

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

RIGHT NUMBER: 22-11149

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.570 CFS
175.00 AFY

The rights listed below are limited to a total combined diversion rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

The rights listed below are limited to a total combined diversion rate of 10.17 cfs and to a total combined annual diversion volume of 3899 AF. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147, 22-11149.

PRIORITY DATE: 04/15/1981

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T06N R40E S28 SWSESW Within MADISON County
T06N R40E S33 SWNESW Within MADISON County
T06N R40E S33 SENESW 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	0.570 CFS 175.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S28	NESW	40.00	T06N R40E S28	NWSW	40.00
T06N R40E S28	SWSW	40.00	T06N R40E S28	SESW	40.00
T06N R40E S28	NESE	25.00	T06N R40E S28	NWSE	40.00
T06N R40E S28	SWSE	35.00	T06N R40E S28	SESE	31.00
T06N R40E S29	SWSE	37.00	T06N R40E S29	SESE	37.00
T06N R40E S32	NWNE	40.00	T06N R40E S32	SWNE	39.00
T06N R40E S32	NESW	31.00	T06N R40E S32	NWSE	40.00
T06N R40E S33	NENE	23.00	T06N R40E S33	NWNE	40.00
T06N R40E S33	SWNE	37.00	T06N R40E S33	SENE	37.00
T06N R40E S33	NENW	40.00	T06N R40E S33	NWNW	40.00
T06N R40E S33	SWNW	37.00	T06N R40E S33	SENW	40.00
T06N R40E S33	NESW	33.00	T06N R40E S33	NWSW	39.00
T06N R40E S33	SWSW	39.00	T06N R40E S33	SESW	37.00
T06N R40E S33	NESE	40.00	T06N R40E S33	NWSE	40.00
T06N R40E S33	SWSE	38.00	T06N R40E S33	SESE	39.00

1114 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 1114 acres in a single irrigation season. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-11147, 22-11149.

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

This right is based upon an enlargement of Right No. 22-2184 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 50 acres within the place of use described for this right.

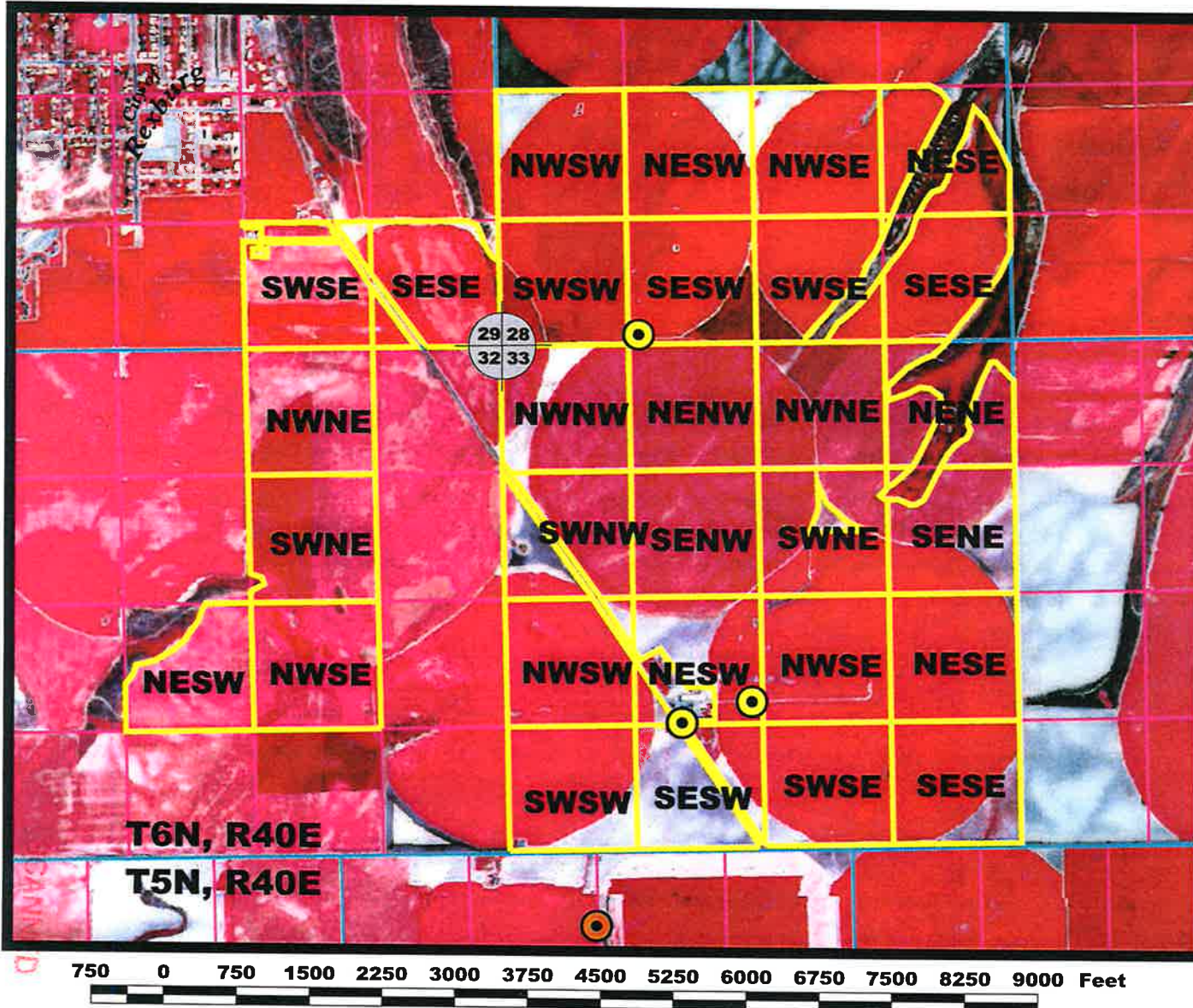
The following rights are diverted through points of diversion described above: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-07075, 22-02184,
22-02230, 22-11147
22-11149

Point(s) of Diversion:
T6N, R40E Sec. 28 SWSESW
Sec. 33 SENESW, SWNESW

Place of Use: (parts of)
T6N, R40E
Sec. 28 S2SE, Sec. 29 S2,
Sec. 32 W2NE, NESW, NWSE
Sec. 33 ALL

LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

mailed
11/13/2004

March 11, 2004

**RICHARD F SMITH
PO BOX 8
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11149

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of APRIL 15, 1981, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

AUG 28 2007

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

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Contacts Data Entry Form

Water Right No. A2211149

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner Richard Smith
Name connector: and _____, or _____, and/or _____
Current Owner _____
Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

D.U. Claim - ENLARGEMENT CLAIM BASED ON 42-1426
(NOT 42-1416)

This Right when combined with A2202184 shall
not exceed 3.55 cfs This is an expansion of
A2202184 PDD IS SHARED WITH A2202184, A2202230
A2211149

FE pod/pou conveyance/system

Reviewer: _____

Date: _____

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AUG 28 2007

Priority Date Data Entry Form

Claim Number: A2211149

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 15 April, 1981 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

B.U. ClaimClaims ENLARGEMENT OF 22-2184.

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: A2211149

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 40E, Sec. 33,____, NE SW, County: MadisonSource: Ground Water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

Same POD as 22-2180, 2230 (AND CLAIMS 22-11149) → BH UNDER ROO'D

Transfers Changing POD _____

Reviewer: _____

Date: _____

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AUG 28 2007

Place Of Use Data Entry Form

Claim Number: A2211149☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	33	NENE		Madison		40	Irrigation
"	"	"	NWNE		"		20	"
"	"	"	SWNE		"		20	"
"	"	"	SENE		"		40	"

Total Acres 120

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

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AUG 28 2007

Period of Use and Quantity Data Entry Form

Claim Number: A2211149☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1	3.55 cfs	

Overall Diversion Rate 3.55 cfs 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:

IDWR STD 504 4/1 - 10/31

Reviewer: _____

Date: _____

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AUG 28 2007

Water Right No(s). A22-2184, A22-2230, A22-7507, A22-11147, A22-11149

See Attached photo

GPS DATA:

Tag # A0015901 Location: on metal power panel pole
GPS data - 2681106 GPS File # 222184
1402489

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 500
SN: ID# H07-03107247-41-01

PUMP

Make: Peerless Model: _____ Disch: _____
SN: 201228

NOTES:

Met with claimant Richard Smith on-site. He verified
P.O.U maps + addresses + phone #. His cell is 390-7000.

System is a well + pump thru 10" mainline to pivots.
Evidence of priority was requested.

Field Exam Date: 6-17-2005 Agent: D.W. Jones

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GPS
Tag



A22-11149 et al, Looking South

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AUG 28 2007

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AUG 28 2007

06N40E33

227075

222184

221115

City of Redburg

T6N, R40E
T5N, R40E

29 28
32 33

AAR-11149

SCANNED
AUG 28 2007

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 22-11149
Date Received: 8/25/1988
Receipt No: E001765
Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

1. Name of Claimant(s)

RICHARD F SMITH Phone: (208)356-4912

PO BOX 8
REXBURG ID USA 83440

2. Date of Priority: 04/15/1981

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	33	NE SW	MADISON	

5. Description of diverting works:

WELL AND PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.55	

7. Total Quantity Appropriated is:

3.55 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	33	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	8
			SE	NE	IRRIGATION	12
Section Acres						80
Total Acres						80

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:

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A22-02184, SHALL NOT EXCEED 3.55 C.F.S. THIS IS AN EXPANSION OF A22-02184. P/D IS SHARED WITH A22-02184, A22-02230, AND A22-11147.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

[Signature]

Date:

3/25/04

Date: _____

State of Idaho

County of

Bonneville

) SS.

Subscribed and sworn (or affirmed) before me this 25th day of March 2004



Wendy J. Murphy

Notary Public

Residing at

Idaho Falls

My commission Expires

6/23/06

SCANNED

AUG 28 2007

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: A22-11149

Date Received: 8/23/1988

Receipt No: 5001765

Received By: HPM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD F. SMITH 208-356-4912
Address: P. O. BOX 8
REXBURG, ID 83440

2. Date of Priority: APR 15, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	33	NE	SW			MADISON

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.550		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	33	NE	NE		IRR	40.0
			NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			SE	NE		IRR	40.0

Section Acres 120.0

A22-11149

Page 1

Date: 08/23/88

SCANNED

AUG 28 2007

MICROFILMED

NOV 06 1992



10. Place of Use: Continued

Total Acres 120.0

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:
NONE

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A22-02184, SHALL NOT EXCEED 3.55
C.F.S. THIS IS AN EXPANSION OF A22-02184. P/D IS SHARED WITH
A22-02184, A22-02230, AND A22-11147.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Carl B. D. Date: 8/25/88

Date: _____

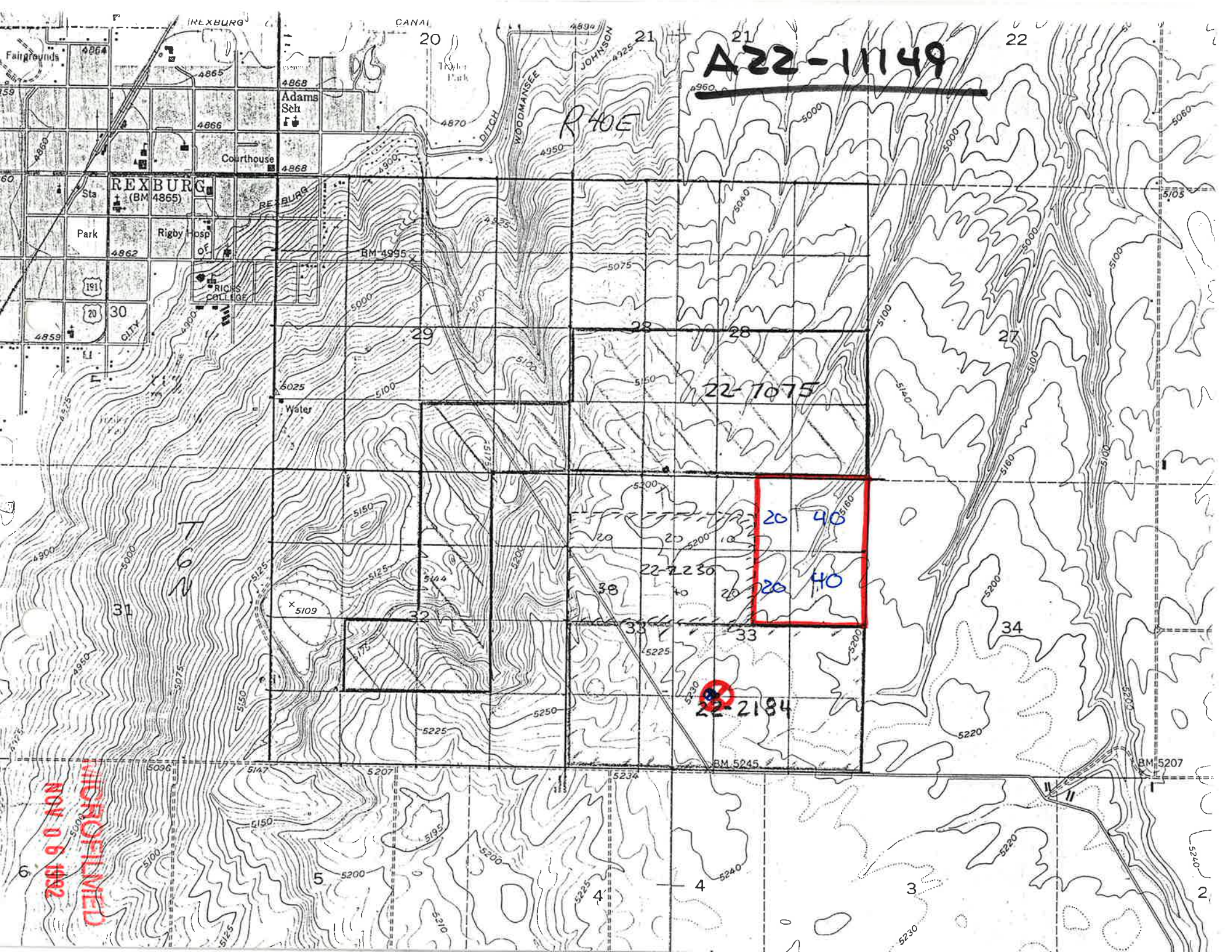
State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of August 19 88

Deana Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994



A22-11149

R40E

22-1075

20 40

20 40

22-2184

NOV 06 1982
MICROFILMED