

09/05/2006

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

RIGHT NUMBER: 22-2156

NAME AND ADDRESS: JOHN H SMITH & SONS INC
PO BOX 375
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.900 CFS
511.00 AFY

PRIORITY DATE: 08/03/1954

POINT OF DIVERSION: T06N R40E S21 SWSENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.900 CFS 511.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S21	NENE	37.00	T06N R40E S21	NWNE	8.00
T06N R40E S21	SWNE	11.00	T06N R40E S21	SENE	39.00
T06N R40E S21	NESE	39.00	T06N R40E S21	NWSE	12.00

146 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.

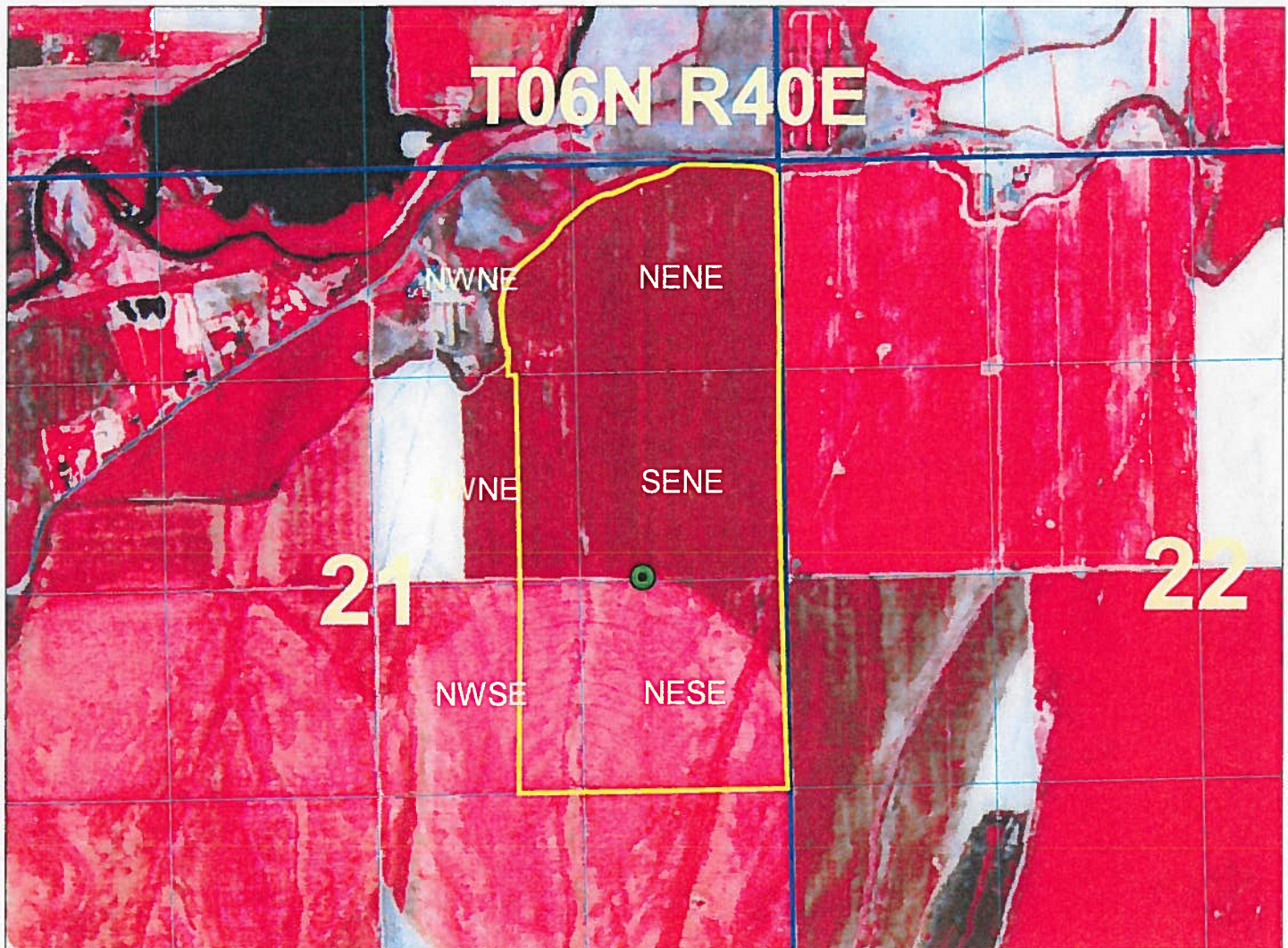
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Department of Water Resources

Eastern Region



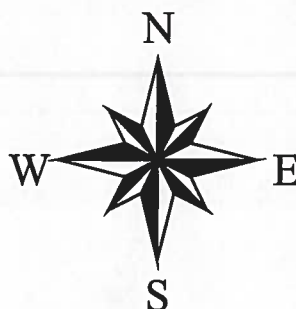
Claim No.: 22-2156



0 660 1320 1980 2640 Feet

A scale bar showing distances in feet: 0, 660, 1320, 1980, and 2640.

- Point of Diversion
- 22-2156.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

OKJC
9-1-06

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

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
no fee — 22-2156					
no fee — 22-7054A					
\$25 — 22-7509					

sent copy
to Boise

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **\$25**
- 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) John H. Smith and/or Josephine H. Smith
P.O. Box 805, Rexburg, Idaho 83440
4. New Owner/Claimant(s) John H. Smith & Sons, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 375
- City, State and ZIP Code Rexburg, Idaho 83440
- New Telephone Number (208) 356-9009
5. Date you acquired the property December 23, 1983

RECEIVED

APR 20 2006

Department of Water Resources
Eastern Region

RECEIVED

JUN 19 2006

Department of Water Resources
Eastern Region

5-11777-N
ALLIANCE

**CORRECTION WARRANTY DEED
CORRECTING WARRANTY DEED INSTRUMENT NO. 201886**

For Value Received JOHN H. SMITH and JUNE SMITH, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

JOHN H. SMITH AND SONS INC., an Idaho Corporation

whose current address is

PO BOX 375
Rexburg, Idaho 83440

the grantee(s), the following described premises, in Madison County Idaho, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

John H. Smith
John H. Smith

June Smith
June Smith

STATE OF Idaho, COUNTY OF Madison
On this 1 day of April, 1997

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

John H. Smith
June Smith

known to me to be the person(s) whose name(s)
subscribed to the within instruments and acknowledged to
me that they executed the same.

NOTARY
Notary Public
Residing at Rexburg City
Comm Expires 1-17-97

State of Idaho
County of Madison SS 266427

I hereby certify that the within instrument was

Recorded MAY 14 1997

Recorded at 5:01 PM

266427

by SE B BEEBE Notary

At the County of

ALLIANCE TITLE & ESTATE

NE1/4 AND T
MERIDIAN, N

ALSO

NORTHEAST
MERIDIAN, N

EXCEPTING
COMMENCING
THE NE1/4 A
OF 400 FEET
FEET TO THE

ALSO EXCEPTING
A PARTIAL C
THE NW COR
WOODMANS
DITCH IN A
WITH THE C
THEN SOUTH

"EXHIBIT A"

266427

NE1/4 AND THE SE1/4 OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO

ALSO

NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO.

EXCEPTING THEREFROM, A PARTIAL OF PROPERTY DESCRIBED AS FOLLOWS;
COMMENCING AT A POINT WHERE THE COUNTY ROAD INTERSECTS THE LINE BETWEEN
THE NE1/4 AND THE NW1/4 OF SECTION 21 AND PROCEEDING THENCE EAST A DISTANCE
OF 400 FEET, THENCE SOUTH 250 FEET; THENCE WEST 400 FEET; THENCE NORTH 250
FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARTIAL OF LAND COMMENCING AT A POINT 660 FEET SOUTH AND 265 FEET EAST OF
THE NW CORNER OF THE NE1/4 OF SECTION 21, AND PROCEEDING THENCE EAST TO THE
WOODMANSEE/JOHNSON IRRIGATION DITCH, THENCE FOLLOWING THE IRRIGATION
DITCH IN A NORTHEASTERLY DIRECTION UNTIL SAID IRRIGATION DITCH INTERSECTS
WITH THE COUNTY ROAD, THENCE FOLLOWING THE COUNTY ROAD IN A WEST AND
THEN SOUTHWESTERLY DIRECTION BACK TO THE POINT OF BEGINNING.

This notice is
December 16

THIS

Moore, Chie

Service, De

21st Street,

WITI

of Robert Cl

property wa

Officer in tl

Revenue C

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WH

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Revenue C

Building, 5

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Sue Tullot

WARRANTY DEED

WARRANTY DEED made this 23rd of December 1983 between **JOHN H. SMITH, and JUNE SMITH, Husband and Wife, of 350 South 4th East City of Rexburg County of Madison, State of Idaho** hereinafter referred to as Grantors and **JOHN H. SMITH & SONS, INC. an Idaho Corporation with its principal place of business at Route 4 Box 11 City of Rexburg County of Madison State of Idaho, hereinafter referred to as Grantee,**

WITNESSETH:

That Grantors, for and in consideration of the sum of **TEN AND NO/100 DOLLARS** and other valuable consideration, the receipt of which is hereby acknowledged have granted, bargained, and sold, and do, by these presents grant bargain sell convey, and confirm unto Grantee and its heirs and assigns forever all the following described real property situated in the County of Madison State of Idaho more particularly described as follows:

*****NE1/4 SE1/4 Section 21 Township 6 North Range 40 East, Boise Meridian;**

ALSO:

NE 1/4 of Section 28, Township 6 North Range 40 East, Boise Meridian.

EXCEPTING THEREFROM, a partial of property described as follows:

Commencing at a point where the County road intersects the line between the NE1/4 and the NW1/4 of Section 21 and proceeding thence East a distance of 400 feet thence South 250 feet; thence West 400 feet; thence North 250 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

A partial of land commencing at a point 660 feet South and 265 feet East of the NW corner of the NE1/4 of Section 21 and proceeding thence East to the Woodmansee/Johnson irrigation ditch thence following the irrigation ditch in a northeasterly direction until said irrigation ditch intersects with the County road; thence following the County road in a West and then Southwesterly direction back to the point of beginning ***

TOGETHER with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining the revers on and reversions remainder and remainders rents, issues, and profits thereof; and all estate, right, title and interest in and to the property as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above described premises together with the appurtenances unto Grantee and its heirs and assigns forever

And Grantors and their heirs shall and will WARRANT and by these presents forever defend the premises in the quiet and peaceable possession of Grantee its heirs and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claim the same.

IN WITNESS WHEREOF, Grantors have hereunto set their
hand on the day and year first above written.

John H. Smith
JOHN H. SMITH Grantor

June F. Smith
JUNE F. SMITH Grantor

STATE OF IDAHO)
COUNTY OF MADISON) SS.

On this 22 day of December, in the year of 1983
before me a Notary Public in and for said State personally
appeared JOHN H. SMITH and JUNE F. SMITH, Husband and Wife,
known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same.



[Signature]
Notary Public
Residing In [Signature]
My Commission Expires [Signature]

State of Idaho } ss 201896
County of Madison, }

I hereby certify that the within instrument was

filed Dec. 30

in 83 at 9:30 P.M., and

recorded on Film 201786

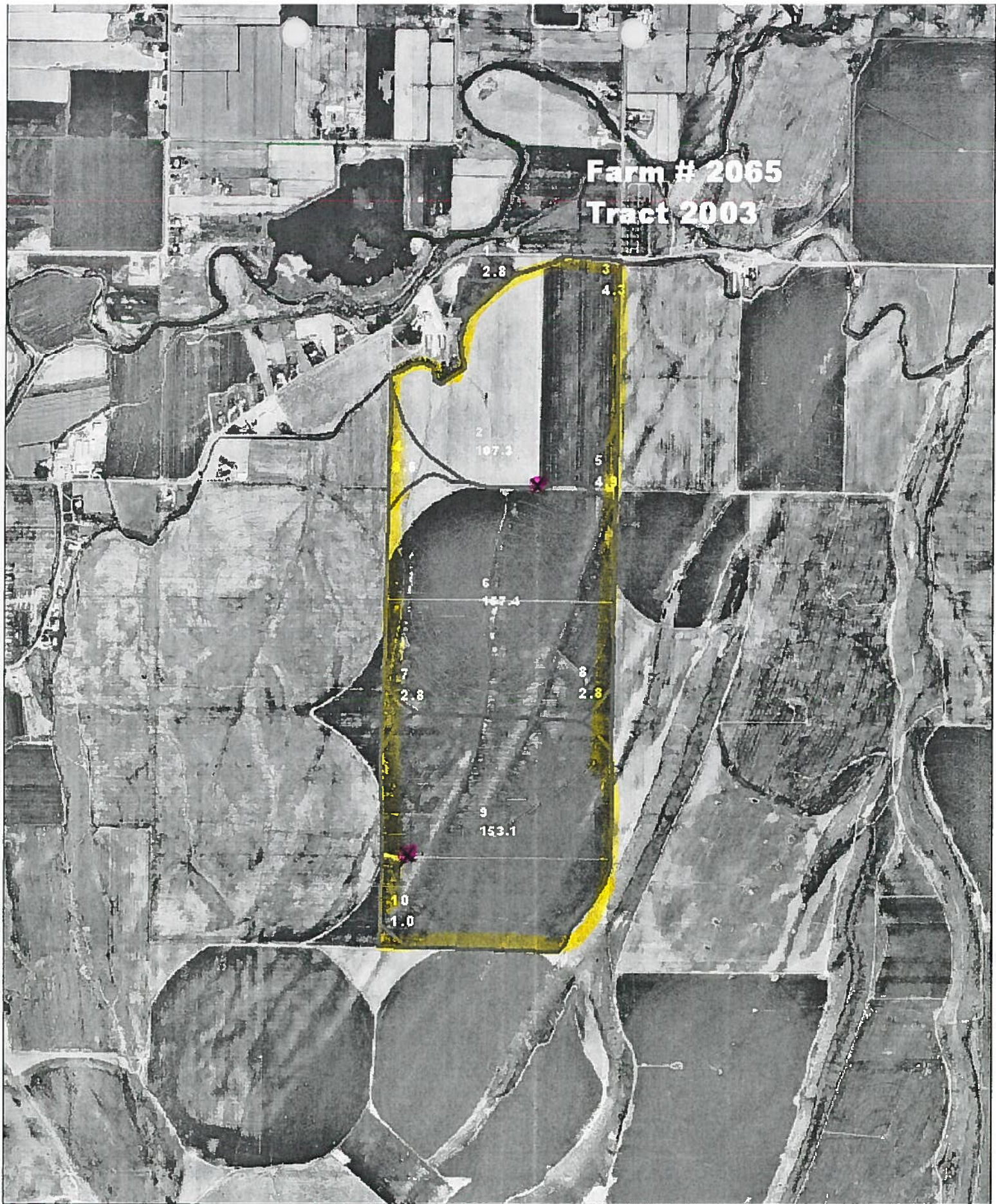
Fee 6.00

by NELLIS H. GARNES, Recorder

May Ann Blum Deputy

At the request of R. J. Huupf

WARRANTY DEED
1085b



Map of Tract 2003

0.2 0 0.2 0.4 0.6

0.8 Miles

N



Map Printed: Dec 12, 2003

BILLY G. DUPREE, JR.
ATTORNEY AT LAW
P.O. Box 723 • 58 East First North • Rexburg, Idaho 83440
Bus. (208) 356-0180 • Fax (208) 356-0238

June 16, 2006

Jennifer Crabtree
Technical Records Specialist
IDWR Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Notice of Change in Water Right Ownership from John H.
Smith and/or Josephine H. Smith to John H. Smith & Sons, Inc.

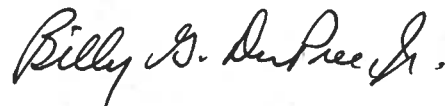
Dear Ms. Crabtree:

Per your letter to John H. Smith & Sons Inc. dated April 21, 2006, I am resubmitting the following with the correct filing fee:

1. State of Idaho Department of Water Resources Notice of Change in Water Right Ownership completed and signed by John H. Smith & Sons, Inc.
2. Copies of Warranty Deed dated December 23, 1983 and Correction Warranty Deed executed May 1, 1997 with attached legal description.
3. Aerial photo with the irrigated acres outlined in yellow and each of the two points of diversion is marked with an "x."
4. Check made payable to the IDWR in the sum of \$25.00 for the filing fee.

Please process the change in water right ownership as soon as possible. Please telephone me, if you have any questions or need any additional information. Thank you for your assistance.

Very truly yours,



Billy G. DuPree, Jr.

BGD/law
Enclosure

RECEIVED

JUN 19 2006

Department of Water Resources
Eastern Region

December 29, 2005

DANNI SUMMERS
1500 S 3000 E
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR: 22-02156

Dear Mrs. Summers:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by John and Josephine Smith. The legal description is as follows:

TOWNSHIP 06N RANGE 40E SECTION 21	NENE
TOWNSHIP 06N RANGE 40E SECTION 21	SWNE
TOWNSHIP 06N RANGE 40E SECTION 21	NESE
TOWNSHIP 06N RANGE 40E SECTION 21	NWNE
TOWNSHIP 06N RANGE 40E SECTION 21	SENE
TOWNSHIP 06N RANGE 40E SECTION 21	NWSE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change of Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 208-525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

POST OFFICE
CLINTON, MO.
IDAH0 83402

ESS SERVICE
QUESTED

 **ATTEMPTED
NOT KNOWN**

 **ATTEMPTED
NOT KNOWN**

JOHN H SMITH
JOSEPHINE H SMITH
PO BOX 805
REXBURG, ID 83440

1047 U.S. POSTAGE
\$960-00-60 DEC 02 2005
FBI MAIL ROOMER CAPDP 83402

Total acres is more than claimed

DSrS Inc

John Smith

Charlotte R Walker

DSrS Inc

Need to find claims 7510, 7509, 4192, + 7538.

Claims overlap + correspond to the same ground in places.

Claim no. A22-2156

Claimant Contact Log

<u>Date</u>	<u>Remarks</u>	<u>Agent initials</u>
-------------	----------------	-----------------------

11/17/04	See A22-7054A → Danny Summers new owner.	
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11/20/04	field inspection w/ Danny Summers	BAC
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Contacts Data Entry Form

Claim Number: A22-2156

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

- ① See contract by A22-7054A. Smith told me on the telephone that Panny Summers is the new owner. During field inspection Summers told me that for Smith's tax purposes it is actually a lease through 2007 and then will become an actual sale. Summers is confident attorneys will file a ownership at the appropriate time.
- ② Summers was not too confident about mapping 1987 conditions as he did not own the farm then. However the claim sketch and claimed area together with WR 22-7509 (post-AE) adequately cover existing irrigated lands. See attached photo of Summers' farm map.
- ③ Besides 22-7509, WR 22-7510 (post-AE) is directed from this well. Currently lands of A22-4192 are also irr from this well but they are not owned by Mr. Summers. Claimants of A22-4192 state their practice started before 1987 but Summers did not want to file any enlargement claim to add those lands. The map of current irrigation shows two mini pivots in 6N 40 E 20 & 6N 40 E 29. I did not look these up on the internet but I expect a third post-AE WR covers these. See attached printout of Internet search for 6N 40 E 21 and WR 22-7509 and 22-7510

BAC 11/27/04

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A22-2156

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

3 Aug 1954 per photocopy of license. YBae 11/27/04

Reviewer: _____

Date: _____

Water Right No(s). A22-2156



GPS DATA:

Tag # A 0212234 Location: motor panel

Diversion Data:

Source: Well Trib to: _____

MOTOR

Make: US Model: _____ Hp: 150
SN: C2894-00-168

PUMP

Make: Kearns Model: _____ Disch: _____
SN: 167665

NOTES:

In 1987 & currently this well is tied to mainline
W/ 000 of A22-7054A and A22-7054B. Bac 11/27/04

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: A22-2156Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Claim? License show 6N 40E 21 SE NE. GPS puts well in NESE but the distance from SE NE is less than the precision of the GPS unit so the claimed/licensed location could be correct. Waypoint 37, 2681592E 1406044N JOTM E3.

BAC 27 Nov 04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-2156

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Danny Summers was unsure of actual 1987 water usage (POU) but claim & claim map are consistent w/ 1987 NAPP. Acreage per Q2 of claim A22-2156 and post-AF license 22-7509 together adequately covers what is shown in Summers' farm map (photo attached to notes following review section). Spatial Dynamics layout appears correct for 1987 condition per map in claim. BAC 27 Nov 04.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry FormClaim Number: A22-2156**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

License shows 1.9 cfs w/o specifying season. Dec 27 Nov 04

Reviewer: _____

Date: _____

Current Condition Map (fall 2004) A22-7054A, A22-7054B, A22-2156, A22-4192, 22-7509, 22-7510, perhaps other WR or AJ claims

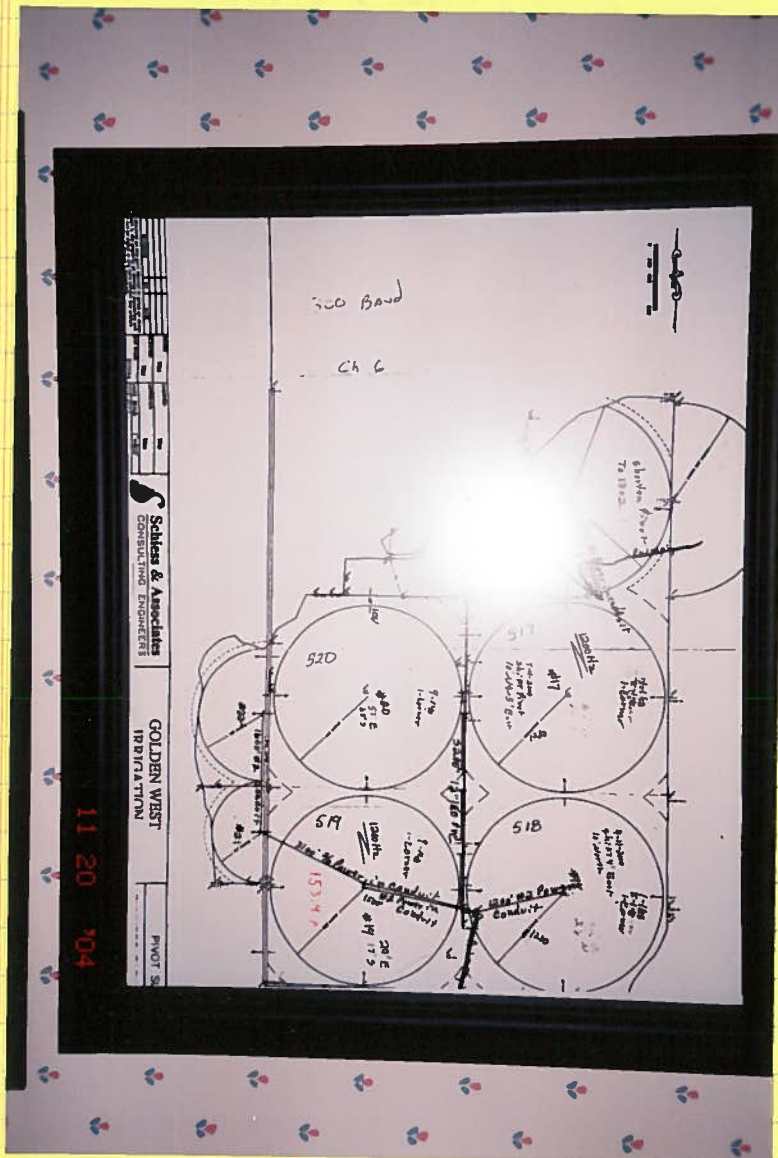


1987 Aerial Photography from IDWR



- A22-4192 Current POU in black outline
- Temp_gps.dbf
- PLSS Section LinesGcdb_sections.shp
- Danysummers.shp
- Gcdb_qq.shp

Fall 2004
Bac 11/20/04
See claimant's map next page;
mainlines allow handline
in r. of most corners.
Illustration prepared by
Water Resources Field Services
208 681 9100



A22-2156, A22-7054A, A22-7054B,
22-7509, 22-7510 current POW,
claimant's map

BAC 11/20/04

22-7509 139 acres

		10	36
		10	40
		29	
	6N 40E 21		
35	40	30 10	40
40	40	40	40
40	40	40	40
40	40	40	40
40	40	40	35
	6N 40E 28		

Log for claim 22-02156

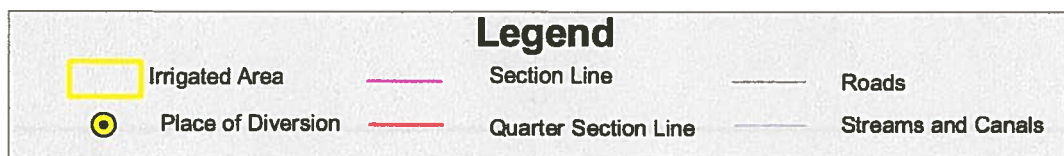
Spatial Dynamics BTD

6/25/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	21	NENE	36	37	
06n40e	21	NWNE	10	8	
06n40e	21	SWNE	10	13	
06n40e	21	SENE	40	39	
06n40e	21	NESE	40	39	
06n40e	21	NWSE	10	14	
Totals:			146	150	

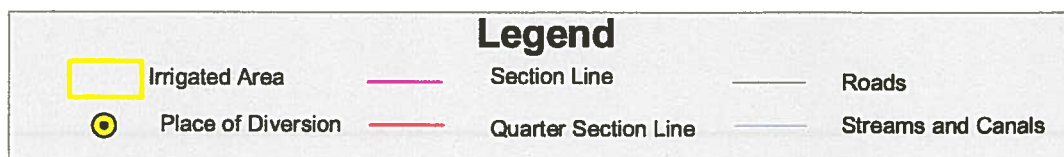
Water Right Claim Number 22-02156
Township , 6N40E

06/25/2001



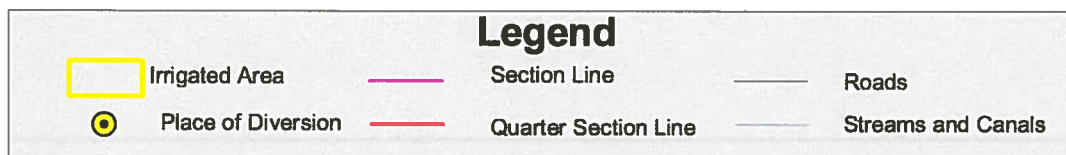
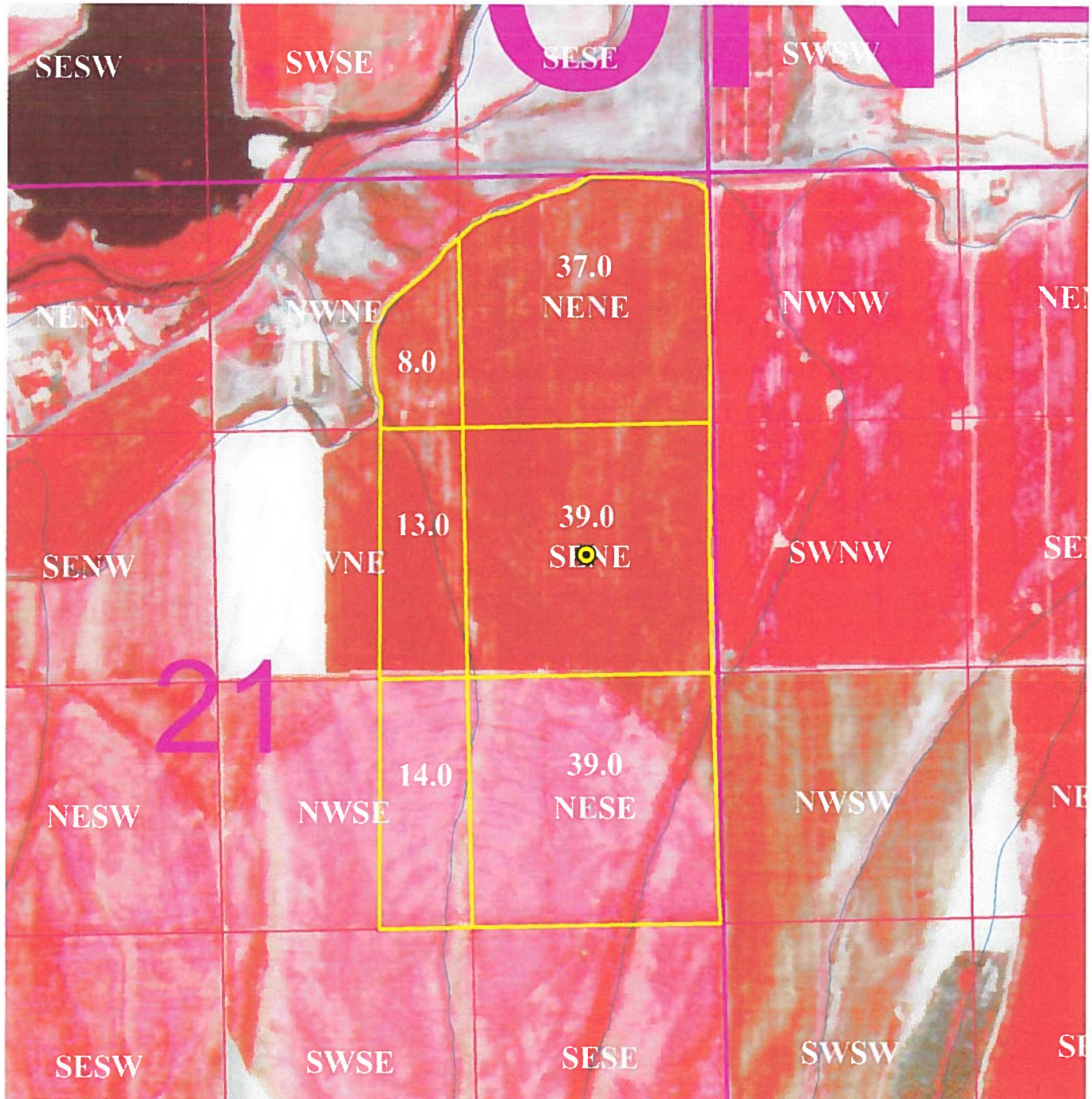
Water Right Claim Number 22-02156
Township , 6N40E

06/25/2001



Water Right Claim Number 22-02156
Township , 6N40E

06/25/2001



State of Idaho
License and Certificate of Water Right

Water License No. G-25108

Amount 1.9 c.f.s.

Water District No.

Priority August 3, 1954

THIS IS TO CERTIFY that J. FRED SMITH - JOSEPHINE H. SMITH, Heir
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 3, 1954; that Permit No. G-25108
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.9 second feet, was issued thereunder on November 5, 1959, showing that said works
were completed on the 21 day of August, 1959; and that on the 21
day of August, 1959,

JOSEPHINE H. SMITH

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-25108 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6805, on the 5 day of November, 1959;
The right hereby confirmed dates from August 3, 1954;

The Point of Diversion is located

in the SE ¼ NE ¼, Sec. 21, Tp. 6 N., R. 40 E., B. M. County of Madison

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	40 E.	21	NE ¼ NE ¼	20	25
			NW ¼ NE ¼	40	13
			SW ¼ NE ¼	30	27
			SE ¼ NE ¼	40	27
			NE ¼ SE ¼	40	27
			NW ¼ SE ¼	40	27
			Total number of acres to be irrigated:		146

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

5 day of November

, 1959.

/s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

22 2156

22-2156

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G# 32933
Permit No. G- 25108
District No.

1. Name of Applicant: J. FRED SMITH
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 4.8 or Idaho
Miners' inches 240 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Underground water from a well
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21
Twp. 6 N. , Rge. 40 E. , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well and pump
8. Estimated cost of works: \$15,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is One years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
6 N.	40 E.	21	30 40	10	40 20	40 40	240
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. <u>G-25108</u> Comes now J. Fred Smith and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. That the point of diversion is described in said permit as being located <u>SW$\frac{1}{4}$NE$\frac{1}{4}$, S. 21, T. 6 N., R. 40 E.B.M.</u> That he now requests that the point of diversion be changed to two points located in the <u>SE$\frac{1}{4}$NE$\frac{1}{4}$, and NE$\frac{1}{4}$SW$\frac{1}{4}$, S. 21, T. 6 N., R. 40 E.B.M.</u> That his reasons for desiring to make such change are as follows: One well does not supply sufficient water. It is necessary to put down another well. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Boise, Idaho, this 18th day of January 1937 /s/ J. Fred Smith Date of receipt at Department of Reclamation January 18, 1937 APPROVAL OF STATE RECLAMATION ENGINEER I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and forego in application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. /s/ Mark R. Kulp State Reclamation Engineer Recorded in the Department of Reclamation January 21, 1937							

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Completion of Works and Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108, to 21st, August, 1959.

Witness my hand this 21st day of January, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. G-25108 Under the)
Provisions of Section 5594, Idaho)
Compiled Statutes.)
-----)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. G-25108 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit to-wit: August 21, 1956; and,

WHEREAS, On the 7th day of January, 1957, notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 18th day of January, 1957 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were reasonably advanced; and,

WHEREAS, An Extension of Time is allowed to August 21, 1959, after examination of the said extension of time was approved by the State Reclamation Engineer, that the holder has acted in good faith; and,

IT IS, THEREFORE, Hereby Ordered that said Permit No. G-25108 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of March, 1957.

(SEAL)

/s/ Mark R. Kulp
State Reclamation Engineer

IN THE PROBATE COURT OF MADISON COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF
J. FRED SMITH,

Deceased

DECREE SETTling FINAL ACCOUNT OF
EXECUTRIX AND FINAL DISTRIBUTION.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

.....

3. That all of the property of said estate and all of the property of which decedent at the time of his death was the owner of or otherwise interested in, was the community property of decedent and Josephine H. Smith, his surviving wife; that said Josephine H. Smith is entitled to have decreed and distributed to her the estate of said decedent, as provided by his Last Will and Testament.

.....

Dated this 13th day of July, 1959

/s/ Vernon C. Mortensen
Probate Judge

(The lands described in the permit are not described in other portions of the Will.
Copy of the Will in the file)

Recorded: September 16, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now JOSEPHINE H. SMITH and represents to the State Reclamation Engineer of the State of Idaho:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108.

That the point of diversion is described in said amendment to permit as being located SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21, T 6 N., R 40 E.B.M.

That she now requests that the point of diversion be changed to a point located Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 21, Township 6 North, Range 40 E.B.M. That the reason for desiring to make such change is as follows: The plan to drill another well was abandoned, and the holder of the permit desires to revert the point of diversion back to the original site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rexburg, Idaho, this 2nd day of September, 1959

/s/ Josephine H. Smith

Date of receipt at Department of Reclamation: September 10, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: September 16, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO G-25108

Comes now Mrs. Josephine H. Smith and represents to the State Reclamation Engineer of the State of Idaho:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho Permit No. G-25108.

That the point of diversion is described in said permit as being located: SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 21, T. 6 N., R. 40 E., B. M.

That she now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 6 N., R. 40 E., B. M.

That the reason for desiring to make such change is as follows:

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Rexburg, Idaho, this 26 day of October, 1959

s/ JOSEPHINE H. SMITH

Date of Receipt at Department of Reclamation: October 28, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho No. G-25108. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: November 5, 1959

s/ GEO. N. CARTER
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-25108

Comes now Mrs. Josephine H. Smith, and represents to the State Reclamation Engineer of the State of Idaho

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-25108, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 6 North, Range 40 East, Boise Meridian, making a total of 146 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Rexburg, Idaho, this 26th day of October, 1959.

s/ JOSEPHINE H. SMITH

Date of receipt at office of Department of Reclamation: October 28, 1959

Continued -

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-25108. This approval constitutes a new permit to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: November 5, 1959

Permit No. G-25108

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. FRED SMITH - JOSEPHINE H. SMITH, heir of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-25108, issued upon Application No. G-32933 bearing date of priority of August 3, 1954, authorizing the diversion of 4.8 second feet of the waters of a well County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.9 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T. 6 N., R. 40 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 146 acres in NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 21, T. 6 N., R. 40 E., B.M.

Witness my hand this 5 day of November, A.D. 1959

/s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: August 21, 1959

Certificate of Completion of Works Issued: November 5, 1959

LICENSE ISSUED FOR 1.9 SEC. FT.
Page 6905

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-25108

This proof is for Completion of Works and Beneficial Use In Water District No. _____

1. Name of applicant Mrs. Josephine H. Smith

2. Source of water supply: Underground water from a well

3. Location of point of diversion: Is in the SE corner of the SW 1/4 NE 1/4 of Section 21

T. 6 N. R. 40 E.B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: Well = 20' x 16' x 120'

lift = 120' to 150' 7.5 hp. U.S. Motor #1021527
Peerless Turbine Pump No number No protection:
6' x 8' concrete base. [A] controls on panel to South &
Column = 180' x 8" delivery to West then 8" into Y to
buried main 8" x 7/8 mi. & 6" x 7/8 mi. size 1/4" nozzle (180)

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4 NE 1/4, S 1/4 NE 1/4, SE 1/4 NW 1/4, N 1/4 SW 1/4, N 1/4 SE 1/4, all in Sec. 21, T. 6 N. R. 40 E.B.M.

3" x 30' lateral pipes extend 900' each side of main.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Mr. John Smith along

C. = by calculation

This examination was made on the 6 day of Oct, 1927

(Signed) E. H. Humphrey Examiner.

f25108

R-40 E.

7.00 ^{1.50} ₅

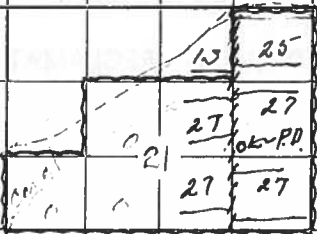
T.
6
N.

20

RECORD

Need

29



7" x 8" sec.

6" x 8" sec.

8" x 8" sec.

PO

Subdivisions = 6

Area = 146 acres.

Q = 850 gpm or 95"

1.8 cfs.

Amend P.D. + Land List



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 8, 1998

SUMMERS FARM & RANCH
3500 E 1496 S
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR A22-02156

Dear Sirs:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by John & Josephine Smith. The legal description is as follows:

T06N R40E S21 NE1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure(s)

EXPENDITURE VOUCHER

AUDITOR USE

AGENCY USE

8520
Date 03/21/90
Code 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.	

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 #A22-07418A 3/20/90 80.00	80.00	
TOTAL						80.00	

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

OCT 29 1992

Date

Head of Agency or Institution

State Auditor

TO: Debbie Allen

FROM: D. Shaff *DS*

DATE: 3-20-90

RE: Receipt *E002387* Refund

Please process a refund of \$ *80-* to:

*John H. Smith & Son, Inc.
PO Box 805
Rexburg ID 83440*

Re: A22-07418A

MICROFILMED

OCT 29 1992

09/16/88
11:53:06

SMITH, JOHN H. & SON, INC

ADJUDICATION FEE

0410162 9337 6490

\$1,278.00

8 587⁰⁰
FEE ↗

\$1,278.00

A22-07418A

CHECK 1909

↗
NO. CHANGED TO

WR/NO: A22-07418

A22-07054

A22-02156

A22-10060

A22-11638

667⁰⁰365⁰⁰196⁰⁰25⁰⁰25⁰⁰

Idaho Department of Water Resources

Region: EASTERN

Signature: _____

MICROFILMED

OCT 29 1992

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: A22-02156
Date Received: 6/16/1988
Receipt No: E002387
Received By: _____

RECEIVED

AUG 22 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPHINE H. SMITH
Address:

N/A, ID 00000

OR

Name: JOHN H. SMITH
Address: P. O. BOX 805
REXBURG, ID

208-356-3935

83440

2. Date of Priority: AUG 03, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	21	SE	NE			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		

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

8. Total consumptive use is 292.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2202156



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	21	NE		NE		IRR	36.0
			NW		NE		IRR	10.0
			SW		NE		IRR	10.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	10.0
							Section Acres	146.0
							Total Acres	146.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
APPLICATION 22-7509

14. Remarks:
APPLICATION FOR PERMIT 22-7509 MADE IN JULY 1985 TO COVER
ADDITIONAL GROUND UNDER THIS SYSTEM.

15. Basis of Claim: LICENSE
Water Right Number: 25108

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): John H. Smith Date: 8-8-88
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of August 19 88

Arina Mae Johnson
Notary Public

Seal

Residing at Lewiston, Idaho
My Commission Expires 2-1-92

R40

T
N

POINT OF DIVERSION

PLACE OF USE

A22-02156

MICROFILMED
OCT 29 1952

