

11/12/2002

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

RIGHT NUMBER: 29-4006

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.650 CFS
270.000 AFY

PRIORITY DATE: 04/01/1958

POINT OF DIVERSION:

T07S R38E S26 NENESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	09/01 12/31	0.010 CFS
IRRIGATION	04/01 10/31	1.650 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S26	SWNW	7.0	T07S R38E S27	SWNE	39.0
T07S R38E S27	SENE	38.0	T07S R38E S27	NESE	15.0
T07S R38E S27	NWSE	37.0			

STOCKWATER same as IRRIGATION

136 ACRES TOTAL

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

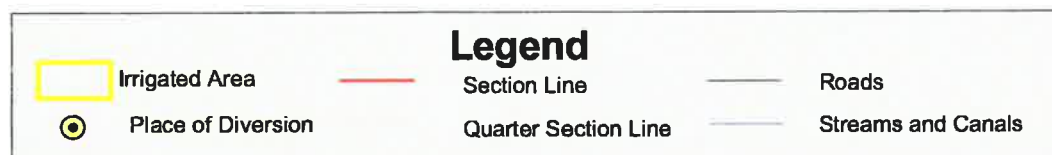
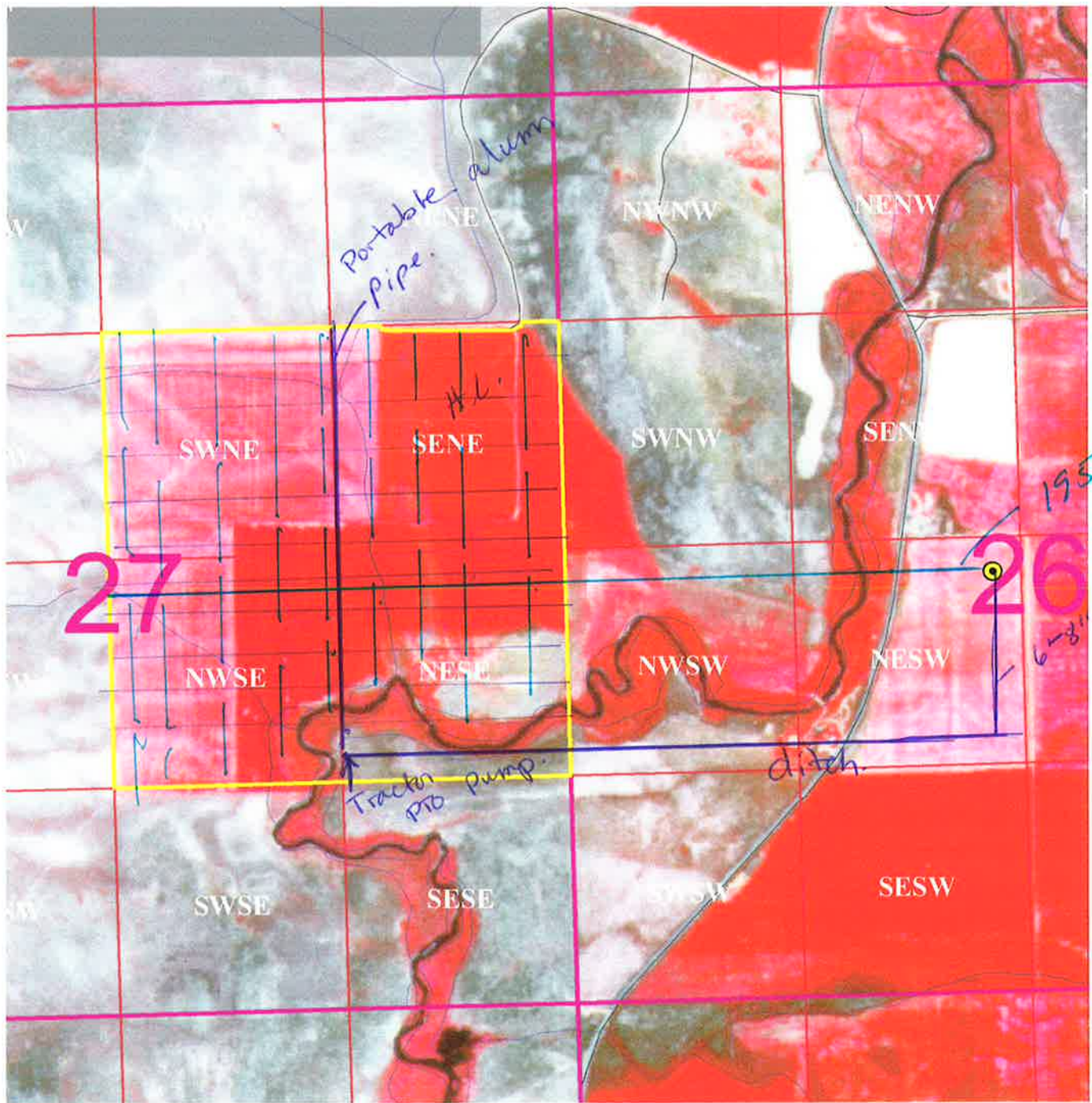
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

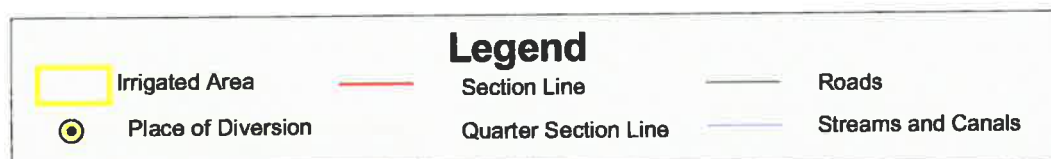
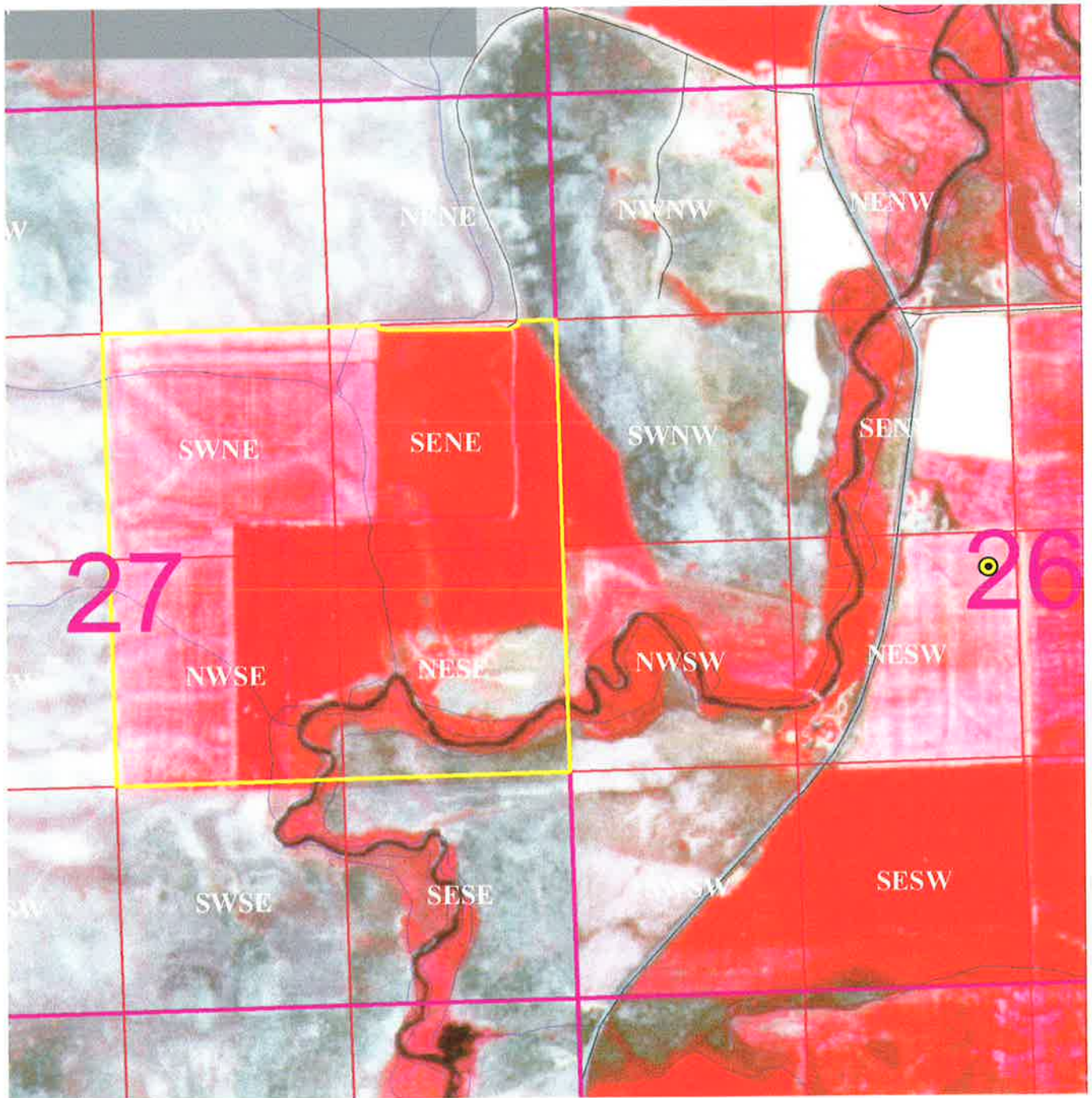
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 29-2302 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

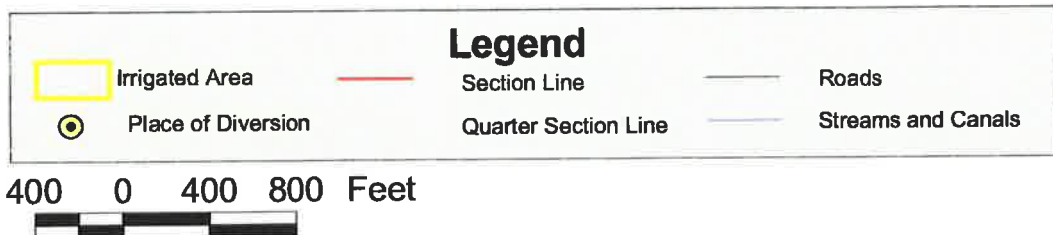
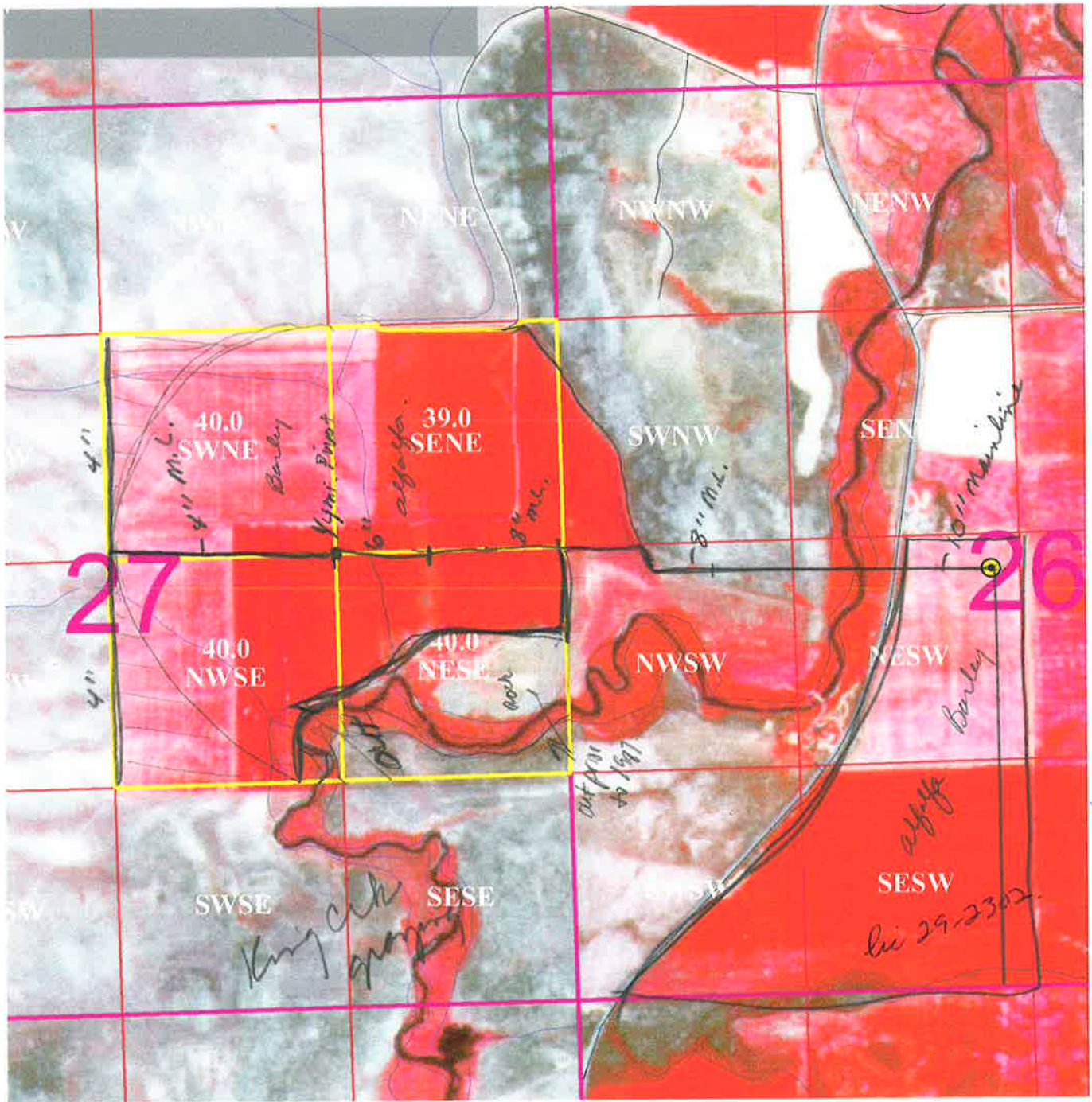
Township , 7S38E



Township , 7S38E



Township, 7S38E

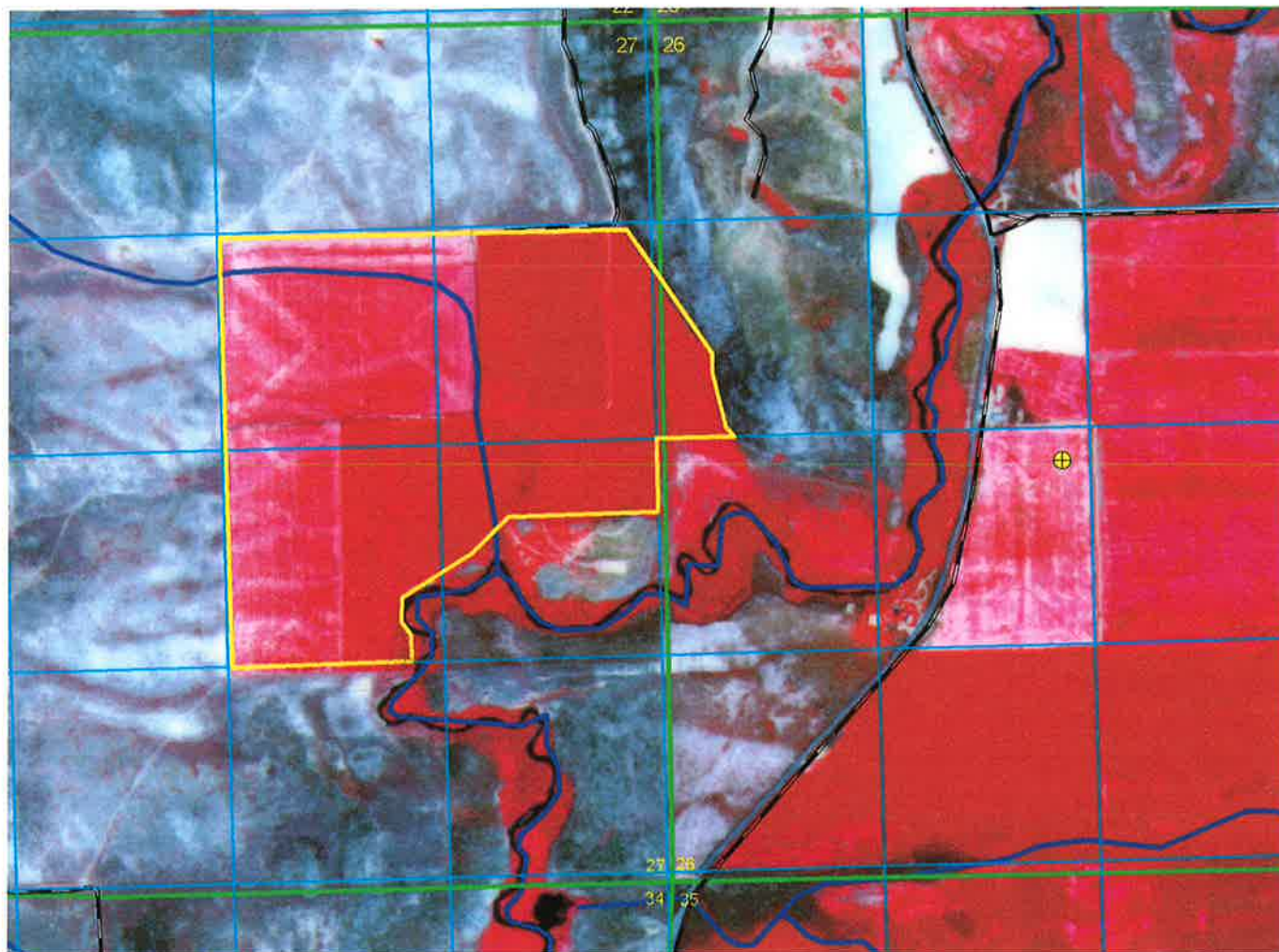




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-4006



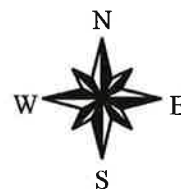
600 0 600 1200 1800 Feet

LEGEND

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

Place of Use: T7S, R38E,
(part of) Sections 26 and 27.

Points of Diversion: T7S, R38E
Sec. 26 NENESW



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

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02/18/2003

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: 29-4006

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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29-4006 & 29-2302.

9/24/02 2:30pm Loren Smith visited my office to discuss the letter requesting evidence of priority for 29-4006.

Loren said the original system in 1956 when the examiner was out had a buried 6 or 8" pipe to an open ditch in the SENESE of section 26. The open ditch ran west to a point east of the river between the NWSE & NESE in Section 27. At that point they had a tractor with a PTO pump, pump the water north through a portable alum. pipe and irrigated with hand lines. The hand lines ran east & west to irrigate the land in SWNE, SENE, NWSE and NESE of section 27.

Loren called Dyke Electric and in 1958 is when they purposed the 75 hp pump, and had it installed by Dyke Electric. The serial number of the pump is F-269469. At that time they buried a steel mainline west to irrigate the property with handlines that ran north & south.

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In 1992, the initiated a print and merge
the census with landline.

In 1958, stopped migrating to the river
in the WSE of section 27, and put the
land in status of section 27 into production.

See attached drawing on the contractor
map.

John Smith is John's grandfather. This
dad Belme was buying this property in
contract in 1951. The family paid it
off in 1955, when he received his warranty
 deed.

Belme Smith (deceased) The ground from
John in 1951, but it wasn't until
1955 that he made arrangements to purchase
the property.

of the first) t the said premises in the quiet and peaceable possession
of the said parties of the second part, to their heirs and assigns against
the said parties of the first part and against all and every person or persons
whomsoever, lawfully claiming or to claim the same, shall and will warrant
and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto
set their hands and seals the day and year first above written.

1st Lester Smith

1st Bregretta Smith

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

On this 7th day of December, 1955, before me, the undersigned, a Notary
Public, and for said state, personally appeared Lester Smith and Bregretta
Smith, husband and wife, of Bancroft, Caribou County, Idaho, known to me to
be the persons whose names are subscribed to the foregoing instrument, and
acknowledged to me that they 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.

D. J. Rosman
Notary Public
Residence: Soda Springs, Idaho
Commission Expires: 4-10-57

STATE OF IDAHO }
County of Caribou } ss 110752

I Hereby certify that this instrument was filed
at the request of Lester Smith
at 10:25 o'clock P M this 18 day of
November 1955 in my office and duly

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Fairbanks Morris
Motor - Installed
1958 - Dykes
Electric -
Serial # F-269469
Type - QZKV
Spec - 0605
Frame - 0459V



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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

Loren Smith
Smith Family Partnership
2651 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication Claim
A29-4006

Subject: Evidence of Priority

RESPONSE DATE: October 7, 2002

Dear Loren,

As part of the licensing process a state examiner visits the property to determine if the water was put to beneficial use under the permit. In the examiners report for the well under 29-2302 on July 10th, 1956 he described a 30 hp Westinghouse motor, serial number 17-22V163 and an 8" discharge into a closed system to the east to the fields by sprinklers. This statement conflicts with both your recollection of the open ditch and the Statutory Claim (29-4006) filed by your dad in March of 1969, where he described a 75 hp pump and 2600 feet of 8 and 5/8's inch steel pipe. The 1/2 mile of pipe would be just enough to get to the property line and not enough to get the pond you described in the NWSE of section 27.

Sometime between when the examiner visited the property in 1956 and the 75 hp pump was installed is when it appears that the additional 160 acres was irrigated. If the 75 hp pump was installed in 1969, which falls after the 1963 mandatory permit statute, as indicated on the statutory claim then the adjudication claim would be recommended as an enlargement to the license. If it was developed prior to the 1963 mandatory permit statute then it could be recommend as a beneficial use claim but it would be restricted to the flow measured by the examiner with the 30 hp pump. This would mean that the additional 160 acres could be irrigated but it would be restricted to the 1.6 cfs under the license.

To establish existence of irrigation of the additional 160 acres, you must submit persuasive evidence of when the 75 hp pump was installed. This office must receive your

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response by the response date shown above. If you have any additional questions, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosures: Copy of Statutory Claim 29-4006
Copy of Examiners report on 29-2302

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 15, 2002

Smith Ranch Family Partnership
2651 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA) Claim 29-4006

Subject: Evidence of Priority

Dear Mr. Smith,

In reviewing the evidence of priority for statutory claim 29-4006 I have some additional questions. Statutory claim 29-4006 claims the same point of diversion as license 29-2302. The priority date under this license is September 10th, 1951 but your statutory claim claimed a priority date of June 1, 1951. How is that possible? If the claimed irrigated acres under the statutory claim was being irrigated prior to the land under the license it should have been claimed under the licensed. But this was not done and there was no reference to this additional land in the examiners report that was done in 1957.

So some additional clarification is needed to make a recommendation to the SRBA court on this statutory claim. The evidence of priority submitted in the file from Hazel Croney states that the land in "township 7 south, range 38 east, section 27, NE SWNE SENE, SE SWSE SESE, since 1951" was irrigated in 1951. This however doesn't jive with the license. If you have any additional questions please feel free to contact me at 547-3993. I look forward to hearing from you.

Sincerely;

Cindy E. Bird
Adjudication Bureau

pipeline - middle

*When was 75 hp pump installed
enlargement after 1963.*

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7/15/02. Because the priority date is incomplete
the priority date & Summary are not complete.

Areas Complete

Contract, POP, Source, POH, Water use, Period
of use & Quantity.

Answer to Questions:

Summary	Priority date.
1. N	1. N
3. Y	4. N
5. Y	7. N
	8. N
SAVE.	9. N
	12. N - Need additional Evidence.

tried to contact Iren or Dean Smith about the
evidence.

12:05 pm left a message at Iren Smith's

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Priority Date Data Entry Form

Claim Number 29-4006

Claimed Priority Date: 6/1/1951

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 6/1/1951

Water Right Basis: Statutory Claim

Recommended Priority Date 6/1/1951 Recommended Basis Beneficial Use

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

~~Need evidence.~~

POD is the same as w/r license 29-2302.

The priority date of the license is 9/10/1951.

If this priority date on claim 29-4006 was valid
they would of claimed it under the license.

7/15/02 I tried to call Dean or Loren and visit with
them about this but there was no answer.

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: 29-4006
Water Right Priority Date: 6/1/1951 Water Right Basis: statutory claim
Claimed Priority Date: 6/1/1951 Claimed Basis: statutory claim
Recommended Priority Date: 4/1/1958 Recommended Basis: B.U.

☐ 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:

- This claim claims the same POD as license 29-2302. The priority date of the license is 9/10/1951? How can this B.U. have a priority date before the licensed well because they should of claimed this land under the W/R licensing exam.
- Sandy is sending 1964 imagery - ✓ imagery for irrigation.
- affidavit from Hazel Coney has the wrong land listed.
- 1974 ~~ortho~~ quad only shows about 50 acres irrigated in the SW 1/4 & SENE.
160 has been cultivated
N 1/2 SE - could have been irrigated
NW 1/4 - dry farmed.

Reviewer: CB

Date: 7/1/02

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Point of Diversion and Source Data Entry Form

Claim Number: 29-4006Water Right Point of Diversion: T 7S, R 38E, Sec. 26, NE, SW, County: Caribou.Source: G.W. Tributary: _____Claimed Point of Diversion: T 7S, R 38E, Sec. 26, NE, NE, SW, County: Caribou.Source: Ground water Tributary: _____Recommended Point of Diversion: T 7S, R 38E, Sec. 26, NE, NE, SW, County: Caribou.Source: G.W. 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? 29-2302

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

lic. 29-2302
field visitadd FOS Remark

Transfers Changing POD _____

Reviewer: CBDate: 7/15/02

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Place Of Use Data Entry Form

Claim Number: 29-4006☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	38E	27	SWNE		Caribou		40	Irrigation
			SENE				40	
			NESE				40	
			NWSE				40	

Total Acres 160

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	38E	26	SWNW		Caribou		7	Irrigation
		27	SENE				38	
			SWNE				39	
			NWSE				37	
			NESE				15	

Total Acres 136

Document how the POU was verified:

1987/88 NAPP Photography.field visit.Transfers Changing POU N8.Reviewer: CBDate: 7/15/02

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Purpose of Use Data Entry Form

Claim Number: 29-4006☐ 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			160	
Stock		300		

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			160	
Stock		300		

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			136	
Stock		500		

Document how the Purpose of Use was verified:

1987 Napp Photography
field visit.
Mothers & babies. (500 head)

Transfers Changing Purpose of Use _____

Reviewer: 7/15/02Date: CBSCANNED
FEB 28 2006

Period of Use and Quantity Data Entry Form

Claim Number: 29-4004

☐ 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	2.25	
Stock	9/1	12/31	.01	

Overall Diversion Rate 2.26 Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/1	10/31	2.25	
Stock	9/1	12/31	0.01	

Overall Diversion Rate 2.26 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	1.65	370
Stock	9/1	12/31	.01	

Overall Diversion Rate 1.65 Overall Diversion Volume _____

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

license 29-2302. limited to license
diversion rate/ volume.

Reviewer: CB

Date: 7/15/02

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Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner Smith Ranch Interests Partnership

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 1/11/01 Time: 1 PM.

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

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____

Date: _____

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FEB 28 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

KARL J. DREHER
DIRECTOR

January 7, 2002

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,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Copies of Notices of Claims Referenced Above

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7/30/07 3:26 Carbon County assessors office. Busy need
to call back in about 1/2 hour

547-4749 Terry is covering this week for the regular
people.

3:15 Am. Wendy Ecklund - has ordered photo's will get back to me, on
when they are expected.

4:15 Terry - Carbon County assessors office
The land in 7S 38E Section 27, SWSE, SESE is owned
by King Ck Grazing Association like I've stated..

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PROFILE

6/11/01

29-4006. Loren Smith. 1pm 6/11/01. 6/11/01
evidence of Priority - Per Loren Smith.

Delmo Smith has never owned the land in
SWSE, SESE land.

Originally Harris Gilbert.

Neddie Crownig (SESE)

Hazel Crownig's mother

sold to King Crk grazing association - early to
mid 70's.

29-2302.

Satellite imagery correct at 177 acres.

29-17028.

Purchased Property in ~~1978~~ 70's.

Pipe-1984 Starting ~~put~~ putting pipe in.

- Land in section 14, SWSW, NWSW irrigates.
36 acres. crop alfalfa (barley).
has 2300 shares of Topance shares but
has never been able to use the share.
- Land ~~is~~ (20 acres) in NWSW ^{has been irrigated} since the
1902. alfalfa/barley has been the crop.
- Ownership Change to Smith family partners
on all rights - left an ownership chg form
with - Loren

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Delmo Smith



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

150 FEET X 16 INCH WELL WITH A 75HP PUMP. MAINLINE TO WHEEL LINES/HAND LINES.

Assumptions

Pressure head and elevation head.

Invoice

2000-037-01-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

1.93761525565801

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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WR5809NP
No. 29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/15/01
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION STOCKWATER	04/01 10/31 09/01 12/31	2.250 CFS 0.010 CFS	
TOTAL DIVERSION:					2.260 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R38E S26

NESW

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	27	:					40		40								40	40	160.0
TOTAL ACRES																			160.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-02302

Remarks: GEN PRIORITIES ARE 6-1-1951 OF 2.25 CFS & 9-1-1951 OF .01 CFS.

Dates:	App. Received:	Priority Date:	06/01/1951
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

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

measured 1.6 cfs
under license

chg to
B.U.

evidence places Pou
in these two 02.
Evidence also doesn't
disclose how they
know it was
registered in
1951.

Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

WATER RIGHT NO. 29-4006

<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: 06/01/1951

Basis: Statutory Claim

Status: Active

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

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.25 CFS	
STOCKWATER	9/01	12/31	0.01 CFS	
Total Diversion			2.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENESW	Sec. 26	Township 07S	Range 38E	CARIBOU County
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IRRIGATION Use:

Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	27		SWNE	40		SENE	40						
				NESE	40		NWSE	40						

Total Acres: 160

Dates:

Licensed Date:

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

Water Right Report

[Close](#)

12/12/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-4006

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

Priority Date: 06/01/1951

Basis: Statutory Claim

Status: Active

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

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.25 CFS	
STOCKWATER	9/01	12/31	0.01 CFS	
Total Diversion			2.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 26	Township 07S	Range 38E	CARIBOU County
--------------	------	---------	--------------	-----------	----------------

IRRIGATION Use:

Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	27		SWNE	40		SENE	40						
				NESE	40		NWSE	40						

Total Acres: 160

Remarks:

1.	General	PRIORITIES ARE 6-1-1951 OF 2.25 CFS & 9-1-1951 OF .01 CFS.
----	---------	--

Dates:

Licensed Date:

Decreed 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

CLAIM NUMBERS

A29-4006

DATE

5/17/01

AGENT

CB

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

GEOGRAPHIC INFO ACRES

				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	7S	38E	27			40	40									40	40		160
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B29-POU.SHP

SHAPE NOS.

Evidence of priority: 2 affidavits in the file the describe land irrigated in SWNE, SENE, SWSE & SESE.

License 29-2302 has a later priority date. 9/10/51

Priority date 4/1/51

B29-POD.SHP

NOS. DESCRIPTION

1 29-2302 same pod as license (29-2302) - B.U. field exam done in July 1956. The examiner found that the well would pump 80 inches or 1.6 cfs at the time.

Check with Wendy on 1962 Photos. Verify that the land was irrigated. Irrigated land in section 27 prior to land in Section 26 were the POD was located?

DBF TABLES UPDATED

B29-DBPOU.DBF

B29-DBPOD.DBF

JPEG LAYOUT

D:\Data\Cindy\Forms\GIS-LLIST-29-4SEC-4LINES1.doc

SCANNED

FEB 28 2006

FILED

SCANNED

MAY 7 2001

Log for claim A29-04006

Spatial Dynamics LTD

6/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	27	SWNE	40	40	
07s38e	27	SENE	40	39	
07s38e	27	NESE	40	40	
07s38e	27	NWSE	40	40	
Totals:			160	159	

AJ5809NP
No. A29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 93

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION	04-01 10-31	2.250 CFS	
C	MADA SMITH		STOCKWATER	09-01 12-31	0.010 CFS	
	BANCROFT ID 83217					
	(208) 648-7774					
				TOTAL DIVERSION:	2.260 CFS	
				CONSUMPTIVE USE:		400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R38E S26

NENESW

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	27	:					40	40	:								40	40	:	160.0
																			TOTAL ACRES	:	160.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

Other Rights: 29-02302 FROM SAME WELL

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10165 A29-02302 A29-10165

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

Identification No. _____

Claim No. 29-4006

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Delmo Smith
post office address Bancroft, Idaho
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 7 South
Range 38 East B.M. located on Subterrean
(name of source)
tributary to _____ in _____ County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

Irrigation	<u>June 1, 1951</u>	amount: <u>2.25</u> c.f.s. or _____ acre feet	
Stock Water	<u>September 1, 1951</u>	amount: <u>.01</u> c.f.s. or _____ acre feet	
		amount: _____ c.f.s. or _____ acre feet	
		Total claimed <u>2.26</u> c.f.s. or _____ acre feet.	
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>April 1</u> to <u>October 31</u>	(both dates inclusive)
use <u>Stock Water</u>	period of use from <u>September 1</u> to <u>December 31</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is 150 feet; diameter of well is 16 inches; type of pump is 75 HP V.T.P.
capacity of pump is 1400 g.p.m.; name and address of well driller is Cushman-Johnson

29-4006

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 22079This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Lester Smith, Bancroft, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the NE 1/4 of Section 26T. 7 S. R. 38 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: Kell is 150' deep...
by 16" diameter cased 29'. H=22', draw down estimated at 8'. Equipped with a Fairbanks
Horse-Pomona Turbine, serial No. PM 3187 and a 30 hp Westinghouse motor, serial No.
17-22V163. 8" discharge into a closed system to the East to the fields by sprinklers.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

That portion of land lying East of Kelly Road in the
Southwest Quarter Section 26, Twp. 7 South, Range 38 East, N. M.

See the map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Smith's son on place. Raising farm.

license
29-2302

This examination was made on the

10

day of

July1936

(Signed)

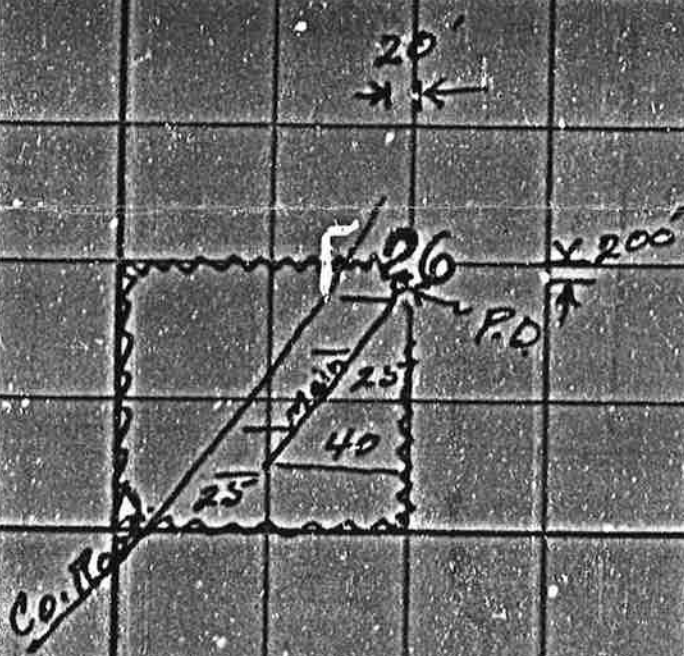
E. H. Humphrey

Examiner

22079

R-38 E.

$\frac{3}{16} \times \frac{7}{31}$



$5.625 \times 45 = 253.125$
 $45 \times 16 = 720$
 $720 - 253.125 = 466.875$
 $466.875 \times 16 = 7470$
 $7470 \div 30 = 249$
 $249 \times 16 = 3984$
 $3984 \div 26 = 153.23$
 $153.23 \times 16 = 2451.68$
 $2451.68 \div 7 = 350.24$

four lines

main line is 8" x 6"
 8" buried steel
 6" = port. al.

Subdivisions - Three
 Area = 90 acres.
 Q = 80 inches.

OWNER LAST NAME - SMITH

FIRST NAME - DELMO

CITY - BANCROFT

STATE - ID

SOURCE - GROUNDWATER

STAGE - STAINY CLM

DIVERSION POINT - NESW 26 07S 38E

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

FROM - 09-01 TO - 12-31 USE - STOCKWATER

USE - IRRIGATION

PLACE OF USE - TWN 07S RANG 38E SEC 27 TRACT SWNE

TRACT NESE

AC 40 TRACT SENE

AC 40

REMARKS - PRIORITIES ARE 6-1-1951 OF 2.25 CFS & 9-1-1951 OF .01 CFS.

NON IRRIG USE - S/300 RANGE.

PRIORITY - 06-01-1951 COUNTY - CARIBOU

TOTAL DIV. RATE -

2.2600CFS

USE DIV. RATE -

2.2500CFS

USE DIV. RATE -

.0100CFS

- DATA ENTRY -

Record

- | | Tract | Sec. | Twp. | Rge. | Gov't Lot | Rediv. |
|--------------------------|-------|------|------|------|-----------|--------|
| 6. A. Point of Diversion | NESW | 26 | 7S | 38E | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

- from 4-1 to 10-31 for A purposes. Amount 2.25
(cfs or AC-Ft/yr)
- from 9-1 to 12-31 for S purposes. Amount .01
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____
- from _____ to _____ for _____ purposes. Amount _____

RECEIVED
FEB 17 1995
Department of Water Resources
Eastern District Office

7 February 1995

State of Idaho
Department of Water Resources
900 North, Skyline Drive
Idaho Falls, Idaho 83402-1718

Ref: Evidence of Priority
Delmo Smith
No. A29-04006

Idaho Department Water Resources:

I testify that Delmo Smith has been using the water identified by Water right number A29-04006 based on Beneficial Use, for 160 Acres of land, described as, Township 7 South, Range 38 East, Section 27, NE SWNE SENE, SE SWSE SESE, since 1951.

Hyrum M. McLain
Hyrum McLain
16 South, 2 West
Bancroft, Idaho
83217

Agnes Knowles
Notary
Exp. Date 8/26/99

NOTARIAL
NOV 13 1996

State of Idaho
Department of Water Resources
900 North, Skyline Drive
Idaho Falls, Idaho 83402-1718

RECEIVED

FEB 17 1995

Department of Water Resources
Eastern District Office

Ref: Evidence of Priority
Delmo Smith
No. A29-04006

Idaho Department Water Resources:

I testify that Delmo Smith has been using the water identified by Water right number A29-04006 based on Beneficial Use, for 160 acres of land, described as, Township 7 South, Range 38 East, Section 27, NE SWNE SENE, SE SWSE SESE, since 1951.

Hazel Croney

Hazel Croney
2501 Kelly Road
Bancroft, Idaho
83217

Notary Agnes Knowles
Exp. Date 8/20/99
Bancroft,
Idaho

MICROFILMED

NOV 13 1990

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION	04-01 10-31	2.25 CFS	
C	MADA SMITH		STOCKWATER	09-01 12-31	0.01 CFS	
	BANCROFT ID 83217					
	(208) 648-7774					
TOTAL DIVERSION:					2.26 CFS	
CONSUMPTIVE USE:						400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R38E S26 NENESW

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	27	:					40		40								40		40	:	160.0
																			TOTAL ACRES		:	160.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

Other Rights: 29-02302 FROM SAME WELL

Dates: Exam Made Date:

Verified Date: 03/12/1985

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

NOV 13 1996

AJ5809NP
No. A29-04006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DELMO SMITH	06/01/1951	IRRIGATION	04-01 10-31	2.25 CFS	
C	MADA SMITH BANCROFT ID 83217 (208) 648-7774		STOCKWATER	09-01 12-31	0.01 CFS	
TOTAL DIVERSION:					2.26 CFS	
CONSUMPTIVE USE:						400.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R38E S26

NENESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	38E	27	:			40	40	:					:					:	40	40			:	160.0
																					TOTAL ACRES		160.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CARIBOU

Non-Irrigation Uses: S/300 RANGE.

Other Rights: 29-02302 FROM SAME WELL

Dates: Exam Made Date:

Verified Date: 03/12/1985

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

RECEIVED
NOV 13 1990

WARRANTY DEED

110752

THIS INDENTURE MADE THIS 2 day of December, 1955, between Lester Smith and Bregretta Smith, husband and wife, of Bancroft, Caribou County, Idaho, parties of the first part, and Delmo Smith and Mada Smith, husband and wife, of Bancroft, Caribou County, Idaho, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) dollars, lawful money of the United States of America, and other valuable considerations, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey and confirm unto said parties of the second part, to their heirs and assigns forever; all those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

All of that property in the Southwest one-quarter (SW $\frac{1}{4}$) of Section 26, Township 7 South, Range 38 East of the Boise Meridian, lying and being southerly and easterly of the Kelly Road as the same now exists: also

The South half of the Northeast quarter, the North half of the Southeast quarter of Section 27; the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter, and the Southwest quarter of the Southeast quarter of Section 23: all in Township 7 South, Range 38 East of the Boise Meridian, in Caribou County, Idaho.

Together with the following property:

2000 shares of water in the Kelly Topence Canal Company; 50 shares of Stock in the Chesterfield Land and Livestock Company.

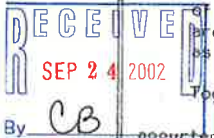
for the sum of \$35,000.00 which amount shall be paid as follows, to-wit:

\$2000.00 shall be paid upon the signing of this agreement and be a down payment, and the sum of \$2112.40 to be paid on or before the 1st day of December, 1956, and on or before the 1st day of December of each succeeding year thereafter for 25 annual installments including the installment on December 1, 1956. That the payment shall be first applied to the accrued interest on date of payment and then to the principal; that the unpaid balance shall bear interest at the rate of 4% per annum from the date of this instrument; that all payments are to be made to the Largilliere Company Bankers, Soda Springs, Idaho, as per the escrow covenant herein contained.

Together with all and singular, the tenements, hereditaments and

appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof, and subject to all existing right-of-ways thereon.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, to their heirs and assigns forever. And the said parties



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: A29-04006

Date Received: 1/17/1990

Receipt No: 1005537Received By: ES

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: JUN 01, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	26	NE	NE	SW		CARIBOU

5. Description of diverting works:

150'X16" WELL WITH A 75HP PUMP. MAINLINE TO WHEEL LINES/HAND LIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.250		
STOCKWATER	09/01	12/31	0.010		

7. Total Quantity Appropriated is:

2.260 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/300 RANGE.

A29-04006

Page 1

Date: 01/17/90

MICROFILMED
NOV 13 1992

A2904006



1.6 cfs limit of well under line 29-2302

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	38E	27	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	160.0
							Total Acres	160.0

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:
29-02302 FROM SAME WELL

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not 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): *Lilma 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 1990

[Signature]
Notary Public

Seal

RESIDING AT IDAHO FALLS, IDAHO
Residing at MY COMMISSION EXPIRES 8-22-1994
My Commission Expires _____



T
7
S

R38E

A29-04006

POINT OF DIVERSION

MICROFILMED
NOV 17 1992

40
40
40
40
PORTNOUT

PACIFIC

Thirty-Nine
5763

Storage
Bin

Well
5326

Well
5319

Well
5326

Well
5332

Storage
Bin

5329

hill 36

5363

5365

9 H 13

15

15

22

23

24

25

26

27

25

36

34

Mills 68

M-5805

5336

5319

5277

5591

5325

Oman
Spring

1050

5768

5736

5648

5326

Well 5320

Mills 70

Geop

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

M-512

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M-512