

11/04/2002

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

**RIGHT NUMBER: 29-11621**

NAME AND ADDRESS: KURTTIS B SMITH  
9562 S MARSH CREEK RD  
MC CAMMON ID 83250

SUZAN K SMITH  
9562 S MARSH CREEK RD  
MC CAMMON ID 83250

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.110 CFS

PRIORITY DATE: 04/24/1947

POINT OF DIVERSION:

T09S R36E S22 NENWSW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.110 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S22 Lot 9 NWSW 5.4

5.4 ACRES TOTAL

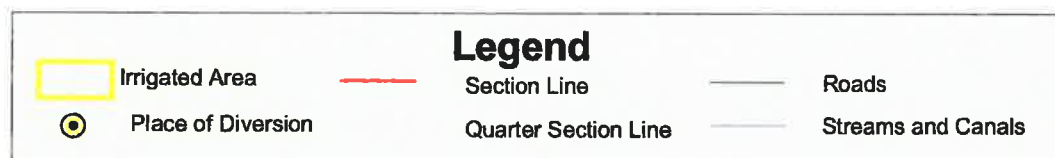
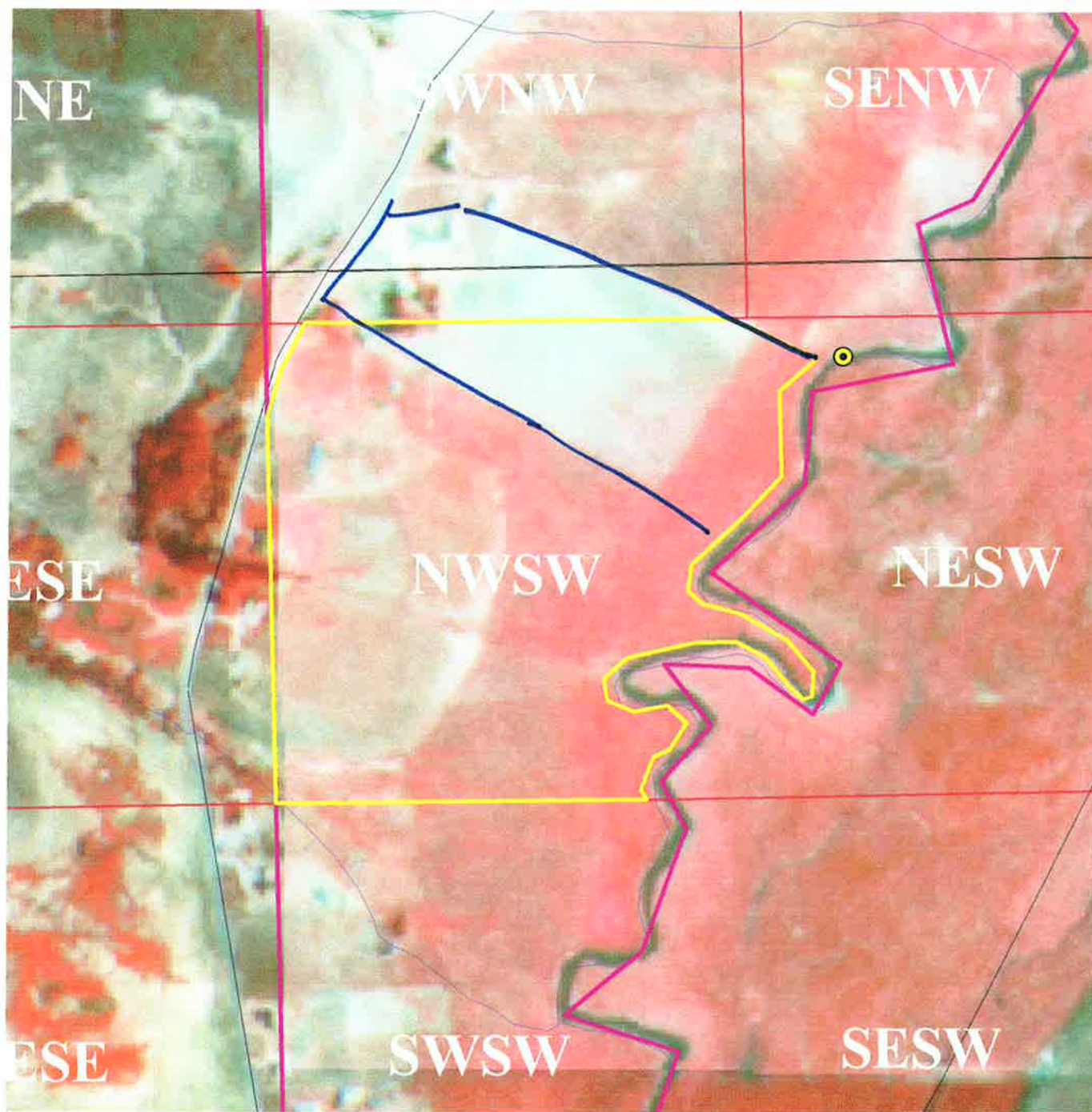
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-2269.

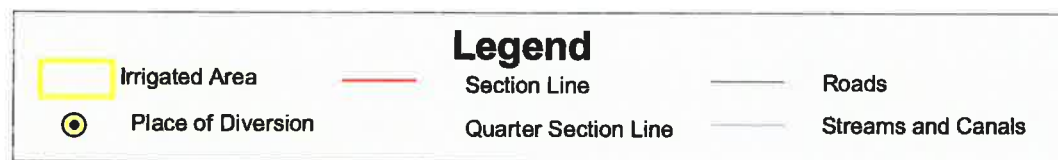
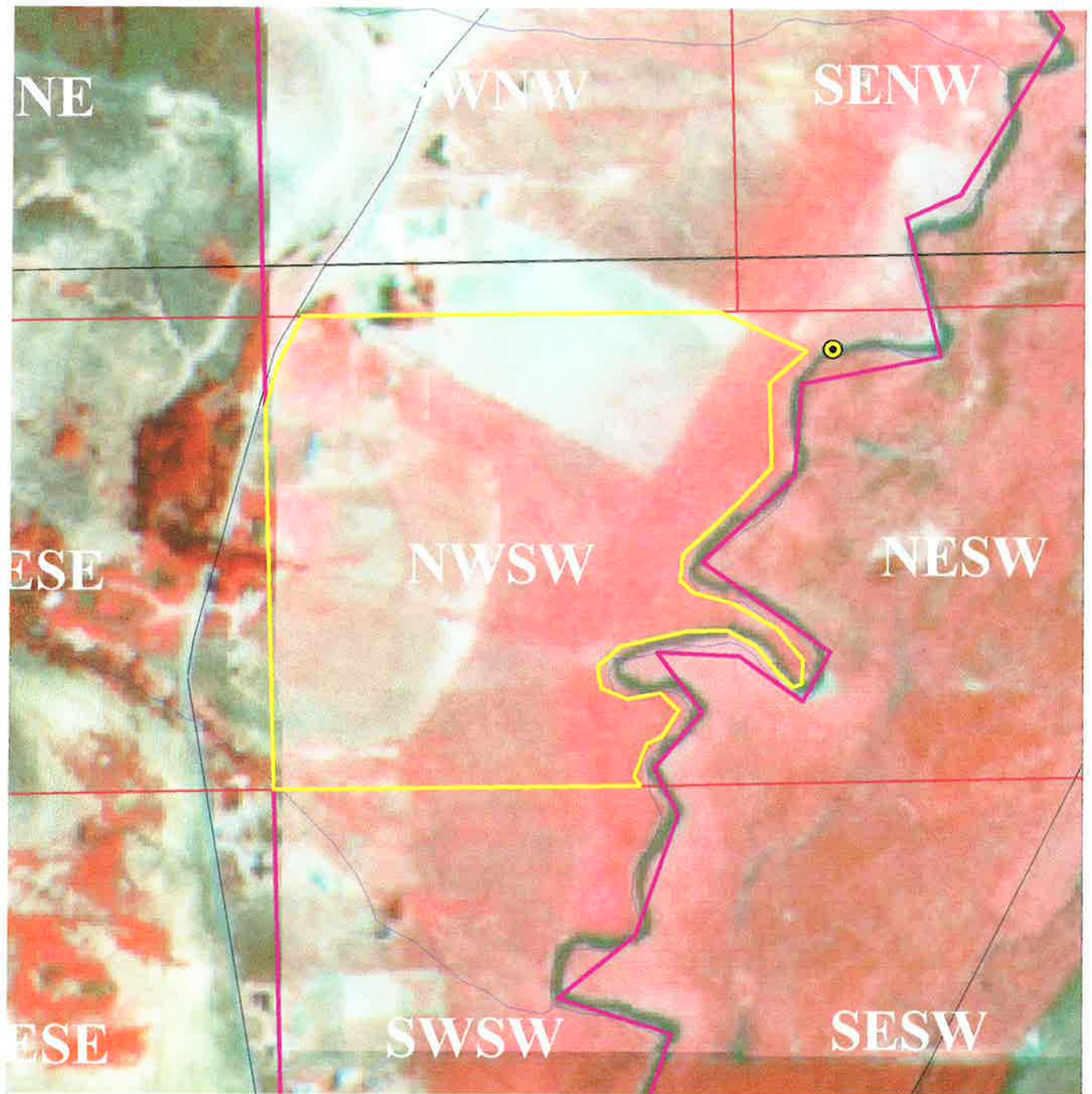
Township , 9S36E



200 0 200 400 Feet



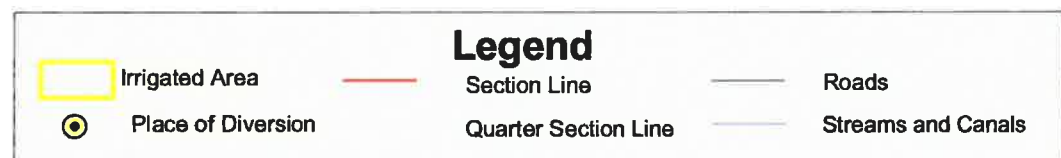
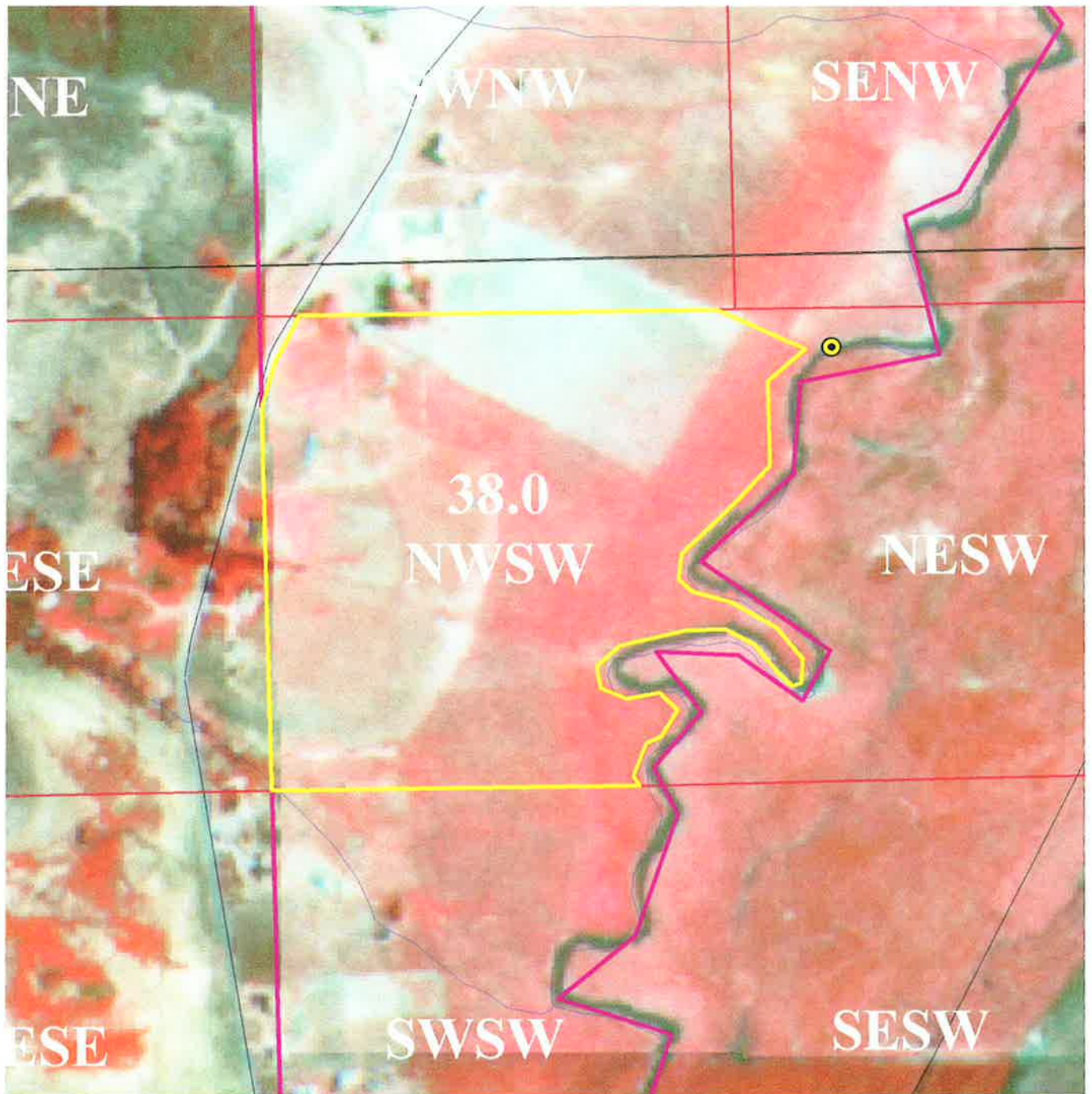
Township , 9S36E



200 0 200 400 Feet

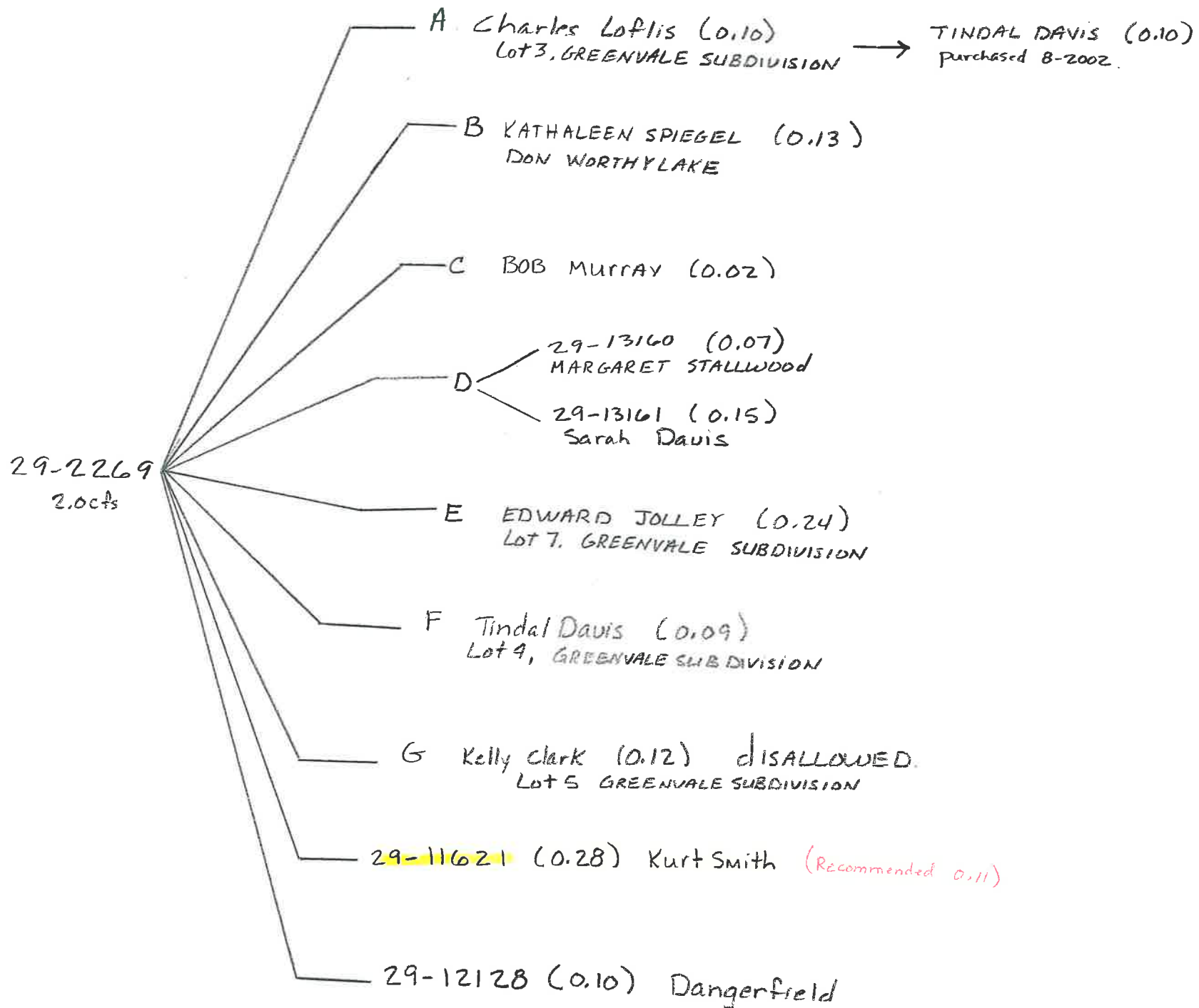


Township , 9S36E



200 0 200 400 Feet





Oct 28-2002  
PREPARED BY: C BIRD

## PLACE OF USE OVERLAP REVIEW

| CLAIM NO. | TWN | RNG | SEC | NE |    |    |    | NW |    |    |      | SW |     |    |      | SE |     |    |    | TOTAL |
|-----------|-----|-----|-----|----|----|----|----|----|----|----|------|----|-----|----|------|----|-----|----|----|-------|
|           |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE   | NE | NW  | SW | SE   | NE | NW  | SW | SE |       |
| 29-2269   | 9S  | 36E | 22  |    |    |    |    |    |    |    | 20   |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 2.9  |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 2.8  |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 2.5  |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 2.9  |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 3.5  |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 2.10 |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 20   |    |     |    |      |    |     |    |    | 100   |
| 2269A x   | 9S  | 36E | 22  |    |    |    |    |    |    |    | 3.5  |    |     |    |      |    |     |    |    |       |
| 13160 x   | 9S  | 36E | 22  |    |    |    |    |    |    |    |      |    |     |    |      |    |     |    |    | lot   |
| 2269E x   | 9S  | 36E | 22  |    |    |    |    |    |    |    | 5.5  |    |     |    |      |    |     |    |    |       |
| 13161 x   | 9S  | 36E | 22  |    |    |    |    |    |    |    |      |    |     |    |      |    |     |    |    |       |
| 12128 x   | 9S  | 36E | 22  |    |    |    |    |    |    |    | 0.1  |    |     |    |      |    |     |    |    |       |
| 2269B x   | 9S  | 36E | 22  |    |    |    |    |    |    |    |      |    |     |    |      |    |     |    |    |       |
| 2269C x   | 9S  | 36E | 22  |    |    |    |    |    |    |    |      |    |     |    |      |    |     |    |    |       |
| 11621 x   | 9S  | 36E | 22  |    |    |    |    |    |    |    | 14.0 |    |     |    |      |    |     |    |    |       |
|           |     |     |     |    |    |    |    |    |    |    | 23.1 |    | 9.4 |    | 18.9 |    | 4.4 |    |    | 55.8  |

~~Charles Loftis~~ Tindal Davis

Rec. 0.10 cfs

(D.C.) A Charles & Dawn Loftis  
0.13 Lot 3

B Kathleen Speegal  
0.32 Below greenvale  
subdivision. (0.13 cfs rec.)

C Bob Murray  
1.5 Below subdivision (0.02) (rec. 1 ac.)

D 0.6 (stallwood) (0.01)  
13160 (0.24)  
13161 (0.36) (0.15)  
Davis (0.24)

E Edward Jolley  
(D.C.) 0.24  
(Lot 7)

F 0.08  
Lot 4.

Robert Munne - can't find a file - Tindal Davis 0.09  
Claimed by Tindal Davis (New owner)

G Kelly & Sherry Clark.  
0.12 cfs (Lot 5) Disallowed

29-11621  
0.28 cfs - Kurt Smith

29-12128 (0.10) (D.C.)

3.29  
Overclaimed

29-2269  
2.0 cfs

(SCOTT Jensen Lot 6)  
No claim filed.

who owns the ~~land~~  
property?

SWNW-20 ACRES LICENSED

MARY O'RIORDAN

lot 8-25 acres licensed  
25.4 acres

M. CRAIG DANGERFIELD

ROBERT MUMME

KELLY CLARK

SCOTT JENSEN

EDWARD JOLLEY

KURTIS SMITH

lot 9-35 acres licensed  
41.9 acres

MARGARET STALLWOOD

SARAH DAVIS

BOB MURRAY

DON WORTHYLAKE

K. SPIEGEL

DON WORTHYLAKE

TIM JOHNSON

lot 10-20 acres licensed  
33.35 acres

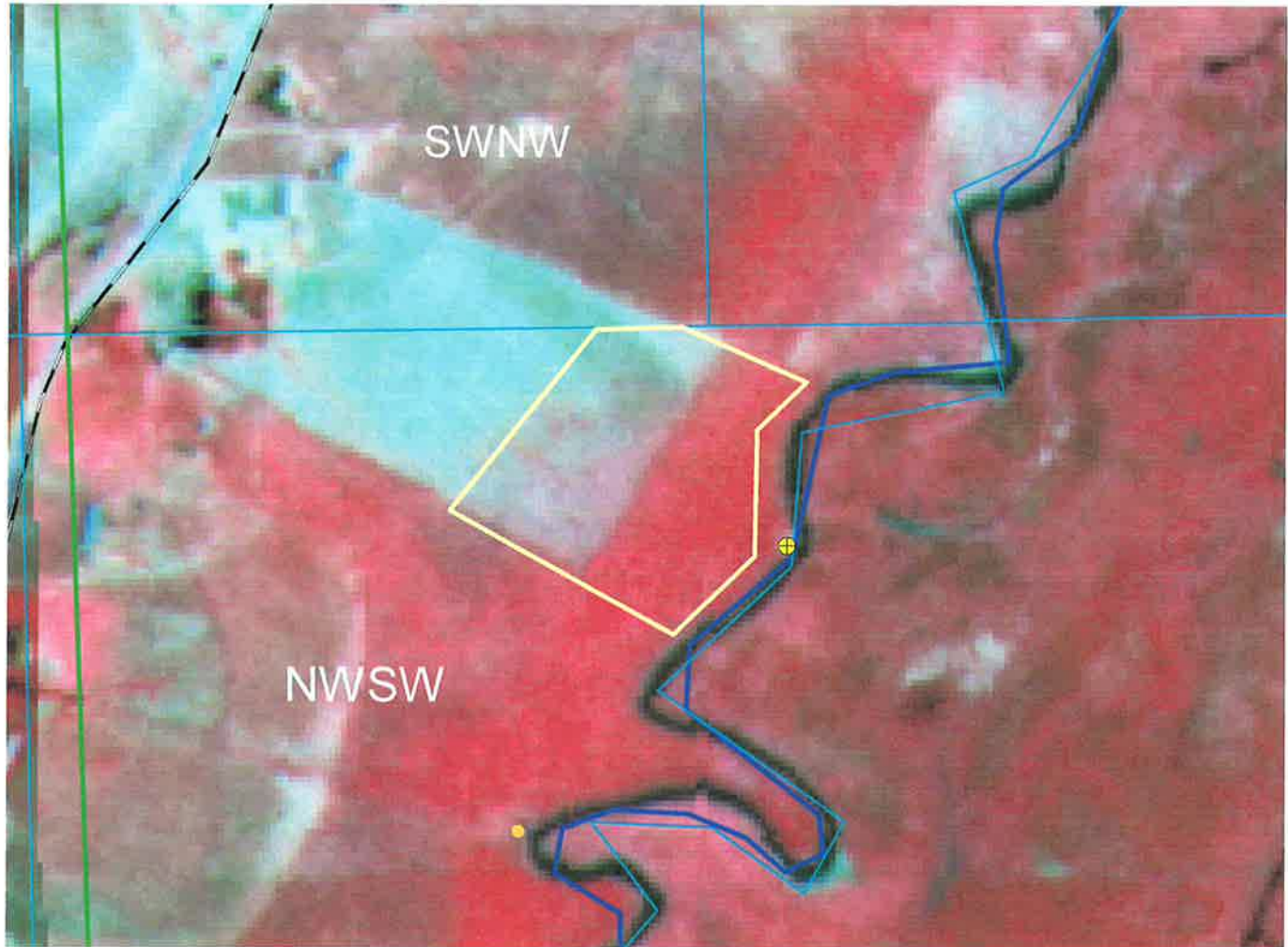
Cottonwood Creek



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right 29-11621



0.07 0 0.07 0.14 Miles

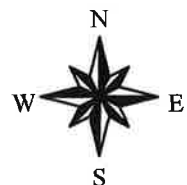
IRRIGATED ACRES 5.4

### LEGEND

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

Place of Use: T9S, R36E,  
(part of) Section 22, Lot 9

Points of Diversion: T9S, R36E  
Sec. 22 NWSW; LOT 9



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

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: 29-11621

KURTTIS B SMITH  
9562 S MARSH CREEK RD  
MC CAMMON ID 83250  
Telephone Number: (208)254-3170

SUZAN K SMITH  
9562 S MARSH CREEK RD  
MC CAMMON ID 83250  
Telephone Number: (208)254-3170

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: Mar. 20, 2003 SIGNATURE: Kurtis B. Smith

Please print your name: KURTIS B. Smith

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

RECEIVED  
MAR 20 2003  
IDWR REGIONAL OFFICE

## Notes

11/4/02 This claim is based on license 29-2269.

Remarks/cond to add.

C18.

P21

## Contacts Data Entry Form

| Owner Type                                            | Full Name       | Address                | City  | State | Zip | Phone |
|-------------------------------------------------------|-----------------|------------------------|-------|-------|-----|-------|
| Current Owner                                         | Kurtis B. Smith | 9562 S. Marsh Creek Rd |       |       |     |       |
| Name connector: and _____, or <u>X</u> , and/or _____ |                 |                        |       |       |     |       |
| Current Owner                                         | Suzan K Smith   | McCammon, ID           | 83250 |       |     |       |
| Current Owner                                         |                 |                        |       |       |     |       |

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

Accompanied By: Kurtis & Suzan Phone Number: 254-3170Relationship to Claimant: SelfDate of Field Exam: 8/26/02 Time: 7pm

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

North of Stallwood.

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

- 8/9/02 3:48 pm - Called no answer, no records.

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

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Priority Date Data Entry Form

Claim Number: A29-11621Water Right Priority Date: 1 Water Right Basis: \_\_\_\_\_Claimed Priority Date: 6-18-1902 Claimed Basis: LicenseRecommended Priority Date: 4-24-1947 Recommended Basis: License☐ 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:

- Claimed as part license 29-2269

Reviewer: CBDate: 8/19/02

# Point of Diversion and Source Data Entry Form

Claim Number: A29-11621Water Right Point of Diversion: T 9S, R 36E, Sec. 22, NW, SW, County: BannockSource: Marsh Creek Tributary: Portneuf RiverClaimed Point of Diversion: T 9S, R 36E, Sec. 22, NE, NW, SW, County: BannockSource: Marsh Creek Tributary: Portneuf RiverRecommended 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      |
|------------------------------|-------------|-------------|-------------|----------------|-------------|-------------|
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |
| <u>    </u>                  | <u>    </u> | <u>    </u> | <u>    </u> | <u>    </u>    | <u>    </u> | <u>    </u> |
| GPS Coordinates: <u>    </u> |             |             |             |                |             |             |

Other rights from this POD?     

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

license 29-2269  
field exam
Transfers Changing POD     Reviewer: CBDate: 11/4/02

## Place Of Use Data Entry Form

Claim Number: A29-11621☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ   | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|------|---|---------|---------|-------|----------------|
| 9S  | 36E | 22  | NWSW |   | Bannock |         | 14    | Irrigation     |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |

Total Acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ   | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|------|---|---------|---------|-------|----------------|
| 9S  | 36E | 22  | NWSW |   | Bannock | 9       | 5.4   | Irrigation     |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |

Total Acres 5.4

## Document how the POU was verified:

Field exam  
1987/88 NAPP PHOTOGRAPHY  
29-2269 License  
Bannock Co. tax lot information

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

Reviewer: CBDate: 11/4/02

## Purpose of Use Data Entry Form

Claim Number:

A29-11621

(29-2269)

\_\_\_\_ 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 |                 |                 | 100        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Claimed Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 14         |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 5.4        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

Document how the Purpose of Use was verified:

Field exam  
1987/88 NAPP PHOTOGRAPHY  
w/ license

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

Reviewer:

CB

Date:

11/4/02

## Period of Use and Quantity Data Entry Form

Claim Number:

A29-11621☐ 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 |       |     | 2.0  |        |
|            |       |     |      |        |
|            |       |     |      |        |

Overall Diversion Rate 2.0 Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 3/15  | 11/15 | 0.28 |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 0.28 Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Irrigation | 4/1   | 10/31 | 0.11 |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 0.11 Overall Diversion Volume \_\_\_\_\_

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

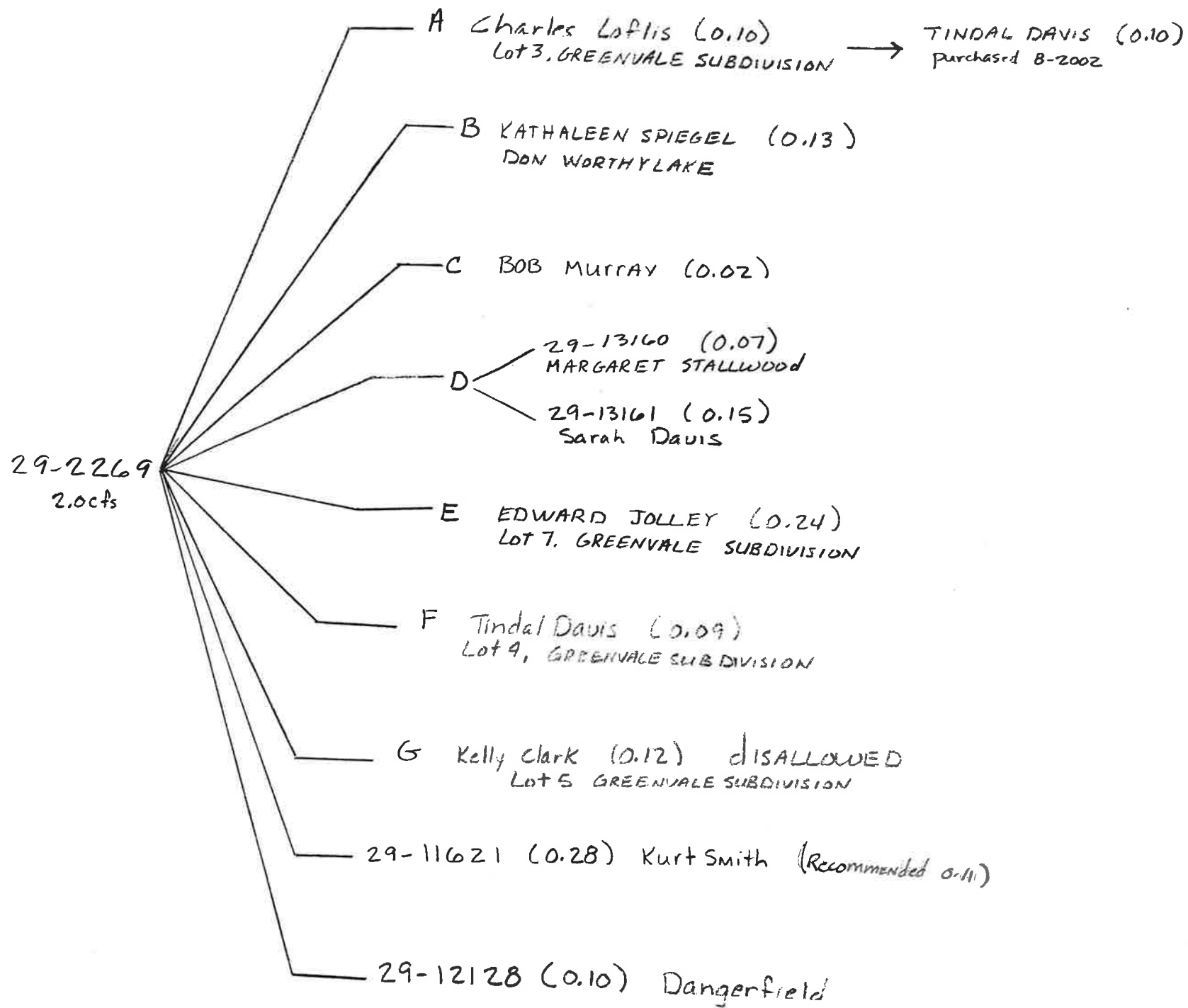
License 29-2269Used standard SOU

Reviewer:

CB.

Date:

11/4/02



OCT 28-2002  
PREPARED BY: C BIRD

# State of Idaho

## License and Certificate of Water Right

Water License No. 20063

Amount Two second feet

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

Priority April 24, 1947

THIS IS TO CERTIFY that **FRED R. BISHOFF** of **McCammon, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **April 24, 1947**; that Permit No. **20063** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **2.5 second feet**, was issued thereunder on **March 22, 1952**, showing that said works were completed on the **13th day of March, 1952**; and that on the **5th day of May, 1952**,

**FRED R. BISHOFF**

of **McCammon**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **Marsh Creek**, a tributary of **Portneuf River**, for the purpose of **irrigation**, under Use Permit No. **20063** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **8** of Licenses at page **4957**, on the **22nd day of July, 1952**;

The right hereby confirmed dates from **April 24, 1947**;

The Point of Diversion is located in the **NW 1/4 SW 1/4, Sec. 22, Tp. 9 S., R. 36 E., B. M. Hennock Coun**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **Two (2) cubic feet per second**.

Description and location of use:

| Twp. | Range | Sec.     | Forty-acre Tract                          | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|----------|-------------------------------------------|----------------------------------|---------------------------------|
| 9 S. | 36 E. | 21<br>22 | Part of E $\frac{1}{2}$ E $\frac{1}{2}$ ) | 125                              | —                               |
|      |       |          | SW $\frac{1}{4}$ NW $\frac{1}{4}$ (       |                                  | 20                              |
|      |       |          | Lot 8 )                                   |                                  | 25                              |
|      |       |          | Lot 9 (                                   |                                  | 35                              |
|      |       |          | Lot 10 )                                  |                                  | 20                              |
|      |       |          | Number of Acres Actually Irrigated        |                                  |                                 |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **22nd day of July, 1952**.

**MARK R. KULP**  
State Reclamation Engineer

(SEAL)

INNED  
30 2001

29 2269

# To Appropriate the Public Waters of the State of Idaho 29-200

Application No. 27651  
Permit No. 20063  
District No.

1. Name of Applicant: FRED R. BISHOFF

Postoffice address: McCammon

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2.5 cubic feet per second.

3. Source of water supply: Marsh Creek which is a tributary of Portneuf River

4. Location of point of diversion: feet distant from the  
corner of Section , T. , R. , B.M., and is in the SW $\frac{1}{4}$  SW $\frac{1}{4}$   
of Section 22 , T. 9 S. , R. 36 E. , B.M., County of Bannock

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section  
T. , R. , B.M., in the of Section , T. , R. , B.M.  
(b) Amount of power generated: H.P., under feet head.  
(c) Water is to be returned to at a point  
distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$1,000.00

8. Kind of works: Pumping plant

9. Height of dam feet; length of dam at top feet; length of dam at bottom  
feet; material used in dam:

10. Size of headgate: Width feet; height fe

11. Ditch: Width at bottom feet; width at water line feet; depth of water fe

dimensions of flume:

Diameter of pipe inches; length of conduit mi

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is None additional yes

14. The land to be irrigated is described in the following tabulation: See remarks.

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 4 cubic feet out of Dry Creek

15. (a) Is reservoir to be used? NO If so, fill in (b) and (c) below.  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

**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.

FRED R. BISHOFF      *Applicant.*

By \_\_\_\_\_ Agent.

Date of first receipt at Department of Reclamation: April 24, 1947

Returned to applicant for correction: April 25, 1947

Corrected application received: April 28, 1947

### Approval of State Reclamation Engineer

The number of this permit is 20063

Recorded in Book 72 Page 20063 Approved May 5, 1947

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

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

Work to begin on or before July 5, 1947 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 5, 1949

The whole of said work to be completed on or before May 5, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before May 5, 1952

Witness my hand this 5th day of May, 1947

MARK R. KULP  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. BOEINS Governor of the State of Idaho.

and ..... J. D. "CY" PRICE ..... Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....5th.....

day of May, 1947.

STATE OF IDAHO

**Countersigned:**

(SEAL)

By J. D. "CY" PRICE  
Secretary of State.

By C. A. ROBINS  
Governor.

Remarks: The stream, which is the source of my water right, dries up usually in June. I would like to pump wa  
from Marsh Creek for my late irrigation purposes.

14.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Range | Sec. | 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 $\frac{1}{4}$ | T |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      | 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 $\frac{1}{4}$ |   |
| 9 S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 36 E. | 22   |                  |                  |                  |                  |                  | 20               | 35               |                  | 10               | 30               | 30               | 0                |   |
| <p style="text-align: center;">APPLICATION FOR AMENDMENT<br/>TO PERMIT TO APPROPRIATE THE PUBLIC WATERS<br/>OF THE STATE OF IDAHO, NO. 20063</p> <p>Comes now Fred R. Bishoff, and represents to the State Reclamation Engineer of the State of Idaho.</p> <p>That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 2 and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:</p> <p>That portion of the E<math>\frac{1}{2}</math> E<math>\frac{1}{2}</math> of Section 21, lying East of the County road, also Lots 8, 9, and 10, and the SW<math>\frac{1}{4}</math> NW<math>\frac{1}{4}</math> of Section 22, lying East of the County road. All in Township 9 South, Range 36 East, B.M., a total of 125 acres.</p> <p>That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.</p> <p>Signed at 2 P.M. this 15th day of March, 1952.</p> <p>Date of receipt at Office of Department of Reclamation March 18, 1952.</p> <p style="text-align: right;">FRED R. BISHOFF</p> |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |   |

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 20063. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP  
State Reclamation Engineer

#### CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that FRED R. BISHOFF of McCammon, County of Bannock, and State of Idaho, the holder of Permit No. 20063, issued upon Application No. 27651 bearing date of priority of April 24, 1947, authorizing the diversion of 2.5 second feet of the waters of Marsh Creek, a tributary of Portneuf River, County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.5 second feet of the waters of Marsh Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22, Township 9 South, Range 36 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: That portion of the E $\frac{1}{2}$  E $\frac{1}{2}$  Section 21, lying East of the County Road; also Lots 8, 9 and 10, and that portion of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, lying East of the County Road; All in Township 9 South, Range 36 East, B.M. Containing 125 acres.

Witness my hand this 22nd day of March, A.D. 1952.

MARK R. KULP  
State Reclamation Engineer

Proof of completion of works made March 13, 1952.  
Certificate of completion of works issued March 22, 1952.

#### APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20063.

Comes now Fred R. Bishoff and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20063.

That the point of diversion is described in said permit as being located SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 22, Twp. 9 S., Range 36 E.B.M.

That he now requests that the point of diversion be changed to a point located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 22, Twp. 9 S., Range 36 E.B.M.

That his reasons for desiring to make such change are as follows: There was an error made in the original application and permit.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at McCammon this 29th day of July, 1952.

Date of receipt at Department of Reclamation July 31, 1952.

FRED R. BISHOFF

#### APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 20063. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP  
State Reclamation Engineer

LICENSE ISSUED FOR 2 SEC. FT.

pg 4957

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

Permit No. 20063

This proof is for Beneficial use

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

1. Name of applicant Fred R. Bishoff, McCammon, Idaho

2. Source of water supply: Marsh Creek

3. Location of point of diversion: Is in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22

T. 9 S. R. 36 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Two Fairbanks Mac  
4x5 centrifugal pumps. Delivery into a 6" then 8" pipe for each. Then continues in  
12" underground line, part concrete and part steel pipe. Forty foot lift, three  
outlets. Two Fairbanks Morse 7 1/2 hp Motors, 1 phase, 60 cycles, 220V, 1745 R.P.M.  
Morgenson switch panels. Pump houses wood construction 8'x8'x5' h. concrete

5. Water is used for: Irrigation

6. 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):

Lots 8, 9 and 10 Section 22;

That portion of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 22, and that portion of the E $\frac{1}{2}$  E $\frac{1}{2}$  Section 21,  
lying East of the County road;

All in Township 9 South, Range 36 East, B. M.

See Map.

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

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

Remarks:

Crops are hay & grain. Dairymg

This examination was made on the 9<sup>th</sup> day of July, 1952

(Signed) E. N. Humphrey Examiner.

Examination for Beneficial use

County Bannock

---

### INSTRUCTIONS TO EXAMINERS

---

1. Always carefully note the location of the point of diversion and accurately plat same.
  2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
  3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
  4. If any unusual conditions are discovered, make plain statement of them under remarks.
  5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
  6. Give general characteristics of soils, topography, and crops raised.
- 

RECEIVED  
JUL 12 1952  
Department of Reclamation

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 20063

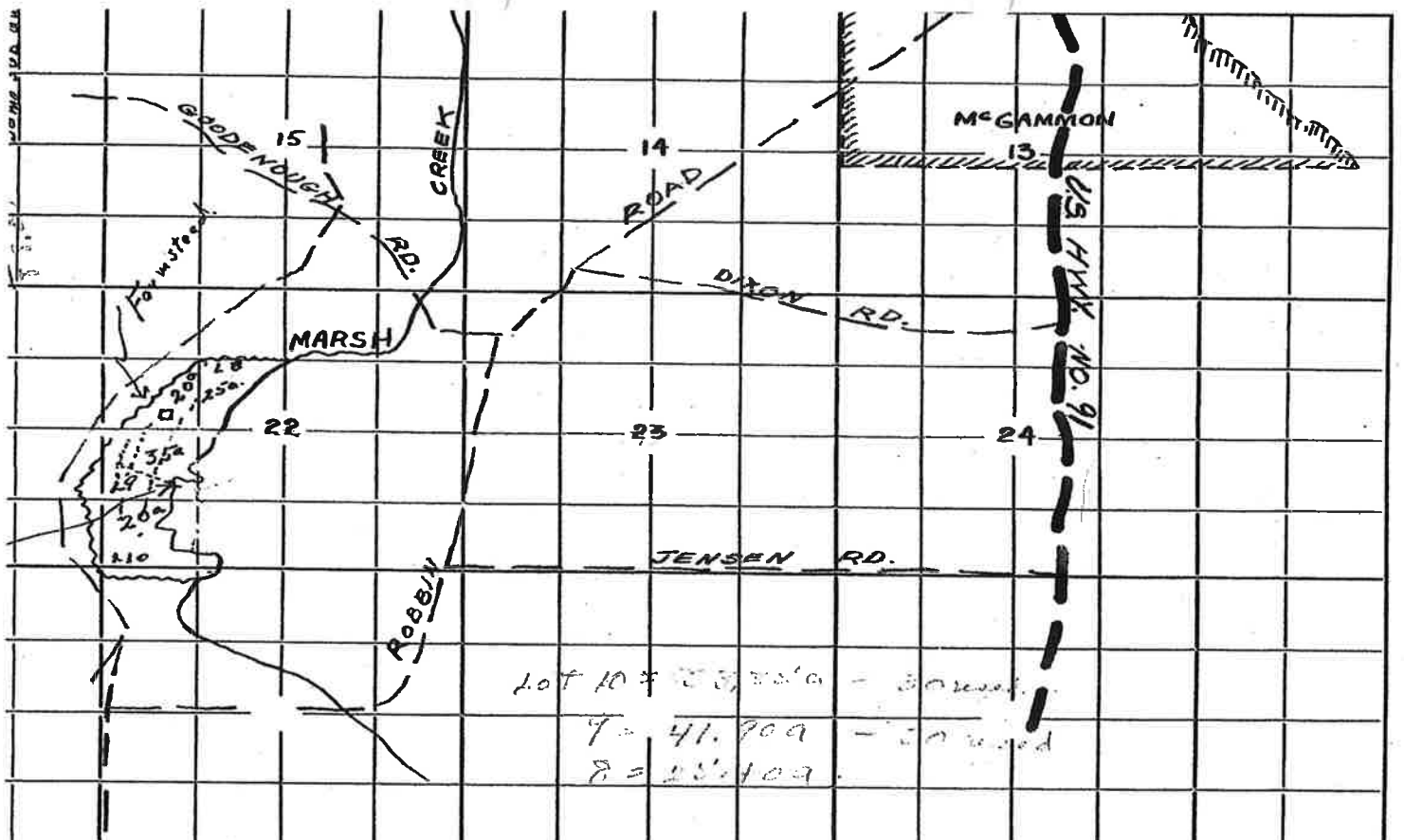
REPORT ON PROOF OF Beneficial use

FRED R. BISHOFF, McCammon, Idaho

*app. 1.5 cfs*

*2 cfs  
5/1/61*

*105 ac  
41-1105*



L10 = SW SW = 20 a.  
 L9 = NW SW = 35 a.  
 SW NW = 20  
 L8 = SE NW = 25  
 100 acres = Area.

Q measured was 88 inches over 2' weir.

Q = allow 100" to compensate for leak at outlet.

Outlets at three different elevations.

20063

Identification No. 20 2200Transfer No. 1882

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION**

**APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder Emil A. Huskamp  
Post office address P.O. Box 253, Tonopah, Nevada 89049
2. Right obtained by:  
a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
(Name of Court)  
Court. County of \_\_\_\_\_  
b. License No. 20063/29-2269 issued by the State of Idaho, Department of Reclamation.
3. Source of water Marsh Creek tributary to Portneuf River  
(Name of stream or source)
4. Date of Priority April 24, 1947
5. Amount of water a. 2.0 c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from March 15 to November 15  
(Month, Day) (Month, Day)
7. Original location of point of diversion is NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 22  
Township 9S, Range 36E, B.M., in Bannock County  
Additional points of diversion, if any \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 8. Lands presently irrigated or place of use:

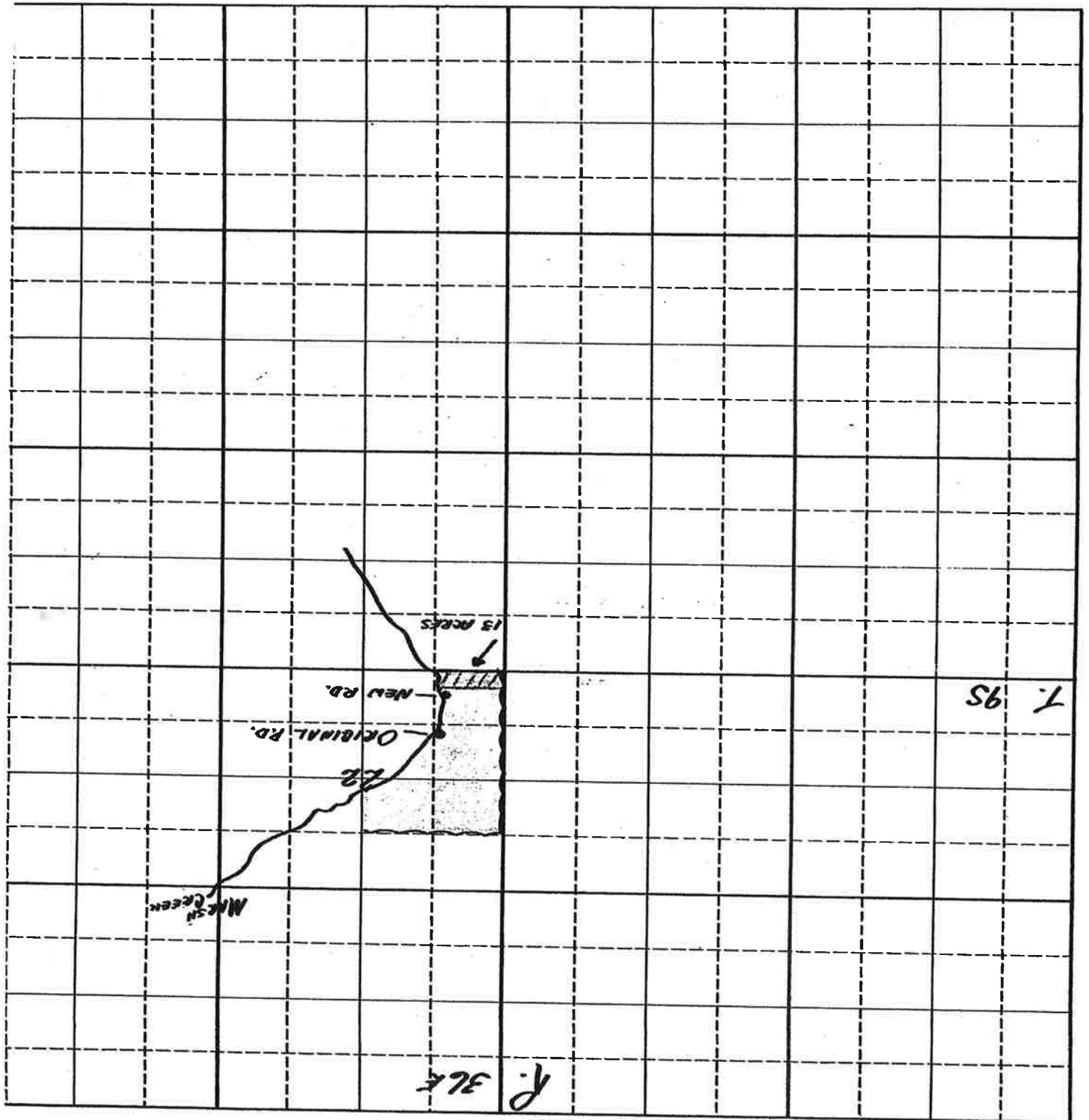
| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTAL |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------|
|      |       |      | 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 $\frac{1}{4}$ |       |
| 9S   | 36E   | 22   |                  |                  |                  |                  |                  |                  | 20               | L. 8<br>25       |                  | L. 9<br>35       | L. 10<br>20      |                  |                  |                  |                  |                  | 100   |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |       |

SCANNED

Total number of acres presently irrigated 100

APR 30 2001

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



Total number of acres to be irrigated\_\_\_\_\_

- b. Do you intend to make the Transfer permanent? \_\_\_\_\_
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plan:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

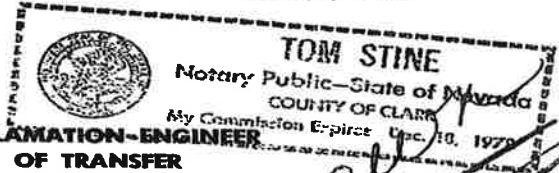
I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

*Emilia Huskamp*  
(signature of applicant)

Subscribed and sworn to before me this 3 day of FEBRUARY, 1975

*[Signature]*  
(notary public)

My commission expires DEC 18, 1978



**ACTION OF STATE RECLAMATION-ENGINEER  
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
and said application is hereby \_\_\_\_\_

1. Approval of said application is subject to the following limitations and conditions:

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

2. Denial of said application is for the following reasons:

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
State Reclamation Engineer

**FOR DEPARTMENT USE ONLY**

Received by MB Date 2-6-75

Protest filed by: \_\_\_\_\_ Date \_\_\_\_\_

Prelim. check by TH Date 2-6-75

Fee received by MB Date 2-6-75 Fee \$30.00

Approved for publication by MB 2-26-75 #4077

Published in State Reclamation Dates Feb. 13 + 20, 1975

Hearing held \_\_\_\_\_

Watermaster Recommendation sent 2-7-75 W.D. #29

SCANNED

JUN 04 2001

Log for claim A29-11621

Spatial Dynamics BTD

7/14/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|---------|-----|------|------------------|----------------|---------------|
| 09s36e  | 22  | NWSW | 14               | 38             | Indiscernible |
| Totals: |     |      | 14               | 38             |               |

DATE: 04/27/00  
PAGE: 251

Audit: 04/25/90 ESRBA 09/09/94 JTHOMPSO 03/29/95 POST-STD 04/13/00 CVANDERM

DATE RECEIVED 4/23/90 WORK # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

|                                                                                                                                                                                                                          | YES                                 | NO                       | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| Is the priority date acceptable in view of mandatory filing dates?<br>See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                             |                                     |                          |                |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| Is the period of use included?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| Is the consumptive use correct?                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |
| 22. Should this claim be data entered?                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | *              |

Claim checked by: Lat Date: 4/24/90  
Claim must be returned to claimant: (Yes) (No)  
Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Claim data entered by: Lat Date: 4/25/90 Checked by: Lat Date: 4/25/90  
Sent to claimant by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: this is actually a portion of 29-02269; average fee  
pd thru A29-07617

MICROFILMED  
DEC 09 1992

SCANNED

JUN 04 2001

Lat X

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

2269

Ident. Number: A29-11621

Date Received: 4/23/1990

Receipt No: E013517

Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: KURTTIS B. SMITH 208-254-3170  
Address: 9562 S. MARSH CREEK RD.  
MC CAMMON, ID 83250

OR

Name: SUZAN K. SMITH 208-254-3170  
Address: 9562 S. MARSH CREEK RD.  
MC CAMMON, ID 83250

A291621



2. Date of Priority: 4-24-1947 1947?  
~~JUN 18, 1902~~

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

4. Point of Diversion:

|          |       |         |        |        |        |     |         |
|----------|-------|---------|--------|--------|--------|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
| 09S      | 36E   | 22      | NE     | NW     | SW     |     | BANNOCK |

5. Description of diverting works:  
PUMP, PLASTIC PIPE

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.280  |      |        |

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-11621

Page 1

Date: 04/25/90

MICROFILMED

DEC 09 1992

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 09S           | 36E   | 22      | NW     | SW  |     | IRR | 14.0  |
| Section Acres |       |         |        |     |     |     | 14.0  |
| Total Acres   |       |         |        |     |     |     | 14.0  |

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:  
A29-07617, A29-04045C, RUNOFF (FILED SEPARATELY)

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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

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

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

A. ROOT WATER RIGHT NUMBERS: A29-11621  
A29-02269D

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                     | AJ<br>#/ACRES     | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|--------------------------|-------------------|-----------------|-----------------|----------------|------------------|
| 09S | 36E | 22  | NW  | SW  |     | SMITH, KURTIS B          | A29-11621 / 14.0  | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | POWELL, ARTHUR           | 29-10008 /        | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | ALLEN, VIRGINIA B        | A29-04252 /       | 29-04252 /      |                 |                |                  |
|     |     |     | NW  | SW  |     | POWELL, ARTHUR           | A29-10007 / 1.0   | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | POWELL, ARTHUR           | A29-10008 /       | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | WORTHYLAKE, MURIEL L     | A29-04113A / 5.0  | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | SMITH, SUZAN K           | A29-07617 /       | 29-07617 /      |                 |                |                  |
|     |     |     | NW  | SW  |     | SMITH, KURTIS B          | A29-11622 / 14.0  | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | SCOTT, ELOISE A          | 29-04252 /        | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | MUETING, CONSTANCE MARIE | 29-12552 /        | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | MURRAY, MAUREEN          | 29-07246 /        | 29-07246 /      |                 |                |                  |
|     |     |     | NW  | SW  |     | WORTHYLAKE, MURIEL L     | A29-04045B / 6.0  | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | SMITH, KURTIS B          | A29-04045C / 14.0 | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | MUETING, CONSTANCE MARIE | A29-02269D / 15.0 | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | MUETING, CONSTANCE MARIE | A29-04045D / 15.0 | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | MUETING, CONSTANCE MARIE | A29-12552 /       | - /             |                 |                |                  |
|     |     |     | NW  | SW  | 9   | WORTHYLAKE, DONALD H     | A29-02269B / 6.0  | - /             |                 |                |                  |
|     |     |     | NW  | SW  | 9   | MURRAY, ROBERT J         | A29-02269C / 7.6  | - /             |                 |                |                  |
|     |     |     | NW  | SW  | 9   | MURRAY, ROBERT           | A29-07246 /       | - /             |                 |                |                  |
|     |     |     | NW  | SW  |     | LEW, FRANK               |                   | 29-04045 / 26.0 |                 |                |                  |
|     |     |     | NW  | SW  |     | LEW, FRANK               |                   | 29-04097 / 25.0 |                 |                |                  |
|     |     |     | NW  | SW  |     | HUSKAMP, EMIL A.         |                   | 29-04113 / 10.0 |                 |                |                  |
|     |     |     | NW  | SW  | 9   | BISHOFF, FRED R.         |                   | 29-02269 / 35.0 |                 |                |                  |

ADDITIONAL POU FOUND

TOTAL ACRES A29-11621 14.00

POU COUNTY: BANNOCK

A29-  
2269

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|-------------|---------|----------------|------------------|
| A29-11621 | 09S 36E   | 22   | NE  | NW  | SW  |     |             | BANNOCK |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX   | R PREFIX |
|------------|----------|
| A29-02269C | 29-07246 |
| A29-02269D | 29-10008 |
| A29-07246  | 29-12552 |
| A29-07617  |          |
| A29-10008  |          |
| A29-12552  |          |

WR RECORDS IN SAME 40 ACRE TRACT

|          |
|----------|
| 29-02269 |
| 29-07246 |
| 29-07617 |

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A( ) Y( ) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( )

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM ) Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM ) NAME OF EXAMINER ) Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-11621

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE<br>2.000 | EXAMINER<br>_____ | CFS |
|-----------------------------------|-------------------|-------------------|-----|
|-----------------------------------|-------------------|-------------------|-----|

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| 29-02269             | A29-02269D               | 0.600             | -                         |                  | 29-02269            | 2.000             |
| A29-02269            | A29-11621                | 0.280             | -                         |                  |                     |                   |
| TOTAL CFS            |                          | 0.880             |                           |                  |                     | 2.000             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW ( ) OR SEE ATTACHMENT ( )?

| DATABASE | FIELD<br>EXAMINER |
|----------|-------------------|
| N        | Y( ) N( )         |

NOTES:

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

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

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 A29-11621Date Received 4-23-90Receipt Number E013517

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

APR 23 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

SUZAN K.

1. Name of Claimant (s) KURTIS B. ORSMITH Phone (208) 254-3170  
Mailing Address 9562 SO. MARSH CR. ROAD  
MACCAMON, IDAHO Zip 83250

2. Date of Priority (Only one (1) per claim) APPROXIMATE JUNE 18, 1902

3. Source of water supply (a) MARSH CREEK  
which is tributary to (b) PORTMOUTH RIVER

4. a. Location of existing point of diversion is: Township 9S Range 36E Section 22,  
NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BANNOCK

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Pump, PLASTIC PIPE

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount .28 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .28 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 35 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP       | RNG        | SEC       | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |           |       |       | SE 1/4 |       |       |       | Totals    |
|-----------|------------|-----------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-----------|-------|-------|--------|-------|-------|-------|-----------|
|           |            |           | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4     | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |           |
| <u>9S</u> | <u>36E</u> | <u>22</u> |        |       |       |       |        |       |       |       |        | <u>14</u> |       |       |        |       |       |       | <u>14</u> |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |
|           |            |           |        |       |       |       |        |       |       |       |        |           |       |       |        |       |       |       |           |

Total number of acres irrigated 14

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
A29-07617, A29-04045 (PORTION), Runoff or None ( )

14. Remarks:

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License ☒ Permit \_\_\_\_\_

Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 29-02269 (portion)  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Number of attachments 1  
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.  
Signature of Claimant (s) Murtis B. Smith Date MAR. 21, 1990  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Bernock ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>st</sup> day of March 19 90

SEAL Notary Public Melon Harrington  
Residing at Melon Harrington, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 1, 1994

Please Print Name

17. Notice of Appearance:  
Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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At Bonneville Blue Print, Bo

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