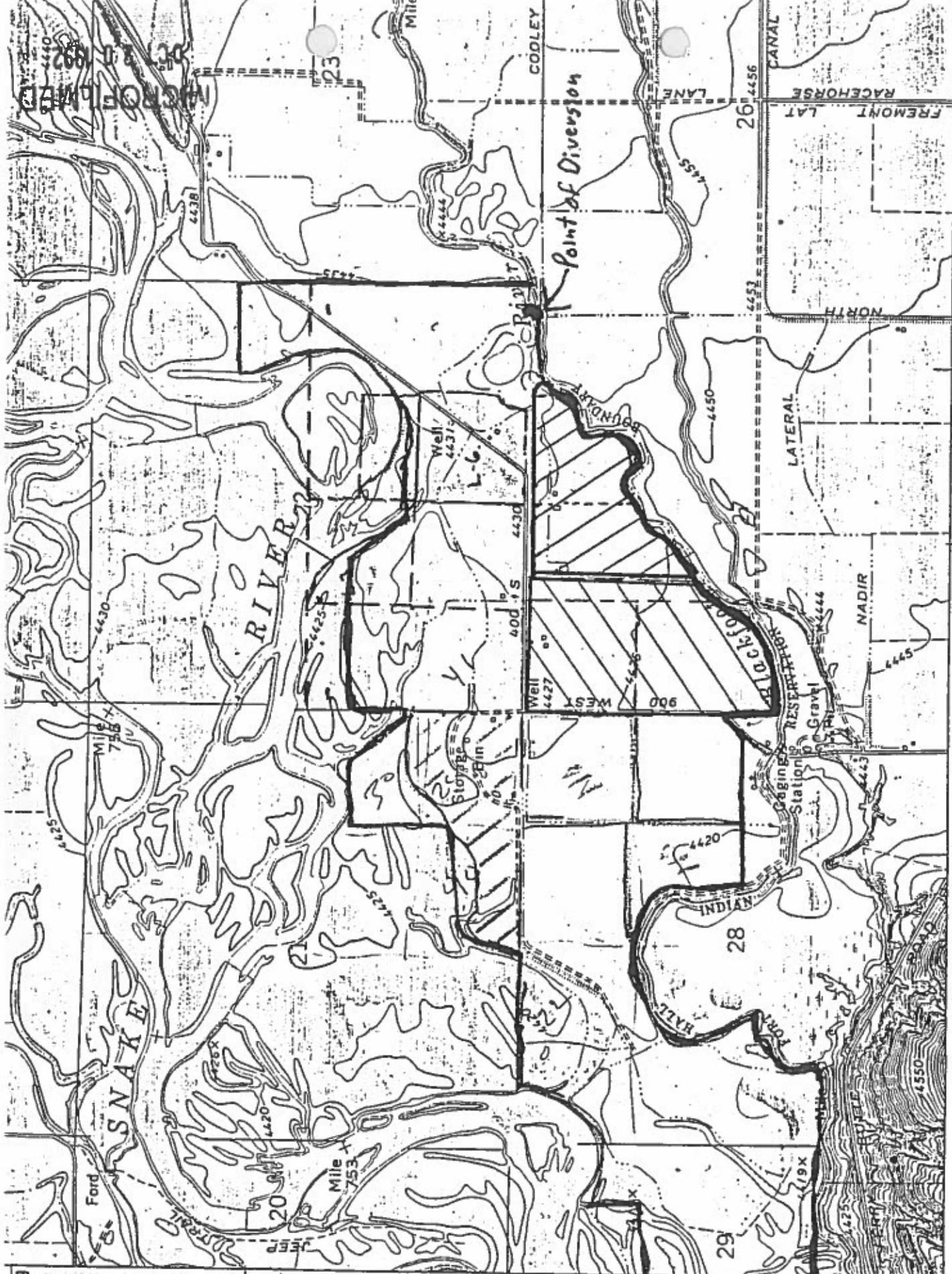


Place of use

Point of Re-Diversion
Smith Maxwell
Ditch

R34E

T3S



TS

540 000
FEET

P 34E

ACI-10058

3°07'30"

112°30'

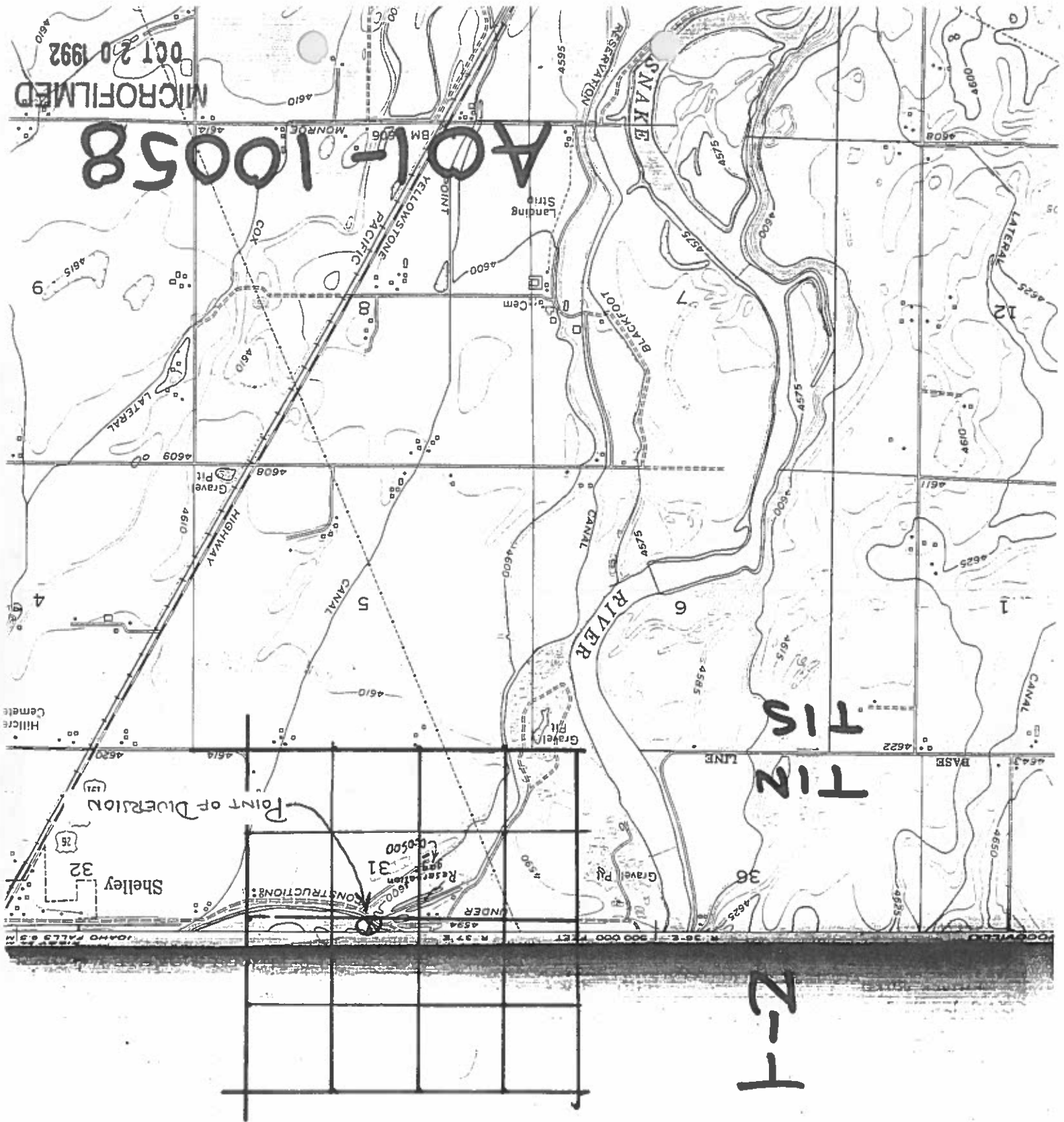
Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

10 11 56

R 37E

2-1



MICROFILMED
OCT 20 1992
AOL-10058

A topographic map of the Blackfoot River area, featuring contour lines, a grid, and various geographical labels. Handwritten annotations include 'AOL-10058' at the top, 'R36E T22S' on the right, and 'Point of Injection' near a circled feature. The map also shows 'BLACKFOOT RIVER', 'CANAL', 'RESERVATION', 'SLOUGH', 'WEEDING', 'ROAD', and 'INDIAN'. Grid numbers 13, 14, 18, 19, 23, 24, 25, 26, 30 are visible. A scale bar at the bottom indicates distances in miles and kilometers.