

08/20/2001

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

RIGHT NUMBER: 29-10010

NAME AND ADDRESS: CARMA B SMITH
5137 W PORTNEUF RD
INKOM, ID 83245

SOURCE: PAPOOSE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.006 CFS

PRIORITY DATE: 01/02/1969

POINT OF DIVERSION: T07S R35E S26 NENWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	0.01 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>		
T07S R35E S23	SESE	0.3

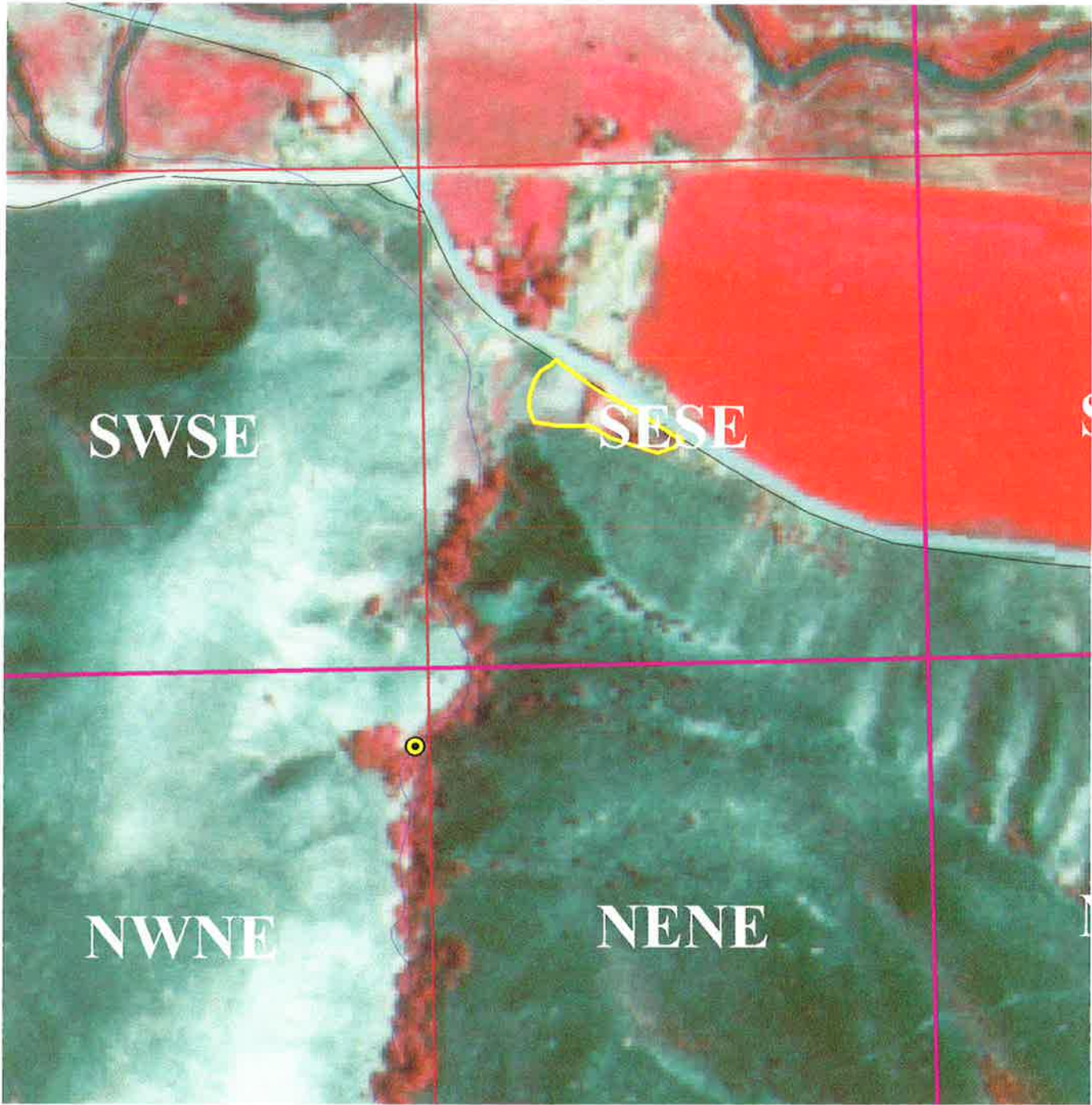
0.3 ACRES TOTAL

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: BASIS OF CLAIM - Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064B, 29-04064C,
29-04064D

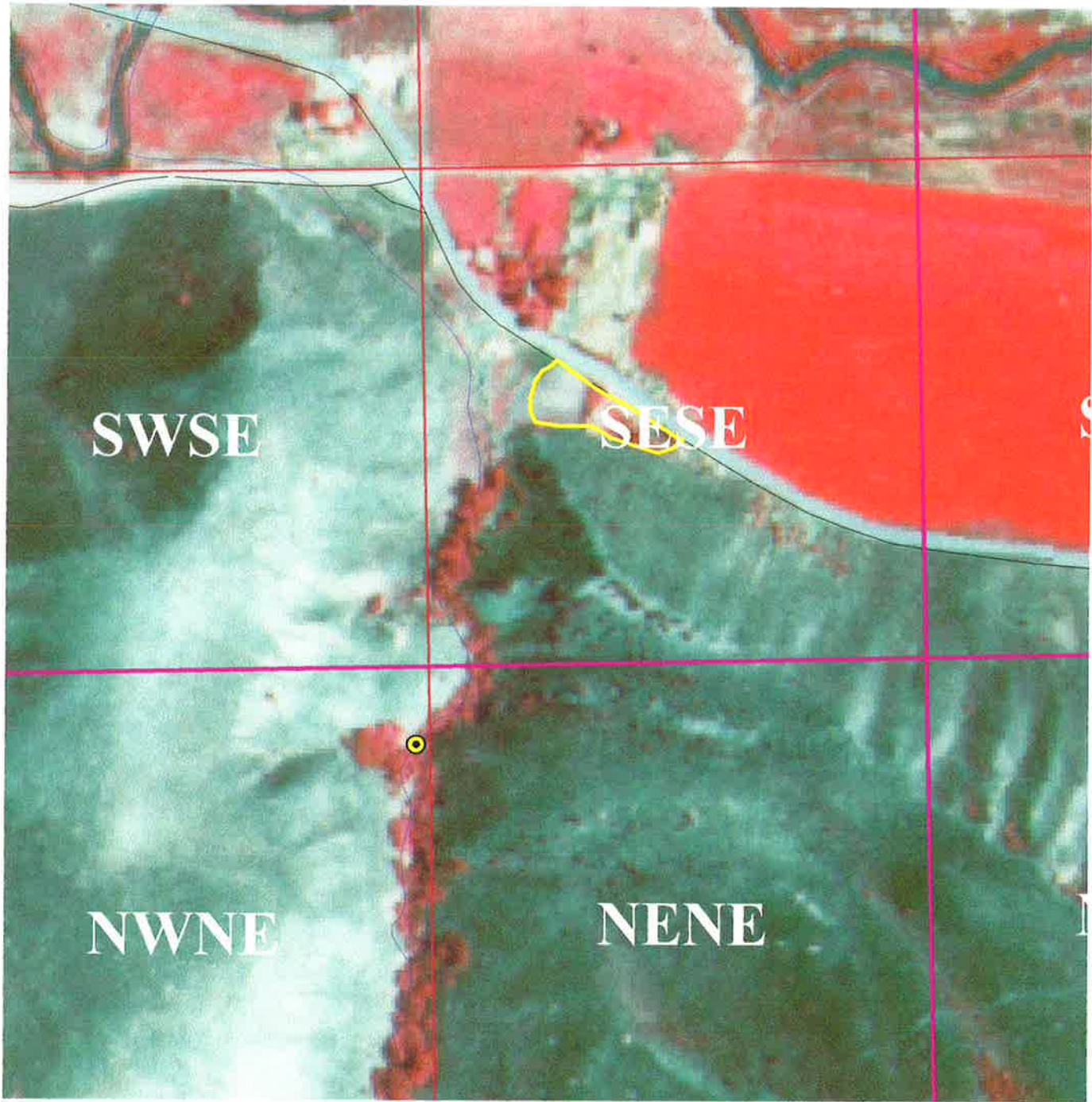


Legend		
 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals



Water Right Claim Number A29-10010
Township , 7S35E

09/11/2000



 Irrigated Area

 Place of Diversion

Legend

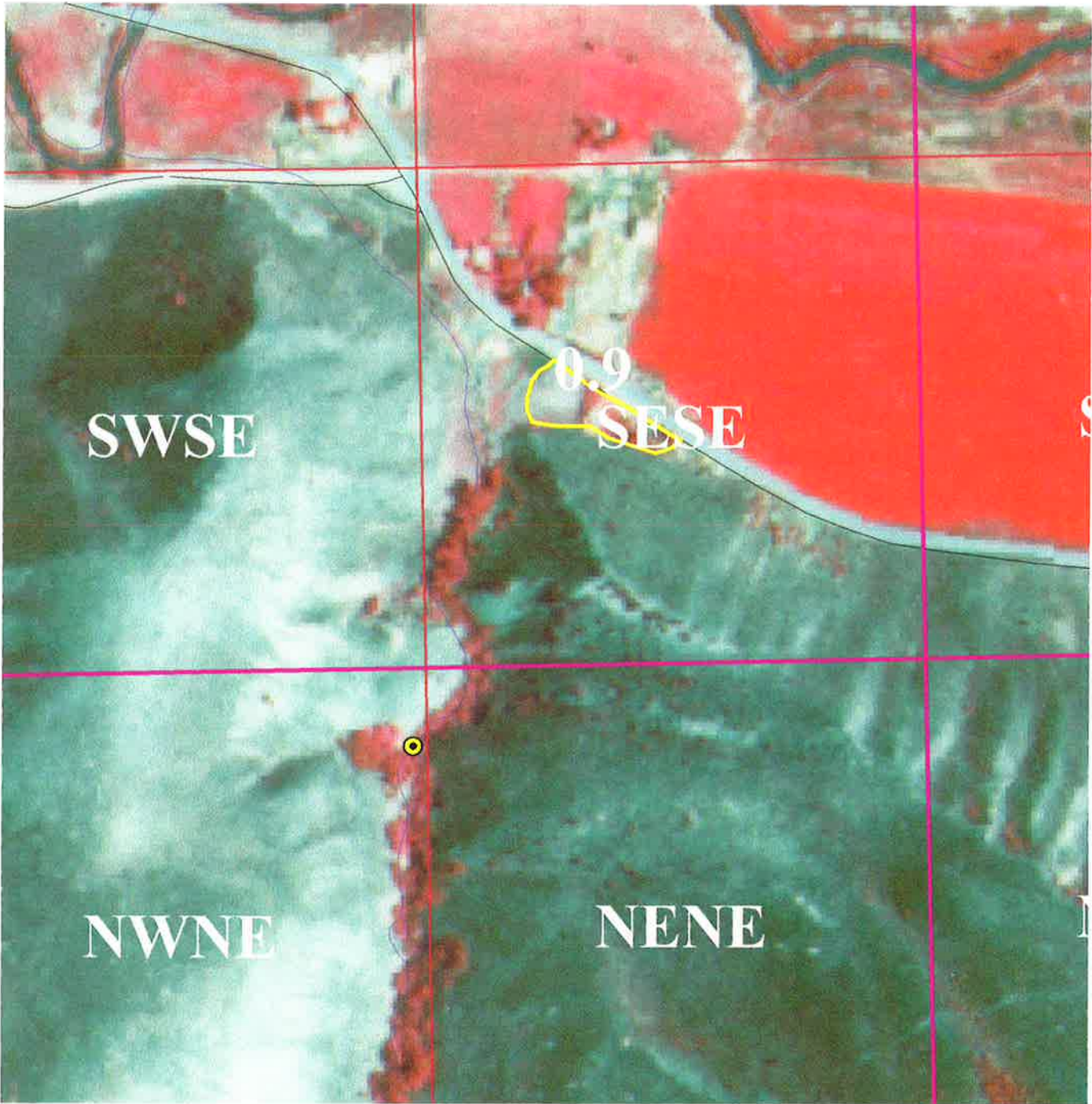
 Section Line

 Quarter Section Line

 Roads

 Streams and Canals





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

3000300600 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10010 V1

WATER RIGHT NUMBER: 29-10010 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARMA B SMITH 5137 W PORTNEUF RD INKOM, ID 83245 (208)775-3604
Original Owner	THERON J SMITH 5137 W PORTNEUF RD INKOM, ID 83245 (208)775-3604

Priority Date: 01/02/1969

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.006 CFS	
	<u>Total Diversion:</u>	0.006 CFS	

Location of Point(s) of Diversion

PAPOOSE CREEK	NE1/4NW1/4NE1/4	Sec. 26, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23 SESE 0.3

Total Acres: 0.3

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064B, 29-04064C, 29-04064D

Comments:

1. FRITSCHL 9/14/92 NOTICE OF APPEARANCE
Comment: THOMAS J. HOLMES NO LONGER REPRESENTS THERON SMITH IN THIS CASE.
2. cfritsch 5/10/01 Update
Comment: POD and POU updated in SDE. Condition C18 added.
3. csaxton 8/20/01 CHANGED OWNERSHIP
Comment: OWNERSHIP CHANGED PER CLAIMANT REQUEST (CSAXTON 8/20/01).

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10010 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	5/10/01 3:00:21 PM		5/10/01 3:00:21 PM	cfritsch	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	5/10/01 3:02:19 PM	cfritsch	Edited shape boundary
POU	5/10/01 3:02:31 PM	cfritsch	Edited PLS
Summary	5/10/01 3:00:19 PM	cfritsch	1. (YES) The basis of the claim is beneficial use. 2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed. 4. (YES) A portion of the claim is being recommended. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POD	5/10/01 2:58:34 PM	cfritsch	Edited point location

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: 29-10010

CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245
Telephone Number: (208)775-3604

RECEIVED

MAR 17 2003

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 3/13/03 SIGNATURE: Carma B. Smith
Please print your name: CARMA B. Smith

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

This was decreed Nov. 4, 1992

PROFILED

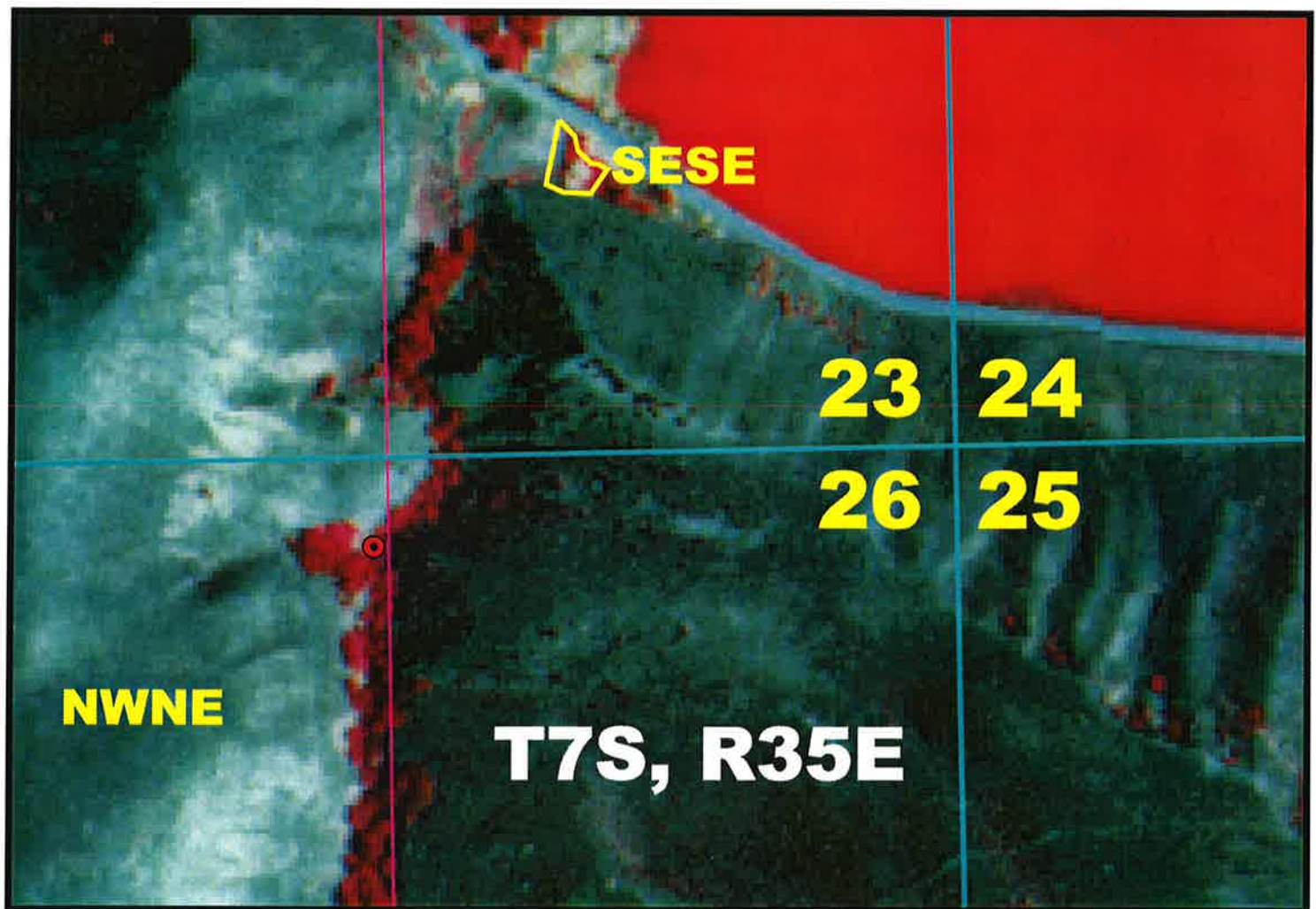
SCANNED
MAY 17 2006



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10010



0 1320 Feet

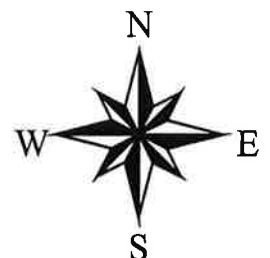
Total Irrigated Acres: 0.3

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines

PROFILED

SCANNED

MAY 17 2006



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: August 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-4065</u>					
<u>29-4156</u>					
<u>29-4215</u>					
<u>29-10010</u>					
<u>~~29~~ 75-10881</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

4. New Owner/Claimant(s)

Carma B Smith

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5137 W Portneuf RD

City, State and ZIP Code

Idaho ID 83245

New Telephone Number

(208) 775-3604

5. Date you acquired the property

SCANNED

MAY 17 2006

PROFILED

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Carma R Smith
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED

MAY 17 2006

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

State File No.
Local Reg. No. **6-323**

DEPENDENT
TYPE OR
PRINT IN
PERMANENT
BLACK INK
DO NOT USE
FELT TIP PEN

DECEASED NAME: Theron J. Smith		SEX: Male		DATE OF DEATH (Month, Day, Year): July 14, 1998	
SOCIAL SECURITY NUMBER: 519-36-9890		DATE OF BIRTH (Month, Day, Year): May 6, 1934		BIRTHPLACE (City, State & Foreign Country): Bridgeland, Utah	
WAS DECEASED EVER IN U.S. ARMED FORCES? ☒ Yes ☐ No		PLACE OF DEATH (Check one): (1) ☐ Inpatient (2) ☐ ER/Outpatient (3) ☐ DOA (4) ☐ Long-Term Care Facility (5) ☒ Own Residence (6) ☐ Other Private Residence (7) ☐ Other (Specify):			
FACILITY NAME AND ADDRESS (If not a hospital, give name of place, street and number): Own Res. 5137 W. Portneuf Rd.		CITY, TOWN OR LOCATION OF DEATH: Inkom		COUNTY OF DEATH: Bannock	
MARITAL STATUS: Married		SURVIVING SPOUSE (If wife, give maiden name): Carma Bowers		DECEASED'S USUAL OCCUPATION (Last 30 days or most done during most of working life. Do not use retired.): Teacher/Farmer	
RELIGIOUS STATE: ID		CITY, TOWN OR LOCATION: Inkom		STREET AND NUMBER: 5137 W. Portneuf Rd.	
ZIP CODE: 83245		RACE: White		EDUCATION (Specify only highest grade completed): Elementary/Secondary (6-12) College (14 or 16) 5+	

PARENTS
NAME OF DECEASED
For use by physician or institution

FATHER NAME: Jason Lynn Smith		BIRTHPLACE: Utah		MOTHER FULL MAIDEN NAME: Ruby Alice Edwards	
MOTHER NAME: Carma Smith		BIRTHPLACE: Utah			

INFORMANT

INFORMANT'S NAME (Type-print): Carma Smith		MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code): 5137 W. Portneuf Rd., Inkom, Idaho 83245	
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DISPOSITION

METHOD OF DISPOSITION: ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify):		PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): Inkom Cemetery		LOCATION (City or town, State): Inkom, ID	
---	--	--	--	---	--

CAUSE OF DEATH

SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH: <i>Don Stokes</i>		LICENSE NUMBER (For licensee): MRT 767		NAME AND ADDRESS OF FACILITY: Colonial Funeral Home	
TIME OF DEATH: 12:00 PM		DATE OF DEATH (Month, Day, Year): July 14, 1998		MANNER OF DEATH (Check one): ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could not be Determined	
27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest. IMMEDIATE CAUSE (Final disease or condition resulting in death): Renal Cell Carcinoma DUE TO (or as a consequence of):					
27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.					

CERTIFIER

CERTIFIER (Check only one): ☒ PHYSICIAN — To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER — On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) and manner as stated.		SIGNATURE AND TITLE OF CERTIFIER: <i>D. J. Smith</i>		LICENSE NUMBER: 0-136	
NAME AND ADDRESS OF CERTIFIER: Dr. D. J. Smith, 220 Bannock St., Malad, Idaho 83252		DATE SIGNED (Month, Day, Year): 7/17/98			

TO BE USED FOR EXTERNAL CAUSES ONLY

DATE OF INJURY (Month, Day, Year):		PLACE OF INJURY (Specify):		LOCATION (Street or Route Number, City or Town or County, and State):	
INJURY AT WORK? ☐ Yes ☐ No		TRANSPORTATION ACCIDENT, Specify: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other			

CORONER'S REVIEW AREA

CORONER'S ACTION (Check one): (1) ☐ Reviewed Only (2) ☐ Reviewed and/or Amended and Certified		CORONER'S SIGNATURE:		DATE SIGNED (Month, Day, Year):	
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REGISTRAR

REGISTRAR'S SIGNATURE: <i>Jane S. Smith</i>		DATE FILED (Month, Day, Year): July 21, 1998	
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This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: **July 21, 1998**

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

748621

THIS INDENTURE, made this 2nd day of January in the year of our Lord, One Thousand Nine Hundred and sixty nine, between

Hyrum Martin^W Palmer and Grace Palmer, husband and wife
of Pocatello, County of Bannock, State of Idaho
the parties of the first part, and Theron J. Smith and Carma Smith, husband and wife
of Pocatello, County of Bannock, State of Idaho
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of

Ten Dollars and other valueable considerations - - - - - DOLLARS,
lawful money of the United States of America, to day in hand paid by the said parties of the
second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bar-
gain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs
and assigns forever: All those certain lots, pieces or parcels of land situate, lying and
being in the County of Bannock, State of Idaho, bounded and more particularly

described as follows, to-wit: Parcels of land lying South of the Portneuf River in the
East $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23, in the North $\frac{1}{2}$ SW $\frac{1}{4}$ Section 24 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24 all
in T.7S., R.35E., B.M., Bannock County Idaho, more particularly described as follows;
Beginning at a point on the South 1/16 line of said Section 23, 546 feet East of the
Southeast 1/16 corner of said Section 23; Thence continuing East along said 1/16
line 300 feet; Thence at right angles North to the centerline of the Portneuf river;
Thence Southeasterly along the centerline of said Portneuf River to the West line of
said Section 23; Thence South along the East line of said Section 23, 1542 feet,
more or less, to the Southeast corner of said Section 23; Thence West along the South
line of said Section 23, 1004 feet, more or less, to a point 316 feet East of the East
1/16 corner of said Section 23; Thence N 95°31'E, 1320 feet, more or less, to the
Point of Beginning, containing 31.4 acres, more or less. And beginning at the South
1/16 corner on the West line of Section 24, T.7S., R.35E., B.M.; Thence North along
said West line of Section 24, 222 feet, more or less, to the centerline of the
Portneuf River; Thence Southeasterly along said centerline of the Portneuf River
to the South 1/16 line of said Section 24; Thence West along said South 1/16 line
2075 feet, more or less, to the Point of Beginning, containing 10 acres, more or less.
And the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.7S., R.35E., B.M., containing 40 acres, more or less.

SCANNED

MAY 17 2006

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the rents, issues and profits thereof.

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, and to their heirs and
assigns forever and the said parties of the first part, and their heirs
warrant the said premises in the quiet and peaceable possession of the said parties of the second part,
their heirs and assigns against the said parties of the first part, and their heirs 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

WARRANTY DEED

614649

For Value Received \$7,000.00

*Papoose Creek
Barn &
Pasture*

I, Hyrum Martin Palmer

the grantor, do hereby grant, bargain, sell and convey unto

Theron J. Smith or Carma B. Smith

whose current address is Route 2, Pocatello, Idaho 83245

the grantees, the following described premises, in Bannock County Idaho, to wit:

A parcel of land situated in the Southeast quarter of the Southeast quarter of Section 23, township 7 south, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

COMMENCING AT THE SOUTHEAST 1/16TH CORNER OF SAID SECTION:

THENCE SOUTH 1° 48' EAST ALONG THE EAST 1/16 LINE OF SAID SECTION 25.00 FEET:

THENCE NORTH 88° 11' 30" EAST, 392.00 FEET TO THE TRUE POINT OF BEGINNING:

THENCE NORTH 1° 48' 00" WEST, 25.00 FEET TO THE SOUTH 1/16 LINE OF SAID SECTION:

THENCE NORTH 88° 11' 30" EAST ALONG SAID SOUTH 1/16 LINE, 154.00 FEET:

THENCE SOUTH 09° 57' WEST, 546.01 FEET TO THE NORTHERLY LINE OF PORTNUEF ROAD;

THENCE NORTH 59° 36' 27" WEST ALONG SAID NORTHERLY LINE, 175.00 FEET;

THENCE NORTH 12° 23' 34" EAST, 429.42 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1.8 ACRES MORE OR LESS.

PLUS EXISTING WATER RIGHTS AND RIGHT OF WAYS

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 11, 1978

Hyrum Martin Palmer

Grace Palmer

STATE OF IDAHO, COUNTY OF

On this 11th day of December, 1978, before me, a notary public in and for said State, personally appeared H. M. Palmer and Grace Palmer

SCANNED

614649

MAY 17 2006

RECORDED AT REQUEST

H. M. Palmer

SCANNED

JUN 13 2001

Log for claim A29-10010

Spatial Dynamics BTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SESE	1	0.9	
Totals:			1	0.9	

AJ5809NP
No. A29-10010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 271

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THERON J SMITH 5137 WEST PORTNEUF RD INKOM ID 83245 (208) 775-3604	01/02/1969	IRRIGATION	04-01 11-01	0.020 CFS	
					TOTAL DIVERSION:	0.020 CFS
					CONSUMPTIVE USE:	2.50 AFA

Water Source: PAPOOSE CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S26 NWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
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	SUM		
07S	35E	23	:	:	:	:	:	:	:	:	:	:	:			
													01	1.0		
													TOTAL ACRES	1.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE.

Other Rights: A29-04064A SAME P/D AND PIPELINE.

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

29-10011A 29-10011B 29-10103 A29-04064A A29-04064C A29-04064D A29-10011 A29-10103 R29-04064A R29-04064B
R29-04064C R29-04064D R29-10010

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

A29-04064A A29-04064B A29-04064C A29-04064D A29-04065 R29-04064A R29-04064B R29-04064C R29-04064D R29-10010

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

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

Audit: 06/29/88 MCC 03/29/95 POST-STD 04/13/00 CVANDERM

RECEIVED

DEC 28 1992

Department of Water Resources

10-1

92020064

1992 NOV -4 PM 4:44

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS CO., IDAHO

FILED

In Re the General Adjudication of Rights
to the Use of Water from the Snake River
Basin Water System,

Civil Case No.
39576 and
Civil Case No.
40869-A

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Department of Water
Resources,

FINAL PARTIAL
DECREE

Petitioner,

vs.

United States, State of Idaho, and all
unknown claimants to the use of water
from the Snake River Drainage Basin
Water System,

Respondents.

THERON J. SMITH and CARMA B. SMITH,
husband and wife,

Plaintiffs,

vs.

JAY SCOFFIELD and TARA SCOFFIELD,
husband and wife; GRACE PALMER, a single
person; BILLIE JEANNE CROXALL, a single
person; VIRGIL T. GERMER and LAURA GERMER,
husband and wife; KEITH HIGGINSON, Director
of the Idaho Department of Water Resources;
and JOHN DOES I, II, III and IV,

Defendants.

Descriptive Summary

This document is the Director's proposed final partial decree
of water rights determining the water rights of the Plaintiffs and
Defendants in the case of Smith v. Scoffield, et al., Civil Case
No. 40869-A, which case is consolidated with the Snake River Basin
Adjudication, Civil Case No. 39576.

FINAL PARTIAL DECREE - Page 1

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BANK OF IDAHO
LARRY W. HANSEN
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The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 18 day of December 1992

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INTRODUCTION

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The above-entitled cause was initiated by the Plaintiffs' filing of a complaint seeking a private adjudication of water rights pursuant to Idaho Code § 42-1404 in the district court for the Sixth Judicial District in and for Bannock County. The complaint sought an adjudication of rights to an unnamed spring and to Papoose Creek, a stream to which said spring is tributary. IDWR sought and was granted an order changing venue in this action from the District Court in and for Bannock County to the District Court in and for Twin Falls County. Further, IDWR sought and was granted an order to consolidate this action with the Snake River Basin Adjudication (SRBA).

The Director's Report in Smith v. Scoffield was filed on January 21, 1992. Objections to seven of the report's recommendations were received by March 23, 1992, and the Director filed his responses to these objections on July 21, 1992. Based upon new evidence provided by the objectors, the Director prepared a revised list of recommended water rights. A stipulation incorporating the revised listing of water rights, resolving all objections, and signed by all parties in Smith v. Scoffield, was filed on October 8, 1992. The stipulation was approved by the court on October 16, 1992.

Based on the above stipulation, the water rights of the claimants in the matter of Smith v. Scoffield are as follows:

GENERAL PROVISIONS

1. The sources of water for the parties' claims are Papoose Creek and an unnamed spring tributary to Papoose Creek in IDWR's

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Administrative Basin 29. Papoose Creek originates in Section 2, T. 8 S., R. 35 E., B.M. at an elevation of approximately 5,500 feet. Papoose Creek flows in a northerly and then westerly direction until it flows into the Portneuf River. The unnamed spring originates in the NW 1/4 NE 1/4 Section 26, T. 7 S., R. 35 E., B.M. and is tributary to Papoose Creek, but there is no evidence of overland flow of water from the spring to the stream.

2. Domestic use, as used in this decree, is the use of water in a home, and for other purposes in connection therewith, including up to one-half acre total of irrigation.

3. Stockwater use, as used in this report, is the use of water for care and watering of livestock.

4. For rights or portions of rights for domestic or stockwater use, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 13,000 gallons per day.

5. The maximum annual volume of diversion for irrigation of lands in the Papoose Creek area is 4 acre feet per calendar year (AFY) per acre.

6. The maximum annual volume of consumptive use required for irrigation of lands in the Papoose Creek area is 3 AFY per acre.

7. For a right or portion of a right not used for irrigation purposes, the consumptive use is so small that it is deemed de minimus. The consumptive use shown is the consumptive use for irrigation purposes.

8. When stockwater is not specifically included for a water right that includes irrigation, a portion of the quantity described

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for irrigation use may be used for purposes of maintaining a reasonable flow for stockwatering use during the irrigation season.

9. The surface flows of the unnamed spring tributary to Papoose Creek do not provide a significant amount of water to the surface flows of Papoose Creek, and rights to the spring have historically been used independent of the rights from Papoose Creek. Therefore, the rights to the spring will be administered separately from the rights to Papoose Creek. Diversion pursuant to junior rights from the spring is not subject to closure to provide water to senior water rights from Papoose Creek.

10. When water is not being beneficially used for domestic or stockwater purposes pursuant to Rights No. 29-10011A and 29-10011B, water must be allowed to remain in the cistern which collects water from the unnamed spring tributary to Papoose Creek, for use pursuant to Right No. 29-10103.

11. This decree includes all rights of the named parties in this action to water from Papoose Creek and the unnamed spring tributary to Papoose Creek.

LIST OF WATER RIGHTS

The claims of the named parties to this action are decreed as described in the List of Water Rights, attached hereto and incorporated by reference herein.

ACCESS, MAINTENANCE, AND NOTICE

Pursuant to the October 16, 1992, stipulation, Virgil T. Germer, Laura Germer, Joseph Matthews, Tahna Matthews, Tracy R. Thompson, Thomas R. Thompson, Ronald J. Scoffield, Tara L. Scoffield, Theron J. Smith and Carma B. Smith are further bound as follows:

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That all conveyance systems shall be maintained in good operating condition by the party or parties served by such system and that reasonable access be provided for the inspection and maintenance thereof by the owner of the land on which the conveyance system is located.

That reasonable notice be provided to the owner of the land on which the conveyance system is located prior to its inspection and maintenance by the party or parties served by such system.

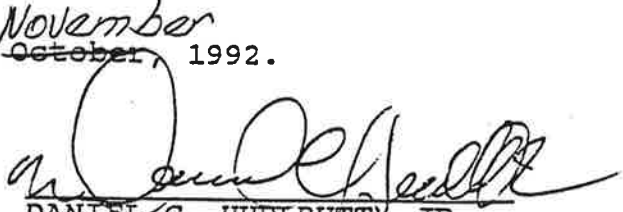
INCLUSION IN THE SNAKE RIVER BASIN ADJUDICATION

The rights decreed in the instant matter will be included in the Director's report for Basin 29 [Reporting Area 9], and will be listed with a basis of decree. At the time the Director's Report for Basin 29 is filed, other parties to the SRBA will have an opportunity to file objections to the instant parties' rights pursuant to Idaho Code § 42-1412.

The parties in the instant matter will be subject to the Director's Report for Basin 29, and, at the time the Director's report for Basin 29 is filed, will have an opportunity to object to those matters in the Director's Report for Basin 29 that were not determined in this action.

THEREFORE, it is hereby adjudged and decreed that all rights of the parties in Smith v. Scoffield to the waters of Papoose Creek and the spring tributary to Papoose Creek are as set forth in the above provisions and in the attached list of water rights.

DATED this 4 day of November, 1992.


DANIEL C. HURLBUTTY JR.
District Judge

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-19-1992
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAPOOSE CREEK		TRIBUTARY: PORTNEUF RIVER				
29-04064D	THOMAS R THOMPSON TRACY R THOMPSON 5208 W PORTNEUF RD INKOM ID 83245	05/01/1927	IRRIGATION	04-01 10-31	.03	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.03
					CONSUMPTIVE USE:	4.5
POINT OF DIVERSION: T07S R35E S26		NENWNE				
PLACE OF USE: IRRIGATION						
T07S R35E S23		SESE 1.5				
1.5 ACRES TOTAL						
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064B, 29-04064C, 29-10010						
29-04064A	THERON SMITH 5137 W PORTNEUF RD INKOM ID 83245	05/02/1927	IRRIGATION	04-01 10-31	.018	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.018
					CONSUMPTIVE USE:	2.7
POINT OF DIVERSION: T07S R35E S26		NENWNE				
PLACE OF USE: IRRIGATION						
T07S R35E S23		SESE 0.9				
0.9 ACRES TOTAL						
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064B, 29-04064C, 29-04064D, 29-10010						

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-19-1992
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAPOOSE CREEK		TRIBUTARY: PORTNEUF RIVER				
29-10010	THERON SMITH 5137 W PORTNEUF RD INKOM ID 83245	01/02/1969	IRRIGATION	04-01 10-31	.006 CFS	BENEFICIAL USE
					TOTAL QUANTITY:	.006 CFS
					CONSUMPTIVE USE:	.9 AFY
POINT OF DIVERSION: T07S R35E S26 NENWNE						
PLACE OF USE: IRRIGATION						
T07S R35E S23 SESE 0.3						
0.3 ACRES TOTAL						
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064B, 29-04064C, 29-04064D						
29-04064B	RONALD J SCOFFIELD JR TARA L SCOFFIELD 5195 W PORTNEUF RD INKOM ID 83245	05/01/1970	IRRIGATION	04-01 10-31	.02 CFS	BENEFICIAL USE
					TOTAL QUANTITY:	.02 CFS
					CONSUMPTIVE USE:	6.0 AFY
POINT OF DIVERSION: T07S R35E S26 NENWNE						
PLACE OF USE: IRRIGATION						
T07S R35E S23 SESE 2.0						
2.0 ACRES TOTAL						
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064C, 29-04064D, 29-10010						

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-19-1992
PAGE: A-3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAPOOSE CREEK		TRIBUTARY: PORTNEUF RIVER				
29-04064C	JOSEPH MATTHEWS TAHNA MATTHEWS 5230 W PORTNEUF RD INKOM ID 83245	05/02/1970	IRRIGATION	04-01 10-31	.02	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.02
					CONSUMPTIVE USE:	3.0
POINT OF DIVERSION: T07S R35E S26 PLACE OF USE: IRRIGATION						
T07S R35E S23 SESE 1.0 1.0 ACRES TOTAL						
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-04064A, 29-04064B, 29-04064D, 29-10010						
29-04067	VIRGIL T GERMER 5268 W PORTNEUF RD INKOM ID 83245	04/01/1971	IRRIGATION	04-01 10-31	.22	CFS BENEFICIAL USE
					TOTAL QUANTITY:	.22
					CFS	
POINT OF DIVERSION: T07S R35E S23 PLACE OF USE: IRRIGATION						
T07S R35E S23 NESE 11.1 11.1 ACRES TOTAL						
REMARKS: RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 29 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE RIGHTS FROM THE OTHER SOURCES. THE CONSUMPTIVE USE VOLUME OF THIS RIGHT SHALL NOT EXCEED 33.3 AF IN A SINGLE IRRIGATION SEASON.						

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-19-1992
PAGE: A-4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: PAPOOSE CREEK				
29-10011A	THERON SMITH 5137 W PORTNEUF RD INKOM ID 83245	04/01/1945	STOCKWATER	01-01 12-31	.01	CFS BENEFICIAL USE
	NON-IRRIGATION-USES: STOCKWATER, 100 CATTLE			TOTAL QUANTITY:	.01	CFS
	POINT OF DIVERSION: T07S R35E S26		NENWNE			
	PLACE OF USE: STOCKWATER					
	REMARKS: T07S R35E S23 SESE RIGHT NOS. 29-10011B AND 29-10103 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THROUGH A COMMON CISTERN. THE TOTAL COMBINED RATE OF DIVERSION FOR ALL THREE RIGHTS IS 0.01 CFS.					
29-10011B	THERON SMITH 5137 W PORTNEUF RD INKOM ID 83245	01/02/1969	DOMESTIC	01-01 12-31	.01	CFS BENEFICIAL USE
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME			TOTAL QUANTITY:	.01	CFS
	POINT OF DIVERSION: T07S R35E S26		NENWNE			
	PLACE OF USE: DOMESTIC					
	REMARKS: T07S R35E S23 SESE RIGHT NOS. 29-10011A AND 29-10103 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AND THROUGH A COMMON CISTERN. THE TOTAL COMBINED RATE OF DIVERSION FOR ALL THREE RIGHTS IS 0.01 CFS.					

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-19-1992
PAGE: A-5

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: SPRING		TRIBUTARY: PAPOOSE CREEK				
29-10103	TARA L SCHOFFIELD RONALD J SCHOFFIELD JR 5195 W PORTNEUF RD INKOM ID 83245	09/01/1970	DOMESTIC	01-01 12-31	.01	CFS BENEFICIAL USE
NON-IRRIGATION-USES:				TOTAL QUANTITY:	.01	CFS
DOMESTIC, 1 HOME						
POINT OF DIVERSION:						
T07S R35E S26						
PLACE OF USE: DOMESTIC						
T07S R35E S23						
REMARKS: PARCEL NO. R4013039900						

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 12 day of April, 1994

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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 29-10010
Date Received: 6/29/88
Receipt No: E000563
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARMA B SMITH Phone: (208)775-3604

5137 W PORTNEUF RD
INKOM ID USA 83245

2. Date of Priority: 01/02/1969

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	26	NW NE	BANNOCK	

5. Description of diverting works:

PIPELINE FROM CREEK TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	SE	SE	IRRIGATION	1
Section Acres						1
Total Acres						1

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 8/20/01).

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

JUN 13 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: A29-10010
Date Received: 6/29/1988
Receipt No: E000563
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THERON SMITH 208-775-3604
Address: 5137 WEST PORTNEUF ROAD
INKON, ID 83245

2. Date of Priority: JAN 02, 1969

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	26	NW	NE			BANNOCK

5. Description of diverting works:
PIPELINE FROM CREEK TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	SE	SE		IRR	1.0

Section Acres 1.0

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10. Place of Use: Continued

Total Acres

1.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

A29-04064A SAME P/D AND PIPELINE.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

Water Right Number:

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):

Theron J. Smith

Date: 27 June 88

Date:

State of Idaho

County of Bonneville

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 29 day

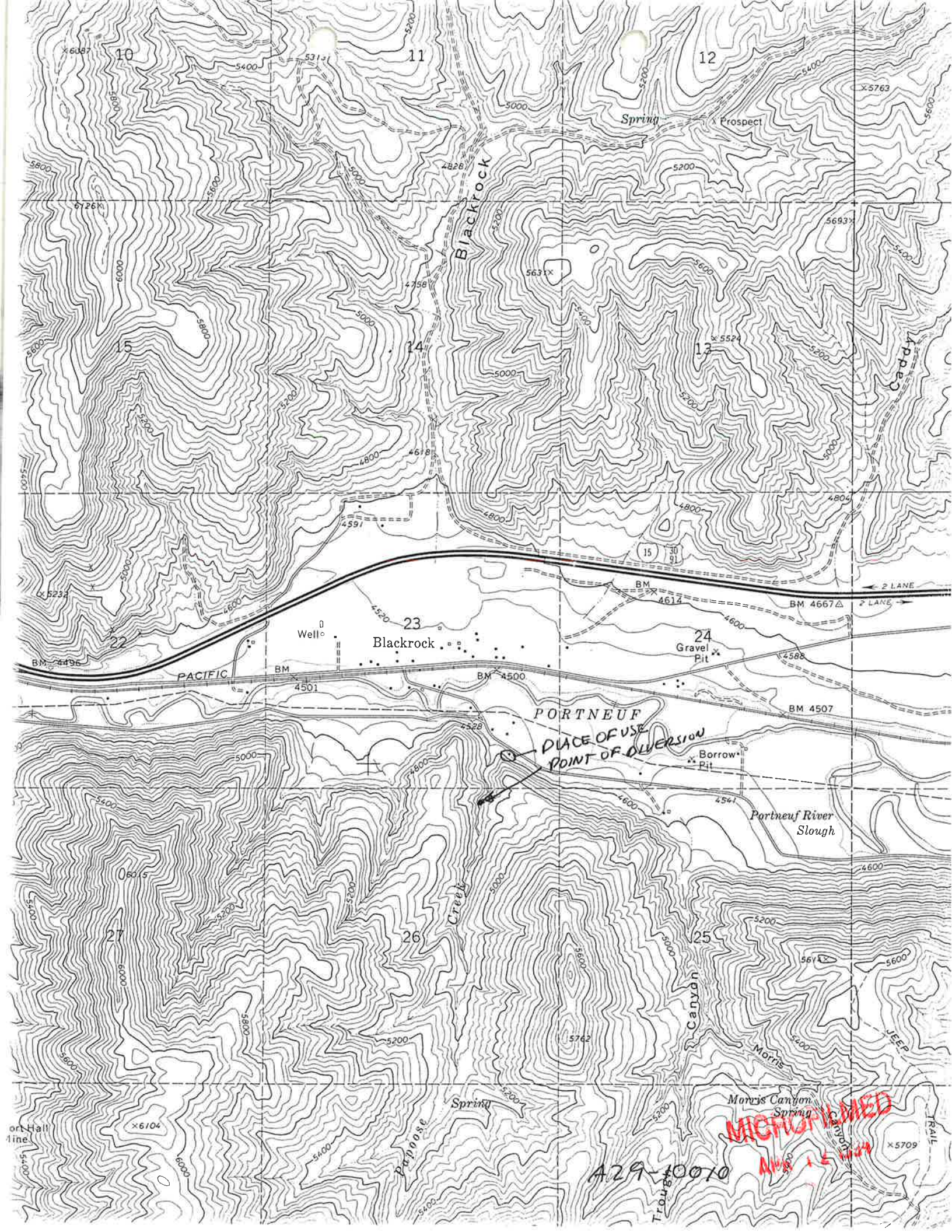
of June 19 88

Doona Green
Notary Public

Seal

Residing at Rigny

My Commission Expires 3/22/1994



A29-10070

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