

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

NAME AND ADDRESS: SMITH RANCH FAMILY PARTNERSHIP  
2651 KELLY TOPONCE RD  
BANCROFT ID 83217

QUANTITY: 1.75 CFS  
312.0 AFY

POINT OF DIVERSION:

PURPOSE AND  
PERIOD OF USE:

QUANTITY

1.750 CFS

|               |      |      |
|---------------|------|------|
| T07S R38E S23 | SENW | 36.0 |
| T07S R38E S23 | NWSW | 4.0  |
| T07S R38E S23 | SESW | 11.0 |

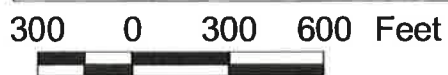
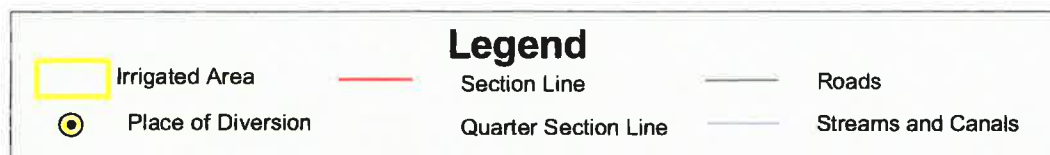
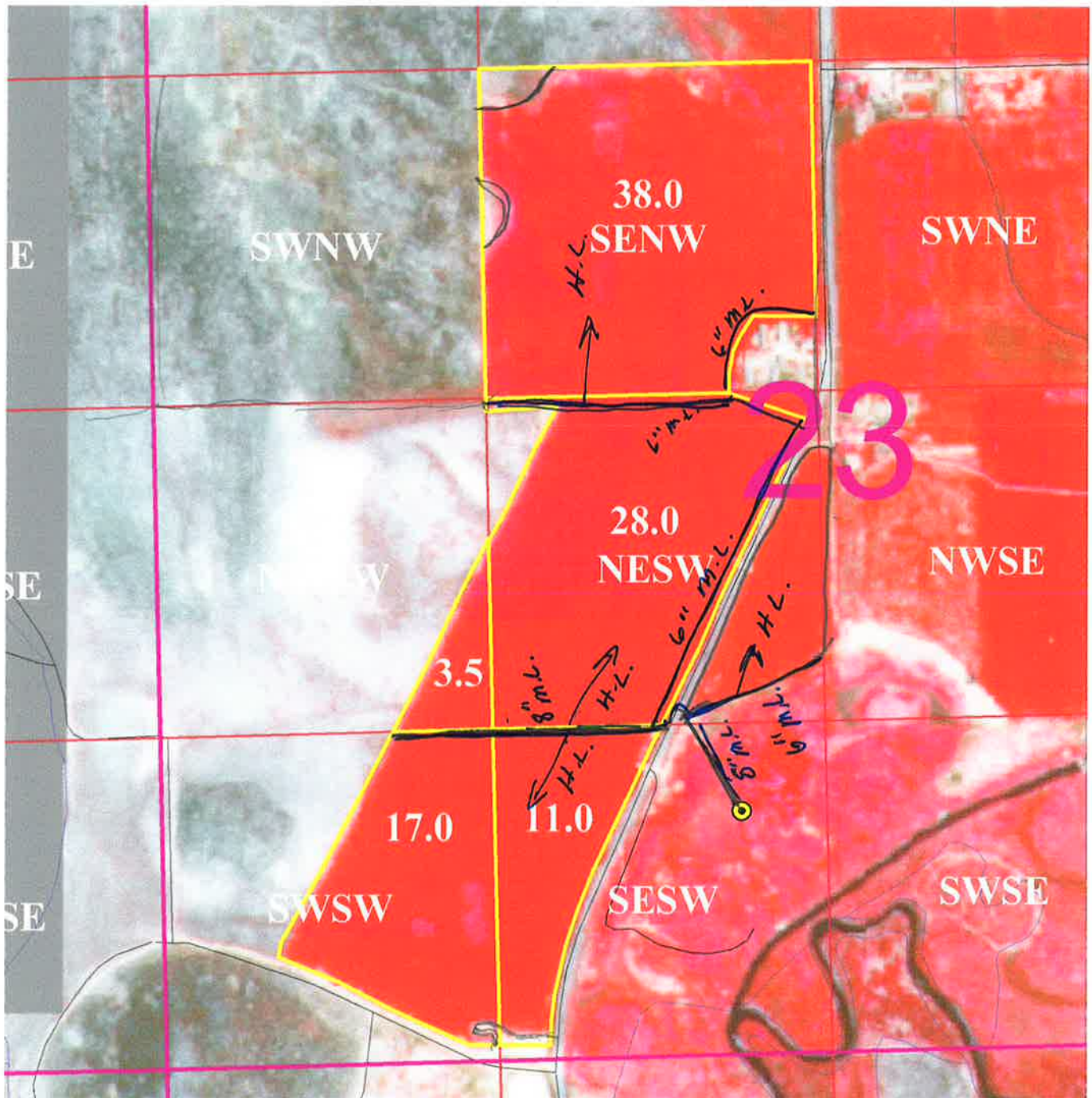
|               |      |      |
|---------------|------|------|
| T07S R38E S23 | NESW | 36.0 |
| T07S R38E S23 | SWSW | 17.0 |

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

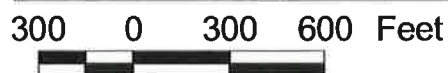
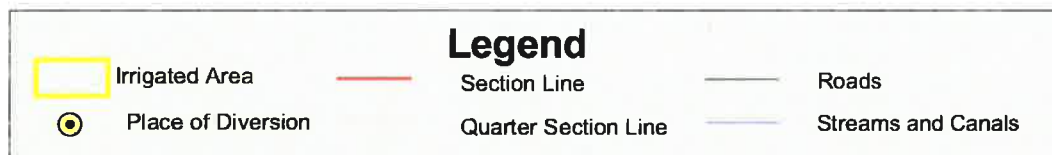
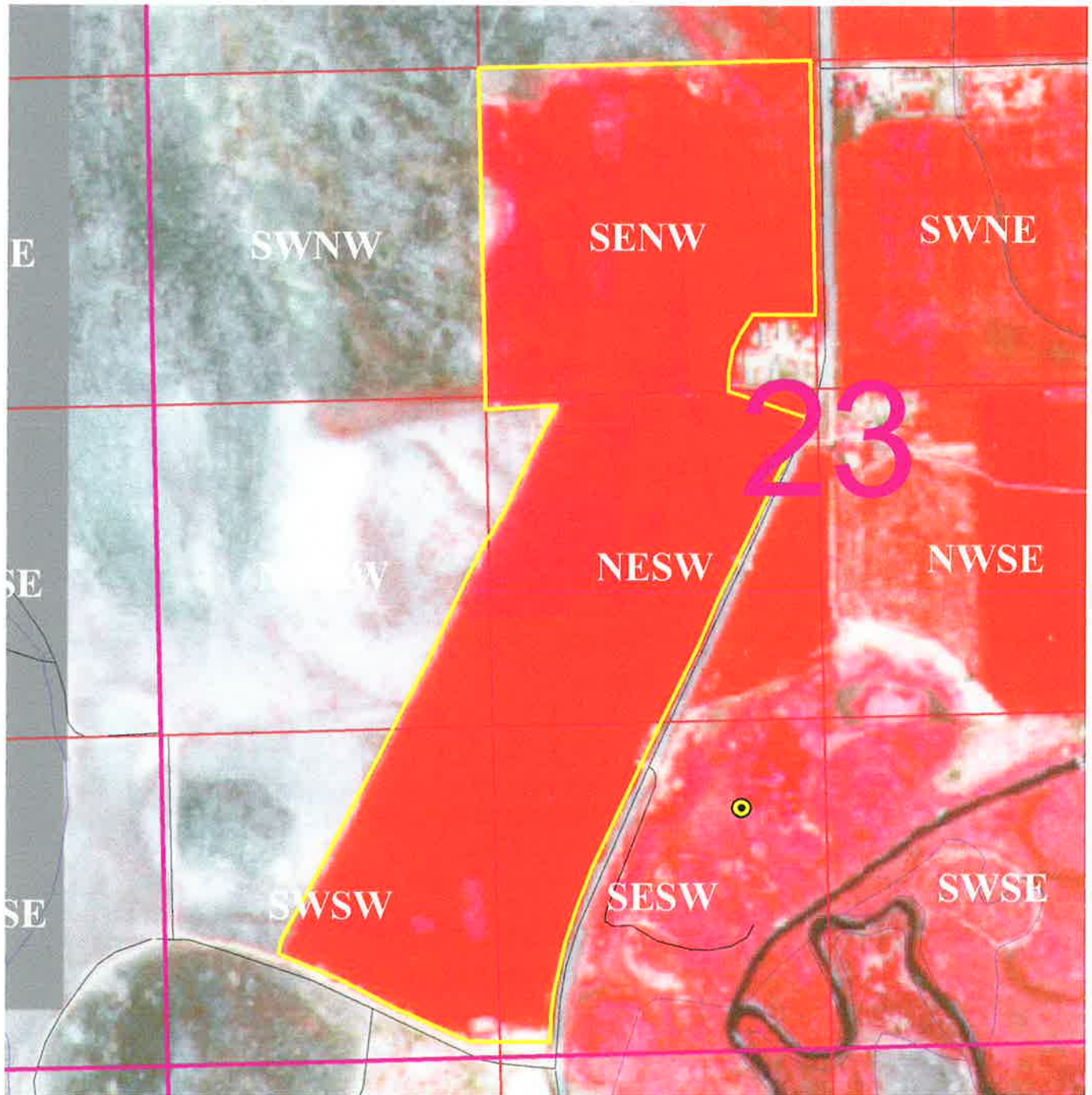
EXPLANATORY MATERIAL: License

1

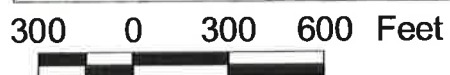
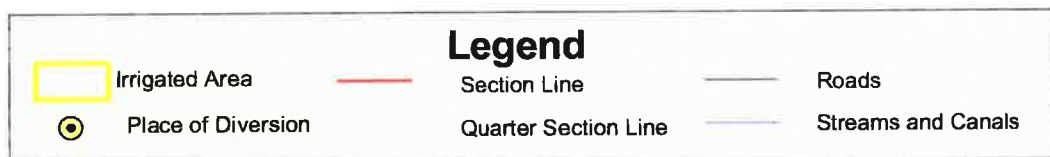
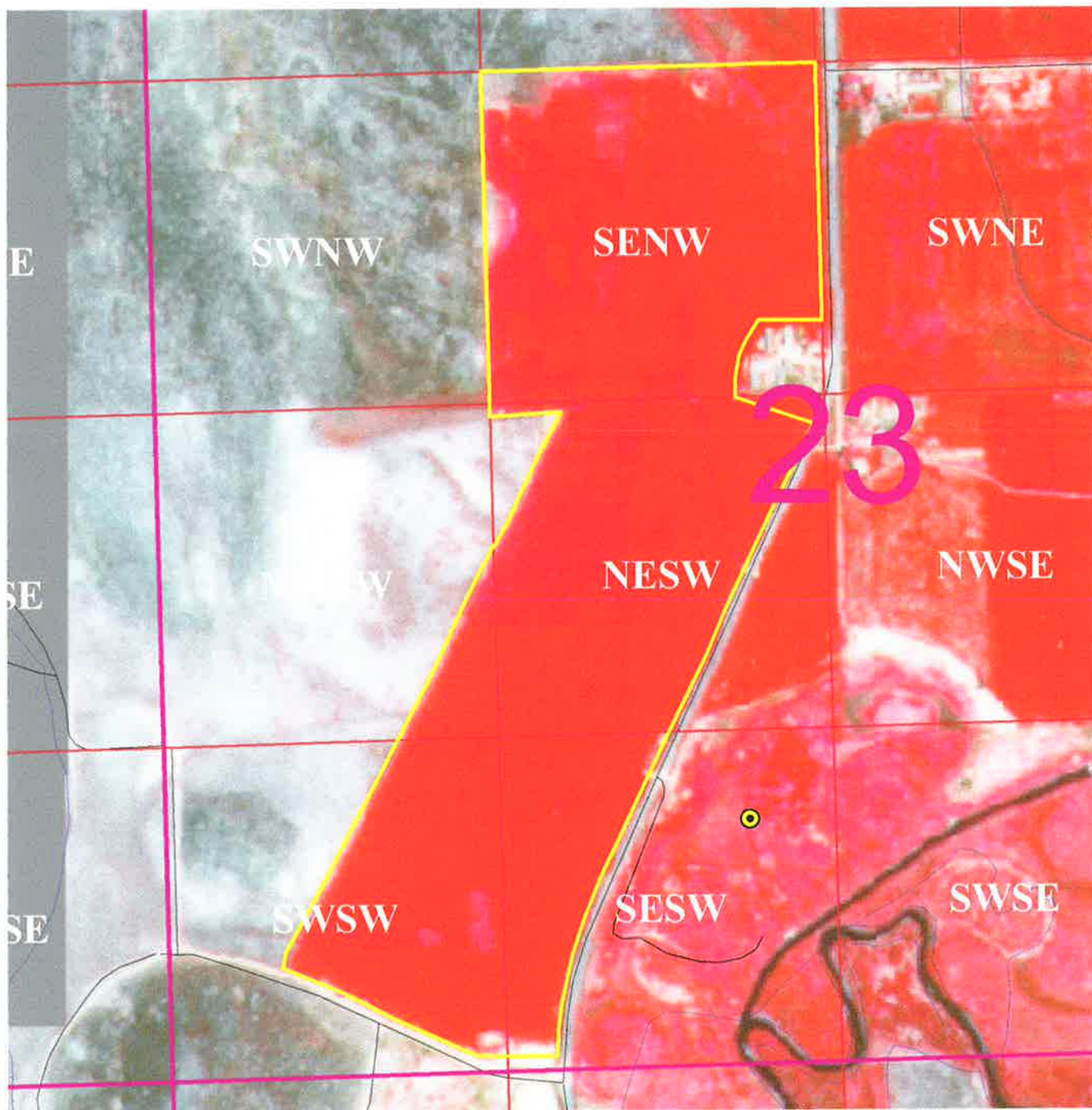
Township , 7S38E



Township , 7S38E



Township , 7S38E



29 - 2545

**Bird, Cindy**

**From:** Warner, Roger  
**Sent:** Thursday, December 11, 2003 11:10 AM  
**To:** Bird, Cindy  
**Subject:** RE: possible notice of violation needed

Hi Cindy,

I called and spoke to Loren Smith this morning concerning the complaint. He admitted that they did as you had explained but that it was temporary since the Portneuf and other springs on the grazing ground were dry. I indicated to him that it was not legal to do the diversion that he did but that there were options for temporary transfers due to drought conditions. I also asked him whether he had stock water rights from the Portneuf. He said no. Perhaps he should have filed on some. In any event, I requested that he consult with us prior to attempting anything like this in the future. wrw.

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

**From:** Bird, Cindy  
**Sent:** Thursday, December 11, 2003 8:47 AM  
**To:** Warner, Roger  
**Subject:** possible notice of violation needed

good morning,

I received a complaint from a water user in Chesterfield that Dean Smith was pumping water from this irrigation well into a ditch that dumped the water into the Portneuf River to convey it down stream to his cows. He started in Mid-to-late September until at lease November 4th. He is not currently pumping from the well.

Claim No. 29-2545. You might want to at least send him a notice of violation so it can be documented.

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4SW1/4

Sec. 23,

Twp 07S, Rge 38E, B.M.

CARIBOU County

Place of Use

IRRIGATION

| Twp Rge |       | Sec |    |    | NE |    |    | NW   |    |      | SW  |    |    | SE   |      |    | NW |    |  |
|---------|-------|-----|----|----|----|----|----|------|----|------|-----|----|----|------|------|----|----|----|--|
|         |       | NE  | NW | SW | SE | NE | NW | SW   | SE | NE   | NW  | SW | SE | NE   | NW   | SW | SE | NW |  |
| 07S     | 38E   |     |    |    | 23 |    |    |      |    |      |     |    |    |      |      |    |    |    |  |
|         | 104.0 |     |    |    |    |    |    | 36.0 |    | 36.0 | 4.0 |    |    | 17.0 | 11.0 |    |    |    |  |

Total Acres: 104

Thanks,

Cindy

**PROFILED**

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FEB 23 2006

NE NE SW Sec. 26.

NE SE SW Sec 23. ✓

29-2545

Irrigation Well

Pool.

Mid Sept. → End Sept.  
until Nov 4th.

gone Nov 7th - Nov 22nd.  
off now.

- pumped to ditch to the  
Portneuf River,

11-4-03.

Donald Glade  
came in re Dean.  
Smith pumping  
out of his  
irrigation well  
into the river to  
water his animals.  
Concern re a  
violation.

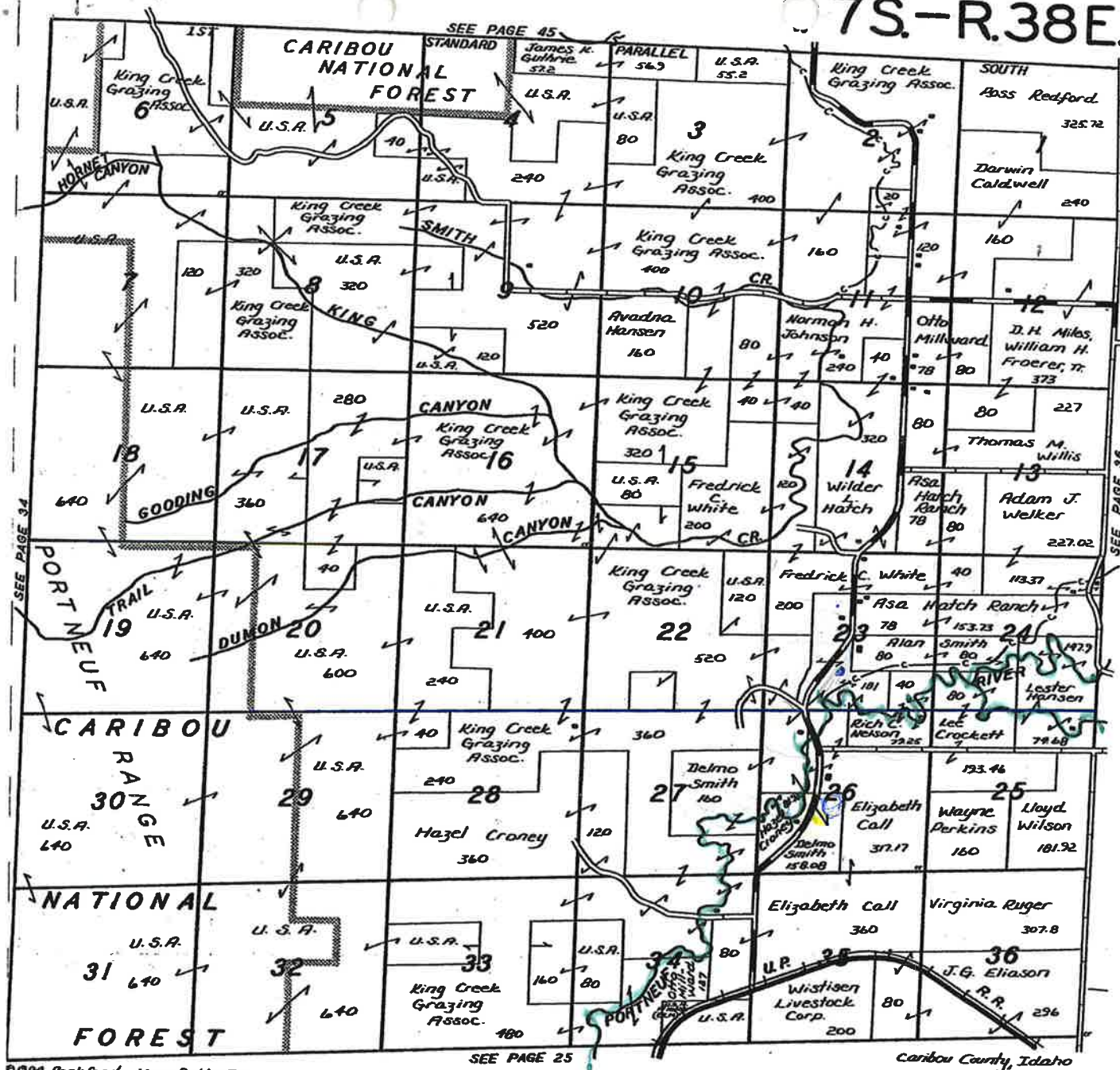
B Cowin

No visible cows.

David 648-7123.

7S.-R.38E.

3:



HOT TUBS • SPAS & ACCESSORIES  
**MOUNTAIN AG. INC.**  
**LOCKWOOD**

SALES, SERVICE & PARTS  
 Specialized Agricultural and Irrigation Equipment

**785-6500**

Highway 39 West - P.O. Box 905 - Blackfoot

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 FEB 23 2006

02/18/2003

Cindy

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: 29-2545

SMITH RANCH FAMILY PARTNERSHIP  
2651 KELLY TOPONCE RD  
BANCROFT ID 83217  
Telephone Number: (208) 648-7384

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:

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

DATE: 20 MAR 03

SIGNATURE: Loren Smith

Please print your name: LOREN SMITH

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

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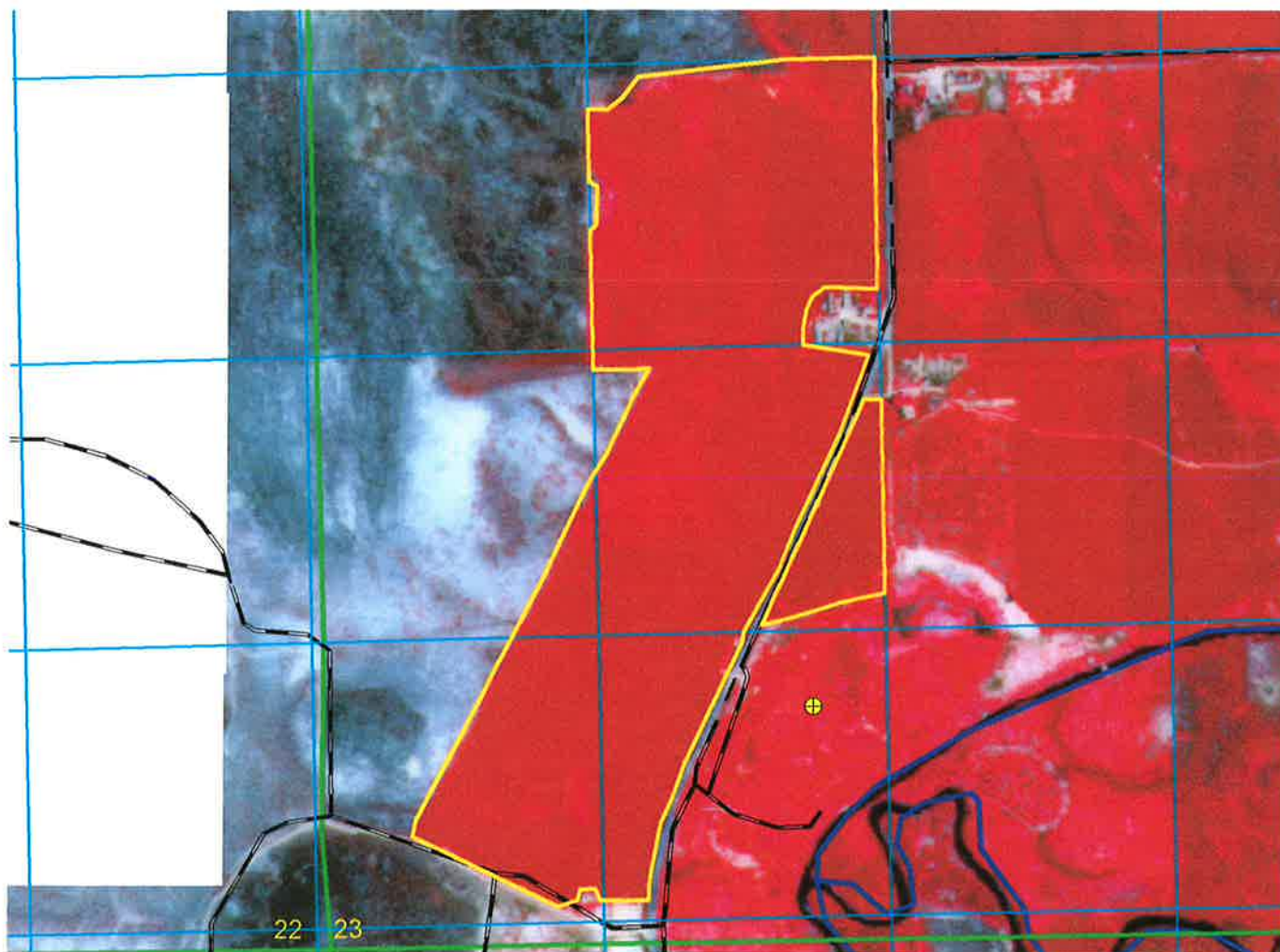
FEB 23 2006



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right 29-2545



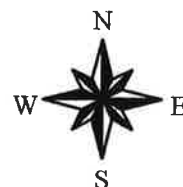
400 0 400 800 1200 Feet

### LEGEND

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

Place of Use: T7S, R38E,  
(part of) Section 23

Points of Diversion: T7S, R38E  
Sec. 23 NESESW



GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by C. Bird  
Date: July 2002

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FEB 23 2008

## Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone  
Current Owner 2651 Kelly Toponce Rd Bancroft, ID 83217.  
Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_  
Current Owner Smith Ranch family Partnership.  
Current Owner \_\_\_\_\_

Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Accompanied By: Inen Smith. Phone Number: \_\_\_\_\_

Relationship to Claimant: Son

Date of Field Exam: 6/11/02 Time: 1pm.

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

Brown Trail on the corner of Kelly  
Toponce after crossing the bridge

Reviewer: CB

Date: 7/15/02

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FEB 23 2008

**Priority Date Data Entry Form**Claim Number: 29-2545Water Right Priority Date: 12-7-1966Water Right Basis: licenseClaimed Priority Date: 12-7-1966Claimed Basis: license

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

w/r license

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: CBDate: 7/12/02SCN 1310  
FEB 23 2003

## Point of Diversion and Source Data Entry Form

Claim Number: 29-2545Water Right Point of Diversion: T 7S, R 38E, Sec. 23, SE, SW, County: CaribouSource: G.W. Tributary: \_\_\_\_\_Claimed Point of Diversion: T 7S, R 38E, Sec. 23, NE, SE, SW, County: CaribouSource: G.W. Tributary: \_\_\_\_\_

Recommended Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

☒ Use Claimed POD and Source as Recommended POD and Source

| Twp                    | Rge   | Sec   | Gov Lot | QQQ of QQ of Q | County | Source |
|------------------------|-------|-------|---------|----------------|--------|--------|
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| GPS Coordinates: _____ |       |       |         |                |        |        |

Other rights from this POD? NONE.

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

License, field verified  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Transfers Changing POD NOReviewer: CBDate: 7/12/12

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## Place Of Use Data Entry Form

Claim Number: 29-2545☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp         | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use |
|-------------|-----|-----|----|----|---------|---------|-------|----------------|
| 7S          | 38E | 23  | SE | NW | Caribou |         | 34    | Irrigation     |
|             |     |     | NE | SW |         |         | 33    |                |
|             |     |     | NW | SW |         |         | 5     |                |
|             |     |     | SW | SW |         |         | 10    |                |
|             |     |     | SE | SW |         |         | 20    |                |
|             |     |     |    |    |         |         |       |                |
| Total Acres |     |     |    |    |         |         | 104   |                |

## Recommended Place of Use

| Twp         | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use |
|-------------|-----|-----|----|----|---------|---------|-------|----------------|
| 7S          | 38E | 23  | SE | NW | Caribou |         | 36    | Irrigation.    |
|             |     |     | NE | SW |         |         | 36    |                |
|             |     |     | NW | SW |         |         | 4     |                |
|             |     |     | SW | SW |         |         | 17    |                |
|             |     |     | SE | SW |         |         | 11    |                |
|             |     |     |    |    |         |         |       |                |
| Total Acres |     |     |    |    |         |         | 104   |                |

Document how the POU was verified:

1987/88 NAAPP PHOTOGRAPHY  
FIELD VISIT

\* COS Accomplished POU changed -  
changed to better use land.

- See map for boundaries

Transfers Changing POU \_\_\_\_\_

Reviewer: CBDate: 7/05/02

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## Purpose of Use Data Entry Form

Claim Number: 29-2545☐ Use Claimed Purpose of Use as Recommended Purpose of Use

## Water Right Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 104        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Claimed Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 104.       |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 104        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

Document how the Purpose of Use was verified:

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Transfers Changing Purpose of Use \_\_\_\_\_

Reviewer: CBDate: 7/15/02SCANNED  
FEB 23 2006

## Period of Use and Quantity Data Entry Form

Claim Number: 21-2545☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 4/1   | 10/31 | 1.75 | 312    |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 4/1   | 10/31 | 1.75 |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume     |
|------------|-------|-------|------|------------|
| Irrigation | 4/1   | 10/31 | 1.75 | 312 AC-FT. |
|            |       |       |      |            |
|            |       |       |      |            |

Overall Diversion Rate 1.75Overall Diversion Volume 312

Document how the Period of Use and/or Diversion Rate were verified:

License

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer: CBDate: 3/15/02

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FEB 23 2006



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
GOVERNOR

January 7, 2002

KARL J. DREHER  
DIRECTOR

SMITH RANCH FAMILY PARTNERSHIP  
2551 KELLY TOPONCE RD  
BANCROFT ID 83217

RE: Snake River Basin Adjudication (SRBA)  
Notices of Claims to a Water Right #29-126, 29-2302, 29-2545,  
25-4006 and 29-7028

Dear Claimant:

We have processed your change in ownership of the Notices of Claims referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claims. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region  
Enclosures:

Copies of Notices of Claims Referenced Above

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FEB 23 2006

## Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report

WATER RIGHT NO. 29-2545

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DELMO SMITH             |
| Current Owner     | MADA SMITH              |
|                   | 2629 KELLY TOPONCE RD   |
|                   | BANCROFT, ID 83217      |
|                   | (208)648-7774           |

Priority Date: 12/07/1966

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| Beneficial Use  | From | To    | Diversion Rate | Volume |
|-----------------|------|-------|----------------|--------|
| IRRIGATION      | 4/01 | 10/31 | 1.75 CFS       |        |
| Total Diversion |      |       | 1.75 CFS       |        |

Location of Point(s) of Diversion:

|              |       |         |              |           |                |
|--------------|-------|---------|--------------|-----------|----------------|
| GROUND WATER | NESES | Sec. 23 | Township 07S | Range 38E | CARIBOU County |
|--------------|-------|---------|--------------|-----------|----------------|

IRRIGATION Use:

Acre Limit: 104

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07S      | 38E   | 23      |     | SESW  | 36    |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NESW  | 33    |     | NWSW  | 5     |     | SWSW  | 10    |     | SESW  | 20    |

Total Acres: 104

Dates:

Licensed Date: 08/21/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

FEB 23 2006

SCANNED

## Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-2545

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Current Owner     | DELMO SMITH<br>2629 KELLY TOPONCE RD<br>BANCROFT, ID 83217<br>(208)648-7774 |

Priority Date: 12/07/1966

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/01        | 10/31     | 1.75 CFS              | 312 AFA       |
| Total Diversion       |             |           | 1.75 CFS              |               |

Location of Point(s) of Diversion:

|              |      |         |              |           |                |
|--------------|------|---------|--------------|-----------|----------------|
| GROUND WATER | SESW | Sec. 23 | Township 07S | Range 38E | CARIBOU County |
|--------------|------|---------|--------------|-----------|----------------|

IRRIGATION Use:

Acre Limit: 104

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07S      | 38E   | 23      |     | SESW  | 36    |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NESW  | 33    |     | NWSW  | 15    |     | SWSW  | 10    |     | SESW  | 10    |

Total Acres: 104

Dates:

Licensed Date: 08/21/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:  
Application Received Date:  
Protest Deadline Date:  
Number of Protests: 0

Other Information:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

Close

FEB 23 2006

SCANNED

29-2545

5/17/01

CB

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[illegible]

Claimed diversion volume is less than the licensed volume; 760 AFA / 312 AFA licensed

FEB 23 2006

WR5809NP  
No. 29-02545

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/17/01  
PAGE: 2

| OWNER<br>CODE    | NAME & ADDRESS                   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DELMO SMITH<br>BANCROFT ID 83217 | 12/07/1966       | IRRIGATION | 04/01 10/31           | 1.750 CFS         | 312.00 AFA          |
| TOTAL DIVERSION: |                                  |                  |            | 1.750 CFS             | 312.00 AFA        |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R38E S23

SESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |                           |                           | SUM                       |
|-------------|-----|----|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| T           | R   | S  | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac |
| 07S         | 38E | 23 | :                         | :                         | :                         | :                         | 36                        | :                         | 33                        | 15                        | 10                        | 10                        | :                         | :                         | :                         | 104.0                     |
| TOTAL ACRES |     |    |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           | 104.0                     |

Pou County: CARIBOU

Other Water Rights Listing Overlapping Place(s) of use:

29-00103 29-00104 29-00105 29-00106

Dates: App. Received: Priority Date: 12/07/1966  
Proof Due Date:  
Exam Made Date: Proof Made Date:  
Licensed Date: 08/21/1979 Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

Audit: 03/12/85 05/22/88 CONVERT

Current owner Toponee Canal Co.  
This doesn't irrigate this section.

Claimed  
260 AFA

10322. Nothing in  
102413 Sect 23.  
Sect. 11

SCANNED

MAY 7 2001

Log for claim A29-02545

Spatial Dynamics LTD

6/13/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 07s38e         | 23  | NWSW | 5                | 3.5            |         |
| 07s38e         | 23  | SEnw | 36               | 38             |         |
| 07s38e         | 23  | NESW | 33               | 28             |         |
| 07s38e         | 23  | SWSW | 10               | 17             |         |
| 07s38e         | 23  | SESW | 20               | 11             |         |
| <b>Totals:</b> |     |      | 104              | 97.5           |         |

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 92

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

T07S R38E S23

NESESW

CARIBOU County

NE

NW

SW

SF

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00104    A29-00105    A29-00106

Dates: Exam Made Date: Verified Date: 03/12/1985 Objection Filed Date:

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

Audit: 01/17/90 MOBILE3 03/29/95 POST-STD

# WATER LICENSE

Water License No. G-33396 Priority December 7, 1966 Amount 1.75 c.f.s.

THIS IS TO CERTIFY, that DE LMO SMITH  
 of Bancroft, Idaho, made application for a permit to appropriate the public waters of  
 the State of Idaho, dated December 7, 1966; that Permit G-33396 was issued pursuant  
 to said application; that the proposed works were completed on or about April 10, 1967,  
 with a storage/or carrying capacity of 1.75 c.f.s., said works consisting of  
well, pump, motor, and sprinkler system; and that on March 18, 1969,  
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 312  
 acre feet per season, with a maximum rate of diversion of 1.75 cubic feet per second of the waters  
 of ground water, tributary of \_\_\_\_\_,  
 for the purpose of irrigation from April 1 to October 31;  
 and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and for  
 \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and that the use  
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-  
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is  
 located in SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 23, T. 7 S, R. 38 E, B.M., and  
 other additional points \_\_\_\_\_, in the County of  
Caribou; and that the amount of water to which such right is  
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially  
 used for said purposes and shall not exceed 312 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 7 S  | 38 E  | 23   |                  |                  |                  |                  |                  |                  |                  | 36               | 33               | 15               | 10               | 10               |                  |                  |                  |                  | 104    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 104

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,  
 as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of August, 19 69.

*R. Kirk Hiji*  
 State Reclamation Engineer

29 2545

33396  
 29-2545

gmb

# APPLICATION FOR PERMIT To appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41589  
Permit No. G- 33396  
District No.

Power of Attorney  
Wallace M. Transtrum, Attorney  
159 South Main  
Soda Springs, Idaho 83276

1. Name of Applicant: Delmo Smith  
Postoffice address: Bancroft County: Caribou State: Idaho
2. Quantity of water claimed:
  - (a) Rate of withdrawal in cubic feet per second 4.8 or Idaho  
Miners' inches or gallons per minute
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 23  
Twp. 7 S , Rge. 38 E , B.M., County of Caribou
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: well, pump and sprinkler system
8. Estimated cost of works: \$ 9,000.00
9. (a) Is reservoir to be used? no  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is  
years. 5
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:
    - (b) Amount of capital stock: \$ (c) Amount paid in: \$
    - (d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$
    - (b) Treasury stock: (c) Bonds to be issued:
    - (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 2000 shares Toponce Creek decreed -  
No water available.
  - (a) 4.8 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplied  
mental to the existing water rights.
  - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

LICENSE ISSUED FOR 1.75 SEC. FT.  
 LICENSE PAG. NO. \_\_\_\_\_

Rec. No. 21-11165

Form No. 3  
5 M-1-65

Address all communications to:

Wallace M. Transtrum, Department of Recl.  
159 South Main  
Soda Springs, Idaho 83276



## APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41589

Permit No. G 33396

Water District No. \_\_\_\_\_

1. Name of applicant: Delmo Smith  
Post office address: Bancroft County Caribou State Idaho
2. Quantity of water claimed: 4.8 Cu. Ft. per second
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 23  
Twp. 7S, Rge. 38E, B.M., County of Caribou
5. Water is to be used for: Irrigation
6. If for domestic, municipal, industrial or recreational purposes give:
  - (a) Point of use of water is in the \_\_\_\_\_  $\frac{1}{4}$  of the \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_  
Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, B.M.
  - (b) Waste water or sewage effluent is to be returned to \_\_\_\_\_  
at a point in the \_\_\_\_\_  $\frac{1}{4}$  of the \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, B.M.
7. Kind of Works: Well, pump, sprinkler system
8. Estimated cost of works: \$9,000.00
9. (a) Is reservoir to be used? NO  
(b) Capacity of reservoir: \_\_\_\_\_
10. The time required for the completion of such work and complete application of the water to the proposed use is  
5 years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation: \_\_\_\_\_
  - (b) Amount of capital stock \$ \_\_\_\_\_ (c) Amount paid in: \$ \_\_\_\_\_
  - (d) Names and addresses of directors: \_\_\_\_\_

OK

33396

II. The financial resources of the applicant are: (a) Cash on hand: \$.

(b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: \_\_\_\_\_

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 2000 Shares

Toponce Creek decreed - No water available

(a) 4.8 (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) \_\_\_\_\_ (cubic feet per second, inches or gallons per minute) is for new lands.

33396

Remarks.

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.

Delmo Smith

Applicant

By

Wallace M. Trank

Agent

33396

Approval of State Reclamation Engineer  
33396

The number of this permit is G \_\_\_\_\_

Recorded in Book 116 Page 33396 Approved JAN 10 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed before \_\_\_\_\_

One-fifth of the work above specified to be completed on or before July 10, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1972

Witness my hand this 10th day of January, 1967

*R. Keith Higgins*  
State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON W. SAMUELSON, Governor of the State of Idaho

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 10th day of January, 1967

Countersigned:

STATE OF IDAHO

By *Edson H. Deal*  
Secretary of State

By *Don Samuelson*  
Governor

No. G 33396

PERMIT

Date of first receipt at office of State  
Reclamation Engineer

December 7, 1966 8:00 A.M.  
Returned to applicant for correction

Corrected application received

Fees, \$ 6.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. .... \$5.00

For each additional Sec. Ft. or Fraction

Thereof ..... .25

33396



Section 23, T7S,  
R38 E, B. m.

23

Well

660N  
320W  
SE 1/4 corner

WATER RIGHT NUMBER 29-2545 ✓

OWNER LAST NAME - SMITH

FIRST NAME - DELMO

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BANCROFT

STATE - ID ZIP CODE - 83217 ✓

SOURCE - GROUNDWATER

TRIBUTARY OF -

TYPE - LICENSE

STATUS -

PRIORITY - 12-07-1966 COUNTY - CARIBOU

TOTAL DIV. RATE - 1.7500 -CFS

TOTAL DIV. VOLUME - 312.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

VERSION POINT - SESW 23 07S 38E LOT RECDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

DATE - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE -

1.7500 CFS USE DIV. VOLUME - 312.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 23 TRACT SENW LOT AC 36 TRACT NESW LOT AC 33

TRACT NWSW LOT AC 15 TRACT SWSW LOT AC 10

TRACT SESW LOT AC 10

DATE - TOTAL ACRES 104

OWNER NAME -

MARKS -

USE - IRRIGATION

WATER RIGHTS FOR SAME USE -

DATE DUE - PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 33396

DATE MADE - FLD EXAM - COND. OF APPROVAL -

VERSION MEANS -

|                      |    |    |  |
|----------------------|----|----|--|
|                      |    |    |  |
|                      |    |    |  |
|                      |    | 36 |  |
|                      | 15 | 33 |  |
|                      | 10 | 10 |  |
| 104 Acres            |    |    |  |
| 1.75 Acres           |    |    |  |
| 3 1/2 Acres / season |    |    |  |

Permit No. G-33396  
 Name of Applicant DELMO SMITH 29  
 Source of Water SUBTERRANEAN  
 a tributary of \_\_\_\_\_  
 Location of P.D. St SW St 23 75 38E

Water is used for IRRIGATION  
 Quantity of water claimed: Permit 1.8 cfs Depositions ?  
 Type of measuring device installed or method of measurement and general description of diversion works SPRINKLER SYSTEM

| Land to be irrigated or place of use: |      |      |        | Description |     |
|---------------------------------------|------|------|--------|-------------|-----|
| TWP.                                  | RGE. | SEC. |        |             |     |
| 75                                    | 38E  | 23   | SE NW  | -           | 10  |
|                                       |      |      | SW 1/4 | -           | 160 |
|                                       |      |      | SW 1/4 | -           | 40  |

Total acreage 210 AC

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

NONE  
12-1-1  
33396

Twp. 1 - 24-1

Range 38 East



MAY 7 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: A29-02545

Date Received: 1/17/1990

Receipt No: 11005537

Received By: E.S.V.

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DELMO SMITH 208-648-7774  
Address:

BANCROFT, ID 83217

OR

Name: MADA SMITH 208-648-7774  
Address:

BANCROFT, ID 83217

2. Date of Priority: DEC 07, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County  |
|----------|-------|---------|-------------------|-----|---------|
| 07S      | 38E   | 23      | NE SE SW          |     | CARIBOU |

5. Description of diverting works:  
45'X16' WELL WITH 50HP PUMP. HANDLINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 1.750  |      |        |

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

8. Total consumptive use is 260.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-02545

Page 1

Date: 01/17/90

MICROFILMED

NOV 13 1992

A2902545



10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 07S      | 38E   | 23      | SE  |    | NW  |     | IRR           | 36.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 33.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 5.0   |
|          |       |         | SW  |    | SW  |     | IRR           | 10.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     | Section Acres | 104.0 |
|          |       |         |     |    |     |     | Total Acres   | 104.0 |

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:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 33396

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: 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): *Delmo Smith* Date: 1/17/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Caribou ) SS.

Subscribed and sworn (or affirmed) before me this 17 day

of January 19 90

Seal

*[Signature]*  
Notary Public

Residing at RESIDING AT IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES 8-22-1994

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



Point of Diversion

T  
3  
R38E

A29-02545

NOV 13 1952