

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: **A63-05315**  
Date Received: 2/ 2/1990  
Receipt No: W008220  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: MARVIN J SMITH 208-722-5271  
Address: PO BOX 959  
PARMA ID 83660

2. Date of Priority: JAN 1, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 05W   | 20      |        | SE     | SE  |     | CANYON |

5. Description of diverting works:  
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.020 |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.080 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/10 MIXED STOCK, COMMERCIAL USE FOR SMALL BUSINESS.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05N      | 05W   | 20      | NE     | SE  |     | COMMER |       |
|          |       |         | NE     | SE  |     | STOCK  |       |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|-----|----|-----|-----|--------|-------|
| 05N      | 05W   | 20      | SE  |    | SE  |     | DOMEST |       |
|          |       |         | SE  |    | SE  |     | STOCK  |       |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
OWNERSHIP CHANGED BY KW 12/30/1993.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED  
FEB 11 1993

Department of Water Resources

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 5 North Range 5 West  
Section 20, 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: 63-5315
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): Loraine C. Smith  
29343 Market Road, Caldwell, ID 83605
- ☒ New Owner/Claimant (Purchaser): Marvin J. Smith
- ☐ New Mailing Address: P. O. Box 959, Parma, ID 83660
- ☐ New Telephone Number: (208) 722 - 5271
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes 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: \_\_\_\_\_  
(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) Marvin J. Smith Date 2-10-93  
Date \_\_\_\_\_
- ☒ Signature of Former Owner/Claimant(s) Loraine C. Smith Date 2-10-93  
Date 2-10-93

(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: 12-30-93 By: tw  
Claim Numbers of Split, if any:

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

MICROFILMED

JUL 25 1994

**EXHIBIT "A"**

Commencing at a point 851 feet North of the Southeast corner of Section 20, Township 5 North, Range 5 West of the Boise Meridian, in Canyon County, Idaho;

Running thence North a distance of 726 feet; running thence West at right angles a distance of 300 feet; running thence South at right angles a distance of 726 feet; running thence East at right angles a distance of 300 feet to the point of beginning;

ALSO

Commencing at a point 1577 feet North of the Southeast corner of Section 20, Township 5 North, Range 5 West of the Boise Meridian, in Canyon County, Idaho; running thence North a distance of 30 feet; running thence West at right angles a distance of 300 feet; running thence South at right angles a distance of 30 feet; running thence East at right angles a distance of 300 feet to the point of beginning;

Together with all water, water rights, ditches, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

Together with .5 shares of stock in Riverside Irrigation District, Limited;

Together with Claim to Idaho Water Right No. 63-5315.

**MICROFILMED**

**JUL 25 1994**

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: A63-05315  
Date Received: 2/01/1990  
Receipt No: W008220  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LORAIN C. SMITH  
Address: 26231 WAMSTED RD.  
P.O. BOX 959  
PARMA, ID 83660 208-722-5271

AND/OR

Name: MARVIN J. SMITH  
Address: 26231 WAMSTED RD.  
P.O. BOX 959  
PARMA, ID 83660 208-722-5271

2. Date of Priority: JAN 01, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 05N      | 05W   | 20      | SE     | SE     | SE     |     | CANYON |

5. Description of diverting works:  
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

S/10 MIXED STOCK, COMMERCIAL USE FOR SMALL BUSINESS.

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: A63-05315  
Date Received: 1/17/1990  
Receipt No: 1008220  
Received By: \_\_\_\_\_

RECEIVED

FEB 01 1990

Department of Water Resources  
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MARVIN J. SMITH 208-722-5271  
Address: 2623 WAMSTED RD.  
P.O. BOX 959  
PARMA, ID 83660

AND/OR

Name: LORAIN C. SMITH 208-722-5271  
Address: 2623 WAMSTED RD.  
P.O. BOX 959  
PARMA, ID 83660

2. Date of Priority: JAN 01, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 05W   | 20      | SE     | SE     |     |     | CANYON |

5. Description of diverting works:  
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/10 MIXED STOCK, COMMERCIAL USE FOR SMALL BUSINESS.

A63-05315

Page 1

Date: 01/17/90

MICROFILMED  
AUG 21 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|-----|----|-----|-----|--------|-------|
| 05N      | 05W   | 20      | NE  |    | SE  |     | COMMER |       |
|          |       |         | NE  |    | SE  |     | STOCK  |       |
|          |       |         | SE  |    | SE  |     | DOMEST |       |
|          |       |         | SE  |    | SE  |     | STOCK  |       |

11. Place of use in counties: CANYON

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: STATUTORY CLAIM

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):

*Martin J. Smith*  
*Josaine C. Smith*

Date: *Jan 30, 1990*

Date: *Jan 30, 1990*

State of Idaho )

County of CANYON )

SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

of January 19 90

*Arne Exodi*  
Notary Public

Seal

Residing at *Parma*

My Commission Expires *12-3-92*



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 30, 1993

RE: Notice of Claim No. A63-05315

Marvin J. Smith  
P.O. Box 959  
Parma, ID 83660

Dear Mr. Smith:

Enclosed is a copy of the above referenced claim which reflects the removal of Loraine C. Smith's name from this notice of claim.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Kay Walker'.

KAY WALKER  
Sr. Water Resource Agent  
Adjudication Bureau

KW:k  
Enclosure

MICROFILMED  
JUL 25 1994

# PARCEL PLOT – METES & BOUNDS

DISTANCE IS IN CHAINS

#1 on  
"exhibit A"  
KW  
12/30/93

5W

5N

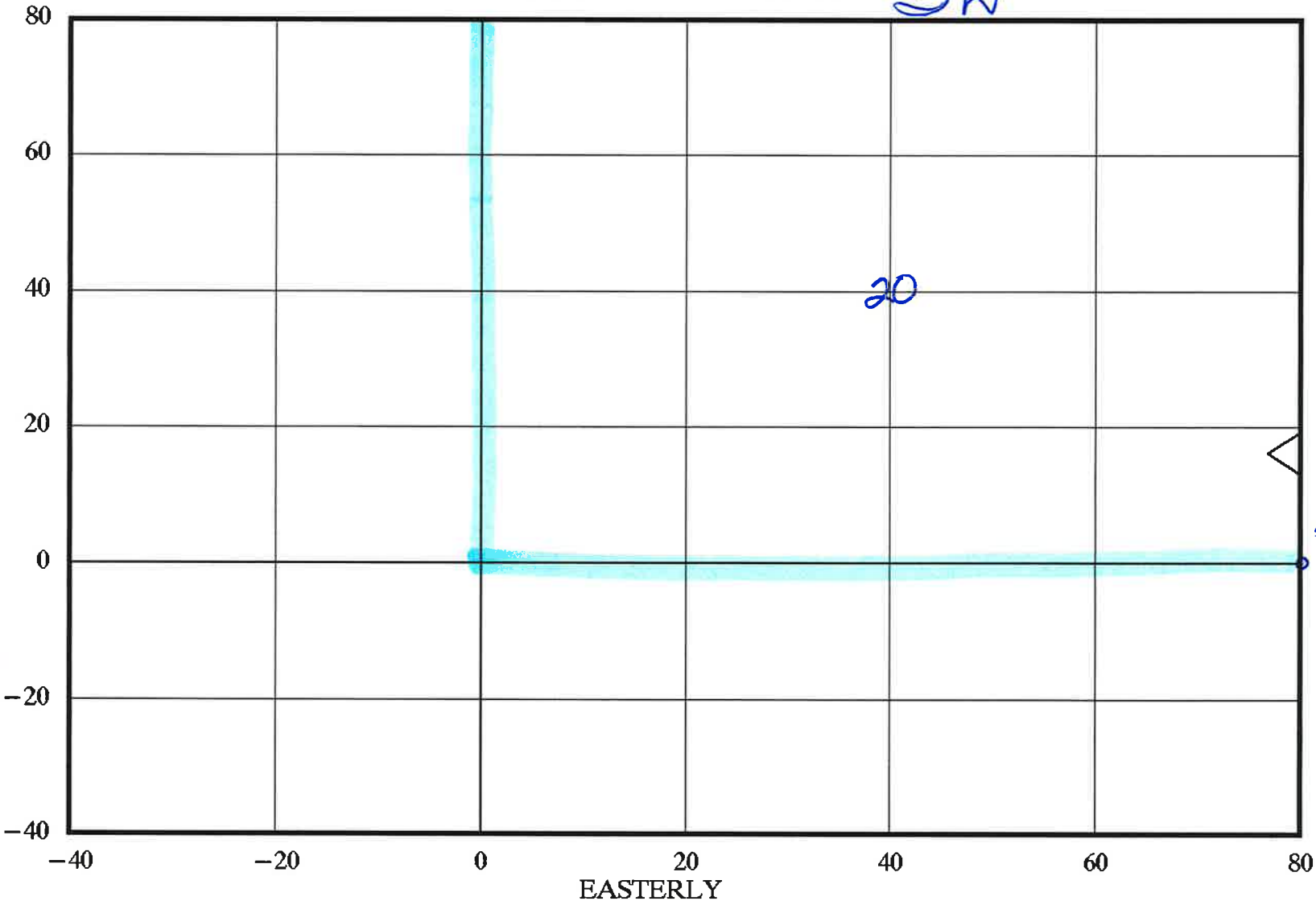
20

7851'

NORTHERLY

MICROFILMED

JUL 25 1994



# PARCEL PLOT – METES & BOUNDS

DISTANCE IS IN CHAINS

5W

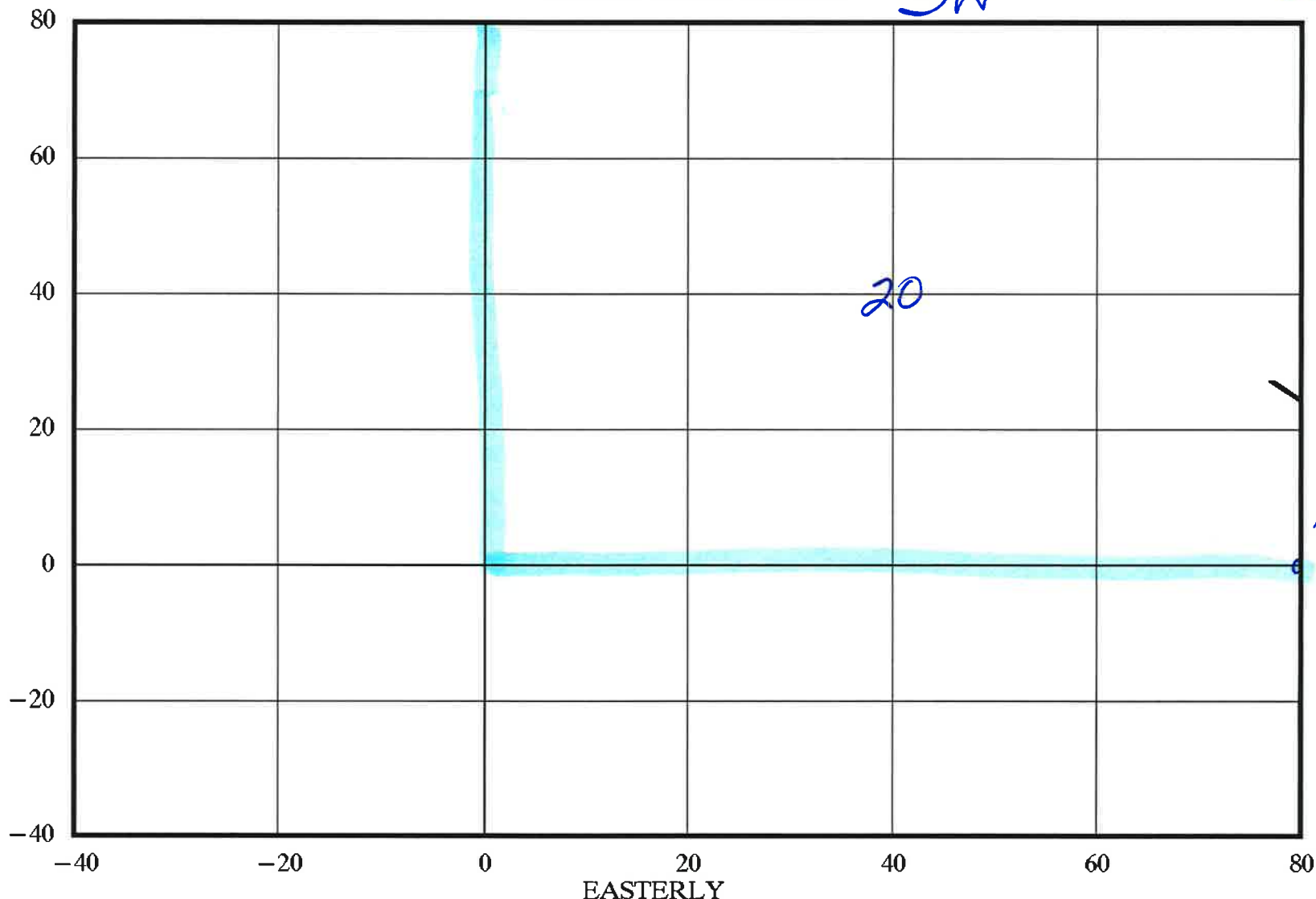
#2 on  
"exhibit A"  
KW  
12/30/93

NORTHERLY

5N

↑ 1577'

20



MICROFILMED

JUL 25 1994

Roxanne

085

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK

LAWYERS

110 NORTH NINTH AVENUE

POST OFFICE BOX 26

CALDWELL, IDAHO 83606-0026

ROBERT L. ALEXANDERSON, P.A.  
WAYNE E. DAVIS (1919-1986)  
RONALD P. RAINEY, P.A.  
DAVID L. WHITNEY, P.A.  
DAVID E. KERRICK

AREA CODE 208  
TELEPHONE 459-3659  
FAX 345-6050

February 10, 1993

RECEIVED

FEB 11 1993

Department of Water Resources

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706

Re: Water Right Number 63-5315

Gentlemen:

Loraine C. Smith and Marvin J. Smith are now divorced and Loraine C. Smith is conveying her interest in the above water right to her former husband.

Enclosed is Notice of Change of Water Right Ownership executed by the parties.

If you have any questions, please call me on our Boise line, 345-6050.

Very truly yours,

ALEXANDERSON, DAVIS, RAINEY, WHITNEY & KERRICK



Robert L. Alexanderson

jm

Enclosure

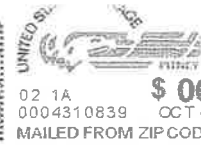
MICROFILMED

JUL 25 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



RECEIVED

OCT 12 2005

WATER RESOURCES  
WESTERN REGION

MARVIN J SMITH  
26169 WAMSTED RD  
PO BOX 959  
PARMA ID 83660

*Not at this  
address*

63-5315



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

---

RIGHT NUMBER: 63-5315

NAME AND ADDRESS: MARVIN J SMITH  
PO BOX 369  
PARMA ID 83660-0369

~~26169 WAMSTED RD~~  
~~PO BOX 959~~  
~~PARMA ID 83660~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION:

T05N R05W S20 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>       | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------|----------------------|-----------------|
| DOMESTIC                    | 01/01 12/31          | 0.040 CFS       |
| STOCKWATER                  | 01/01 12/31          | 0.020 CFS       |
| Domestic use is for 1 home. |                      |                 |

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S20 SESE

DOMESTIC in CANYON County

T05N R05W S20 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R3898500000

Stockwater use is for 5 range cattle, 10 horses and 3000 bee colonies.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

**Water Rights: 63-5315**

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following administrative proceeding:

XX Address change

Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 2, 2007

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on March 2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

### 2. Copies to:

Clive Strong  
Off ice of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

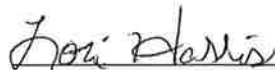
☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

### 3. Copies to all parties to the subcase:

Marvin J Smith  
PO Box 369  
Parma ID 83660-0369

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

☐ overnight mail  
☐ regular mail  
☐ hand-delivered  
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

March 2, 2007

MARVIN J SMITH  
PO BOX 369  
PARMA ID 83660-0369

Re: Water Right No. 63-5315

Dear Mr. Smith:

Enclosed is a copy of the above referenced water right, which reflects your new address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris  
Technical Records Specialist 1  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE  
FORM 3547

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE  
FORM 3547

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGIONAL OFFICE  
2735 AIRPORT WAY  
BOISE, IDAHO 83705

ADDRESS SERVICE  
REQUESTED

FIRST CLASS



02 1A  
0004389393  
MAILED FROM ZIP CODE 83  
\$ 00.8  
FEB 02 2

SMIT169\* 836602004 1107 03 02, 06 11  
SMITH  
PO BOX 369  
PARMA ID 83660-0369  
FORM 54

MARVIN J SMITH  
26169 WAMSTED RD  
PARMA ID 83660

63-5315

RECEIVED

FEB 12 2007

WATER RESOURCES  
WESTERN REGION

05/30/2006

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

RIGHT NUMBER: 63-5315

NAME AND ADDRESS: MARVIN J SMITH  
26169 WAMSTED RD  
PO BOX 959  
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION:

T05N R05W S20 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>       | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------|----------------------|-----------------|
| DOMESTIC                    | 01/01 12/31          | 0.040 CFS       |
| STOCKWATER                  | 01/01 12/31          | 0.020 CFS       |
| Domestic use is for 1 home. |                      |                 |

PLACE OF USE: STOCKWATER Within CANYON County

T05N R05W S20 SESE

DOMESTIC Within CANYON County

T05N R05W S20 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R3898500000

Stockwater use is for 5 range cattle, 10 horses and 3000 bee colonies.



# Idaho Department of Water Resources

## 63-5315

### 05N 05W Section 20



-  POU
-  POD
-  Sections
-  Quarter/Quarter

700 0 700 1400 Feet



IDWR  
Prepared by: Lori Graves  
Date: 5-30-06  
1986-87 Photography



# Idaho Department of Water Resources

## 63-5315

### 05N 05W Section 20



-  POU
-  POD
-  Sections
-  Quarter/Quarter

700 0 700 1400 Feet



IDWR  
Prepared by: Lori Graves  
Date: 5-30-06  
2004 Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-5315 V1

WATER RIGHT NUMBER: 63-5315 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Current Owner     | MARVIN J SMITH<br>26169 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |
| Original Owner    | MARVIN J SMITH<br>26169 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |
| Original Owner    | LORAIN C SMITH<br>26231 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |

Priority Date: 01/01/1900

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31          | 0.040 CFS             |                      |
| STOCKWATER            | 01/01 to 12/31          | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of Diversion

GROUND WATER                      SE1/4SE1/4                      Sec. 20, Twp 05N, Rge 05W, B.M.  
CANYON County

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 05W | 20  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5315 V1

| 05N 05W 20 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

Conditions 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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Parcel No. R3898500000
4. X02 Stockwater use is for 5 range cattle, 10 horses and 3000 bee colonies.
5. X01 Domestic use is for 1 home.
6. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:

1. Igraves 5/30/2006 Beneficial Uses

Comment: Proof of priority was not submitted. Beneficial uses were limited to 42-111. See file memo dated 5/30/2006.

2. Igraves 5/30/2006 Current Owners

Comment: Claimant married Lioud Mila A. Smith since changing the ownership to his name only in 1993 after a divorce. Lioud is now part owner but rather than going through the paperwork to add her name, claimant asked that she be referenced in comments.

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: AND

Water District Number:

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

Combined Use Limits:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5315

WATER RIGHT NUMBER: 63-5315

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Current Owner     | MARVIN J SMITH<br>26169 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |
| Original Owner    | MARVIN J SMITH<br>26169 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |
| Original Owner    | LORAIN C SMITH<br>26231 WAMSTED RD<br>PO BOX 959<br>PARMA, ID 83660<br>(208)722-5271 |

Priority Date: 01/01/1900

Basis: Statutory Claim

Status: Active

Source

GROUND WATER

TributaryBeneficial Use~~COMMERCIAL~~

DOMESTIC

STOCKWATER

From To~~4/01 to 12/31~~

1/01 to 12/31

1/01 to 12/31

Diversion Rate~~0.040 CFS~~~~0.080 CFS~~ .04

0.020 CFS

Total Diversion:~~0.150 CFS~~ .06Annual VolumeLocation of Point(s) of Diversion

GROUND WATER

CANYON County

SE1/4SE1/4

Sec. 20, Twp 05N, Rge 05W, B.M.

Place of Use~~COMMERCIAL~~

Twp Rge Sec

~~05N 05W 20~~

DOMESTIC

05N 05W 20

STOCKWATER

Twp Rge Sec

05N 05W 20

Conditions of Approval:

1. OWNERSHIP CHANGED BY KW 12/30/1993.

Dates and Other Information:

Claim Received Date: 2/2/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Combined Use Limits:

ADD-N13

-N11

-X01: 1 home

-X02: 5 beef, 10 horses, 3000  
bee colonies-Changes confirmed per office visit  
with claimant 5/30/06. See file memo

-Parcel No:

R3898500000

## **CONVERSATION MEMO**

**Date:** 5/30/06

**Agent:** Lori Graves

**With:** Marvin Smith

**Subject:** Beneficial Use/Proof of Priority

**Claim No.(s):** A63-5315

Marvin visited the office with photos of his property. He stated that the commercial use listed on his claim no longer existed but he wanted credit for it without submitting proof of priority. According to Marvin, a fruit-packing shed existed on the property in 1900, but went out of business in 1956. He purchased the property in the 1970's and built a sawmill. In 1987 the well served 2 homes, 3000 bee colonies, 10 horses and 5 beef stock. The mill and one of the homes burnt down in 1998. Marvin sold the property that the burnt mill and house were located on. The new owners built a new house and drilled their own well in 2003.

Currently, Marvin's well serves his home only. I told him that he could submit proof of the 1900 priority date for the commercial use that existed at that time, then try for resumption of use/accomplished transfer regarding the sawmill, homes and stock since they existed in 1987. Marvin did not want to put forth the effort and was not happy that the requested information was required. I told him that I could recommend stockwater use and domestic use for one home without him submitting anything. He stated that would be fine since he did not plan to live there much longer. Marvin also stated that his current wife should be listed on the claim. Not having the required documentation with him, Marvin filled out a change in address form listing his wife's name. I told Marvin that I would note her name in comments.

1987  
P/u —



1998 FIRE



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.

(Please print or type)

[ ] Water Right Number(s): 63-5315

[ ] Name(s): Marvin Smith Lp Inc  
Smith Wood Products  
Marvin F. Smith and  
Linda M. Smith H/W

[ ] Old Mailing Address:

[ ] New Mailing Address: P.O. Box 959  
26169 Wamsutter Rd.  
Perma Id 83660-0959

Telephone Number: (208) 722-5271  
Cell 208-365-8842

[ ] Signature(s) of Owner(s) Marvin Smith  
Owner - Operator  
(Include your title if on behalf of company or organization)

Date: \_\_\_\_\_



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 9, 2006

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

MARVIN SMITH  
PO BOX 959  
26235 WAMSTAD RD  
PARMA ID 83660

RE: EVIDENCE OF PRIORITY  
Snake River Basin Claim No: A63-5315

Dear Claimant,

In the past, you submitted the above referenced claim during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to 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 important that each element of the Notice of Claim be substantiated. For instance, regarding claims such as yours for stockwater, domestic and commercial uses, 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 for the claimed uses on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right if water availability problems arise in the future.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, an accurate location of your well and pump, homes, and commercial places of use needs to be identified on the attached aerial photo. Please also provide as much detail about your diversion works as possible including pump make, horsepower, operating pressure, approximate water lift (in feet), etc. If more information is needed, you will be receiving a call from us in order to set-up an appointment for a field exam.

Page 2

Commercial use requires a volume amount be included in our recommendation to the SRBA Court (please refer to the enclosed copy of your adjudication claim report: under Annual Volume). In order for us to calculate your annual volume, it is necessary that we ask for additional information not gathered when you, or the original claimant, filed this water right.

Please refer to the Commercial Use Volume sheet (enclosed), answer the appropriate questions as specifically as possible, and return it to this office so that we are able to calculate the annual volume associated with your water right; as required by the SRBA Court.

The above requested information needs to be submitted by May 30, 2006. Please let me know if you may not be able to submit the information or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully,

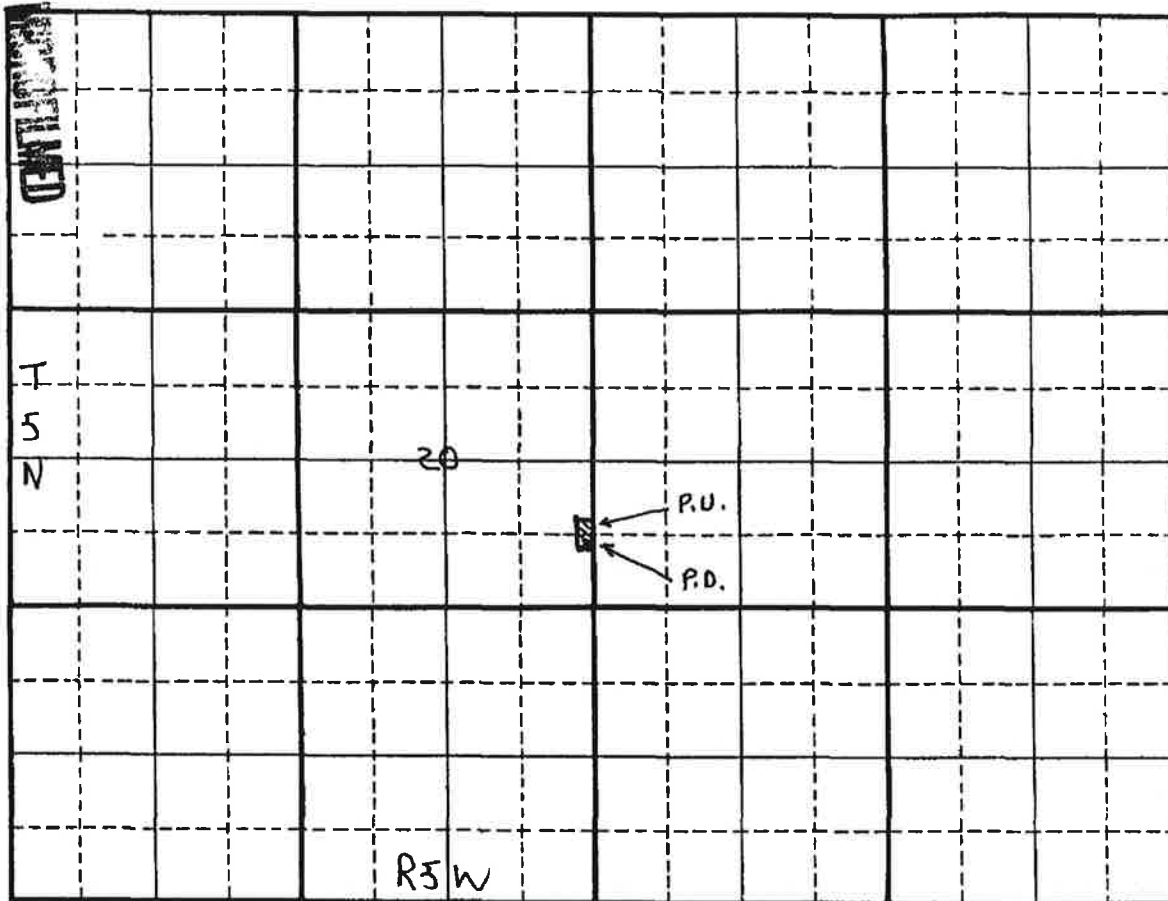
A handwritten signature in cursive script, appearing to read "Lori Graves".

Lori Graves  
Sr. Water Resource Agent

Enclosure:     "Evidence of Priority" Pamphlet/Affidavit  
                  Notice of Claim A63-5315  
                  Aerial Photo  
                  Commercial Use Volume Sheet



8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Ada ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29 day of JUNE

Jeraine C. Smith  
(Claimant)  
1983  
Donna H. Hoff  
Notary Public  
Residing at BOISE, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by JR Date 6/20/83 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by JG Date 12-6-83 claimant by: \_\_\_\_\_  
\$30.00 fee received by JR Date 6/20/83 # 32225  
Published in PMAD Tribune  
Dates 2/23 + 3/1/84

# Idaho Dept. of Water Resources Place of Use Comparison Report

| Type  | WR #    | Owner                                           | Source           | TRS      | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|---------|-------------------------------------------------|------------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 2389 | THE RIVERSIDE IRRIGATION DIST LTD,              | ARENA LAKE DRAIN | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 2389 | THE RIVERSIDE IRRIGATION DIST LTD,              | ARENA LAKE DRAIN | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 172B | HAAS DITCH CO,                                  | BOISE RIVER      | 05N05W20 | 23   | 15   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 38    |
| Claim | 63 202B | HAAS DITCH CO,                                  | BOISE RIVER      | 05N05W20 | 23   | 15   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 38    |
| Claim | 63 226  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 227  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 228  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 229  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 299  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Claim | 63 300  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 172B | HAAS DITCH CO,                                  | BOISE RIVER      | 05N05W20 | X    | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Rec   | 63 202B | HAAS DITCH CO,                                  | BOISE RIVER      | 05N05W20 | X    | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Rec   | 63 226  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 227  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 228  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 229  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 299  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Rec   | 63 300  | THE RIVERSIDE IRRIGATION DIST LTD,              | BOISE RIVER      | 05N05W20 | 30   | 20   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 40   | 610   |
| Right | 63 172  | C B ROSS, EDGAR DILLEY,<br>W H ROSS, C H ALLEN, | BOISE RIVER      | 05N05W20 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 0     |
| Claim | 63 5315 | MARVIN J SMITH,                                 | GROUND WATER     | 05N05W20 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      | X    | 0     |
| Claim | 63 5315 | MARVIN J SMITH,                                 | GROUND WATER     | 05N05W20 |      |      |      |      |      |      |      |      |      |      |      |      | X    |      |      |      | 0     |

[illegible]

## Page3

[illegible]

# Receipt Details for ID W008220

| Status | Adjustment Type     | Version |
|--------|---------------------|---------|
|        | Water Right Receipt | 1       |

**General Information:**

| Date Received        | Date Deposited   | Region  | Total Amount | Payment Type |
|----------------------|------------------|---------|--------------|--------------|
| 2/2/1990 10:35:43 AM | 2/2/1990         | Western | \$54.00      | Check        |
| Payer                | SMITH, MARVIN J. |         |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 1206                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION CLAIM FEE**Fee Detail:**

| Amount  | Description            | PCA    | Fund | Fund Detail | Subsidiary | Object |
|---------|------------------------|--------|------|-------------|------------|--------|
| \$54.00 | ADJUDICATION CLAIM FEE | 410162 | 9337 | 0           | 0          | 6490   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 5315            |              | \$54.00 | Claim |

[Print Report](#)