

03/26/2003

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

RIGHT NUMBER: 29-128

NAME AND ADDRESS: ADA K SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217

ALAN SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: KING CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T07S R38E S23 SWSENE Within CARIBOU County

T07S R38E S23 SWNESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	0.400 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S23	NESE	16.0	T07S R38E S24	NESW	2.7
T07S R38E S24	NWSW	30.0			

48.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-127 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 48.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

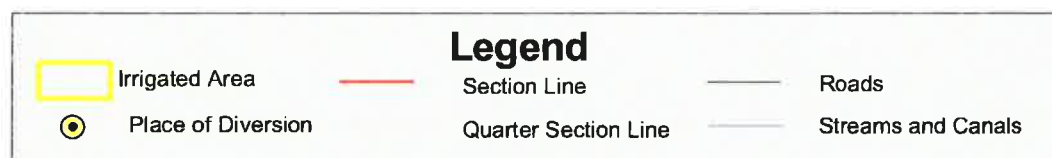
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 29-127 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

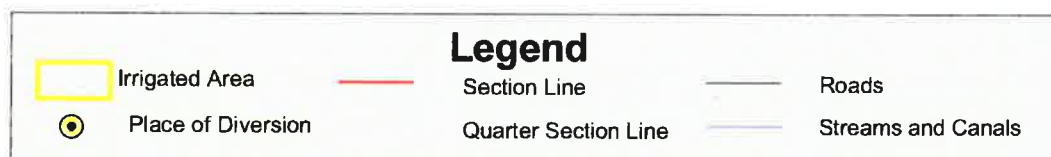
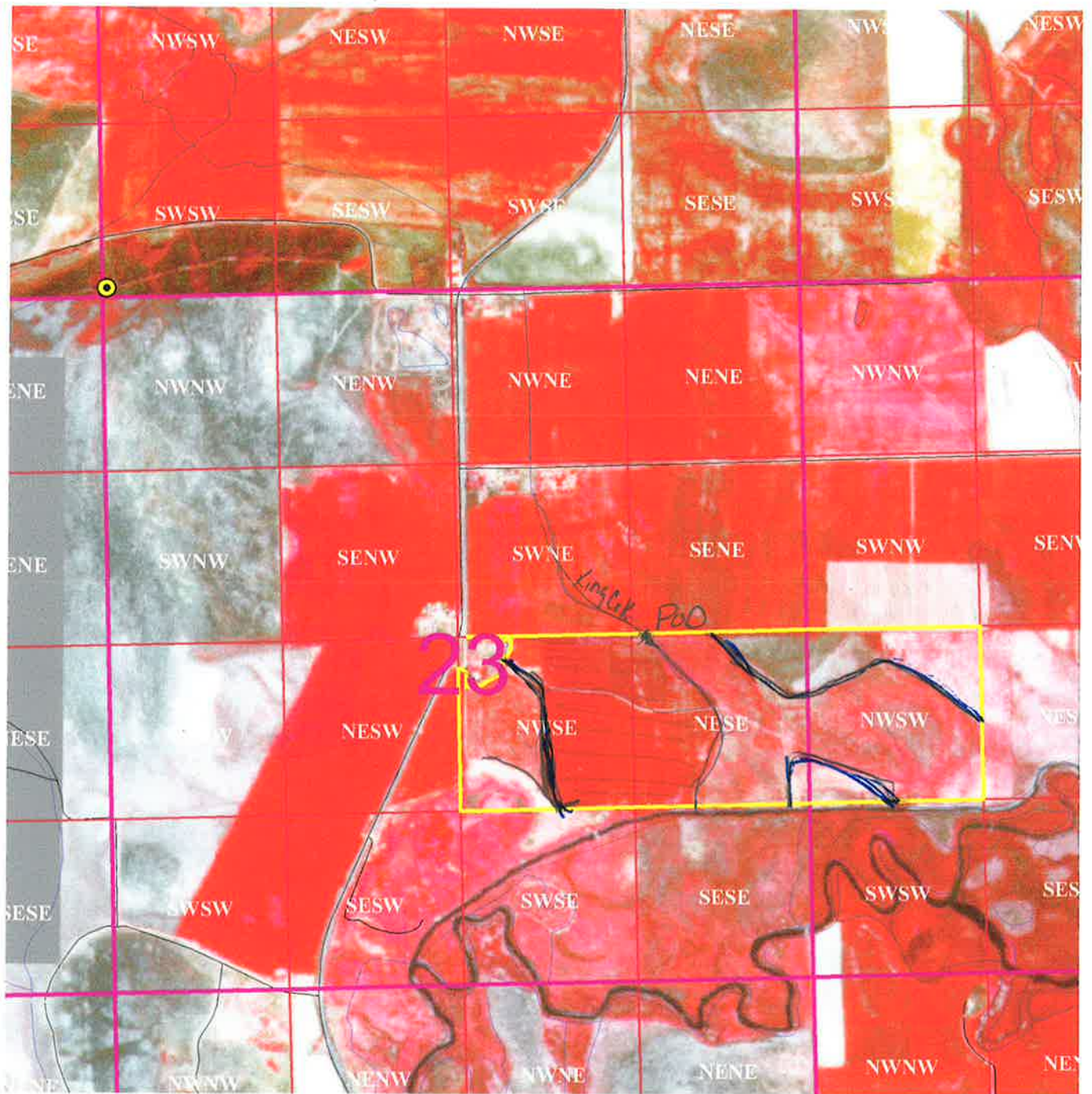
Township , 7S38E



700 0 700 1400 Feet



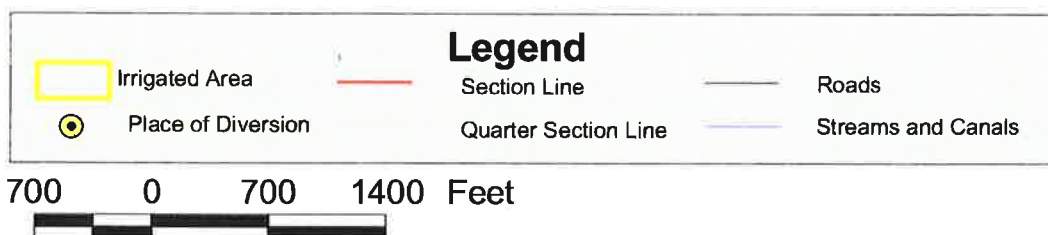
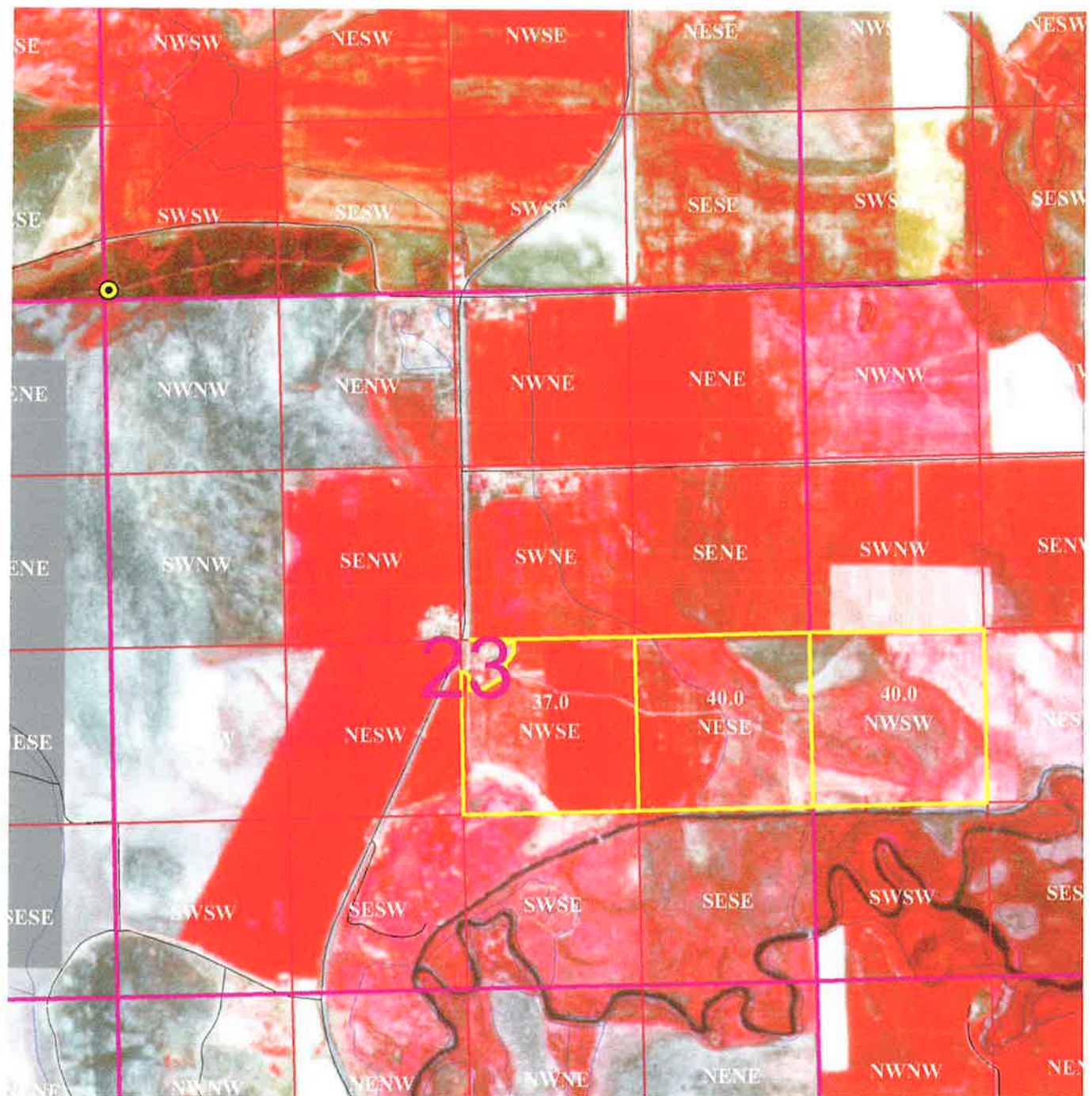
Township , 7S38E



Water Right Claim Number A29-00128

06/08/2000

Township , 7S38E



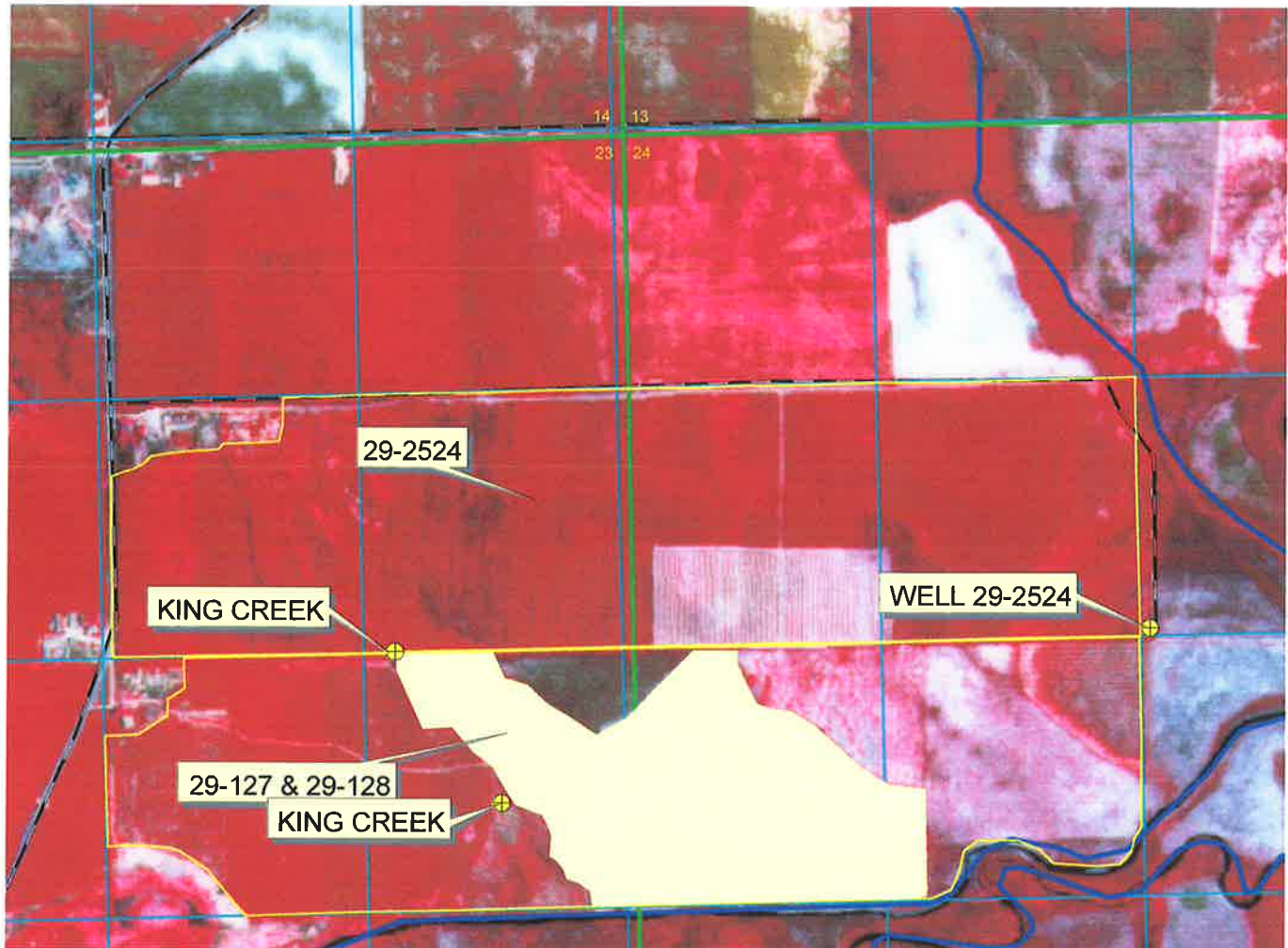


STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Rights: 29-127, 29-128,
29-2524 and 29-13408.**



0.2 0 0.2 0.4 Miles

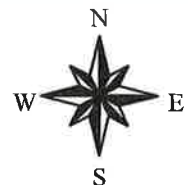
IRRIGATED ACRES 296

LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T7S, R38E,
(part of) Sections 23 & 24

Point of Diversion: T7S, R38E,
Sec. 24 SESENW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: MARCH 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-128

WATER RIGHT NUMBER: 29-128

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ADA K SMITH BANCROFT, ID 83217 (208)648-7775
Current Owner	ALAN SMITH KELLY RD BANCROFT, ID 83217
Original Owner	E F KELLEY , ID 000

Priority Date: 06/18/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KING CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

KING CREEK	SW1/4SW1/4	Sec. 14, Twp 07S, Rge 38E, B.M.
CARIBOU County		

Place of UseIRRIGATION Within CARIBOU County

T07S R38E S23	NESE	36.0	T07S R38E S23	NWSE	39.0
T07S R38E S24	NWSW	35.0			
Total Acres: 110					

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-128

Dates and Other Information:

Claim Received Date: 6/25/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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03/26/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-128

ADA K SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208)648-7775

ALAN SMITH
2620 KELLY TOPONCE RD
BANCROFT ID 83217

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3-29-03

SIGNATURE:

Alan Smith

Please print your name:

Alan Smith

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



7/31/01 Decree 29-128 ; 0.4 cfs matches
priority date June 18, 1920 matches.
POU in decree is for 20 acres.
Sources matches decreed source
- limit acreage to 20 acres under. This right?

10/15/01
W.L. Hatch. POD Changed- The point of diversion changed
30-40 years ago. The channel to King creek
changed and Alan Smith has always
diverted from King Creek. Mike Hatch
in the property above Alan's changed the
flow of King creek, but it has always
flowed through Alan's property where
he diverts it.

- Gravity flow system was put in by Delmo Smith
and since that time Alan Smith has only
gotten the water after 4/15-9/15.

See map for the place of use. (29-127 file)

Claim No. A 29-128

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

address update

1. ☐ No Change NAME:
☐ NEW OWNER:
☐ No Change ADDRESS:
☐ NEW ADDRESS: 2620 Kelly Topance Rd. Bonanza 83217
also 4804 Burlington Dr. Boise, ID 83704
1-208-377-1173

2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(If the priority date, based on your exam, seems questionable, explain in remarks.)

3. ☒ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____

4. ☐ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4.

Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete description, complete items missing, IF KNOWN.
☐ Additional description in comments.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irrigation _____

6. ☐ No Change - WATER USES:
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af

7. ☐ No Change - TOTAL VOLUME:
☐ Change found, The new total is - _____ cfs _____ af

8. Not applicable

9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Other: _____

Stockwater - No. of head and kind _____ (EXP Remark)

Claim No. _____

10. ☐ No Change - PLACE OF USE: (If changed, list below.)

☒ Place of use is different than the claim

New P/U:

Twp. Rge. Sec. 1/4, 1/4 Use

New map needed

Remarks: (Include type and code)

Comments pertinent to field examination:

10/15/01 - W.L. Hatch - 2nd point of diversion added.

GPS file name: STHKNG

The well in SENW Sect. 24, T7S, R38E is also used on this property. The buried mainline, goes west along the RR lines. From 12" to 6" the turns south on the west end of the NWSE of sect 23. Risers are located west and EAST along the mainline.

ATTACHMENTS:

*ASMITH
STHKNG*

GPS'd Points

Attached to
This Form.

Attachments are
in Claim File.

☒ PHOTOS

☒ MAP

☐ SYSTEM DIAGRAM

☐
☐
☐

☐
☐
☐

☐ Changes found during exam or additional information in the claim file, see claim file.

DATE EXAM CONDUCTED:

10-15-01

FIELD EXAMINER:

Signature

29 0122

1902 June 17 ✓

29 0122

noon.

1903 July 1 ✓

29 0122

1908 July 1 ✓

29 0122

1910 June 1 ✓

.72 c.f.s.
(36 inches)
1.10 c.f.s.
(55.24 inches)
2.68 c.f.s.
(134.10 inches)
1.08 c.f.s.
(54 inches)

Total

6.06 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 38 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER. ✓

29 0122

93. NIPPER, THOMAS J.

1902 June 17 (noon) 1.0 c.f.s.

transfer
#1037

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1680 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

29 0122 ✓

94. WHITWORTH, MICHAEL

1902 June 18

.40 c.f.s.

asa Hatch
Miki Hatch
Ranch - Alan Smith

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 480 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 34, Township 7 South, Range 38 East.

29 0122 ✓

95. KELLEY, E. F.

1902 June 18

.40 c.f.s.

alan Smith

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the North half of the the Southeast quarter, Section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

20 acres

N 1/2 SE. Sec. 23

N 1/2 SW Sec. 24

2007

MAY 15 1996

MAY 4 2001

Log for claim A29-00128

Spatial Dynamics LTD

6/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	23	NESE	36	40	Indiscernible
07s38e	23	NWSE	39	37	
07s38e	24	NWSW	35	40	Indiscernible
Totals:			110	117	

AJ5809NP
No. A29-00128

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 32

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALAN SMITH	06/18/1902	IRRIGATION	04-15 09-15	0.400 CFS	
C	ADA K SMITH					
	BANCROFT ID 83217					
	(208) 648-7775					
				TOTAL DIVERSION:	0.400 CFS	
				CONSUMPTIVE USE:		275.00 AFA

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R38E S14 SWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	38E	23	:															36	39	:	75.0
07S	38E	24	:											35						:	35.0
																			TOTAL ACRES		110.0

POU County: CARIBOU

Non-Irrigation Uses: STOCKWATER

Other Rights: 3.2 CFS TOPONCE CREEK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00127 A29-12137

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00103 A29-00104 A29-00105 A29-00106 A29-10322

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 06/26/90 DCARLSON 04/04/94 THOMPSON 03/29/95 POST-STD

MAY - 4 2001

#210

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: A29-00128

Date Received: 6/25/1990

Receipt No: E04897

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN SMITH 208-648-7775
Address: BANCROFT, ID 83217
OR
Name: ADA K. SMITH 208-648-7775
Address: BANCROFT, ID 83217

A2900128



2. Date of Priority: JUN 18, 1902

3. Source: KING CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	14	SW	SW			CARIBOU

5. Description of diverting works:
HEADGATE/ DITCHES TO FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.400		

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

8. Total consumptive use is 275.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	23	NE	SE		IRR	36.0
			NW	SE		IRR	39.0
					Section Acres		75.0
		24	NW	SW		IRR	35.0
					Section Acres		35.0
					Total Acres		110.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
3.2 CFS TOPONCE CREEK

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

NO LATE FEE IF RECEIVED

BY 3/14/90IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS\$160
50

E.D.

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 129-00128Date Received 6/25/90Receipt Number E014897NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 15 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Alan or Ada K. Smith Phone (208) 648 7775
Mailing Address Bancroft Idaho Zip 832172. Date of Priority (Only one (1) per claim) June 18 19023. Source of water supply (a) King Creek
which is tributary to (b) PORTNEUF4. a. Location of existing point of diversion is: Township 7S Range 38E Section 14,
SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate, Ditches, Flood Irrigation

MICROFILMED

NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April 15 to Sept 15 amount 2040 or NO

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) -4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 275 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock Water

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>75</u>	<u>38E</u>	<u>23</u>										<u>35</u>			<u>36</u>	<u>39</u>			<u>110</u>
		<u>24</u>										<u>35</u>							<u>35</u>

Total number of acres irrigated 110

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
160" Toponce Creek or None ()

14. Remarks:

MICROFILMED

NOV 13 1992

Last Name Smith Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Ident No. _____

MICROFILMED

NOV 13 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 29-0128

Court _____ Case Number _____ Decree Date 6 Aug 1932

Plaintiff vs Defendant Union Grain & Elevator vs McCannas Ditch Co.

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

Signature of Claimant (s)

Alan Smith
Ada X Smith

Date 2-12-90

Date 2-12-90

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this

12th

day of

February

19 90

SEAL

Notary Public

Susanna McGraw

Residing at

Bosse, Idaho

My Commission Expires

9-4-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 13 1992

Last Name

SMITH

Ident. Number

Copies White-State, Yellow-Claimant