

09/26/2006

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

RIGHT NUMBER: 22-13457

NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440

RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.830 CFS
1,810.00 AFY

PRIORITY DATE: 12/29/1982

POINT OF DIVERSION:
T05N R41E S7 SESWSW Lot 4 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	3.830 CFS 1,810.00 AFY
PLACE OF USE: <u>IRRIGATION Within MADISON County</u>		
T05N R40E S12 NESE 36.00	T05N R40E S12 NWSE	34.00
T05N R40E S12 SWSE 39.00	T05N R40E S12 SESE	40.00
T05N R40E S13 NENE 7.10	T05N R41E S07 NESW	36.00
T05N R41E S07 Lot 3 NWSW 34.00	T05N R41E S07 Lot 4 SWSW	40.00
T05N R41E S07 SESW 40.00	T05N R41E S07 NESE	35.00
T05N R41E S07 NWSE 32.00	T05N R41E S07 SWSE	29.00
T05N R41E S07 SESE 37.00	T05N R41E S18 NENW	39.00
T05N R41E S18 Lot 1 NWNW 39.00		

517.1 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

This right is renumbered from former right 22-7418A.

SCANNED

JUL 20 2007



Idaho Department of Water Resources

SRBA Recommendation:

22-13457

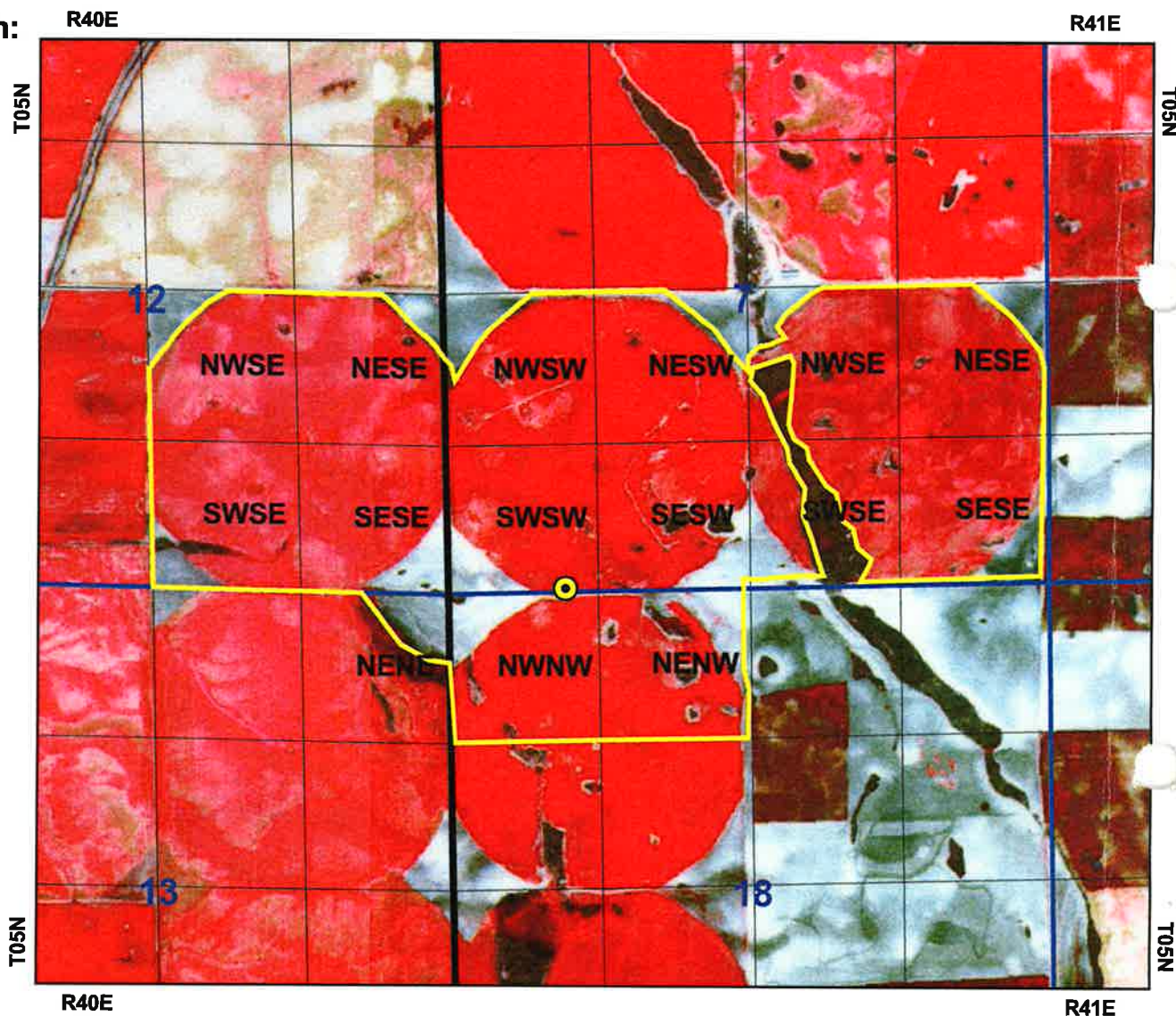
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



0 0.6 1.2 Miles

Prepared by T. Galbraith
On Tuesday, September 26, 2006
1987/88 Aerial Photography

SCANNED
JUL 20 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 SRBA

Water Rights: 22-13457

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Corrected License

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

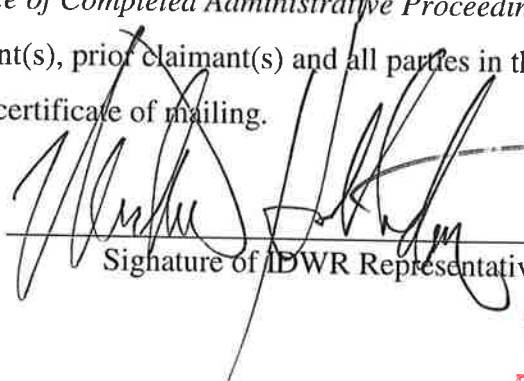
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

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 Reports* for said water rights. 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: 2/26/2013


Signature of IDWR Representative

SCANNED

FEB 26 2013

CERTIFICATE OF MAILING

I certify that on February 26, 2013, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
John H Smith
Richard F Smith
PO Box 805
Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

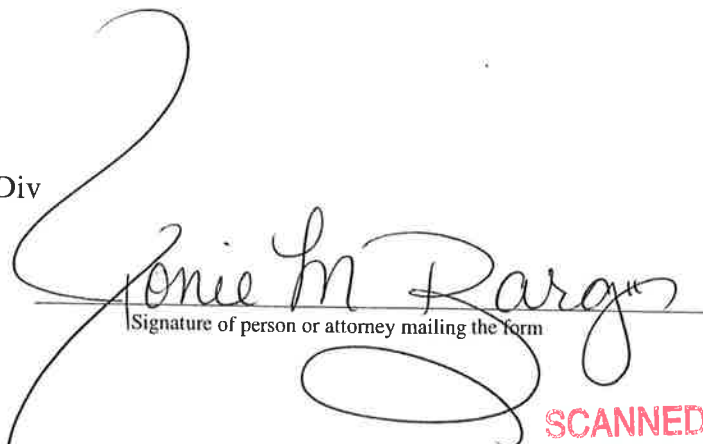
Each party in the subcase, or attorney of record
John H Smith
Richard F Smith
Represented by:
Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

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


Signature of person or attorney mailing the form

SCANNED

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

RIGHT NUMBER: 22-13457

NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440

RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.870 CFS
2,074.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 12/29/1982

POINT OF
DIVERSION:

T05N R41E S7 SWSW Lot 4 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	5.870 CFS 2,074.00 AFY
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T05N R40E S12 NESE 36.00	T05N R40E S12 NWSE	35.00
	T05N R40E S12 SWSE 40.00	T05N R40E S12 SESE	40.00
	T05N R40E S13 NENE 7.70	T05N R41E S07 NESW	35.00
	T05N R41E S07 Lot 3 NWSW 33.00	T05N R41E S07 Lot 4 SWSW	39.00
	T05N R41E S07 SESW 40.00	T05N R41E S07 NESE	35.00
	T05N R41E S07 NWSE 31.00	T05N R41E S07 SWSE	30.00
	T05N R41E S07 SESE 38.00	T05N R41E S18 NENW	39.00
	T05N R41E S18 Lot 1 NWNW 39.00	T05N R41E S18 Lot 2 SWNW	37.00
	T05N R41E S18 SENW 38.00		

592.7 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right does not grant any right-of-way or easement across the land of another.

This right is renumbered from former right 22-7418A.

Law Offices

RIGBY, ANDRUS & RIGBY
Chartered

Ray W. Rigby (of counsel)
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Hyrum D. Erickson
Robert H. Wood
Tyler J. Salvesen

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
jrigby@rex-law.com

February 5, 2013

Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303

RECEIVED

FEB 05 2013

Department of Water Resources
Eastern Region

Re: Water Right 22-13457

Dear Clerk:

I have enclosed herewith per the Court's Order dated January 31, 2013 a copy of the Amended Claim for Water Right 22-13457. I have filed the original with Michael Holliday at the Idaho Department of Water Resources in Idaho Falls.

If you have any questions, please contact our office. Thanks.

Sincerely yours,



Mandy Davis,
Assistant to Jerry R. Rigby

/md

Enclosure

CC: Michael Holliday - IDWR

sb/smithrichard.lt2



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2006

RICHARD SMITH
PO BOX 8
REXBURG ID 83440

RE: Enlargement of 22-13457

Dear Richard,

Enclosed are all the materials you should need to solve the problem with Franko Farms. If there is something else that you need, then please let me know or come into the office. I have included a map with the outlines of the two licenses resulting from Permit 22-7418. The enlargement that you would need to file would be for the S1/2 NW of Section 18. There is a draft enlargement claim included as well, on which you can write any changes that you may wish to be made. Take note of the priority date. That date should be the date in which that land was first irrigated under your well. You must be able to provide some kind of evidence to support that date. Please review the materials provided so that we can come to some conclusions about what needs to be done.

Thank you for your help. If you have any questions, please call me at 525-7161.

Respectfully,

Kristin Moore
GIS Specialist

SCANNED

JUL 20 2007

November 4, 2006

JOHN H SMITH
PO BOX 8
REXBURG ID 83440

RE: CHANGE OF ADDRESS FOR 22-13457

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

JOHN H SMITH
PO BOX 805
REXBURG ID 83440

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

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

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

SCANNED

JUL 2 0 2007

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

6-15-06

I told Richard Smith we needed to contact me by the 1st of June so we could get the enlargement done. He has not contacted me yet. Making the recommendation based on the license. However, not recommending full quantity because they did not claim that much.

KM

SCANNED

JUL 20 2007

NOTES

5-1-06

After some discussion with Eric, we decided not to bother changing the claims due to ownership issues. The owners have been told what is going on and they can deal with the problems that result from their unofficial agreement. Recommending 22-13457 to Richard Smith and 22-13458 to Franko Farms according to licenses.

SCANNED

JUL 2 11 11 AM

Ruberry, Allen

From: Walker, Kay
Sent: Wednesday, December 14, 2005 9:08 AM
To: Ruberry, Allen
Cc: Walker, Kay
Subject: RE: 22-7418

Oops - I forget that you have restraints when making recommendations. Maybe Skipper can do the magic and get Smith to do what is needed. When does your report get mailed? I'll let you know when I can move forward on this one. Can you recommend the permit to Smith with the A01 and disallow Franko's claim? Would be best to have Smith amend the claim to match the permit rather than what the draft license shows cuz the draft license doesn't include Franko's place of use.....

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:58 AM
To: Walker, Kay
Subject: RE: 22-7418

Kay, I can't recommend it (B) to Franko because they are not the Permittee and therefore have no legal basis for the claim.

-----Original Message-----

From: Walker, Kay
Sent: Wednesday, December 14, 2005 8:54 AM
To: Ruberry, Allen
Cc: Walker, Kay
Subject: RE: 22-7418

I am waiting on current tax lot information from Madison County... Mike Ciscell has requested an updated version. He is going to call Madison County this morning to find out the status. We decided that we might license this permit by ownership of the lands. That is, license Smith's property under his portion of permit and Franko's property (with amendments to pod) under another portion. I never got any response to my letter that I had sent out. These guys must not give a hoot what happens to their water...

Why can't you recommend both the A & B with the parameters of the permit and condition A01 on both? Would this be too confusing? Would be nothing compared to what they have done to us with this informal land swapping deal.

I'll let you know as soon as I hear from Mike regarding the tax lot information... Kay

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:12 AM
To: Walker, Kay
Subject: 22-7418

Kay, this is one of our on-going nightmares. Can you inform me as to the current status other than Draft License.

I just spoke to Harold Jones and ask him to go see Mr. Smith to amend his claim to entire permit (DraftLic) elements then he and Franko can work out the issues later. I can recommend as a Permit and get on with it.

What do you think about this plan?

SCANNED

JUL 20 2007

Ruberry, Allen

From: Ruberry, Allen
Sent: Wednesday, December 14, 2005 8:19 AM
To: Rigby, Jerry (IWRB Member)
Subject: 22-12790

Jerry, I'm waiting on you again, again. I have in the file a note from Harold Jones that states you are to pursue an affidavit from Von Clements and that other claims 'had' to be filed. "Jerry Rigby will pursue other claims with advanced dates & affidavits". Not sure what this last quote means..... its Skip's note.

Let me know what to do..... al

09/23/2005

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

RIGHT NUMBER: 22-7418A
NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440

RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER
QUANTITY: 3.830 CFS
PRIORITY DATE: 01/03/1983
POINT OF DIVERSION:

TRIBUTARY:

T05N R41E S7 SESWSW 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	3.830 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S12	NESE	36.0	T05N R40E S12	NWSE	34.0
T05N R40E S12	SWSE	34.0	T05N R40E S12	SESE	33.0
T05N R41E S07	NESW	34.0	T05N R41E S07 Lot 3	NWSW	33.0
T05N R41E S07 Lot 4	SWSW	35.0	T05N R41E S07	SESW	34.0
T05N R41E S07	NESE	35.0	T05N R41E S07	NWSE	35.0
T05N R41E S07	SWSE	25.0	T05N R41E S07	SESE	32.0
T05N R41E S18	NENW	29.0	T05N R41E S18 Lot 1	NWNW	34.0
T05N R41E S18 Lot 2	SWNW	32.0	T05N R41E S18	SENW	33.0

528 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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

Draft License issued for entire right. This claim represents only a portion of the original Permit. See 22-7418B.

SCANNED

JUL 20 2007

Water Right No(s). A22-07418 A



GPS DATA:

Tag # A0000277 Location: Power Panel Rst
GPS data - 2686614 GPS File # 227418
1399254

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR / Booster
Make: GE/GE Model: _____ Hp: 400 / 60
SN: unreadable / DN175018

PUMP / Booster
Make: unreadable / Cornell Model: _____ Disch: _____
SN: N/A

NOTES:

John H. Smith passed away. Richard F. Smith is only claimant. Change of
ownership form given. Franka Farms owns S1/4SW1/4 Sec 7 T5N24E.
Mr. Smith wants this ground Deeded with his under this right.
(cell # 390-7000)

Field Exam Date: 5-5-2005 Agent: 21. Wilson

SCANNED
JUL 20 2007



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-7418A

Draft License

Point(s) of Diversion:

T5N, R41E

Sec. 7 SESWSW

Place of Use: (parts of)

T5N, R40E Sec. 12 SE,

T5N, R41E Sec. 7 S2,

Sec. 18 NW

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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

750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 Feet

A22-7418A

227418

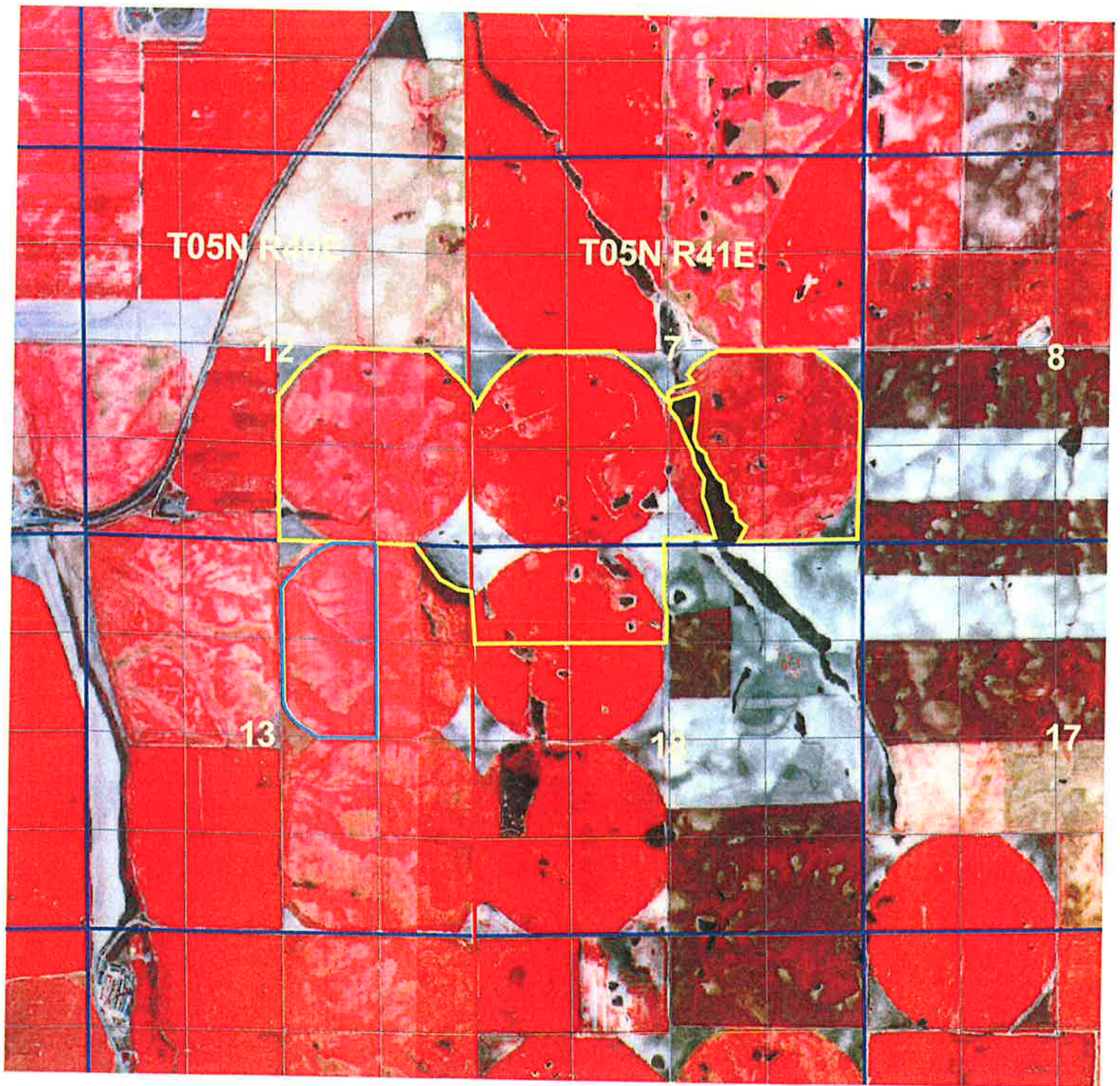
N



22-7418 A



Richard Smith
Place of Use
1987 Photography



- 22-13458.shp
- 22-13457.shp
- Township/Range
- Sections
- QQ

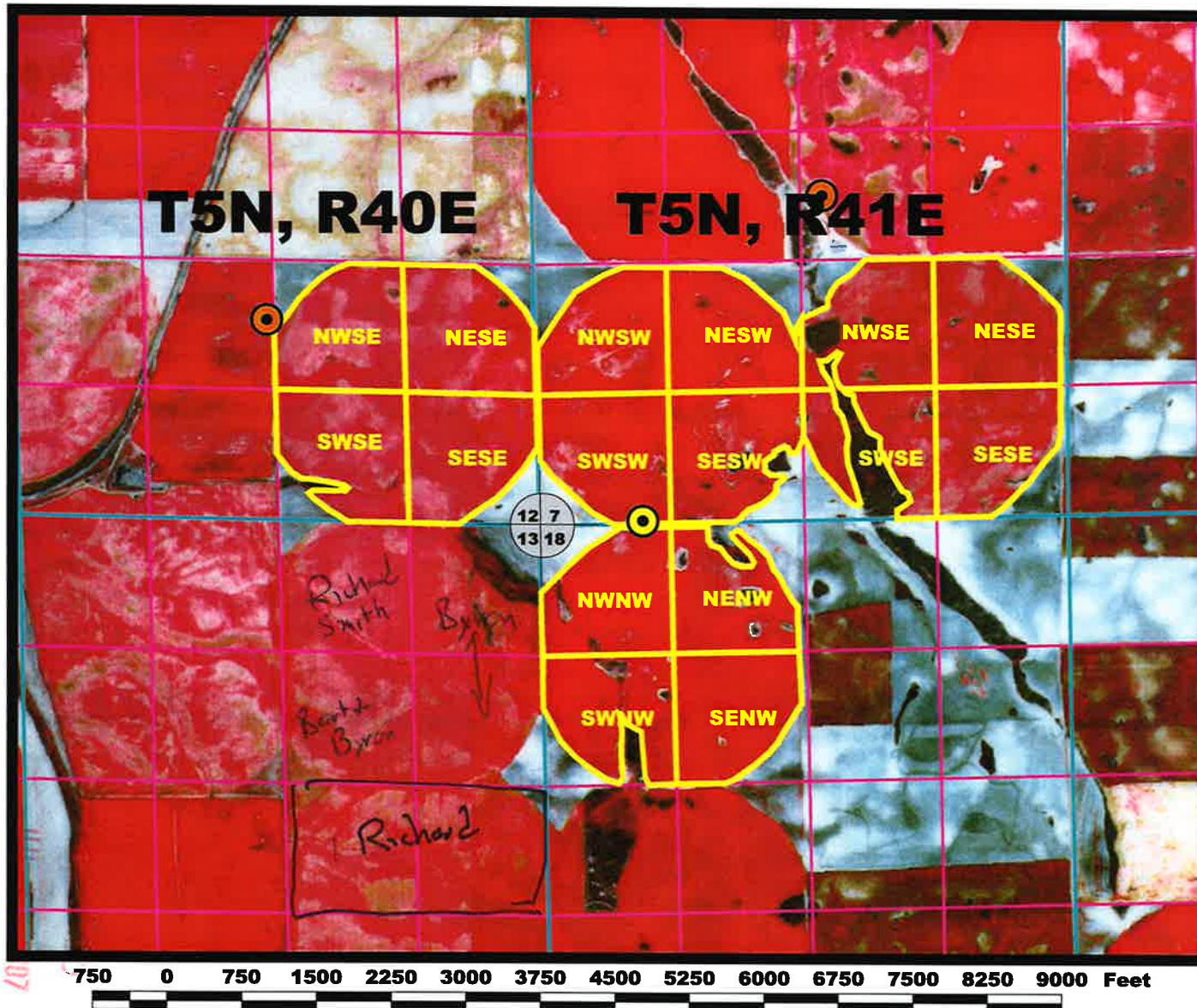
SCANNED
JUL 20 2007



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-7418A

Draft License

*This Layout is NOT
correct ASR
11/11/06*

Point(s) of Diversion:
T5N, R41E
Sec. 7 SESWSW

Place of Use: (parts of)
T5N, R40E Sec. 12 SE,
T5N, R41E Sec. 7 S2,
Sec. 18 NW

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

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

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.	

PAY TO
JOHN H. SMITH & SON, INC.
PO BOX 805
REXBURG, ID 83440

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.

Date

Head of Agency or Institution

State Auditor

MICROFILMED

OCT 29 1992

JUL 20 2007

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

SCANNED

JUL 29 2007

INDEXED

OCT 29 1992

HOOPES & THOMSON, CHARTERED

PROFESSIONAL LEGAL CORPORATION

130 EAST MAIN

P.O. BOX 70

REXBURG, IDAHO 83440-0070

(208) 356-9000

**ATTORNEYS
AT LAW**



R.J. HOOPES
DALE P. THOMSON
RICHARD F. SMITH
JOANN B. STRINGHAM

March 3, 1989

Mr. Keith C. Wilson
Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83402

RE: ADJUDICATION CLAIM A22-07418

Dear Mr. Wilson:

Enclosed please find an original NOTICE OF CLAIM TO A
WATER RIGHT ACQUIRED UNDER STATE LAW as well as a copy of a
letter received from your office dated February 27, 1989.

Thank you very much.

Sincerely,

Sundee Jensen
Sundee Jensen
Secretary

Enclosures
7486d

RECEIVED

MAR 7 1989

Department of Water Resources
Eastern District Office

SCANNED

JUL 20 2007

MICROFILMED

OCT 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 27, 1989

Richard F. Smith
P.O. Box 8
Rexburg, Idaho 83440

RE: Correction of Adjudication Claim A22-07418

Dear Mr. Smith:

As per our telephone conversation on January 24, 1989, you informed me that that you would come into this office to sign the amended claim A22-07418A. On 14 February 1989, I sent a copy of A22-07418A for your signature, and on February 24, 1989, this office received a copy of the claim. The claim that was received by this office was a copy and not the original notarized copy.

For your convenience enclosed is the copy of A22-07418A that was received by this office and a newly printed claim that needs to be signed in front of a notary and the original notarized copy returned to this office on or before 10 March 1989.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

RECEIVED

MAR 7 1989

Department of Water Resources
Eastern District Office

SCANNED

JUL 20 2007

MICROFILMED

OCT 29 1992

February 14, 1989

Richard F. Smith
P.O. Box 8
Rexburg, Idaho 83440

RE: Correction of Adjudication Claim A22-07418

Dear Mr. Smith:

As per our telephone conversation on January 24, 1989, you informed me that that you would come into this office to sign the amended claim A22-07418A. As of the date of this letter I find no indication that you have signed the form.

For your convenience enclosed is a copy of A22-07418A that needs to be signed in front of a notary and returned to this office on or before 28 February 1989.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

SCANNED MICROFILMED
JUL 20 2007 OCT 29 1992

RECEIVED
JAN 27 1989

FROM: KEITH C. WILSON

MEMO

24 JANUARY 1989

TO: DON SHAFT

SUBJECT: ADJUDICATION CLAIM A22-07418 CHANGED TO A22-07418A AND REFUND OF
PART OF THE ADJUDICATION FEE.

Department of Water Resources

06/16/1988 MR. SMITH CLAIM ENTERED A22-07418 INTO THE COMPUTER - P/U
INCLUDED W1/2E1/2 SEC 13

07/19/1988 WEBSTER CLAIM A22-07418B ENTERED - WENT TO TEMP HOST
A22-07071 ENTERED - WENT TO TEMP HOST

SMITH ADJ. CLAIM A22-07418A CREATED TO MATCH WEBSTER CLAIM
P/U W1/2E1/2 SEC 13 WAS CHANGED TO S1/2NW1/4 SEC 18.

08/22/1988 SMITH ADJ. CLAIM A22-07418 RECEIVED INTO OFFICE

08/24/1988 WEBSTER ADJ. CLAIMS A22-07418B/07071 RECEIVED & RECEIPTED
A22-07418B P/U W1/2NE1/4 SEC 13 (i.e. N1/2W1/2E1/2 SEC 13)
A22-07071 P/U W1/2SE1/4 (ie S1/2W1/2E1/2 SEC 13)

09/16/1988 MR. SMITHS CLAIMS WERE RECEIPTED (#E002387) AFTER RECEIPTING IT
WAS NOTICED THAT WEBSTER CLAIMS A22-07418B/07071 HAD BEEN FILED
ON THE W1/2E1/2 OF SEC 13

--/--/1988 ADJ. CLAIM A22-07418 WAS REMOVED FROM ADJUDICATION DATA BASE
TEMP.HOST.

--/--/1988 NUMEROUS PHONE CALLS WERE MADE IN ORDER TO GET IN TOUCH WITH MR.
SMITH.

11/04/1988 LETTER TO MR. SMITH EXPLAINING HIS NEED TO CHANGE HIS FILING TO
A22-07418A.

12/02/1988 MR. CRAIG SMITH MR. SMITH'S SON CALLED SAID HIS FATHER WAS OUT OF
THE STATE FOR THE WINTER WOULD SEND INFO ASAP.

01/18/1989 RICHARD SMITH (ATTORNEY & PART OWNER OF LAND UNDER RIGHT) CALLED
THIS OFFICE - I RETURNED HIS CALL AND HAD TO LEAVE A MESSAGE FOR
HIM TO RETURN HIS CALL TO ME.

01/24/1989 RICHARD SMITH CALLED - HE HAD RECEIVED MY LETTER TO MR. JOHN H.
SMITH. HE WANTED TO FILE AS I HAD RECOMMENDED ON ADJ. CLAIM
A22-07418A. HE SAID THAT HE WOULD COME TO THIS OFFICE ON
01/24/1989 TO SIGN A22-07418A.

01/24/1989 PHONE CALL TO DON SHAFT EXPLAINING THAT SINCE THE W1/2E1/2 OF SEC
13 HAD ALREADY BE HAD THE VARIABLE FEE PAID BY WEBSTER UNDER
A22-07418B & A22-07071 (E001701) THAT MR. SMITH'S ADJ. CLAIM
A22-07418A (REPLACING A22-07418) (E002387) NOW WAS AN OVER
PAYMENT OF \$80.00, AND THE RECEIPT: E002387 NEEDED TO BE
CHANGED TO:

ADJ. FEE = \$1198.00
OVER PAYMENT = \$80.00

WR/NR: A22-07418 CHANGED TO A22-07418A

DON FELT THAT AN OVERPAYMENT HAD BEEN MADE. SEE ATTACHED COPY OF
CLAIM FOR CHANGES.

Keith C. Wilson

SCANNED

JUL 20 2007

MICROFILMED

OCT 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

John H. Smith
P.O. Box 805
Rexburg, Idaho 83440

NOT CODED
YET

4 November 1988
RE: A22-11638
A22-07418

Dear Mr. Smith:

In reviewing your file on adjudication claim A22-11638 I need to be able to verify that the copy of the claim that you have is the same as what is in the computer. I would appreciate it if you would make a copy of A22-11638 and send it to this office on or before 23 November 1988.

The irrigation adjudication claim A22-07418 that you filed has a problem in that Frank Webster has also filed on a portion of the original right(22-7418) under claim # A22-07418B. To facilitate the explanation enclosed are copies of aerial photos showing how both you and Mr. Webster filed. I have also enclosed an amended claim(A22-07418A) indicating how this office feels would be your best approach to this problem. Claim A22-07418A would allow Mr. Webster's claims to remain the same while allowing you to claim the irrigation of the S1/2 NW1/4 Sec 18, R41E with the center pivot.

Both you and Mr. Webster need to get together before the end of November 1988, to decide how both of you wish to correct the filings, unless you decide to file claim A22-07418A.

Please contact this office on or before 7 December 1988 with your decision.

Sincerely,

Keith C. Wilson
Senior Resource Agent

12-2-88

Son called
will send in info ASAP

SCANNED

JUL 20 2007

MICROFILMED

OCT 29 1992

09/16/88
11:53:06

SMITH, JOHN H. & SON, INC

ADJUDICATION FEE

0410162 9337 6490

\$1,278.00

~~587.00~~

FEE

\$1,278.00

A22-07418A

CHECK 1909

NO. CHANGED TO

WR/NO: A22-07418

A22-07054

A22-02156

A22-10060

A22-11638

~~667.00~~~~365.00~~~~196.00~~~~25.00~~~~25.00~~

Idaho Department of Water Resources

Region: EASTERN

Signature: _____

MICROFILMED

OCT 29 1992

SCANNED

JUL 20 2007

09/16/88
11:53:06

SMITH, JOHN H. & SON, INC

ADJUDICATION FEE

0410162 9337 6490

OVERPAYMENT

\$ 1,198.00

\$1,278.00

- 80.00

\$1,278.00

CHECK 1909

A22-07418A
WR/NO: A22-07418 A22-07054 A22-02156 A22-10060 A22-11638

Idaho Department of Water Resources

Region: EASTERN

Signature: _____

COPY

MICROFILMED

OCT 29 1992

JUL 28 2007

MEMORANDUM

TO: File 22-7418

FROM: KAY WALKER

RE: License Review

Date: January 25, 2006

.....

I was advised that we should prepare licenses for the lands under this permit by current ownership but this was problematic. Called Madison County Assessor office on December 30, 2005, and confirmed that the ownership of lands in SE $\frac{1}{4}$, S12, 5N, 40E are owned by Richard Smith. Lands in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13 are owned by Richard Smith. Lands in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13 are owned by Byron Webster, et al. Lands in N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, 5N, 41E are owned by Richard Smith. Lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 are owned by Webster Brothers. These property owners have made arrangements to irrigate each other's properties. I requested a copy of the agreement but did not get a response to my letter. In order to proceed with the licensing of this permit it was decided that we could license the two systems found by field examiner and then the land owners may have to file transfers in the future if they want to make changes to the water rights. This permit will be split into 2 parts under numbers 22-13457 (SRBA 22-7418A) and 22-13458 (SRBA 22-7418B) since there were 2 separate systems utilized on lands included under the permit.

License 22-13457 has been prepared as 517.1 acres of irrigation at 0.011 cfs per acre (5.88 cfs/517.1 acres). There are no other water rights diverted from this well according to information search of our database. Field examiner recommended 592.7 acres of irrigation on his exam. Lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 were previously licensed under Rt. 22-7071 but those lands have not been claimed in the SRBA under Claim 22-7071. In phone conversation with Al Ruberry (he is preparing Rts. 22-7071 and 22-7418 for SRBA recommendations) on 12/30/05 regarding these lands and he stated he will request an amended claim for 22-7071 so that he can recommend the lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 as part of that licensed right. I did not include these lands in licensing recommendations as they are licensed under Rt. 22-7071 at 0.015 cfs per acre, which allows a better flow rate for these lands.

License 22-13458 has been prepared as 71 acres of irrigation from the wells developed under Rts. 22-7071, 22-7156 and 22-2247 since that land has been irrigated from Webster Brothers wells due to the land swapping agreement. There are no other water rights for this 71 acres. I recommend that we allow 0.92 cfs for the irrigation of the 71 acres. I reviewed the rates licensed under rights 22-7071 (0.015 cfs/ac), 22-2247 (0.011 cfs/ac) and 22-7156 (0.013 cfs/ac). I averaged these rates and came up with an average of 0.013 cfs/acre so have prepared license 22-13458 at this rate. These rights,

when combined, will have a capacity limitation of 18.27 cfs based on flows determined on the prior licenses. Claim 22-7418B will need to be amended to allow the rate I have recommended since they only claimed 0.57 cfs for this land.

In discussion with Al Ruberry and Skip Jones it was determined that they will "invite" the parties involved under this permit into the office so they can sit down with the parties and go over the proposed licenses and the claims that have been submitted which are currently undergoing SRBA review. I will prepare licensing amendments and layouts of each proposed license and e-mail them to Al so he can discuss with the parties at the time of their visit.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-13458

Date of Priority: December 29, 1982

Maximum Diversion Rate: 0.92 CFS

Maximum Diversion Volume: 249.0 AF

Comes now JOHN H SMITH

PO BOX 805

REXBURG ID 83440 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13458, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.92 CFS	249.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp 05N, Rge 40E, B.M., MADISON County

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 05N, Rge 41E, B.M., MADISON County

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, Twp 05N, Rge 41E, B.M., MADISON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	40E	13																	71.0
					34.0	37.0													

Total Acres: 71

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-13458

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-13458 with the following:

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Rights 22-7071, 22-2247, 22-7156 and 22-13458 when combined shall not exceed a total diversion rate of 18.27 cfs.
3. Rights 22-2247 and 22-7071 are also diverted through the point of diversion located in NENW, S19, T5N, R41E.
Right 22-7071 is also diverted through the point of diversion located in SWNW, S24, T5N, R40E.
Right 22-7156 is also diverted through the points of diversion located in NENW and SWNE, Sec. 19, T5N, R40E.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this _____ day of _____, 2006.

KARL J. DREHER
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-13457

Date of Priority: December 29, 1982

Maximum Diversion Rate: 5.88 CFS

Maximum Diversion Volume: 1,810.0 AF

Comes now JOHN H SMITH
PO BOX 805

REXBURG ID 83440 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13457, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.88 CFS	1,810.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER L4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 7, Twp 05N, Rge 41E, B.M., MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 12													36.0	34.0	39.0	40.0	149.0
05N 40E 13	7.1																7.1
05N 41E 7									36.0	34.0	40.0	40.0	35.0	32.0	29.0	37.0	283.0
05N 41E 18											L 3	L 4					78.0

Total Acres: 517.1

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-13457

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-13457 with the following:

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this _____ day of _____, 2006.

KARL J. DREHER
Director



Idaho Department of Water Resources

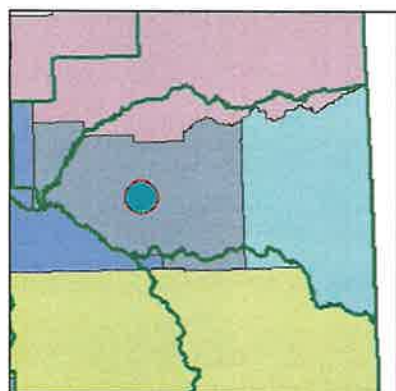
Water Right Number:

22-13457

T05N R40E
T05N R41E

Legend

-  License 22-13457
-  Sections
-  QQ



Madison County
IDWR Basin 22



Prepared by K. Walker
On Friday, January 6, 2006
2004 NAIP Aerial Photography



Idaho Department of Water Resources

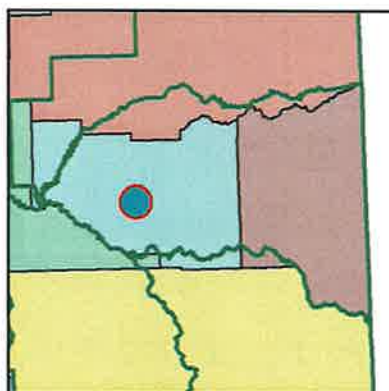
Water Right Number:

22-13458

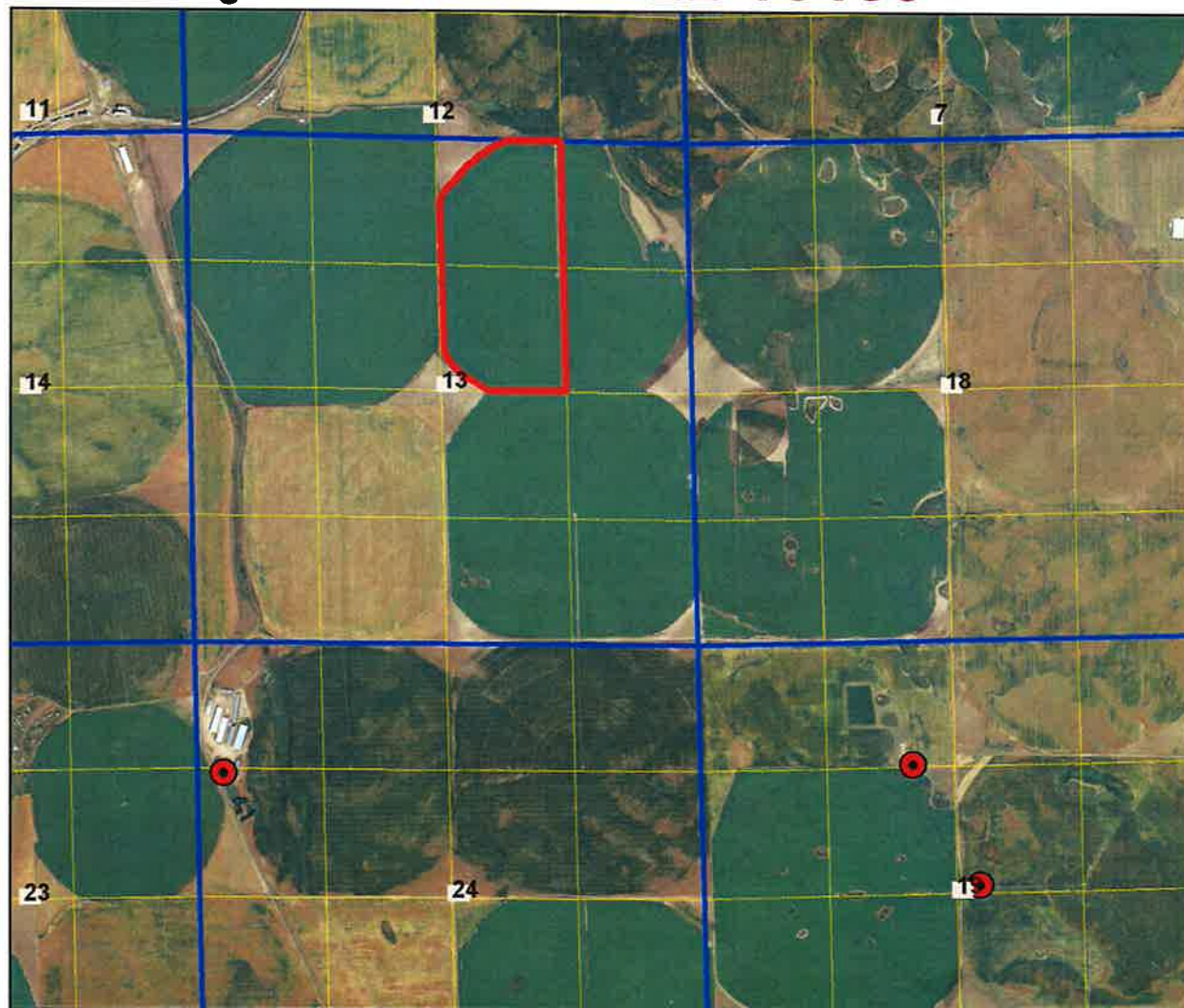
T05N R40E
T05N R41E

Legend

-  License 22-13458
-  Points of Diversion
-  Sections
-  QQ



Madison County
IDWR Basin 22



Prepared by K. Walker
On Wednesday, January 4, 2006
2004 NAIP Aerial Photography

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-13457

Priority: December 29, 1982

Maximum Diversion Rate: 5.88 CFS

Maximum Diversion Volume: 1,810.0 AF

It is hereby certified that JOHN H SMITH
PO BOX 805
REXBURG ID 83440 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 29, 1982; and has
submitted Proof of Beneficial Use on July 1, 1985. An examination indicates that the works have a
diversion capacity of 5.88 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

5.88 CFS

**ANNUAL
DIVERSION VOLUME**

1,810.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER L4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 7, Twp 05N, Rge 41E, B.M., MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 12													36.0	34.0	39.0	40.0	149.0
05N 40E 13	7.1																7.1
05N 41E 7									36.0	34.0	40.0	40.0	35.0	32.0	29.0	37.0	283.0
05N 41E 18					39.0	39.0			L 3	L 4							78.0
						L 1											

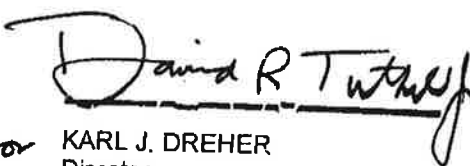
Total Acres: 517.1

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 14th day of February, 2006.


for **KARL J. DREHER**
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

October 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RICHARD SMITH
PO BOX 8
REXBURG ID 83440

FRANKO FARMS
C/O FRANK WEBSTER
PO BOX 323
REXBURG ID 83440

RECEIVED

OCT 17 2005

Department of Water Resources
Eastern Region

RE: Permit No. 22-7418

Gentlemen:

The Department is in the process of reviewing the above referenced permit for licensing purposes and find there are questions concerning the place of use to be licensed. The Department's field examiner found that you have an agreement, between yourselves, that allows Mr. Smith to utilize 80 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, Twp. 5N, Rge. 41E in exchange for Franko Farms utilizing 80 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13, Twp. 5N, Rge. 40E.

Pursuant to records on file at this office, the lands in S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, were covered under License 22-7071 when it was issued. The lands in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13 were covered under Permit 22-7418 when it was issued. The problem with this arrangement is that the Department cannot include the lands in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13 under the license for 22-7418 because those lands were irrigated from the wells under License 22-7071 and the Department cannot issue a license for lands that were not developed under the permit. If you could provide a copy of the agreement you have between yourselves it may help the Department determine how to license the lands developed under Permit 22-7418. The Department also needs some documentation that the lands in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13 were irrigated from the well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 5N, Rge. 41E, during the permit development period.

It may be to your benefit to transfer a portion of the water right under 22-7071 to the lands in E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 13 and then request we license the lands within the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18 under Permit 22-7418. If this was done, all the lands currently under irrigation would be covered with water rights and the ownership of the water rights would be consistent with the ownership of the land.

It will be very important for you to submit the above requested information at your earliest convenience. The Department needs to finalize the licensing process of Permit 22-7418 before the Snake River Basin Adjudication (SRBA) files their report on water rights in your area with the Court in Twin Falls.

If you have questions regarding this matter, please feel free to contact me at (208)287-4953, or if you would like to come to Boise to meet with me and review the water right files, please call and set up an appointment. If you would rather not make a trip to Boise but want to meet with one of our staff, Keith Wilson of our office in Idaho Falls said he would be available to meet with you if you would call him at (208)525-7161 and set up an appointment.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent

KW:k

Cc: Keith Wilson, Eastern Region
Allen Ruberry, SRBA @ Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant John H. Smith Phone 356-3935

Post office address Route #4, Box 11, Rexburg, ID 83440

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18 Township 5N

Range 41E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 14.4 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 14.4 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A 20" well approximately 900 feet deep with a 500 HP pump and a 150 HP booster pump, if necessary. Water will be delivered to crops by underground mainlines and a modern irrigation sprinkling system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 900 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	41E	7									X	X	X	X	X	X	X	X	320
5N	41E	18					X	X											80
5N	40E	12													X	X	X	X	160
5N	40E	13		X	X											X	X		160

Total number of acres to be irrigated 720

c. Describe any other water rights used for the same purposes as described above. Cancelled

Permit No. 22-7252.

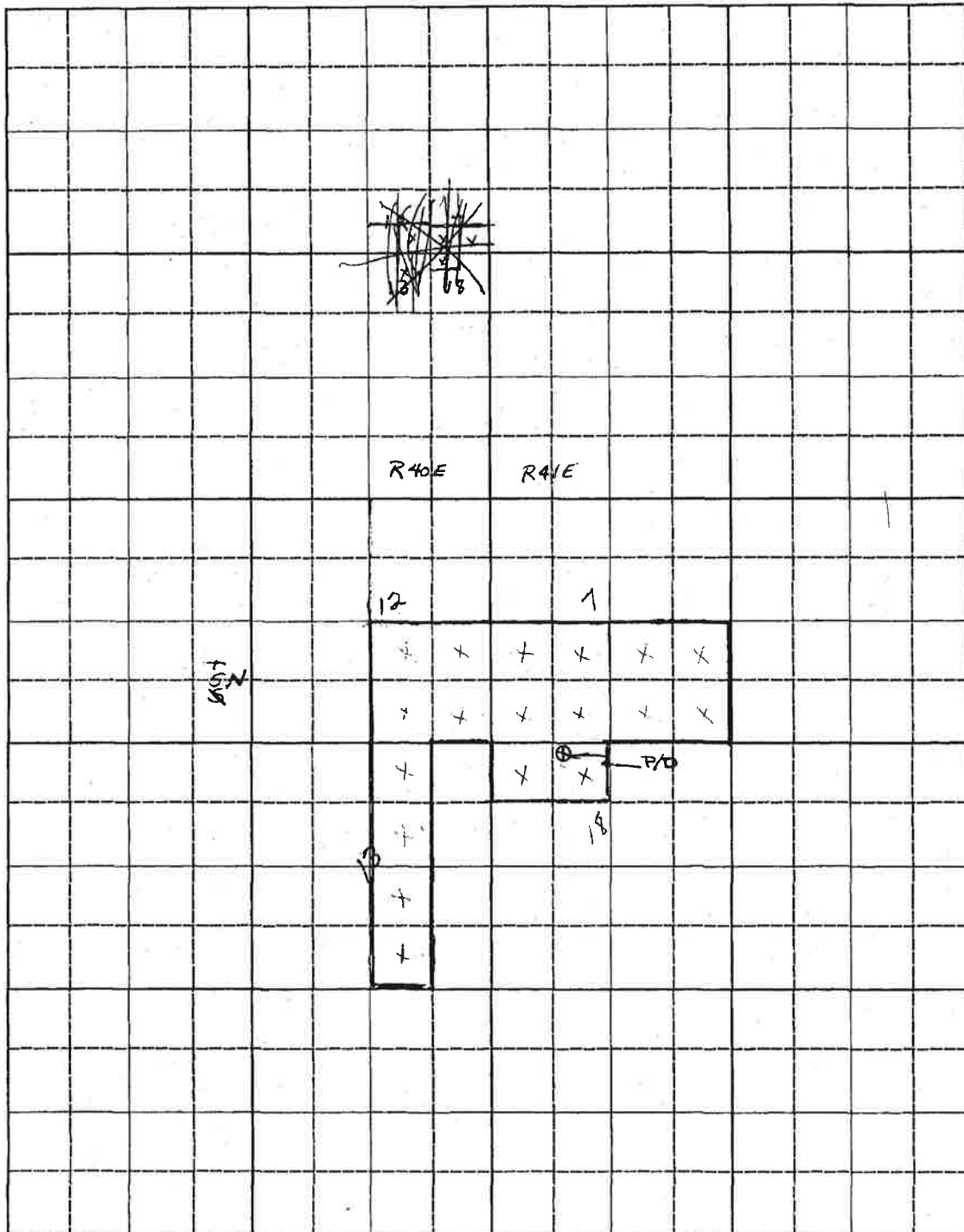
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Smith
(Applicant)

MICROFILMED

Proposed Permit, 12/29/82

MICROFILMED

Received by CW SRL Date 1/03/83 Time 3:00p.
Preliminary check by KCW Fee \$ 325⁰⁰
Received by BP Date 1/4/83 # 23273
Publication prepared by GW Date 2-27-85
Published in Standard Journal
Publication dates 3-7 & 3-14-85
Publication approved GW Date 4-15-85
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC KCW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7418, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 90.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 11th day of June, 1985.

A. Glen Saxton
Chief, Operations Bureau

JAN 29 2001

DEPARTMENT OF WATER RESOURCES

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: JOHN H. SMITH

Permit No. 22-07418 PART

Phone No. 356-3935

Current Address: P.O. Box 822 Rexburg, ID. 83440

2. Accompanied by: RICHARD SMITH

EXAM. DATE: 7-15-1987

Address: P.O. Box 8 REXBURG ID. 83440

Phone No. 356-4912

Relationship to Permit Holder: _____

3. Source: _____ tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: No Overlap on SRBA Claims (Allocations 22-07071)

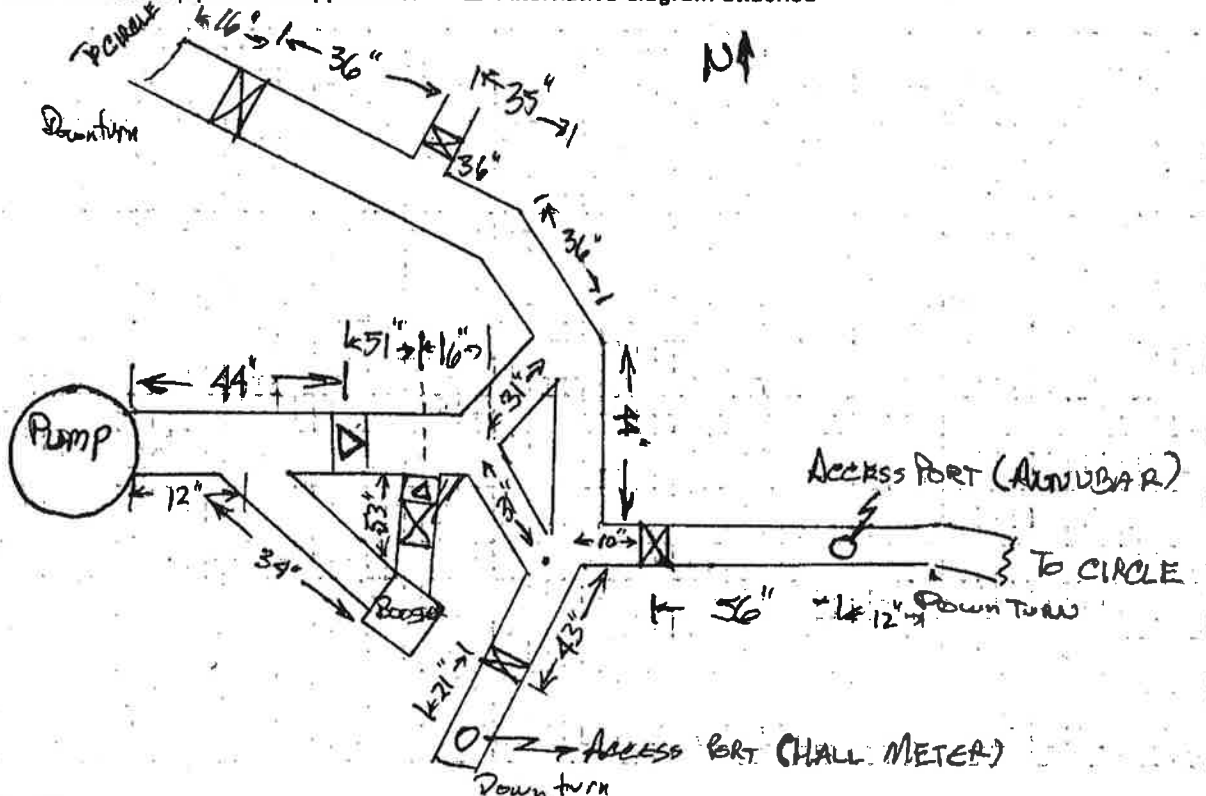
☐ Copies Attached

2. Other water rights with same point of diversion:

☐ **Copies Attached**☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

☐ Alternative diagram attached

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: ERIC VERNER

Date 7-15-1987

Owner: John Smith

Permit No. 22-7418

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 10' 9.851"

T = Pipe Thickness in Inches = _____

ID = $2 [(0.1592 \times CIR) - T] = \dots\dots\dots$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10.02"

State ID No. 3-94

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14" - 16"	4.01
18" - 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 27.2 41.0 3.1

Low Reading = 24.0 37.9 3.2"

High - Low = H = 3.2"

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.6}$$

$$Q = \frac{(9.851)^2 \cdot (\sqrt{3.2}) \cdot (3.94)}{448.6} = \frac{1.57}{CFS}$$

SKETCH (If not shown on Field Report)

4.03

1.57

704.8 gpm

2.1-0

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

THIS SYSTEM SUPPLIES WATER TO A 1/4 MILE CENTER
PIVOT. G40 IS IRRIGATED BY WELL and 1 mini Pivot

well pump mainline to 4 - 1/4 mile and one mini pivot, and hand lines with
sprinklers.

SEE ATTACHED MEMO'S.

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
PUMP	G.E.	400	BAU224010	AURORA	3P8-88034
BOOSTER	G.E.	60	DN-175018	CORNELL	2332- 13 1/8

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	SW		5N	41E	Madison	on site / USGS aerial

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	40E	12													36.0	34.3	39.4	39.5	149.2
		13	7.1																7.1
5N	41E	7								34.1	L-3 33.3	L-4 34.4	40	35.1	32.3	30.4	31.9		282.5
		18					38.4	L-1 37.5	L-2 37.9	38.1									153.9
																			592.7

Do not use this space

7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR COX/HALL MEASUREMENT

Measured by: ERIC VernerDate 7/15/1987Owner: John SmithPermit No. 22-7418

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE RADIUS IN INCHES (IR)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

IR = [(0.1592 X CIR) - T] = ... 8.0 ^{7.851}DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)High Reading = 40.5" ^{41.6} 10.8 ^{15.8}Low Reading = 29.5" ^{33.8}High - Low = H = ... 11.0"

COX/HALL DESCRIPTION & FACTOR DETERMINATION (H#)

State ID No. _____

Size of tip used _____

Number of holes in
meter taped or blocked _____

To determine Cox/Hall Factor (H#) use table to the right.
Using the Differential Pressure Reading (H) find appropriate
Row and Column to determine (H#).
(example: H = 12.4 then H# = 17.0)

Determine (H#) and enter here: 15.9

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(3.1416) (IR)^2 (H\#)}{(448.8)}$$

$$Q = \frac{(3.1416) (8)^2 (15.9)}{(448.8)} = \frac{7.72}{7.72} \text{ cfs} = 1.72 \text{ cfs} \text{ (76.97 gpm)}$$

SKETCH (If not shown on Field Report)

	.0	.1	.2	.3	.4	.5	.6	.7	.8	.9
0	0.0	0.8	1.3	1.8	2.2	2.5	2.9	3.3	3.7	4.0
1	4.3	4.5	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2
2	6.3	6.5	6.7	6.9	7.0	7.2	7.3	7.5	7.6	7.7
3	7.9	8.0	8.2	8.3	8.5	8.6	8.7	8.8	9.0	9.1
4	9.3	9.4	9.5	9.6	9.7	9.8	10.0	10.1	10.2	10.3
5	10.4	10.5	10.6	10.7	10.9	11.0	11.1	11.2	11.3	11.4
6	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4
7	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4
8	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4
9	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4
10	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4
11	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4
12	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4
13	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4
14	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4
15	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4
16	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4
17	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4
18	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4
19	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4
20	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4
21	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4
22	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4
23	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4
24	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4
25	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4
26	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4
27	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4
28	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4
29	34.5	34.6	34.7	34.8	34.9	35.0	35.1	35.2	35.3	35.4
30	35.5	35.6	35.7	35.8	35.9	36.0	36.1	36.2	36.3	36.4
31	36.5	36.6	36.7	36.8	36.9	37.0	37.1	37.2	37.3	37.4
32	37.5	37.6	37.7	37.8	37.9	38.0	38.1	38.2	38.3	38.4
33	38.5	38.6	38.7	38.8	38.9	39.0	39.1	39.2	39.3	39.4
34	39.5	39.6	39.7	39.8	39.9	40.0	40.1	40.2	40.3	40.4
35	40.5	40.6	40.7	40.8	40.9	41.0	41.1	41.2	41.3	41.4
36	41.5	41.6	41.7	41.8	41.9	42.0	42.1	42.2	42.3	42.4
37	42.5	42.6	42.7	42.8	42.9	43.0	43.1	43.2	43.3	43.4
38	43.5	43.6	43.7	43.8	43.9	44.0	44.1	44.2	44.3	44.4
39	44.5	44.6	44.7	44.8	44.9	45.0	45.1	45.2	45.3	45.4
40	45.5	45.6	45.7	45.8	45.9	46.0	46.1	46.2	46.3	46.4
41	46.5	46.6	46.7	46.8	46.9	47.0	47.1	47.2	47.3	47.4
42	47.5	47.6	47.7	47.8	47.9	48.0	48.1	48.2	48.3	48.4
43	48.5	48.6	48.7	48.8	48.9	49.0	49.1	49.2	49.3	49.4
44	49.5	49.6	49.7	49.8	49.9	50.0	50.1	50.2	50.3	50.4
45	50.5	50.6	50.7	50.8	50.9	51.0	51.1	51.2	51.3	51.4
46	51.5	51.6	51.7	51.8	51.9	52.0	52.1	52.2	52.3	52.4
47	52.5	52.6	52.7	52.8	52.9	53.0	53.1	53.2	53.3	53.4
48	53.5	53.6	53.7	53.8	53.9	54.0	54.1	54.2	54.3	54.4
49	54.5	54.6	54.7	54.8	54.9	55.0	55.1	55.2	55.3	55.4

799.29 ft

770
704
1474

150

RECEIVED

MAR 22 1990

MAR 1 8 1990

FROM: KEITH C. WILSON - *Eastern* MEMO
TO: DON SHAFF

Department of Water Resources
Eastern District Office

SUBJECT: ADJUDICATION CLAIM A22-07418 CHANGED TO A22-07418A AND REFUND OF
PART OF THE ADJUDICATION FEE.

06/16/1988 MR. SMITH CLAIM ENTERED A22-07418 INTO THE COMPUTER - P/U
INCLUDED W1/2E1/2 SEC 13

07/19/1988 WEBSTER CLAIM A22-07418B ENTERED - WENT TO TEMP HOST
A22-07071 ENTERED - WENT TO TEMP HOST

SMITH ADJ. CLAIM A22-07418A CREATED TO MATCH WEBSTER CLAIM
P/U W1/2E1/2 SEC 13 WAS CHANGED TO S1/2NW1/4 SEC 18.

08/22/1988 SMITH ADJ. CLAIM A22-07418 RECEIVED INTO OFFICE

08/24/1988 WEBSTER ADJ. CLAIMS A22-07418B/07071 RECEIVED & RECEIPTED
A22-07418B P/U W1/2NE1/4 SEC 13 (i.e. N1/2W1/2E1/2 SEC 13)
A22-07071 P/U W1/2SE1/4 (i.e. S1/2W1/2E1/2 SEC 13)

09/16/1988 MR. SMITHS CLAIMS WERE RECEIPTED (#E002387) AFTER RECEIPTING IT
WAS NOTICED THAT WEBSTER CLAIMS A22-07418B/07071 HAD BEEN FILED
ON THE W1/2E1/2 OF SEC 13

--/--/1988 ADJ. CLAIM A22-07418 WAS REMOVED FROM ADJUDICATION DATA BASE
TEMP.HOST.

--/--/1988 NUMEROUS PHONE CALLS WERE MADE IN ORDER TO GET IN TOUCH WITH MR.
SMITH.

11/04/1988 LETTER TO MR. SMITH EXPLAINING HIS NEED TO CHANGE HIS FILING TO
A22-07418A.

12/02/1988 MR. CRAIG SMITH MR. SMITH'S SON CALLED SAID HIS FATHER WAS OUT OF
THE STATE FOR THE WINTER WOULD SEND INFO ASAP.

01/18/1989 RICHARD SMITH (ATTORNEY & PART OWNER OF LAND UNDER RIGHT) CALLED
THIS OFFICE - I RETURNED HIS CALL AND HAD TO LEAVE A MESSAGE FOR
HIM TO RETURN HIS CALL TO ME.

01/24/1989 RICHARD SMITH CALLED - HE HAD RECEIVED MY LETTER TO MR. JOHN H.
SMITH. HE WANTED TO FILE AS I HAD RECOMMENDED ON ADJ. CLAIM
A22-07418A. HE SAID THAT HE WOULD COME TO THIS OFFICE ON
01/24/1989 TO SIGN A22-07418A.

01/24/1989 PHONE CALL TO DON SHAFF EXPLAINING THAT SINCE THE W1/2E1/2 OF SEC
13 HAD ALREADY HAD THE VARIABLE FEE PAID BY WEBSTER UNDER
A22-07418B & A22-07071 (E001701) THAT MR. SMITH'S ADJ. CLAIM
A22-07418A (REPLACING A22-07418) (E002387) NOW WAS AN OVER
PAYMENT OF \$80.00, AND THE RECEIPT: E002387 NEEDED TO BE
CHANGED TO:

ADJ. FEE = \$1198.00
OVER PAYMENT = \$80.00

WR/NR: A22-07418 CHANGED TO A22-07418A

DON FELT THAT AN OVERPAYMENT HAD BEEN MADE. SEE ATTACHED COPY OF
CLAIM FOR CHANGES.

02/14/1989 AS OF THIS DATE MR. RICHARD SMITH HAD NOT COME INTO THIS OFFICE
TO SIGN THE AMENDED CLAIM A22-07418A. A PHONE CALL TO RICHARD
SMITH (0907 hrs) NO ANSWER. LETTER TO MR. RICHARD F. SMITH WITH
A COPY OF A22-07418A FOR SIGNATURE AND NOTARY. REPLY ON OR
BEFORE 28 FEBRUARY 1989.

02/24/1989 RECEIVED COPY OF A22-07418A, NOT ORIGINAL NOTARIZED COPY OF THE
CLAIM, BUT A COPY.

Approved
Data Entry
Region File *3-20-90*

RECEIVED

OCT 29 1992

02/27/1989 SENT A LETTER TO RICHARD F. SMITH INFORMING HIM THAT THIS OFFICE
NEEDED AN ORIGINAL NOTARIZED COPY OF THE CLAIM. REPLY ON OR
BEFORE 10 MARCH 1989.

03/07/1989 RECEIVED ORIGINAL NOTARIZED CLAIM FROM MR. SMITH

03/14/1989 PRINTED A COPY OF ORIGINAL RECEIPT #E002387. INDICATED ON THE
COPY OF THE RECEIPT THE FEES PAID FOR EACH RIGHT, AND THE
NECESSARY CHANGES TO THE RECEIPT (I.E. CHANGE #A22-07418 TO
A22-07418A WITH A FILING FEE OF \$587.00).
SENT COPY OF THIS MEMO TO DON SHAFF WITH A REQUEST TO CHANGE
RECEIPT #E002387 TO REFLECT AN OVERPAYMENT OF \$80.00. ALSO SEND
THE CORRECTED RECEIPT TO THIS OFFICE SO THAT THE RECEIPT NUMBER
CAN BE ENTERED INTO THE DATABASE.

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

RECEIVED
FEB 06 2013
Department of Water Resources
Eastern Region

Ident. Number
22-13457

Date Received:

Receipt Nos:

Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Richard F. Smith
P.O. Box 8
Rexburg, ID 83440

2. Date of Priority:
12-29-1982

3. Source: Groundwater Trib. to:

4. Point of Diversion:

Township 5N Range 41E Section 7 SE1/4 of SW1/4 of SW1/4 Madison County

5. Description of diverting works:

Well with pump to mainlines and sprinkler lines

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
Irrigation	04/01	10/31	5.87		

7. Total Quantity Appropriated is:
5.87 C.F.S.

8. Total consumptive use: _____ Acre Feet Per Annum
9. Non-irrigation uses: None

Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
05N	40E	12	NE	SE	Irr	36	
			NW	SE	Irr	34.3	
			SW	SE	Irr	39.4	
			SE	SE	Irr	39.5	
		13	NE	NE	Irr	7.1	
	41E	7	NE	SW	Irr	34.1	
			NW	SW	3	Irr	33.3
			SW	SW	4	Irr	39.4
			SE	SW	Irr	40	
			NE	SE	Irr	35.1	
			NW	SE	Irr	32.3	
			SW	SE	Irr	30.4	
			SE	SE	Irr	37.9	
	18	NE	NW	Irr	38.4		
		NW	NW	1	Irr	39.5	
		SW	NW	Irr	37.9		
		SE	NW	Irr	38.1		

Total Acres 592.7

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:

By agreement Mr. Smith leases 80 acres in W1/2NE1/4 Section 13, T5N, R40E to Franko Farms, Inc. who uses their own wells to irrigate this leased ground (partially decreed under WR22-13458). Franko Farms, Inc. in-exchange leases 80 acres

S1/2NW1/4 Sec. 18, T5N, R41E to Mr. Smith who uses his own irrigation system to irrigate this ground as recorded in this claim.

This right 22-13457 replaces the claim A22-07418 which was received on 09/16/1988.

15. Basis of Claim: License

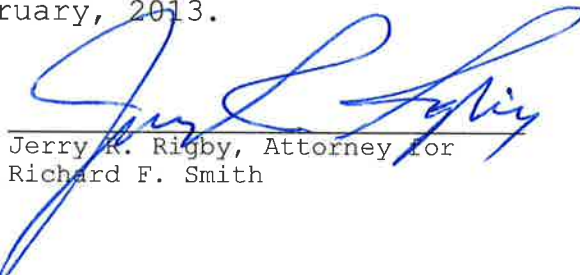
16. Signature(s)

(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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

DATED this 5th day of February, 2013.


Jerry R. Rigby, Attorney for
Richard F. Smith

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 5th day of February, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2017

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 22-13457
Date Received: 8/22/1988
Receipt No:
Received By:

This right is renumbered from former right 22-7418A.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN H SMITH Phone: (208)356-3935
PO BOX 805
REXBURG ID USA 83440

RICHARD F SMITH Phone: (208)356-4912
PO BOX 8
REXBURG ID USA 83440

2. Date of Priority: 01/03/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	7	SE SW SW	MADISON	

5. Description of diverting works:

WELL W/ PUMP TO MAINLINES AND SPRINKLER LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.83	

7. Total Quantity Appropriated is:
3.83 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	
05N	40E	12	NE	SE	IRRIGATION	34	
			NW	SE	IRRIGATION	34	
			SW	SE	IRRIGATION	34	
			SE	SE	IRRIGATION	34	
Section Acres						136	
05N	41E	7	NE	SW	IRRIGATION	34	
			NW	SW	3	IRRIGATION	33
			SW	SW	4	IRRIGATION	33
			SE	SW	IRRIGATION	34	
			NE	SE	IRRIGATION	34	
			NW	SE	IRRIGATION	27	
			SW	SE	IRRIGATION	25	
			SE	SE	IRRIGATION	34	
Section Acres						254	
05N	41E	18	SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	NW	IRRIGATION	34	
			NW	NW	1	IRRIGATION	33
Section Acres						147	
Total Acres						537	

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 is renumbered from former right 22-7418A.

BY AGREEMENT MR. SMITH LEASES 80 ACRES IN W1/2 NE1/4 SEC 13 T5N R40E TO FRANKO FARMS INC. WHO USES THEIR OWN WELLS TO IRRIGATE THIS LEASED GROUND (CLAIMED UNDER A22-07418B). FRANKO FARMS INC. IN-TURN LEASES 80 ACRES S1/2 NW1/4 SEC 18 T5N R41E TO MR. SMITH WHO USES HIS OWN IRRIGATION SYSTEM TO IRRIGATE THIS GROUND AS RECORDED IN THIS CLAIM. THIS RIGHT A22-07418A REPLACES A22-07418 WHICH WAS RECEIVED ON 09/16/1988.

15. Basis of Claim: Permit

SCANNED

JUL 20 2007

2

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: A22-07418A

Date Received: 8/22/1988

Receipt No: E002387

Received By: KCW

MAR 7 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. SMITH 208-356-3935
Address: P.O. BOX 805
REXBURG, ID 83440

OR

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

2. Date of Priority: JAN 03, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	41E	7	SE	SW	SW		MADISON

5. Description of diverting works:
WELL W/ PUMP TO MAINLINES AND SPRINKLER LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.830		

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

8. Total consumptive use is 1342.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-07418A

Page 1

Date: 02/27/89

SCANNED

JUL 2 11 2007

MICROFILMED

OCT 29 1992

A2207418A



10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	40E	12	NE	SE		IRR	34.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	34.0

Section Acres 136.0

41E	7	NE	SW		IRR	34.0
		NW	SW	3	IRR	33.0
		SW	SW	4	IRR	33.0
		SE	SW		IRR	34.0
		NE	SE		IRR	34.0
		NW	SE		IRR	27.0
		SW	SE		IRR	25.0
		SE	SE		IRR	34.0

Section Acres 254.0

18	NE	NW		IRR	34.0
	NW	NW	1	IRR	33.0
	SW	NW		IRR	40.0
	SE	NW		IRR	40.0

Section Acres 147.0

Total Acres 537.0

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:

CANCELLED PERMIT #22-07252

14. Remarks:

BY AGREEMENT MR. SMITH LEASES 80 ACRES IN W1/2 NE1/4 SEC 13
T5N R40E TO FRANKO FARMS INC. WHO USES THEIR OWN WELLS TO
IRRIGATE THIS LEASED GROUND (CLAIMED UNDER A22-07418B). FRANKO
FARMS INC. IN-TURN LEASES 80 ACRES S1/2 NW1/4 SEC 18 T5N R41E TO
MR. SMITH WHO USES HIS OWN IRRIGATION SYSTEM TO IRRIGATE THIS
GROUND AS RECORDED IN THIS CLAIM.
THIS RIGHT A22-07418A REPLACES A22-07418 WHICH WAS RECEIVED ON
09/16/1988.

15. Basis of Claim: PERMIT

SCANNED
JUL 20 2007

MICROFILMED
OCT 29 1992

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: (1)

For Individuals:

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

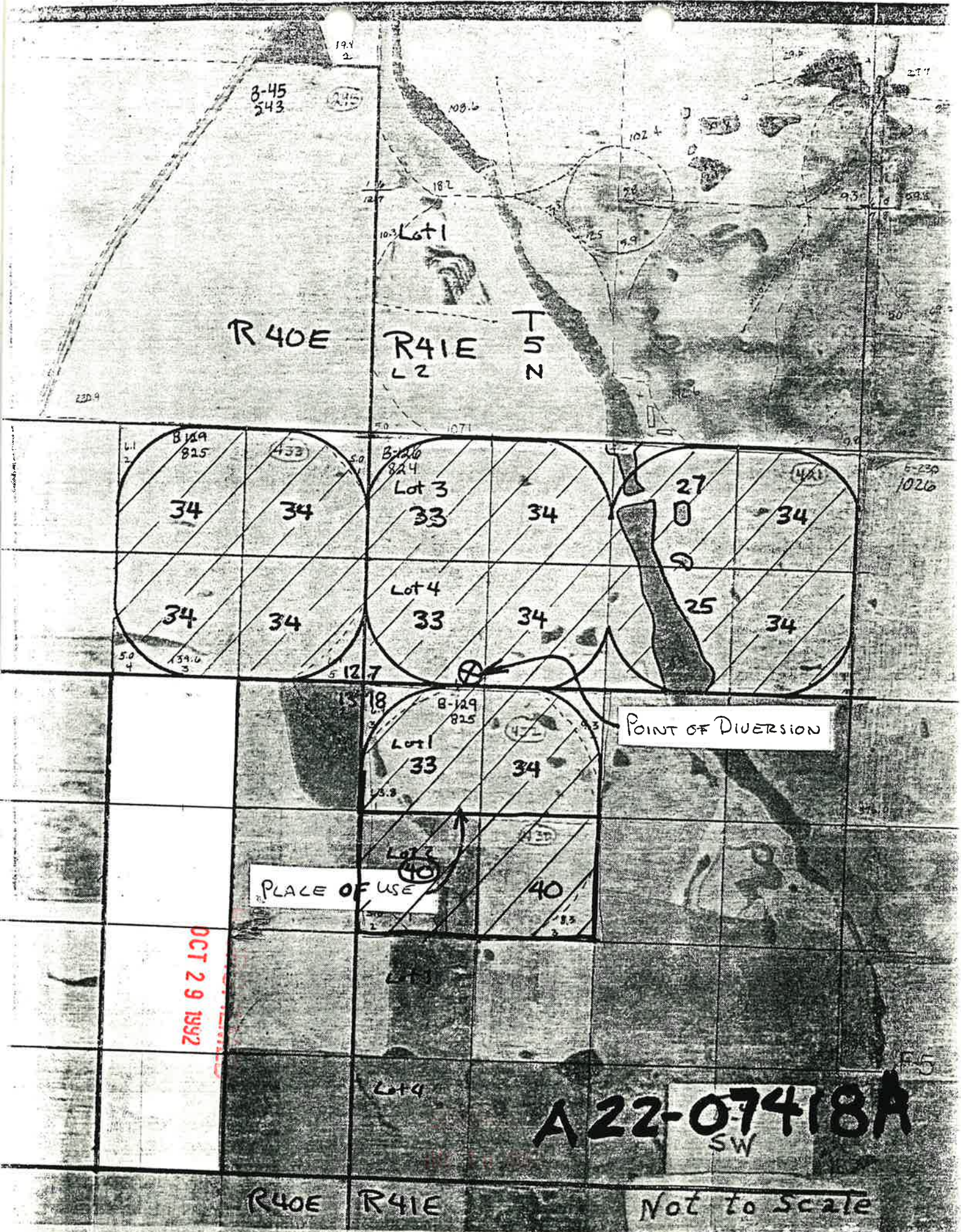
Signature of Claimant(s): [Signature] Date: 3/3/89
Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of March, 19 89
[Signature]
Notary Public

Seal

Residing at Bearburg, Idaho
My Commission Expires 09-15-92



230.4

8-45
343

193
2

R 40E

R 41E
T 5 N

Lot 1

102.6

182

1/2

1/27

103

102.4

2

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Point of Diversion

Place of Use

Lot 2

Lot 1

34

33

34

34

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34

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34

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Lot 3

34

33

34

34

34

34

34

34

34

Lot 4

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33

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Lot 5

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Lot 4

OCT 29 1992

MICROFILMED

A 22-07418A

FS

R 40E

R 41E

Not to Scale

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: A22-07418
Date Received: 6/16/1988
Receipt No: E002387
Received By: Kew

RECEIVED

AUG 22 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. SMITH 208-356-3935
Address: P.O. BOX 805
REXBURG, ID 83440

2. Date of Priority: JAN 03, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	41E	7	SW	SW		4	MADISON

5. Description of diverting works:
WELL, PUMP, MAINLINES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.400		

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

8. Total consumptive use is 1234.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	12	NE	SE		IRR	34.0
			NW	SE		IRR	34.0
			SW	SE		IRR	34.0
			SE	SE		IRR	34.0

Section Acres 136.0

A22-07418

Page 1

Date: 06/16/88

MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	13	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			Section Acres					160.0
	41E	7	NE		SW		IRR	34.0
			NW		SW	3	IRR	33.0
			SW		SW	4	IRR	33.0
			SE		SW		IRR	34.0
			NE		SE		IRR	34.0
			NW		SE		IRR	27.0
			SW		SE		IRR	25.0
			SE		SE		IRR	34.0
			Section Acres					254.0
		18	NE		NW		IRR	34.0
			NW		NW	1	IRR	33.0
			Section Acres					67.0
			Total Acres					617.0

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:
CANCELLED PERMIT #22-7252

14. Remarks:

15. Basis of Claim: PERMIT
Water Right Number:

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 D. 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

Anna Mae Johnson
Notary Public



Residing at Reynolds, Idaho
My Commission Expires 3-1-92

Not to scale

R41E

R40E

A22-07418

SW

OCT 29 1947

Point of Diversion

PLACE OF USE



T2N

R41E

R40E

Lot 1

8-45
543