

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: A45-00682
Date Received: 5/ 5/1989
Receipt No: S007039
Received By: _____

Owner Change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEVIN T. SMITH
Address: RT 1 BOX 326
OAKLEY ID

208-862-3211
83346

work 678-6000

Name: TRINA K. SMITH
Address: RT 1 BOX 326
OAKLEY ID

208-862-3211
83346

2. Date of Priority: DEC 31, 1879

3. Source: MILL CREEK & ITS TRIBUTARIE Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	23E	32	SE	SW			CASSIA

5. Description of diverting works:
HEADGATE IN MILL CREEK. (BASIN CREEK).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 2.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/35 BEEF CATTLE OR DAIRY CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	23E	32	SW	NW		IRR	40.0
			NE	SW		IRR	3.0
			NW	SW		IRR	40.0
						Section Acres	83.0
						Total Acres	83.0

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:

OWNERSHIP CHANGE: M. ROY STEEL TO MR & MRS KEVIN T. SMITH ON
1/27/1993. COPY OF WARRANTY DEED ON FILE. RECEIVED 2/9/1993.
RVW 2/10/1993

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN
Decree Plaintiff

KYLE ADAMS
vs 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:

MICROFILMED

MAR 17 1993

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 _____

D. L. Evans Bank
"Idaho's Hometown Community Bank Since 1904"



**Kevin Smith**
Vice President/ Branch Manager

2281 Overland
P.O. Box 1188
Burley, Id 83318
Express Banking 1-888-873-9777

Phone: 208-678-6000
Fax: 208-678-6898
email: ksmith@delevans.com
www.delevans.com
cell: 208-431-6001

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

FEB 09 1993

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region Office

DATE OF CLOSING: January 27, 1993

LEGAL DESCRIPTION OF PROPERTY: Township 13 S Range 23 E
Section 32, 1/4 of 1/4 of 1/4, Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 45-00682, 45-00670A, 45-00670B, 45-00670C, and 45-0683

- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MARION ROY STEEL
1041 Wyoming Street
Gooding, Idaho 83330

- ☐ New Owner/Claimant (Purchaser): KEVIN T. SMITH and TRINA K. SMITH

- ☐ New Mailing Address: Route # 1 Box 326
Oakley, Idaho 83346

- ☐ New Telephone Number: (208) 862-3211

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) [Signature] Date 1/27/93

Date

- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

MAR 18 1993

23614

WARRANTY DEED

222953

For Value Received LAWRENCE D. STEEL as Personal Representative of the Estate of
Marion Roy Steel aka M. Roy Steel, deceased

RECEIVED

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
KEVIN T. SMITH and TRINA K. SMITH, husband and wife

FEB 09 1993

Address: Route #1 Box 32G
Oakley, Idaho 83346

Department of Water Resources
Southern Region Office

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho,
to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or
appurtenant thereto including but not limited to all water rights under State of Idaho
Adjudication Nos. 45-00682, 45-00670A, 45-00670B, 45-00670C, and 45-0683.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1993 and subsequent years.

Effects of Well Construction and Operating Agreement by and between Jesse R. Bedke
and Marguerite Bedke, husband and wife, M. Roy Steel and Iona Steel, husband and wife,
Silas Asahel Fairchild and Verla Fairchild, husband and wife, and LeRoy Day, a single
man, dated September 29, 1961 and recorded October 6, 1961 as Instrument No. 3678 on
Film No. 9, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: January 27, 1993



LAWRENCE D. STEEL, as Personal Represent-
ative of the Estate of Marion Roy Steel
aka M. Roy Steel, deceased

STATE OF IDAHO, COUNTY OF

On this day of , 19 ,
before me, a notary public in and for said State, per-
sonally appeared

known to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that executed the same.

Notary Public
Idaho.

Residing at
Commission expires:

STATE OF IDAHO, COUNTY OF CASSIA

On this 27th day of January, 1993, before
me the undersigned, a Notary Public in and
for said State, personally appeared LAWRENCE
D. STEEL, known or identified to me to be the
person whose name is subscribed to the within
instrument as Personal Representative of the
Estate of MARION ROY STEEL aka M. ROY STEEL,
and acknowledged to me that he executed the
same as such Personal Representative.

LARRY ROBERTS
NOTARY PUBLIC
STATE OF IDAHO

Residing at Burley, Idaho
My Commission Expires 6-30-97

Notary
Residing at: Burley, ID
Comm. Exp. 6-30-97

EXHIBIT "A"

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 32: Beginning at the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 32;
Thence East 20 rods;
Thence North 20 rods;
Thence West 20 rods;
Thence South 20 rods to the Point of Beginning.

EXCEPTING THEREFROM, that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section
32, more particularly described as follows:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32,
said corner marked by a $\frac{1}{2}$ inch rebar; Thence North 0°50'25"
West along the West line of Section 32 for 12.00 feet to a
 $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;
Thence North 00°50'25" West along the West line of Section 32
for a distance of 208.71 feet to a $\frac{1}{2}$ inch rebar;
Thence South 89°20'00" East for a distance of 208.71 feet to
a $\frac{1}{2}$ inch rebar;
Thence South 00°50'25" East for a distance of 208.71 feet to
a $\frac{1}{2}$ inch rebar in the approximate center of a county road;
Thence North 89°20'00" West along the approximate center of a
county road for a distance of 208.71 feet to the Point of
Beginning.

FF 600 DEPUTY
LAND TITLE & ESCROW

CASSIA COUNTY
FRANK B. KEANE
RECORDER

1993 JAN 28 PM 1:58

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 241

222953

MICROFILMED

MAR 08 1993

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: A45-00682
Date Received: 5/05/1989
Receipt No: S007039
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M. ROY STEEL 208-862-3647
Address: OAKLEY, ID 83346

2. Date of Priority: DEC 31, 1879

3. Source: MILL CREEK_ & ITS TRIBUTARIE Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	23E	32	SE	SW			CASSIA

5. Description of diverting works:
HEADGATE IN MILL CREEK. (BASIN CREEK).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		2.70

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 2.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/35 BEEF CATTLE OR DAIRY CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	23E	32	SW	NW		IRR	40.0
			NE	SW		IRR	3.0

A45-00682

Page 1

Date: 05/05/89

MICROFILMED
MAR 08 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	23E	32	NW SW		IRR	40.0
Section Acres						83.0
Total Acres						83.0

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:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/27/1987

A. KENNETH DUNN
Decree Plaintiff

vs

KYLE ADAMS
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 Individuals:

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

Signature of Claimant(s): x M Roy Stul Date: x 4-4-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of May 19 89

Seal

Robert V. Worstell
Notary Public

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

7/19/89

To - Don Schaff.

Adjudication Section Supervisor.

State Office

Department of Water Resources

Boise, Idaho

Re: Fee Refund.

Receipt 5007039

From: Bob Worstell, W. R. Agent.
Southern Region

I have mistakenly overcharged Mr. M. Roy Steel \$133 on May 5, 1989.

I took his 2 claims at that time, but did not understand that no fee was required for ~~decreed~~ claims on the water of Mill Creek which were decreed on March 27, 1987.

Mr. Steel filed a domestic claim for his home Well (A45-10470) at the same time. The total fee charged was \$158 of which \$133 was for claim A45-00682 which is to be refunded.

These records were put aside and I recently found them and am initiating the refunding process at this time.

MICROFILMED

MAR 08 1993

**IDAHO DEPARTMENT OF WATER
RESOURCES**

1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

TO

45-682

Whuch to me

SMITH
RT 1 BOX 32G
OAKLEY ID 83311

RP13523E323602



- ☒ Not Deliverable As Addressed
Unable To Forward
- ☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☒ No Such Street ☒ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due _____

*Kevin Smith
1596 S. Hwy 27
Oakley 83346*

11/08/2002 11/8/02

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

RIGHT NUMBER: 45-682
NAME AND ADDRESS: TRINA K SMITH
RT 1 BOX 32-G
OAKLEY ID 83346

KEVIN T SMITH
RT 1 BOX 32-G
OAKLEY ID 83346

SOURCE: MILL CREEK TRIBUTARY:
QUANTITY: 0.800 CFS
334.700 AFY
PRIORITY DATE: 12/31/1879
POINT OF DIVERSION:

T13S R23E S32 SESW Within CASSIA County
T14S R23E S4 NWNW Lot 4 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS 2.70 AFY
IRRIGATION	04/01 10/31	0.800 CFS 332.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R23E S32	SWNW	40.0	T13S R23E S32	NESW	3.0
T13S R23E S32	NWSW	40.0			

STOCKWATER same as IRRIGATION

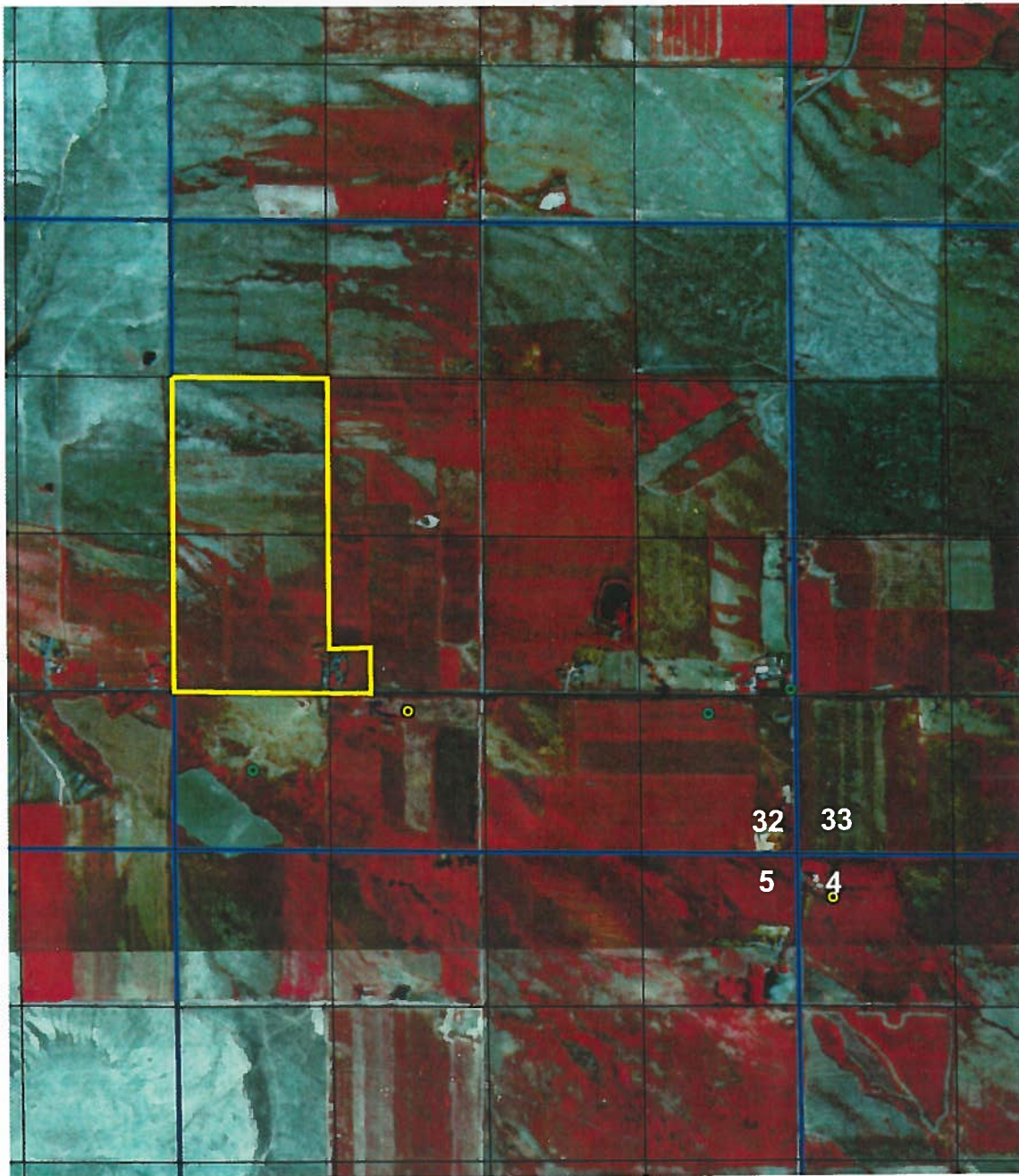
83 ACRES TOTAL

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: Decreed

45-682



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 8, 2002
TWP 13S, RNG 23E, SEC. 32

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

*also moved pool
slightly for 45-676
-677
-678
(Bedke)*

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-682 V1

WATER RIGHT NUMBER: 45-682 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TRINA K SMITH RT 1 BOX 32-G OAKLEY, ID 83346 (208)862-3211
Current Owner	KEVIN T SMITH RT 1 BOX 32-G OAKLEY, ID 83346 (208)862-3211
Original Owner	M ROY STEEL OAKLEY, ID 83346 (208)862-3647

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	2.70 AF
IRRIGATION	04/01 to 10/31	0.800 CFS	332.00 AF
	<u>Total Diversion:</u>	0.800 CFS	334.70 AF

Location of Point(s) of Diversion

MILL CREEK	L4 (NW1/4NW1/4)	Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA County		
MILL CREEK	SE1/4SW1/4	Sec. 32, Twp 13S, Rge 23E, B.M.
CASSIA 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	
13S	23E	32							40.0		3.0	40.0							83.0

Total Acres: 83

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-682 V1

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. JROBERTS 11/8/2002 Basis of Recommendation
Comment: Recommendation per approved transfer #4821, 3/27/1997.

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: 45A
 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

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	11/8/2002 9:49:31 AM	JROBERTS			Active
POD	11/8/2002 9:49:58 AM	JROBERTS			Active
Source	11/8/2002 10:41:48 AM	JROBERTS			Active
POU	11/8/2002 10:42:13 AM	JROBERTS			Active
Use	11/8/2002 10:43:17 AM	JROBERTS			Active
Season	11/8/2002 10:45:32 AM	JROBERTS			Active
Quantity	11/8/2002 10:47:06 AM	JROBERTS			Active
Summary			11/08/2002	JROBERTS	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-682 V1

Season	11/8/2002 10:45:31 AM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Priority Date	11/8/2002 9:49:30 AM	JROBERTS	(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	11/8/2002 9:49:56 AM	JROBERTS	(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?
POD	11/8/2002 9:58:17 AM	JROBERTS	Edited point location
POD	11/8/2002 9:58:26 AM	JROBERTS	Edited PLS
POD	11/8/2002 10:03:22 AM	JROBERTS	Edited point location
POD	11/8/2002 10:03:30 AM	JROBERTS	Edited PLS
Source	11/8/2002 10:41:48 AM	JROBERTS	(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	11/8/2002 10:42:12 AM	JROBERTS	(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?
POU	11/8/2002 10:42:58 AM	JROBERTS	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-682 V1

Use	11/8/2002 10:43:16 AM	JROBERTS	(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?
Quantity	11/8/2002 10:47:06 AM	JROBERTS	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - set by approved transfer #4821.
Summary	11/8/2002 10:50:33 AM	JROBERTS	(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. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Southern

TRANSFER OF WATER RIGHT

TRANSFER NO. 4821
WATER RIGHT NO. 45-00682

REC W EID

APR 02 1997

Department of Water Resources
Southern Region

This is to certify that: KEVIN T SMITH
TRINA K SMITH
RT 1 BOX 32-G
OAKLEY ID 83346

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	332.0 AF
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
	Totals	* 0.80 CFS	* 334.7 AF

SOURCE

MILL CREEK

Priority: 12/31/1879

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 32, Township 13S, Range 23E
Lot 4(NWNW), Sec. 4, Township 14S, Range 23E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	23E	32	SWNW 40	NESW 3	NWSW 40	83
Total number of acres irrigated:						83

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

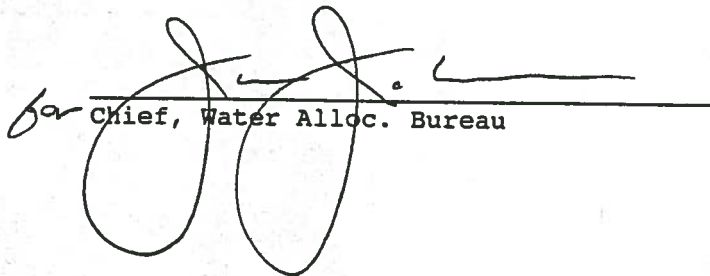
45-00682 4821

TRANSFER NO. 4821
WATER RIGHT NO. 45-00682

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.
8. 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.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer No. 4821 shall not exceed 0.80 cfs, nor total combined annual volume of 334.7 af.

Dated this 27TH day of MARCH, 1977.


for Chief, Water Alloc. Bureau

FEB 18 1997

FROM: Allen Merritt *Adm*

DATE: February 18, 1997

TO: Transfer File No.: 4820
4821
4822In the Name of: Fairchild
Smith
Fairchild

SUBJECT: Review and Recommendation

These three transfers are related and should be reviewed together.

Transfer 4820 & 4822 in the name of Fairchild creates a PPU of 145 acres within Section 32, Twp.13S, Rge.23E, B.M. This is done by moving rights from Section 31 and re-configuring rights in Section 32. As part of this scheme a new point of diversion is identified to allow for gravity pressurization of a sprinkler system. Transfer 4821 in the name of Smith proposes to utilize the same new point of diversion for pressurization of his rights on his lands.

Transfers 4821 & 4822 were protested by Marchant. The applicants and the protestant worked out an agreement and the protest was withdrawn pursuant to the agreement.

These transfers are located in water district 45-A but it was inactive in 1996.

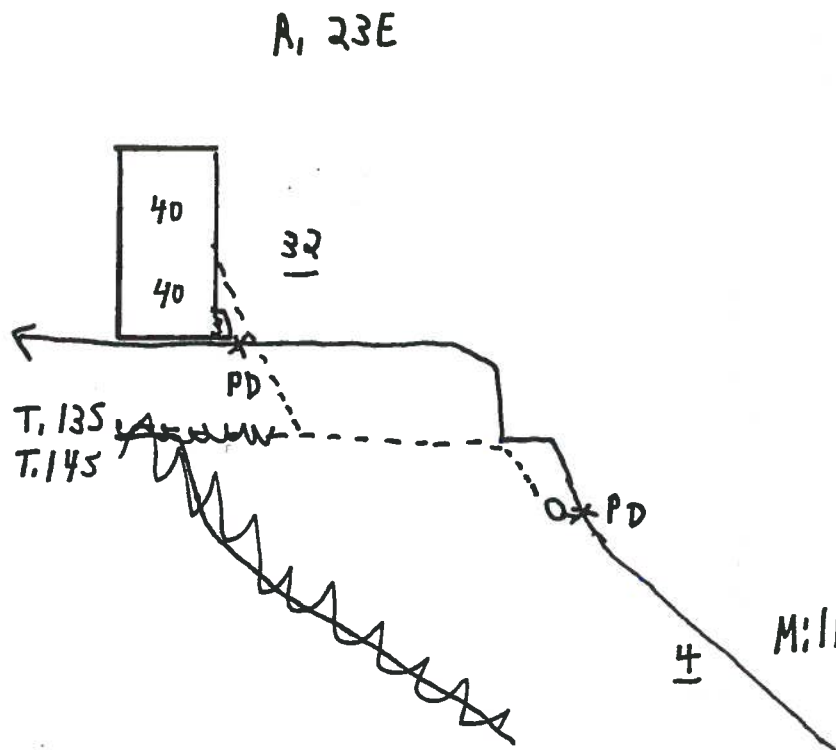
RECOMMENDATION

I recommend that these transfers be approved subject to the following conditions:

- Subject to SRBA.
- Under control of Watermaster of Water District 45-A.
- Measuring device & control works be maintained at all points of diversion/ point of injection/ point of rediversion.
- Subject to private agreement between applicants & protestant.
- Rights 45-00573 & 45-00668 are relinquished to eliminate potential for expansion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-682

WATER RIGHT NUMBER: 45-682

Owner Type Name and Address

Original Owner M ROY STEEL

, ID

Current Owner KEVIN T SMITH
RT 1 BOX 32-G
OAKLEY, ID 83346
(208)862-3211Current Owner TRINA K SMITH
RT 1 BOX 32-G
OAKLEY, ID 83346
(208)862-3211

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

SourceTributary

MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	2.70 AF
IRRIGATION	4/01 to 10/31	0.800 CFS	332.00 AF
	<u>Total Diversion:</u>	0.800 CFS	334.70 AF

Location of Point(s) of DiversionMILL CREEK L4 (NW1/4NW1/4) Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA CountyMILL CREEK SE1/4SW1/4 Sec. 32, Twp 13S, Rge 23E, B.M.
CASSIA CountyPlace of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	23E	32							40.0		3.0	40.0							83.0

Total Acres: 83

STOCKWATER same as IRRIGATIONConditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-682

3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 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.
7. 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.
8. 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.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer No. 4821 shall not exceed 0.80 cfs, nor total combined annual volume of 334.7 af.

Comments:

1. MBALDWIN 4/29/1996 TRANSFER NO. 4821
Comment: Transfer No. 4821 adds a point of diversion under Right No. 45-00682.

Dates and Other Information:

Licensed Date:
Decreed Date: 3/27/1987
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 45A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Feb-1993

MR & MRS KEVIN T. SMITH
RT 1 BOX 326
OAKLEY ID 83346

Re: Change of Ownership of Adjudication Claims **A45-00682**,
A45-00670A, A45-00670B, A45-00670C & A45-00683.

Dear Mr & Mrs Smith;

I have received your Notice of Change of Water Right Ownership (Dated 1/27/93 & received 2/9/93) requesting the change of the above 5 Adjudication Claims from ownership by the Estate of Marion Roy Steel to your names pursuant to the Warranty Deed you submitted with this notice which shows that you purchased the Estate's property in Section 32 of T13S, R23EBM.

I have only been able to change one of these claims (A45-00682) ownership to your names because Idaho Department of Water Resources records show the following:

Claims A45-00670B & A45-00683 were claimed for lands in Sect. 4 of T14S, R23EBM and claimed by Mr & Mrs Rickie Spearin. This area is not covered in Exhibit A of the Warranty Deed that you submitted with the Notice of Change of Ownership.

Claims A45-00670A & A45-00670C were not claimed in the Snake River Basin Adjudication by Mr M. Roy Steel - perhaps because the priority date of 1894 was later than the 1879 priority date of other claims on Mill Creek water. Claim A45-00670C was also for land in Sect. 9, T14S, R23EBM. (not covered by Exhibit A of the Warranty Deed).

A copy of claim **A45-00682** with the ownership changed to your names is enclosed. Please examine it carefully and contact this office promptly if you have questions.

Respectfully,

Robert V. Worstell
Sr. Adjudication Agent

5 Enclosures

Cc: Land Title & Escrow
P O Box 177, Burley ID 83318

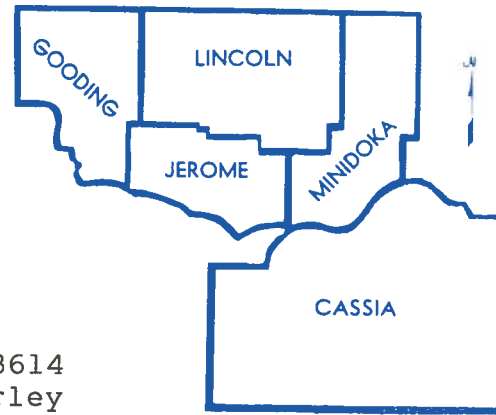
File #23614

MICROFILMED

MAR 08 1993

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #23614
OFFICE: Burley

February 8, 1993

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

FEB 09 1993

Department of Water Resources
Southern Region Office

Dear Clerk:

Enclosed please find an original Notice of Change of Water Right Ownership executed by Kevin T. Smith and Trina K. Smith. Would you please record this transaction into the proper records and return a receipted copy to this office.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Escrow Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 1199

MICROFILMED

MAR 08 1993

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

Date	2633
Code	08/24/90
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME:

DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

M. ROY STEEL
OAKLEY, ID 83346

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REFUNDS PER D. SHAFF WR #A45-00682 4/ 4/90 133.00	133.00	
TOTAL						133.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

MICROFILMED

MAR 08 1993

Date

Head of Agency or Institution

State Auditor



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 23, 1990

M. Roy Steel
Oakley, ID 83346

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A45-00682
Receipt #S007039 - \$133.00

RECEIVED

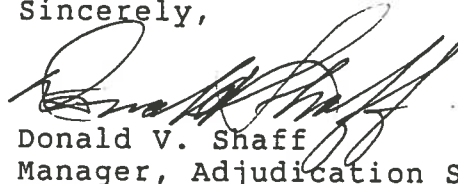
AUG 28 1990

Department of Water Resources
Southern Region Office

Dear Mr. Steel:

An overpayment of your filing fees has been brought to our attention on your above claim in the amount of \$133.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,



Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref:south

MICROFILMED

MAR 08 1993

Fiscal 8-22-90

TO: Debbie Allen

FROM: D. Shaff

DATE:

8-20-90

RE:

Receipt

S007039

Refund

Yes

Please process a refund of \$133.⁰⁰

to:

M. Roy Steel

Oakley, ID

83346

A45-00682

(Mill Creek Drainage)

Claim filed 5/5/89, Due 6/8/89

Mill Creek in Basin Creek Drainage.

No fee's required.

Not refunded as of 8/14/90 ditto/af 8-16-90

OK to refund. JPC 8/14/90

MICROFILMED

MAR 08 1993

SD-169

II IO DEPARTMENT OF WATER RESOURCES
RECEIPT MAINTENANCE II - MAINT. SCREEN 1

DATE: 08/14/90
TIME: 10:32:39

RECEIPT NUMBER : S007039

RECEIPT AMT : 158.00

RECEIPT TYPE : CK
DATE & TIME : 05/05/89 15:59:11
FROM PAYER : STEEL, M. ROY
USER ID : WORSTELL
ADJUST FLAG : A
TRANS NUMBER : 89-000
AR NUMBER :
RECEIPT REMARKS :
UPDATE REMARKS :
AMOUNT REFUNDED :
REFUND REASON :
REFUND NAME :

CHECK NUMBER: 196
JULIAN DATE : -

REC. GROUP : W
TRANS YR-MO : 1989-05

REFUND DATE : / /

REFUND CK NO:

RECEIPTED FEES : X

WATER RIGHT NUMBERS: X

(ENTER=CONTINUE) (GOLD2=UPDATE)

MICROFILMED

MAR 08 1993

DATE: 08/14/90
TIME: 10:32:50

158.00

QUESTION	ANSWER	QUESTION	ANSWER	QUESTION	ANSWER
1. What is the primary purpose of a business plan?	To outline the business's goals and strategies for achieving them.	2. What are the key components of a business plan?	Executive Summary, Business Description, Market Analysis, Financial Projections, and Management Team.	3. How does a business plan help in securing funding?	It provides a clear roadmap and demonstrates the viability of the business to investors and lenders.
4. What is the importance of market research?	It helps identify target audiences, understand market trends, and assess competition.	5. How can a business plan be used for internal communication?	It serves as a communication tool to align the team and ensure everyone is working towards the same goals.	6. What are the risks of not having a business plan?	Lack of direction, poor decision-making, and difficulty in securing funding.
7. How often should a business plan be updated?	Regularly, as the business evolves and market conditions change.	8. What is the role of a business plan in strategic planning?	It provides a framework for setting strategic goals and developing action plans.	9. How can a business plan be used for performance evaluation?	It allows the business to track progress against its goals and identify areas for improvement.
10. What are the common mistakes to avoid when creating a business plan?	Lack of research, unrealistic financial projections, and poor organization.	11. How can a business plan be used for fundraising?	It provides a clear picture of the business's needs and potential, making it easier to attract investors.	12. What is the importance of a strong executive summary?	It is the first section of the plan and provides a concise overview of the entire document.
13. How can a business plan be used for risk management?	It helps identify potential risks and develop strategies to mitigate them.	14. What are the benefits of having a business plan?	Clarity of vision, improved decision-making, and increased credibility.	15. How can a business plan be used for marketing?	It provides a framework for developing marketing strategies and campaigns.
16. What is the role of a business plan in financial planning?	It provides a basis for developing financial projections and budgets.	17. How can a business plan be used for human resources?	It helps in defining roles, responsibilities, and developing a recruitment strategy.	18. What are the key factors to consider when developing a business plan?	Market research, financial projections, and a strong management team.
19. How can a business plan be used for legal compliance?	It helps in understanding the legal requirements of the business and ensuring compliance.	20. What is the importance of a strong management team?	It is crucial for the success of the business and for implementing the business plan.	21. How can a business plan be used for innovation?	It provides a framework for developing new products and services.
22. What are the common challenges faced when creating a business plan?	Lack of information, time constraints, and limited resources.	23. How can a business plan be used for sustainability?	It helps in identifying sustainable business practices and developing strategies to implement them.	24. What is the importance of a strong business model?	It is the foundation of the business and determines its profitability.
25. How can a business plan be used for social responsibility?	It helps in identifying social and environmental issues and developing strategies to address them.	26. What are the key elements of a successful business plan?	Clear goals, realistic financial projections, and a strong management team.	27. How can a business plan be used for growth?	It provides a framework for developing growth strategies and identifying new opportunities.
28. What is the importance of a strong business plan?	It is essential for the success of the business and for achieving long-term goals.	29. How can a business plan be used for networking?	It provides a common ground for discussion and helps in building relationships.	30. What are the key factors to consider when evaluating a business plan?	Clarity, realism, and the strength of the management team.

MICROFILMED
MAR 08 1993

MEMO

TO: Don Shaff
Adjudication Section Supervisor
State Office
Department of Water Resources
Boise, ID

FROM: Bob Worstell
Water Resource Agent
Southern Region

Date: July 20, 1989

Re: Fee Refund on Receipt No. S007039

I have mistakenly overcharged Mr. M. Roy Steel \$133.00 on May 5, 1989. I took his two claims at that time, but did not understand that no fee was required for claims on the rights of Mill Creek which was decreed on March 27, 1987.

Mr. Steel filed a domestic claim from his own home well (A45-10470) at the same time. Total fee charged was \$158.00 of which \$133.00 was for claim A45-00682 which is to be refunded.

These records were put aside until I recently found them and am initiating the refunding process at this time.

A handwritten signature in blue ink that reads "Bob" with a stylized flourish underneath.

A small, handwritten mark in blue ink, possibly initials, located to the right of the signature.
MICROFILMED
MAR 08 1993

MEMO

TO: Don Shaff *OK 8-20-90*
Adjudication Section Supervisor
State Office
Department of Water Resources
Boise, ID

RECEIVED
JUL 21 1989

Department of Water Resources

FROM: Bob Worstell *Bob*
Water Resource Agent
Southern Region

Date: July 20, 1989

Re: Fee Refund on Receipt No. S007039

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These records were put aside until I recently found them and am initiating the refunding process at this time.

Claimed as decreed per WR side of data base

MICROFILMED

MAR 08 1993

S007039

05/05/89
15:59:11

STEEL, M. ROY

ADJUDICATION FEE

0410162 9337 6490

\$158.00

\$158.00

CHECK 196

WR/NO: A45-10470 A45-00682

Idaho Department of Water Resources

Region: SOUTHERN

Signature: _____

MICROFILMED

MAR 08 1993