

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

**RIGHT NUMBER: 29-7028**

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

SOURCE: KING CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.00 CFS  
424.0 AFY

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

PRIORITY DATE: 03/24/1969

POINT OF DIVERSION:

T07S R38E S15 SESWSW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/15 11/15          | 1.000 CFS<br>424.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 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 CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T07S R38E S14 | NWSW | 12.0 | T07S R38E S14 | SWSW | 24.0 |
| T07S R38E S23 | NENE | 38.0 | T07S R38E S23 | NWNE | 33.0 |
| T07S R38E S23 | NENW | 7.5  | T07S R38E S24 | NWNW | 38.0 |

152.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13395 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 141 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

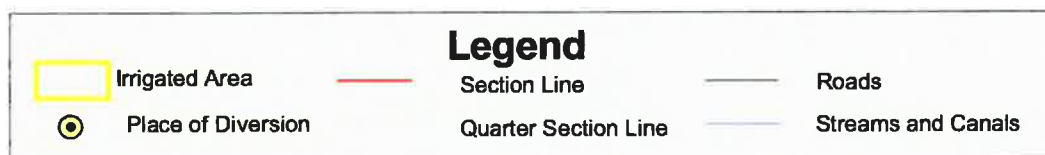
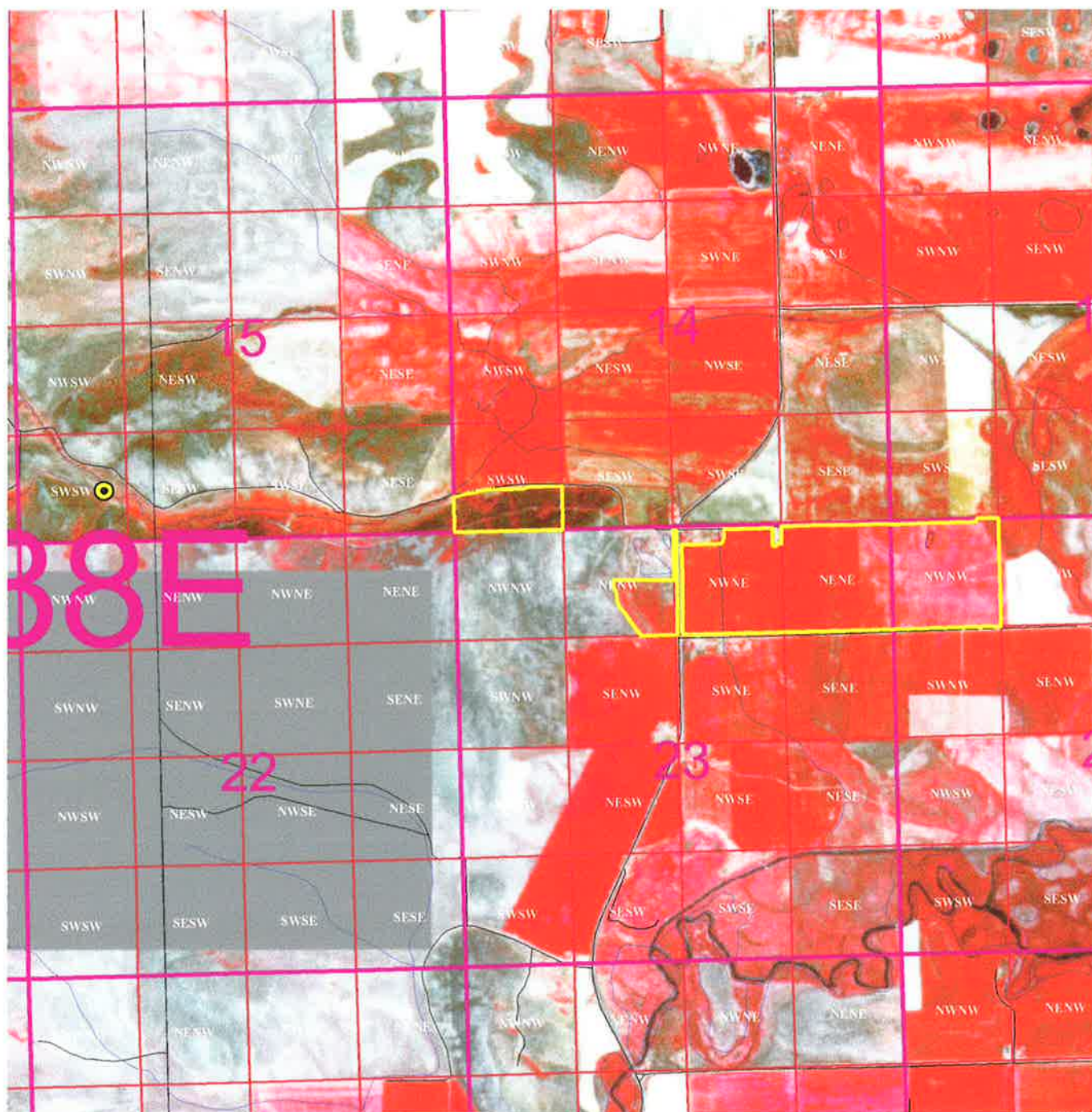
EXPLANATORY MATERIAL: License

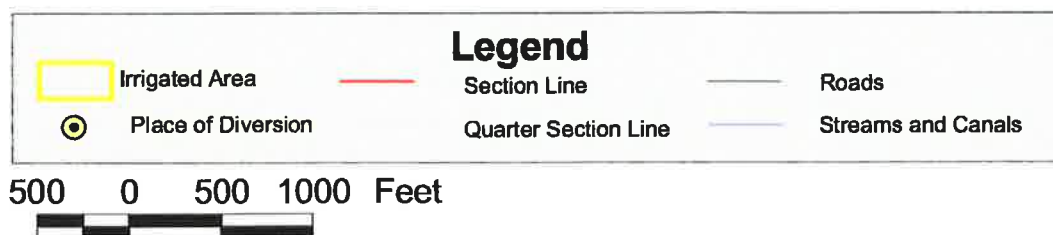
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

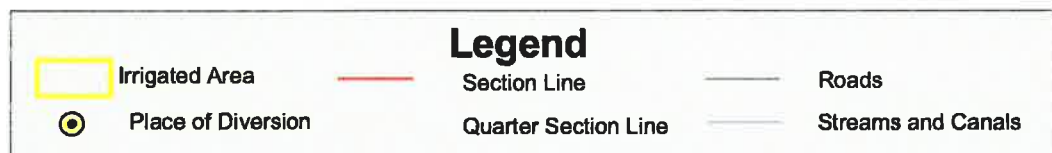
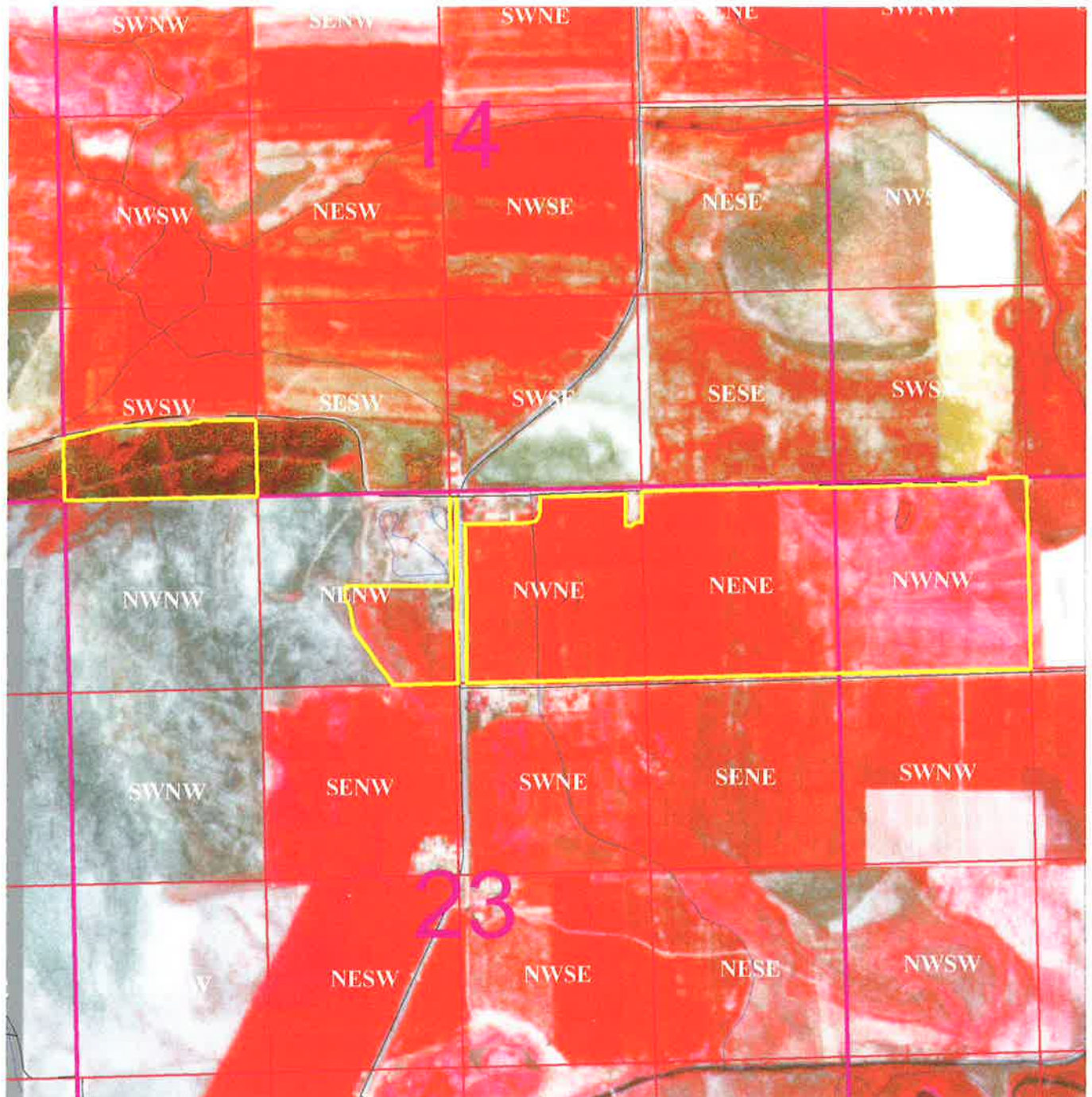
RIGHT NOS. 29-10260 AND 29-13395 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Township , 7S38E

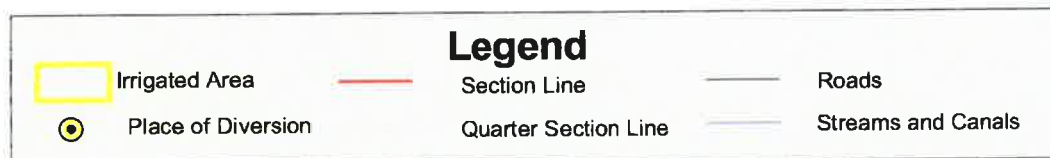
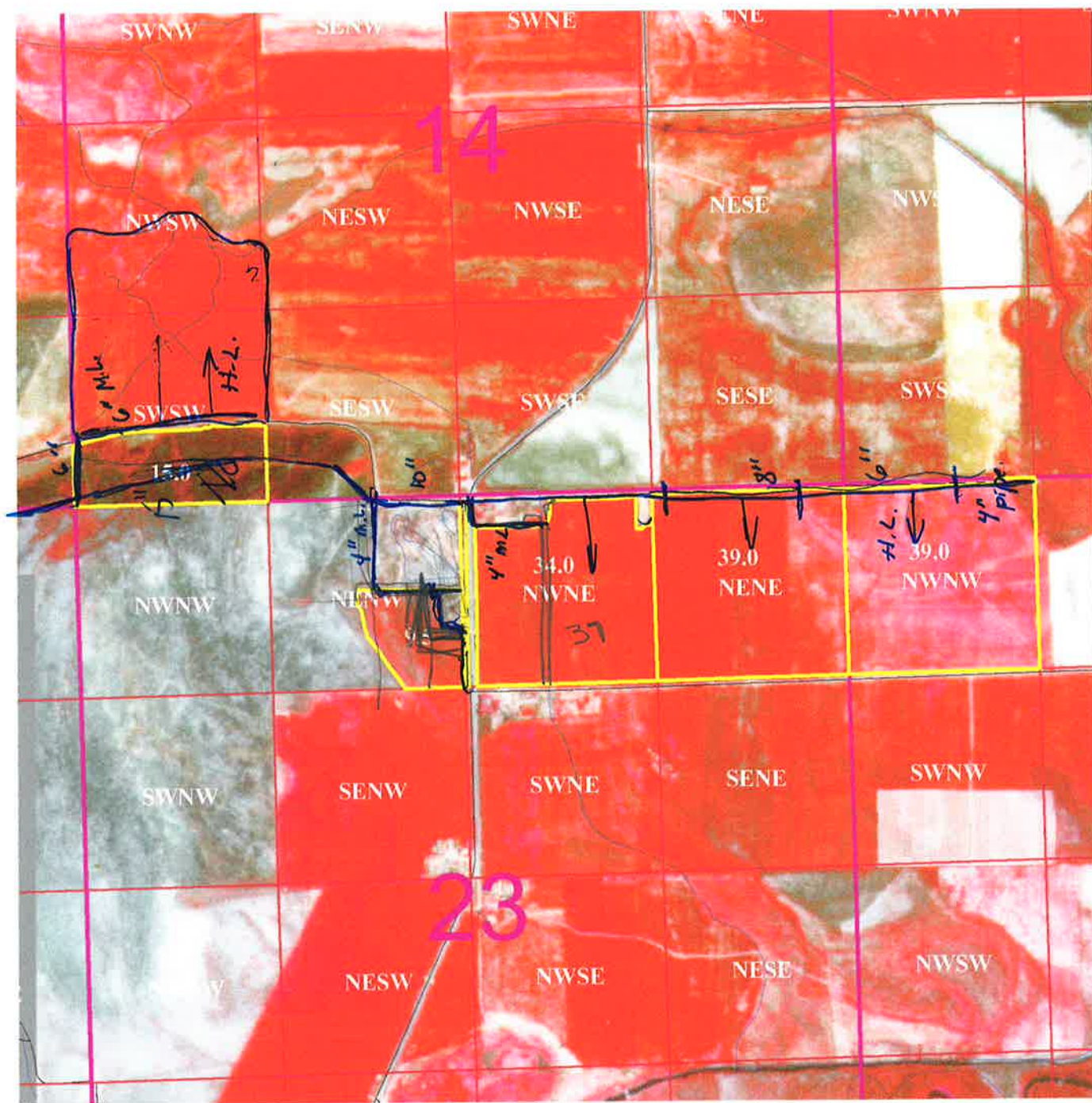




Township , 7S38E



Township, 7S38E



500 0 500 1000 Feet



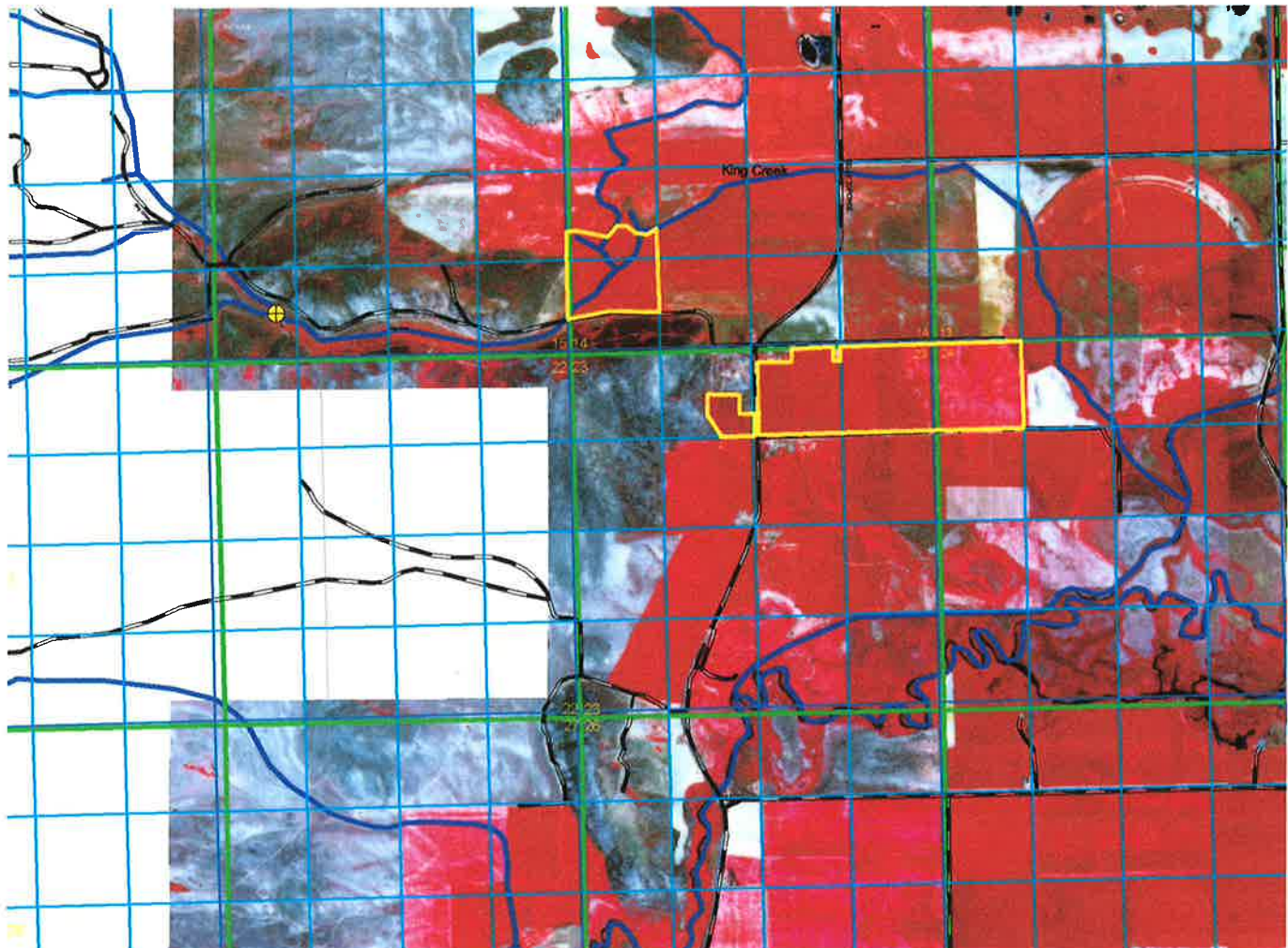
130.6 acres



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right 29-7028



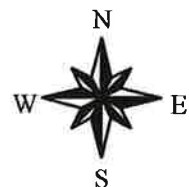
0.2 0 0.2 0.4 0.6 Miles

### LEGEND

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

Place of Use: T7S, R38E,  
(part of) Section 14, 23 and 24.

Points of Diversion: T7S, R38E  
Sec. 15 SESWSW



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

PROFILED

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APR 11 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: 29-7028

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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APR 11 2003

## Priority Date Data Entry Form

Claim Number: 29-7028Water Right Priority Date: 3-24-69Water Right Basis: LClaimed Priority Date: 3-24-69Claimed Basis: L

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:

LicenseReviewer: CBDate: 7/12/02

## Point of Diversion and Source Data Entry Form

Claim Number: 29-7028Water Right Point of Diversion: T 7S, R 38E, Sec. 15, SW, SW. County: CaribouSource: King Ck Tributary: Portneuf R.Claimed Point of Diversion: T 7S, R 38E, Sec. 15, SE, SW, SW. County: CaribouSource: King Ck Tributary: Portneuf R.

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? ~~Not~~ 29-126 & 29-10260.

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

field verified, license

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Transfers Changing POD NONEReviewer: CBDate: 7/12/02

## Place Of Use Data Entry Form

Claim Number: 29-7028.       Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ    | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|-------|---|---------|---------|-------|----------------|
| 75  | 38E | 14  | SWSW  |   | Caribou |         | 16    | Irrigation     |
|     |     | 23  | HENE  |   |         |         | 39    |                |
|     |     |     | NWNE  |   |         |         | 37    |                |
|     |     |     | NE NW |   |         |         | 10    |                |
|     |     | 24  | NW NW |   |         |         | 39    |                |
|     |     |     |       |   |         |         |       |                |

Total Acres 141

## Recommended Place of Use

| Twp | Rge | Sec | QQ    | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|-------|---|--------|---------|-------|----------------|
| 75  | 38E | 14  | SWSW  |   |        |         | 24    | Irrigation     |
|     |     | 14  | NWSW  |   |        |         | 12    |                |
|     |     | 23  | NENE  |   |        |         | 38    |                |
|     |     |     | NW NE |   |        |         | 33    |                |
|     |     |     | NENW  |   |        |         | 7.5   |                |
|     |     | 24  | NW NW |   |        |         | 38    |                |

Total Acres ~~150~~  
152.5

Document how the POU was verified:

field verified 6/11/01limited to 141 acres when combined with  
29-13395Transfers Changing POU noReviewer: CBDate: 7/11/02

## Purpose of Use Data Entry Form

Claim Number: \_\_\_\_\_

\_\_\_\_\_ 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 |                 |                 | 141        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Claimed Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 141        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 141        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

Document how the Purpose of Use was verified:

license, field verified

Transfers Changing Purpose of Use NDReviewer: CB

Date:

7/11/02

## Period of Use and Quantity Data Entry Form

Claim Number: \_\_\_\_\_

☐ 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 | 4/15  | 11/15 | 1.0  | 424 ac ft |
|            |       |       |      |           |
|            |       |       |      |           |

Overall Diversion Rate 1.0 Overall Diversion Volume 424

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 4/15  | 11/15 | 1.0  |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 1.0 Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 4/15  | 11/15 | 1.0  | 424    |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 1.0 Overall Diversion Volume 424

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

SO8 Remark - 4/15 start date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: CBDate: 7/11/02

## Contacts Data Entry Form

Owner Type      Full Name      Address      City      State      Zip      Phone

Current Owner \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_

Current Owner \_\_\_\_\_

Current Owner Smith family Partnerships

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

Accompanied By: Loren Smith Phone Number: \_\_\_\_\_

Relationship to Claimant: son

Date of Field Exam: 4/11/01 Time: 1pm

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

Kelly Toponce Rd - Box trailers on the  
corner. after the bridge

Reviewer: CB

Date: 7/11/02



**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

SCANNED

APR 11 2006

PROFILED



CLAIM NUMBERS A29-7028

DATE 5/18/01  
AGENT CB

TRANSFER NUMBER \_\_\_\_\_  
HOMESTEAD ENTRY NO. \_\_\_\_\_  
CLAIMED ACRE TOTAL \_\_\_\_\_  
GEOGRAPHIC INFO ACRES \_\_\_\_\_

|         | TNS | RNG | SEC | NE |    |    |    | NW  |    |    |    | SW |    |    |    | SE |    |    |    |       |
|---------|-----|-----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|-------|
|         |     |     |     | NE | NW | SW | SE | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |
| license | 07S | 38E | 14  |    |    |    |    |     |    |    |    |    |    | 16 |    |    |    |    |    | 16    |
| CLAIM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| GIS     | 07S | 38E | 14  |    |    |    |    |     |    |    |    |    |    | 15 |    |    |    |    |    | 15    |
| RECOM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| license | 07S | 38E | 23  | 39 | 37 |    |    | 10  |    |    |    |    |    |    |    |    |    |    |    | 86    |
| CLAIM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| GIS     | 07S | 38E | 23  | 39 | 34 |    |    | 9.5 |    |    |    |    |    |    |    |    |    |    |    | 82.5  |
| RECOM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| license | 07S | 38E | 24  |    |    |    |    | 39  |    |    |    |    |    |    |    |    |    |    |    | 39    |
| CLAIM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| GIS     | 07S | 38E | 24  |    |    |    |    | 39  |    |    |    |    |    |    |    |    |    |    |    | 39    |
| RECOM   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| lie.    |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    | 141.0 |
| Claim   |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |
| GIS     |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    | 136.5 |
| Recom.  |     |     |     |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    |    |       |

Filing fee of \$191.00 was paid. Same claimed POD; POL as 29-126.  
Contractor found 136.5 Acres on the GIS. Licensed After the  
Union Grain Elevator decree: Licensed 2-75;  
4-1 to 10-31 (Irrigation Season of Use Map date) Licensed  
Season of Use 4/15 - 11/15 decreed season (29-126) 4/15 - 9/15.  
- Supplemental water to 29-126;  
POL comparison: w/R 29-2228 lists 40 Acres in section 14 SWSW.  
Section 23: 10 Acres NENE & 40 Acres NWNE. (w/R 29-2003) Neither one of these are  
claimed in the SRBA.

SCANNED  
APR 11 2006

WR5809NP

No. 29-07028

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/17/01

PAGE: 3

| OWNER<br>CODE    | NAME & ADDRESS                     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JOHN C. WHITE<br>BANCROFT ID 83217 | 03/24/1969       | IRRIGATION | 04/15 11/15           | 1.000 CFS         | 424.00 AFA          |
| TOTAL DIVERSION: |                                    |                  |            |                       | 1.000 CFS         | 424.00 AFA          |

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion:

T07S R38E S15

SWSW

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   | Lt    | Ac   |
| 07S         | 38E | 14 | : |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |      |
| 07S         | 38E | 23 | : | 39   |      | 37   |      | 10   |      |      |      |      |      | 16   |      |      |      |      |      |       | 16.0 |
| 07S         | 38E | 24 | : |      |      |      |      |      | 39   |      |      |      |      |      |      |      |      |      |      |       | 86.0 |
|             |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 39.0  |      |
| TOTAL ACRES |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 141.0 |      |

Pou County: CARIBOU

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

29-00103 29-00104 29-00105 29-00106 29-00126 29-02003 29-02228

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
  - be permanently installed and maintained as part of the diverting works.
- 003 - Use of water under this right is supplemental to all existing
  - water rights with the same purpose and place of use.

Dates:

App. Received:  
 Proof Due Date:  
 Exam Made Date:  
 Licensed Date: 08/21/1979

Priority Date: 03/24/1969  
 Proof Made Date:  
 Exam Sent to S.O.:

Misc:

Water District Number: 29

Field Exam Fee:

Audit:

03/26/85 05/22/88 CONVERT

used  
 Caribou  
 land not listed

Not claimed  
 SRBA

MAY 7 2001

Log for claim A29-07028

Spatial Dynamics LTD

6/14/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 07s38e  | 14  | SWSW | 16               | 15             |         |
| 07s38e  | 23  | NENE | 39               | 39             |         |
| 07s38e  | 23  | NWNE | 37               | 34             |         |
| 07s38e  | 23  | NENW | 10               | 9.5            |         |
| 07s38e  | 24  | NWNW | 39               | 39             |         |
| Totals: |     |      | 141              | 136.5          |         |

AJ5809NP  
No. A29-07028

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 106

| OWNER<br>CODE | NAME & ADDRESS    | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | DELMO SMITH       | 03/24/1969       | IRRIGATION | 04-15 11-15           | 1.000 CFS         |                     |
| C             | MADA SMITH        |                  |            |                       |                   |                     |
|               | BANCROFT ID 83217 |                  |            | TOTAL DIVERSION:      | 1.000 CFS         |                     |
|               | (208) 648-7774    |                  |            | CONSUMPTIVE USE:      |                   | 141.00 AFA          |

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R38E S15 SESWSW

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 | 14 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 16.0  |
| 07S | 38E | 23 | : |    | 39 |    | 37 |    |    |    | 10 |    |    |    |    |    |    |    |    | :           | 86.0  |
| 07S | 38E | 24 | : |    |    |    |    |    |    |    | 39 |    |    |    |    |    |    |    |    | :           | 39.0  |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 141.0 |

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-00126

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-00126

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

A29-00103 A29-00104 A29-00105 A29-00106 A29-00126 A29-10260 A29-10322

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall  
- be permanently installed and maintained as part of the diverting  
- works.
- 003 - Use of water under this right is supplemental to all existing  
- water rights with the same purpose and place of use.

Dates: Exam Made Date: Verified Date: 03/26/1985 Objection Filed Date:

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

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

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7028 Priority March 24, 1969 Amount 1.0 cfs

THIS IS TO CERTIFY, that JOHN C. WHITE  
of Bancroft, Idaho, has complied with the terms and conditions of Permit  
No. 29-7028 issued pursuant to Application for Permit dated March 24, 1969,  
and has submitted proof to the Department of Water Resources on July 1, 1974,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 1.04 cfs of water from King Creek,  
tributary to the Portneuf River, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use    | Period of Use                          | Rate of Diversion     | Annual Volume           |
|-------------------|----------------------------------------|-----------------------|-------------------------|
| <u>Irrigation</u> | from <u>April 15</u> to <u>Nov. 15</u> | at <u>1.0</u> cfs and | <u>424 acre feet or</u> |
|                   | from _____ to _____                    | at _____ cfs and      | <u>3.5 af per acre</u>  |
|                   | from _____ to _____                    | at _____ cfs and      |                         |

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
424 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 15,  
Twp. 7 S, Rge. 38 E, B.M. in the County of Caribou

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  | 14   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 16               |                  |                  |                  |                  |                  | 16     |
|      |       | 23   | 39               | 37               |                  |                  | 10               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 86     |
|      |       | 24   |                  |                  |                  |                  | 39               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 39     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 141

A measuring device of a type approved by this Department shall be permanently  
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of  
February, 19 75.

MICROFILMED

Director

LICENSE NO. 10  
LICENSE PAGE NO.

Identification No. 29-7028

Application No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
APPLICATION FOR PERMIT

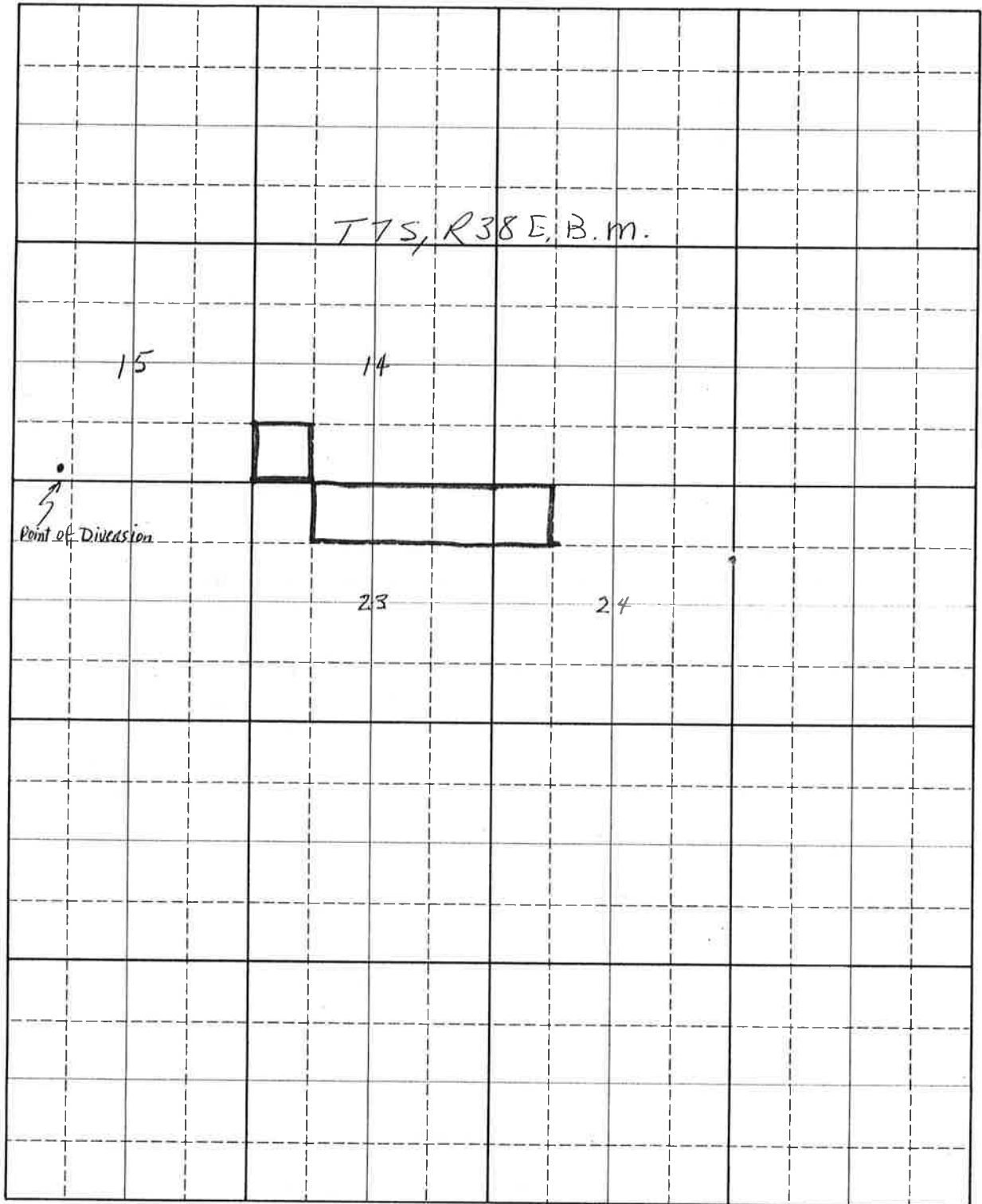
To Appropriately the Public Waters of the State of Idaho  
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant John C. White  
post office address Bancroft, Idaho 83217
2. Source of water supply King Creek which is a tributary of Portneuf River
3. a. Location of point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 15 Township 7 S  
Range 38 E B.M. Caribou County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_  $\frac{1}{4}$   
of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 1 cfs. for agricultural purpose from April 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:  
a. One (1) cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. open ditch from point of diversion  
to pipeline on irrigated property, underground to gravity sprinkler  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$ -0- (Supplemental to existing works)
8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_  
(5) If water is to be used for other purposes describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29-7028

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

*John C. White*  
(Applicant)

29-700-1

WATER RIGHT NUMBER 29-7028

OWNER LAST NAME - WHITE

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

SOURCE - KING CREEK

STAGE - LICENSE

STATUS -

TO DIV. VOLUME - 424.00 AFA TRFR/AMEND -

DIVERSION POINT - SWSW 15 07S 38E LOT REDIV -

FROM - 04-15 TO - 11-15 USE - IRRIGATION

USE - IRRIGATION

USE - IRRIGATION

USE - IRRIGATION

DEGREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM -

DIVERSION MEANS -

FIRST NAME - JOHN C.

CITY - BANCROFT

TRIBUTARY OF - PORTNEUF RIVER

PRIORITY - 03-24-1969

COUNTY - CARIBOU

WATER DIST. - 29

DLE/CAREY ACT -

RIGHT BASIS -

USE DIV. RATE -

1.0000 CFS

USE DIV. VOLUME -

424.00 AFA

PLACE OF USE - TWN 07S RNG 38E SEC 24 TRACT NWNW LOT

AC 39

PLACE OF USE - TWN 07S RNG 38E SEC 23 TRACT NENE LOT

AC 39 TRACT NWNE LOT

AC 37

TRACT NENW LOT

AC 10

PLACE OF USE - TWN 07S RNG 38E SEC 14 TRACT SWSW LOT

AC 16

DATE -

TOTAL DIV. RATE -

1.0000 -CFS

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 3.9

TOTAL ACRES

141

DRIG OWNER -

VERIFIED RIF

STATE - ID

ZIP CODE - 83217

PROTESTED -

HEARING -

OLD NO. -

COND. OF APPROVAL - 01 03

# DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

*Received 7-12-74*  
*MB*

1. Name of permit holder John C. White  
 Post office address Bancroft, ID 83217 Phone \_\_\_\_\_  
 Person to contact \_\_\_\_\_ Phone \_\_\_\_\_
2. Source of water supply: Groundwater ☐ Surface water ☒ King Creek  
 (name spring, stream, etc.)  
 Tributary to Portneuf River

3. Water will be used for the following purposes:

Amount 1 c.f.s. for agricultural  
 AF/Annum (nature of use)

Period of Use: from Apr. 15 to Nov. 15  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Amount \_\_\_\_\_ c.f.s. for \_\_\_\_\_  
 AF/Annum (nature of use)

Period of Use: from \_\_\_\_\_ to \_\_\_\_\_  
 (mo.-day) inclusive (mo.-day)

Other uses: \_\_\_\_\_

Permit No. 29-7028  
 Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 1 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 7S N/S, Range 38E E/W, B.M., Section 15, Subdivision SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Caribou County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision  $\frac{1}{4}$   $\frac{1}{4}$ , \_\_\_\_\_ County  
 Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision  $\frac{1}{4}$   $\frac{1}{4}$ , \_\_\_\_\_ County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: Concrete diversion headgate into open ditch, steel pipeline to gravity sprinkler system.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or 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 $\frac{1}{4}$ |        |
| 7S   | 38E   | 14   |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  | 40     |
|      |       | 23   | 40               | 40               |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 120    |
|      |       | 24   |                  |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

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TOTAL ACREAGE 200

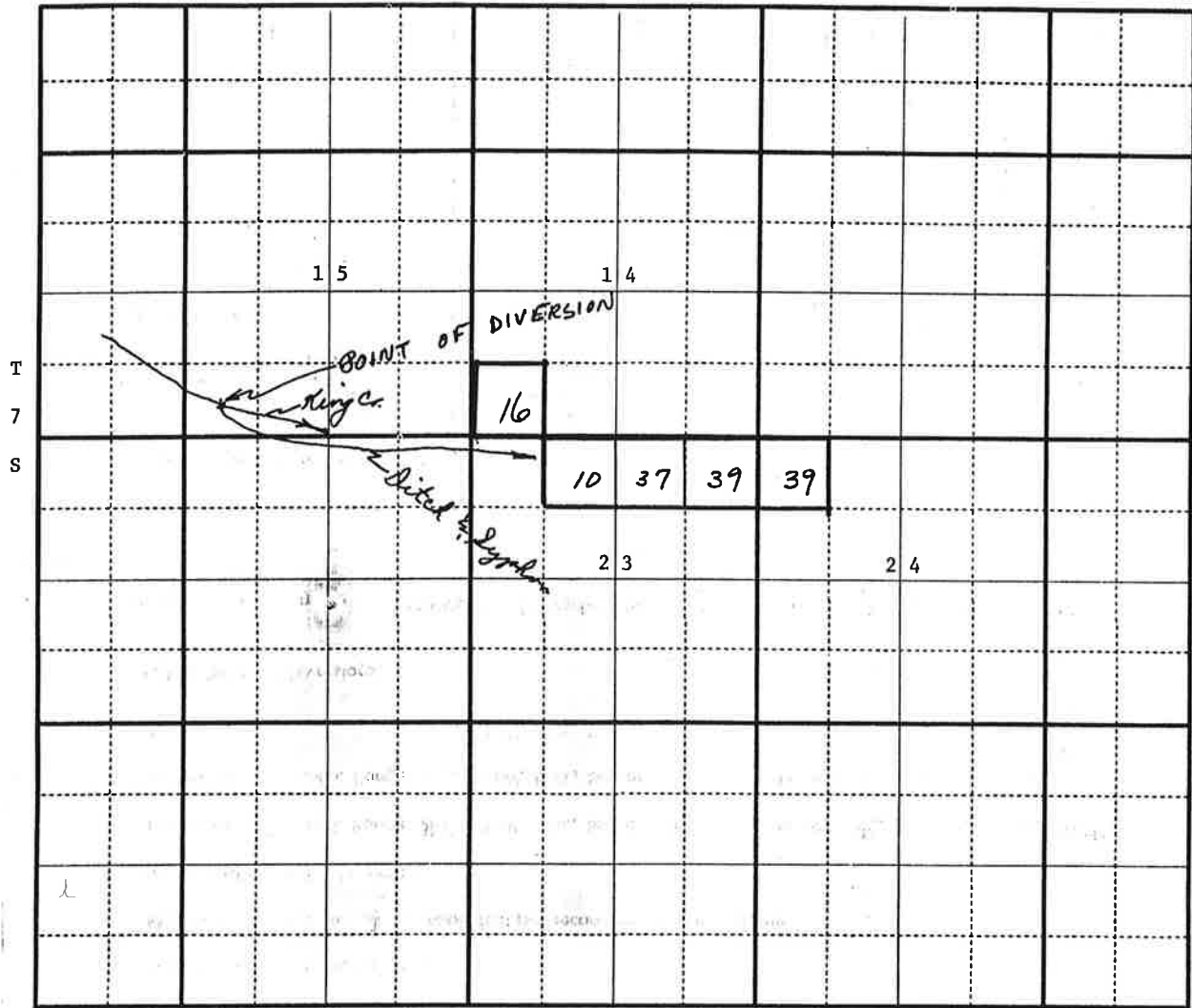
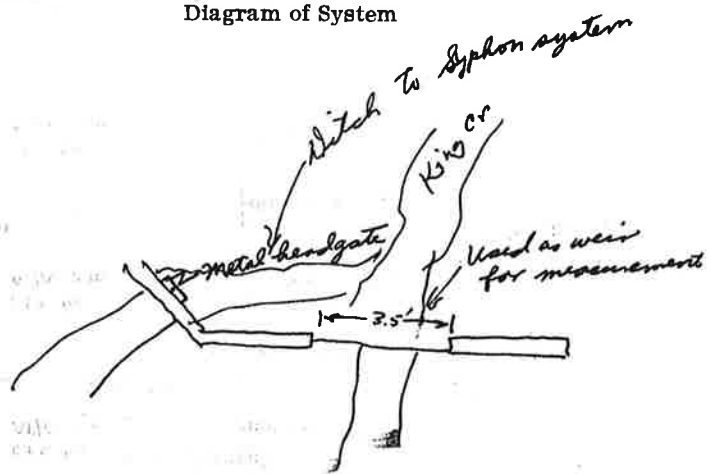


Diagram of System



DATE OF EXAM Aug 5, 1974

ACREAGE  
Found 125 141  
Recommended 125 141

Irrigation Requirement 3 3.5 Ac Ft/Ac

USE  
Irrigation Q = 1.0 c.f.s. V = 375 AF/Ann. from Apr 15 to Nov 15-per permit  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes \_\_\_\_\_ no ☒

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no ☒

Name source exchanged with: N/A  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of injection: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Point of exchange: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County \_\_\_\_\_

Total Q measured 1.04 CFS Method of measurement Rectangular weir

Total Q recommended 1.00 CFS Meter No. N/A Type \_\_\_\_\_ Condition \_\_\_\_\_

Total V recommended 424.3 AF/ANN

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None ☒

MEASUREMENT CALCULATION:

Crest length 3.5'  $H_1 = 3.0$  Difference  $.2 \approx 1.04$  CFS  
 $H_2 = 1.0$   
measured difference in rectangular weir / check in King Cr. channel as  
water was diverted into ditch to syphon system  
 $V = (1.25)(3.5) = 4.375$   $(1.00)(1.983)(2.14) = 4.243$  424.3 AF  
493.5

SYSTEM DESCRIPTION:

12" Diameter Metal headgate - screwtype  
diverting into headgate - cement check in King Creek  
conducted to place of use by ditch  
syphon system  
2 rectangular weir installed 100' downstream from works  
Installation confirmed 11/12/74 etc.

REMARKS:

System shown by Mr. J. White  
found in SW 1/4 S. 14 T. 38 N. R. 38 E. added 8/21/75 per permit holder request  
and my memory of the system. It was omitted in error.

Examiner's Signature John Terbaner Date Aug 5, 1974

Checked by Loren O. Halbauer Date Dec 16, 1974

Approved by \_\_\_\_\_ Date \_\_\_\_\_

A hand-drawn map of a river section, oriented vertically. The map shows a river channel with various features and labels:

- Top Section:** A horizontal line at the top is labeled "R. 38E." on the left. Below it, a vertical line is labeled "13" and "24". To the right of this line, the text "L- 39" is written.
- Middle Section:** A horizontal line in the middle is labeled "14" and "24". To the right of this line, the text "L- 39" is written. Below this line, the text "L- 37" is written.
- Bottom Section:** A horizontal line at the bottom is labeled "15" and "14". To the right of this line, the text "L- 39" is written. Below this line, the text "L- 37" is written.
- Other Labels:** The text "T. 75." is written on the left side. The text "L- 39" is written on the right side. The text "L- 37" is written on the right side. The text "L- 39" is written on the right side.

T. 75.

29-7028  
Tracing from  
Carbone Co. ASCS  
Scale 8" = 1 mile  
8/5/74 JF

**MICROFILMED**

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: A29-07028  
Date Received: 1/17/1990  
Receipt No: 11005537  
Received By: ESV

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

A2907028



2. Date of Priority: MAR 24, 1969

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 07S      | 38E   | 15      | SE     | SW     | SW  |     | CARIBOU |

5. Description of diverting works:  
CONCRETE PIPELINE INTAKE TO 15" GRAVITY FLOW SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 11/15 | 1.000  |      |        |

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

8. Total consumptive use is 141.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-07028

Page 1

Date: 01/17/90

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NOV 13 1992

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07S      | 38E   | 14      | SW     | SW  |     | IRR           | 16.0  |
|          |       |         |        |     |     | Section Acres | 16.0  |
|          |       | 23      | NE     | NE  |     | IRR           | 39.0  |
|          |       |         | NW     | NE  |     | IRR           | 37.0  |
|          |       |         | NE     | NW  |     | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 86.0  |
|          |       | 24      | NW     | NW  |     | IRR           | 39.0  |
|          |       |         |        |     |     | Section Acres | 39.0  |
|          |       |         |        |     |     | Total Acres   | 141.0 |

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:  
29-00126

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not 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 IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES 8-22-1994

Residing at \_\_\_\_\_

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

MICROFILMED  
NOV 13 1992

Storage  
Bin

T  
7  
S  
R38E

A29-00126  
A29-07028



15 14  
(12)

15" FIRELINE HEADLINE