

02/12/2002

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

RIGHT NUMBER: 29-182A
NAME AND ADDRESS: MARILYN SMITH
9589 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246
EARL H SMITH
9589 E MAUGHAN RD
LAVA HOT SPRINGS ID 832460235

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.48 CFS
PRIORITY DATE: 08/01/1881
POINT OF DIVERSION:
T09S R38E S29 SWSWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.480 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S29 NENE 14.9 T09S R38E S29 NWNE 19.8

34.7 ACRES TOTAL

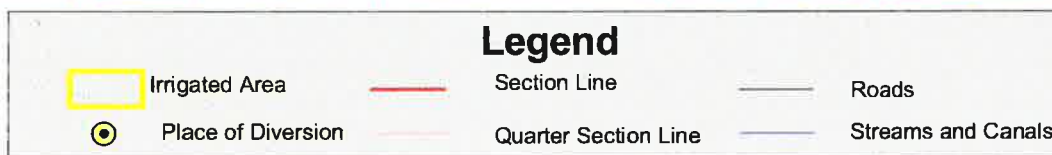
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

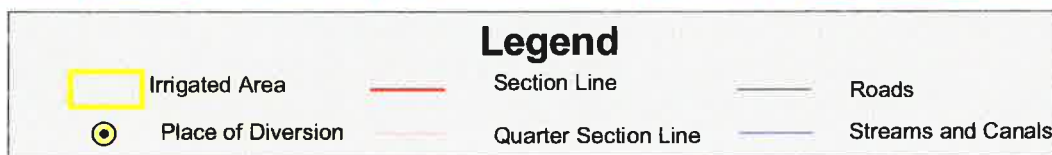
EXPLANATORY MATERIAL: Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FISH CREEK CANAL CO.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM DEMPSEY IRRIGATION CO.

Township , 9S38E



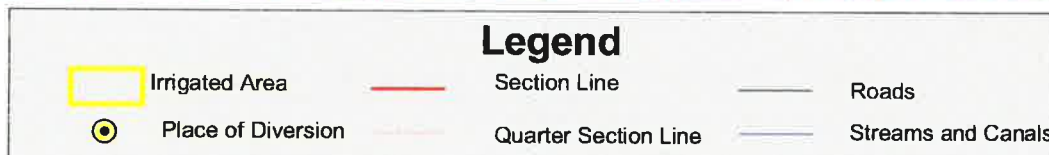
Township , 9S38E



Water Right Claim Number A29-00182A

08/08/2000

Township , 9S38E



02/18/2003

Allen

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: 29-182A

MARILYN SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5348

EARL H SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246-0235
Telephone Number: (208) 776-5348

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: 3/20/03 SIGNATURE: *Earl H. Smith*
Please print your name: EARL H. Smith

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

SCANNED

JUL 07 2005

PROFIT

RECEIVED

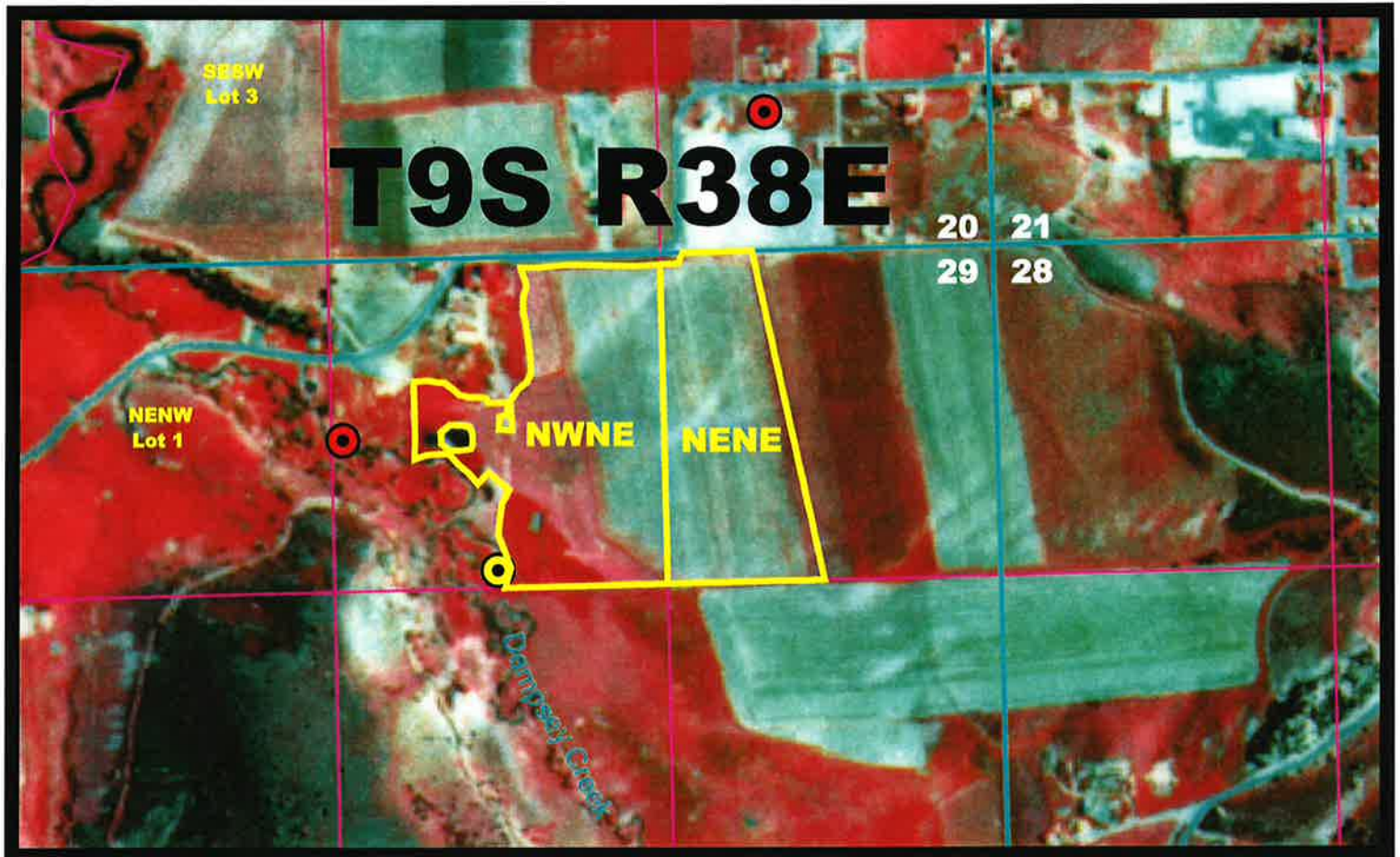
12223101

Department of Water Resources
Idaho Falls, ID 83402



STATE OF IDAHO
Department of Water Resources
Eastern Region

Water Right(s): 29-00182A



500 0 500 1000 1500 2000 2500 3000 3500 4000 Feet

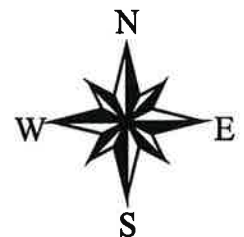
LEGEND

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

PROFILE

Place of Use: T9S, R38E
(parts of) Sec. 29 N2NE

Point(s) of Diversion: T9S, R38E
Sec. 29 SWNWNE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

SCANNED
JUL 07 2005

RECEIVED

JAN - 7 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES Department of Water Resources

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL H SMITH
MARILYN SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246-0235

RE: Snake River Basin Adjudication (SRBA) *p.p. p.p. p.p.*
Water Rights #29-182A, 29-7900, 29-11059, 47-12306, 47-12307

Dear Water Right Holders:

Records modified 2-22-02.

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by January 14, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Earl H Smith
Water Right Holder's Signature

208-776-5348
Telephone No.

PROFILED

SCANNED

JUL 07 2005

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

~~Return Service Requested~~

29-182A *rec*
29-7900 *d*
29-11059 ✓
47-12306 ✓
47-12307 ✓

RECEIVED

DEC 26 2001

Department of Water Resources

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



EARL H SMITH
MARILYN SMITH
9589 E MAUGHAN RD
LAVA HOT SPRINGS ID 83246

SMITH 89 832462005 1900 05 12/22/01
FORWARD TIME EXP RTN TO SEND
SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246-0235

RETURN TO SENDER

AUMS 432060052

JUL 07 2005

SCANNED

29-00182A

DECEMBER

SOS SPLIT HISTORY

APPARENTLY SPLIT BY ADJUDICATION CLAIMS.
NO RECORD OF SPLIT.

I. CLAIMING AS DECEMBER, EXCEPT AS:

a. DIVERSION RATE (BY DECEMBER R₁)

1. $\frac{0.58 \text{ cfs}}{420 \text{ AC}} = 0.0138 \text{ cfs/AC}$

2. $0.0138 \times \underline{34^?} \text{ AC}$

b. How many ACRES 34[?] CAN BE
RECOMMENDED?

1. How WAS THIS RIGHT SPLIT? (BY DECEMBER)

Q: $\Rightarrow$ ^{II} USGS Portable Pump in Stream Pond POD IS CLAIMED IN SWNE; DECEMBER IN
NWNE - BY CLAIMANT'S MAP THIS COULD BE
A MATTER OF WHICH SIDE OF CD LINE. ALSO
Dworts from Big Fish Pond (ADD LEGAL) CØ3
2 POD's
III. Actual ACRES (SOS I.b.)
FIELD EXAM

Q: $\rightarrow$ IV. OVERLAP BY SOME *IRRIG CO.? YES

SCANNED

JUL 07 2005

Dumpsø? Ch Rrig shares: How much 23?
RISH CK Rrig. 40.

2/11/02 NEEDS TO FILE EYTSOL claim

FILED

OR (SØB) «

SCANNED
JUL 07 2005

EARL H. SMITH
A29-00182A

0.48 cfs 8/01/1881 DEMPSEY CK
P.O.D: SEC. 29 SWNE
P.O.U: SEC. 29 NENE 12.0
NWNE 30.0

? cfs UNDERCLAIMED?

APPARENTLY
SPLIT BY ADJ.

$$\frac{.48}{0.0138} = \Rightarrow$$

34.7 ac

? AC OVERCLAIMED?

29-00182

0.58 cfs 8/01/1881

DEMPSEY CK

POU: SEC. 29 NENE 12.0

NWNE 30.0

42.0 AC

ALTON ROBERTS
A29-00182B

0.10 cfs 8/01/1881 DEMPSEY CK

POD: SEC. 29 NWNE

POU: SEC. 29 NWNE 5°

* CONCENTRATES @
ON 5° AC. @ 0.02

~~APPEARS OVERCLAIMED BY~~
cfs/ac NO!

NOTE: THIS RIGHT IS OVERCLAIMED
BY 5° AC.

PROBS. w/ cfs DISTRIB.

PROFILED

5/30/01
HBR

SESW
Lot 3

T9S R38E

20 21

29 28

NENW
Lot 1

NWNE
19.8

NENE
14.9

Dempsey Creek

A. ROBERTS
29-00182B

E. Smith
29-00182A

SECTION 29, T9S, R38E
(parts of) N2NE

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/24/01 12:20:34

Page 1

Water Right Number - 29-00182

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

ROBERTS

JOHN F.

1 -
2 -
3 -

City-
Phone -

State- Zip-

*** O - ORIGINAL OWNER ***

WARNER

MRS. FRANK

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - +

08/01/1881 *on*

+ - - Region - - - +

15 EASTERN

+ - - Stage - - - +

D - DECREED

+ - - Status - - - +

+ - - Source - - - - +

DEMPSEY CREEK *on*

+ - - Tributary - - - - - +

PORTNEUF RIVER

+ - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 38E 29 NW NE (5) BANNOCK

33 NE SW (5) BANNOCK

⇒ CLAIMS SW 1/4 SEC. 29

(which SW 1/4 of SE 1/4?)

C#3?

+ - - Water Use - - - - - +

Code Description

Period From Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION *on*

04/15 *on* 09/15

0.580

A = 0.48 cfs

B = 0.10 cfs (overclaiming for Sec)

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.580

0.0

+ - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

09S 38E 29 *on* NE NE 12.0 01 IRRIGATION (5) BANNOCK

09S 38E 29 NW NE 30.0 01 IRRIGATION (5) BANNOCK

Total Acres: 42.0

⇒ CLAIMS ALL 42 AC, But 182B

CLAIMS 5 AC.

SUB SPLIT History

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

GEN

AS PER TRANS. #984.

⇒ ADDS POD IN NW 1/4 SEC. 29

PROVIDED

JUL 07 2005

SCANNED

quarter of Section 3, Township 10 South,
Range 38 E.B. M.

133. TOPAZ IRRIGATION CO.
9-0180, 1883 April 1 13.44 c.f.s.

Said water to be diverted at a point South 44
degrees East 1390 feet from the Northwest
corner of the Northwest quarter, Section 33,
Township 9 South, Range 38 E.B.M., for the
irrigation of the following described land;
Township 9 South, Range 38 E.B.M.
Section 29--Lots 1 and 2, the South half of
the Northwest quarter, and the North half of
the Southwest quarter, Section 30-- The Nor
east quarter, the Northwest quarter, the Nor
half of the Southeast quarter,
Section 19-- The following lots: 1, 2, 3, and
4.

Township 9 South, Range 37 E.B.M.

Section 24--Lots 5, 6, and 7, the South half
of the Southwest quarter.

Section 25-- The North half of the Northeast
quarter, the North half of the Northwest
quarter.

Section 23--Lots 5, 6, 7 and 8, the South half
of the Southeast quarter, the South half of
the Southwest quarter.

Section 26--The North half of the Northeast
quarter, the Northwest quarter of the North
west quarter.

Section 27--The Northeast quarter of the
Northeast quarter.

Section 22--The Southeast quarter of the
Southeast quarter, Lots 5, 6, 7 and 8.

134. McGWINN, C. J.
9-0181, 1896 April 15 .8 c.f.s.

Said water to be diverted at a point South
35 degrees 40 minutes West 1044 feet from the
East quarter corner of Section 29, Township
9 South, Range 38 E.B.M., for the irrigation
of Lot 3 of Section 20; Lots 1 and 2 of Sec
tion 29, Township 9 South, Range 38 E.B.M.

135. WARNER, MRS. FRANK
9-0182, 1881 August 1 .58 c.f.s.
Tr 984

Said water to be diverted at a point South
88 degrees East 1430 feet from the West quar
ter corner of Section 33, Township 9 South,
Range 38 E.B.M.; for the irrigation of the
Northwest quarter of the Northwest quarter,
Section 28, Township 9 South, Range 38 E.B.M.

136. FAGNANT, F. D.
9-0183, 1881 August 1 .2 c.f.s.

Said water to be diverted at a point North 53
degrees East 1550 feet from the Southwest co
ner, Section 4, Township 10 South, Range 38
E. B. M., the lateral from which said point
divides into the Campbell-Fagnant Lateral
into Campbell lateral in the Northwest quar

PROFILED

SCANNED

JUL 07 2005

MAY 18 2001

Log for claim A29-00182A

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	29	NENE	12	14	
09s38e	29	NWNE	30	32	
Totals:			42	46	

SEP 12 1961

Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of

Bannock

ss.

John F. Roberts, being first duly sworn, deposes and says:

That his name is John F. Roberts; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is

Lava Hot Springs, Idaho

That he is the owner and using a certain water right, bearing date of priority of 1881, 19, for 58 cubic feet per second of the waters of Dempsey Creek

County of Bannock, State of Idaho, decreed to Warner, Mrs. Frank by decree of Judge O. R. Baum of the 5th Judicial District of the State of

Idaho, in and for the county of Bannock, in the case of Union Grain & Elevator Co. vs. The Gummer-Petula Co.

(said decree bearing date of 1881, Aug. 1 (Dec. 4, 1922) (or obtained by virtue of License No. 135, issued by the State Department of Reclamation of the State of Idaho, dated, 19, bearing date of, 19,)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 17, in the County of Bannock and State of Idaho, to-wit:

30 acres lying in the NW 1/4 of NE 1/4 Sec. 29 T9S R38E
12 acres lying in the W 1/2 of the NE 1/4 of NE 1/4 Sec. 29 T9S R38E
(Decree description NW 1/4 of NW 1/4 Sec. 28 T9S R38E)

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. Purchase of farm involved.

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the West quarter corner of Section 33, Township 9 South, Range 38 East, B. M., and conducted to the above described lands through ditch (not named)

as per map herewith and of this affidavit made a part.

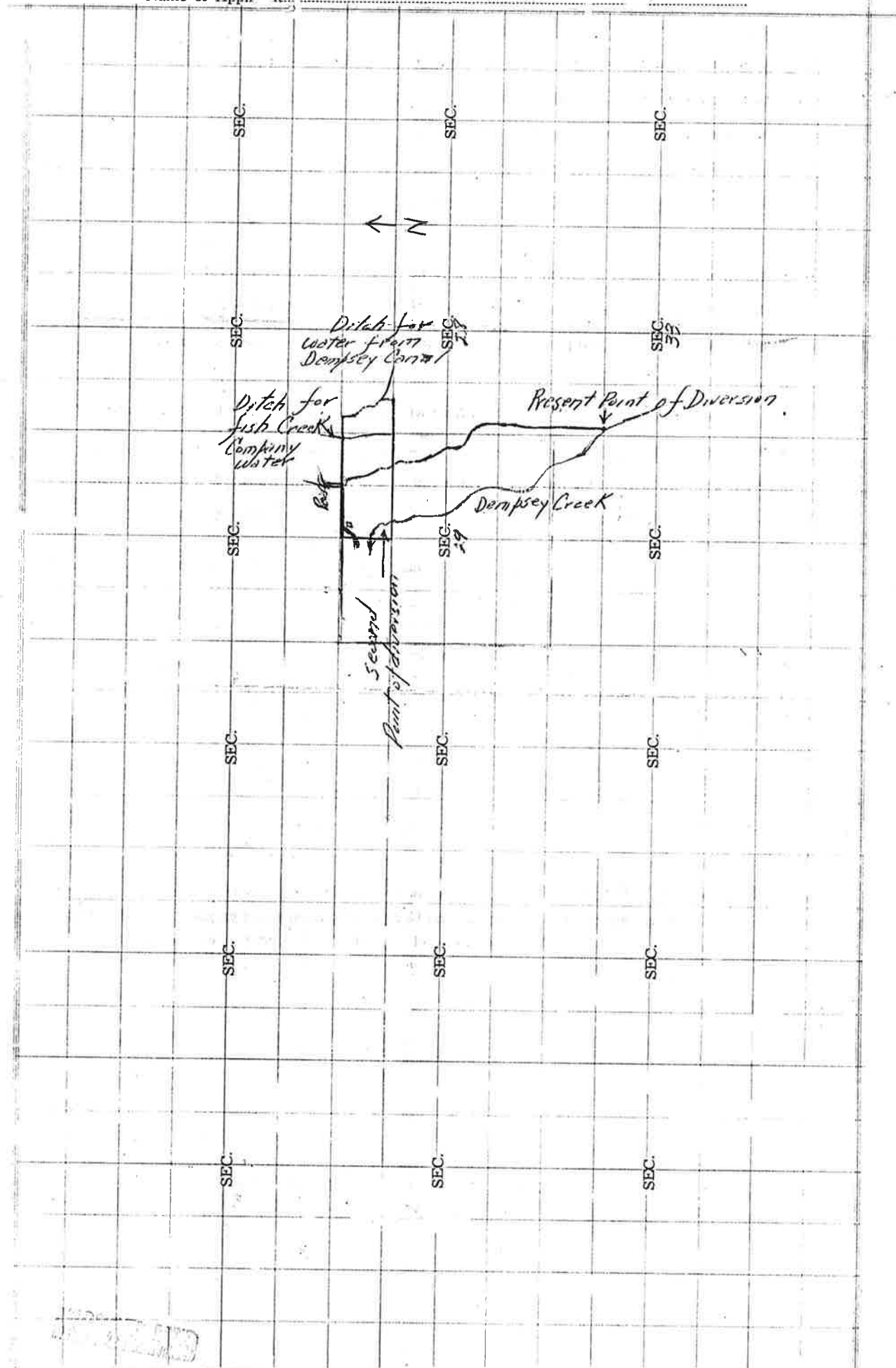
CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of and State of Idaho, to-wit:

That reasons for desiring to make such transfer are as follows:

MICROFILMED

29-0182



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

John F. Roberts

of

Lava Hot Springs, Idaho

For a Transfer of Water Right in
Water District No. 17,
Barnock County, Idaho.

ORDER GRANTING TRANSFER

NO. 984

WHEREAS, on the 6th day of October, 1961, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of John F. Roberts of Lava Hot Springs, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and;

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 3rd day of May, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

CARL E. TAPPAN, Assistant
State Reclamation Engineer

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 984

THIS IS TO CERTIFY, That John F. Roberts, of Lava Hot Springs, Idaho, is the owner of and using a certain water right bearing date of August 1, 1881, for .58 cubic feet per second of the waters of Dempsey Creek, County of Bannock, State of Idaho, decreed to Mrs. Frank Warner, by decree of Judge O. R. Baum of the Fifth Judicial District Court of the State of Idaho, in and for the County of Bannock, in the case of

UNION GRAIN AND ELEVATOR COMPANY

Plaintiff

vs.

MCCAMMON DITCH COMPANY, et al

Defendants

said decree bearing date of August 6, 1932, and being appurtenant to the following described lands, to-wit:

30 acres lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
12 acres lying in the W $\frac{1}{2}$ NE $\frac{1}{4}$,
all in Section 29, Township 9
South, Range 38 E. B. M.,

The Decree states that the land to be irrigated is the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 29 South, Range 38 E. B. M., but the applicant believes that the decree is in error;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 5 of Decrees, at Page 755;

That said John F. Roberts has become the owner of said water right by purchase;

And that now upon the application of John F. Roberts of Lava Hot Springs, Idaho, for the transfer of .58 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of .58 cubic feet per second of the waters of Dempsey Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 12 acres in
the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29, Township 9
South, Range 38 E. B. M.

⇒ 42⁰ ac

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

.50 cubic feet per second bearing
date of priority of August 1, 1881;

That the water right hereby transferred has heretofore been conducted from Dempsey Creek to the first above described lands through unnamed ditch with point of diversion S. 88° E. 11430' from the West Quarter Corner of Section 33, Township 9 South, Range 38 E. B. M.;

That the water right hereby transferred will hereafter be conducted to the last above described lands by pumping directly out of Dempsey Creek with point of diversion in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 29, Township 9 South, Range 38 E.B.M., and from Dempsey Creek from a point S. 88° E. 11430' from the West Quarter Corner of Section 33, Township 9 South, Range 38 E. B. M., giving the applicant two points of diversion in place of one as decreed.

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 3rd day of May, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

CARL E. TAPPAN, Assistant
State Reclamation Engineer

MAY 18 2001

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: A29-00182A
Date Received: 3/06/1990
Receipt No: E012227
Received By: EV

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EARL H. SMITH 208-776-5348
Address: 9589 E. MAUGHN RD.
LAVA HOT SPRINGS, ID 83246

AND/OR

Name: MARILYN SMITH 208-776-5348
Address: 9589 E. MAUGHN RD.
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: AUG 01, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	29	SW	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.480		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00182A

Page 1

Date: 04/04/90

A2900182A



MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	29	NE	NE		IRR	12.0
			NW	NE		IRR	30.0
Section Acres							42.0
Total Acres							42.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
RIGHTS FROM DEMPSEY CREEK IRRIGATION.

14. Remarks:
AS PER TRANS. #984.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 7/01/1921

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

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: _____

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): Earl H. Smith Date: 4/4/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994

89200

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: A29-00182A
Date Received: 3/06/1990
Receipt No: 8012227
Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL H. SMITH 208-776-5348
Address: 9589 E. MAUGHN RD.
LAVA HOT SPRINGS, ID 83246

AND/OR

Name: MARILYN SMITH 208-776-5348
Address: 9589 E. MAUGHN RD.
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: AUG 01, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	29	NW	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.480		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	29	NE	NE		IRR	12.0
			NW	NE		IRR	30.0
						Section Acres	42.0
						Total Acres	42.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
RIGHTS FROM DEMPSEY CREEK IRRIGATION.

14. Remarks:
AS PER TRANS. #984.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 7/01/1921

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 X 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): Earl H. Smith Date: 3/6/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of March 19 90.

Ernest Carlson
Notary Public

Residing at Alto Falls, ID.

My Commission Expires 6-14-1994

